

~~DHCR Exh 26A~~

(contin. from
~~22 + 24~~)

THE CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

-----X

IN THE MATTER OF:

GREGORY SCOTT,

Petitioner,

Vs.

HAMDI NEZAJ/
KOSOVA PROPERTIES,

Respondents.

-----X

March 11, 2016

HELD AT:

THE CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
111 Centre Street
New York, NY 10013

BEFORE:

HONORABLE GONZALES,
Judge

APPEARANCES:

MR. GOLDSTEIN
Attorney for Respondent

MR. GREGORY SCOTT
Petitioner

MR. VAL MORETTI
Attorney for H-P

TRANSCRIBER:

LYNN M. REINHARDT

Relevant
Excerpts

Index No.:
6310/15
Control No.:
FTR 344/2016

- Really P. Saxe at
this point

(= Joey / Shpend
Nezaj)

1 the date of the motion. But what happened was is
2 that the motion dated February 12th. What the Novak-

3 -
4 THE COURT: [Interposing] I'm sorry. So on
5 March 3rd you weren't here?

6 MR. GOLDSTEIN: I think my office mis-
7 calendared. That's why.

8 MR. SCOTT: Oh.

9 MR. GOLDSTEIN: And then we got this. I
10 made the motion but my office mis-calendared it.
11 And...

12 THE COURT: So how are we going to--

13 MR. GOLDSTEIN: [Interposing] So the denial
14 of access element that we're talking about is that
15 Mr. Scott was obligated to move stuff away from the
16 walls to create space for the workers to work. And
17 he did not do that. So in the living room, right?

18 MR. JOEY NEZAJ: Correct.

19 MR. GOLDSTEIN: In the living room. So we
20 still want to paint--one little violations that I
21 referenced, Your Honor.

22 THE COURT: Yeah but what I'm saying is you
23 want to restore--he came to court. You came to court
24 on--you brought him--

25 MR. MORETTI: [Interposing] Judge is talking

1 MR. MORETTI: It's not the--

2 THE COURT: [Interposing] Show me where--what
3 are we talking about? Living room. Okay.

4 [Crosstalk]

5 MR. NEZAJ: 161, that's north. Second
6 violation.

7 THE COURT: So that's the--

8 MR. GOLDSTEIN: [Interposing] He says that
9 the dining room.

10 MR. MORETTI: That's not the dining room.

11 MR. GOLDSTEIN: Oh they have controversy.

12 THE COURT: Huh?

13 MR. GOLDSTEIN: No the 11052161 is what
14 we're saying.

15 THE COURT: Okay. - - .

16 MR. GOLDSTEIN: I just I don't want--

17 MR. MORETTI: [Interposing] East at south.

18 THE COURT: Who is talking over me? Prepare
19 the--defective of plastic services and paint in
20 uniform color all walls and ceiling in the first
21 room from north located in apartment thir--okay.
22 What is the first room from north?

23 MR. SCOTT: You enter the hallway. And then
24 it's the dining room. The kitchen is to the right.
25 The living room is to the left.

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

MR. NEZAJ: Dining room.

THE COURT: Dining room.

MR. SCOTT: Yeah.

THE COURT: Okay.

MR. GOLDSTEIN: But we don't know we enter--
how do we know where we're entering from? What is
the first room from the north?

THE COURT: Did they paint the dining room?

MR. SCOTT: Yes. They painted the--

MR. GOLDSTEIN: [Interposing] The hallway so
this--

THE COURT: [Interposing] Okay, that's the
end of that.

MR. SCOTT: Yeah.

THE COURT: The dining room is what you did.

MR. NEJAZ: No it's not. But it's not he
dining room, he's saying that it's not the dining
room.

MR. GOLDSTEIN: So you look at--

MR. NEJAZ: [Interposing] You look at a
description of the apartment, it's not.

THE COURT: What is it?

MR. NEJAZ: They're talking about the living
room.

MR. GOLDSTEIN: The viol--the first room

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

1 from north is the living room. false

2 THE COURT: First room from north?

3 MR. NEZAJ: Yeah.

4 MR. GOLDSTEIN: Is the living room.

5 We're saying the living room.

6 MR. SCOTT: I will bring pictures, Your
7 Honor.

8 MR. GOLDSTEIN: It's not pictures. It's a
9 matter of--

10 [Crosstalk]

11 MR. NEZAJ: There are major cracks there.

12 [Crosstalk] It's a navigational tool.

13 THE COURT: When you move from north, that
14 means okay.

15 MR. NEJAZ: When they come back to...

16 THE COURT: So when you walk into your
17 apartment.

18 MR. SCOTT: That's the north entrance. We
19 have a--one front door from the north.

20 THE COURT: Right.

21 MR. SCOTT: It's the northern most point in
22 the apartment to the hallway. When you walk in to
23 that door, that is the northern most point.

24 THE COURT: Walking into apartment 3A right?

hallway.

THE COURT: Right.

MR. SCOTT: And then you walk into this dining room.

THE COURT: Right.

MR. SCOTT: Okay. That is further north than the living room which is off to the--

THE COURT: [Interposing] Is the first room from north located? So it's the first room. What the first room is you walk in from the--

MR. SCOTT: [Interposing] Does the hallway count as a room?

MR. NEZAJ: No, that's a different violation.

MR. SCOTT: Okay then it's the dining room.

MR. NEJAZ: It's not the dining room.

MR. SCOTT: It's very easily proven by photographs.

THE COURT: So when you walk in, you walk in and then the first room going straight ahead, going north.

MR. SCOTT: It's the dining room.

THE COURT: The dining room. So why are you saying it's the living room?

MR. GOLDSTEIN: But my client said the

dining room is part of the hallway.

MR. NEJAZ: Yeah, it's not. Yes, it is.

THE COURT: Okay. Well maybe your client
has to learn how to read--

MR. NEZAJ: [Interposing] Let me explain.

THE COURT: And maybe your client has--

MR. GOLDSTEIN: [Interposing] Judge, Judge,
Judge.

MR. NEZAJ: Judge its living room is one
room. Bedroom is two rooms. Second bedroom is three
room. The kitchen is fourth room. That's a part of
the hallway Judge. I just don't want--

MR. GOLDSTEIN: [Interposing] There's no - -

MR. NEZAJ: --we need to come back and leave
that violation or give a new violation.

THE COURT: It doesn't make any sense.

MR. NEZAJ: It makes sense. Makes plenty of
sense.

THE COURT: First room north--first--

MR. GOLDSTEIN: - - .

THE COURT: Doesn't make any sense to me.
He's saying the first room north of the entrance is
the dining room. That's it. The dining room.

MR. GOLDSTEIN: So he is saying you walk

Leaves *
off dining
room +
bathroom.

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

into the dining room? You walk into the apartment
into the dining room?

THE COURT: And walk into the--

MR. SCOTT: [Interposing] Into the hallway.

THE COURT: --foyer and then the first--

MR. NEJAZ: [Interposing] That's a foyer.

THE COURT: --room that--

MR. GOLDSTEIN: [Interposing] Right.

MR. MORETTI: That's a foyer.

MR. GOLDSTEIN: Right, that's it.

THE COURT: Okay. Sir, you're wrong. The--
HPD has--

MR. GOLDSTEIN: [Interposing] Judge that's--

THE COURT: [Interposing] No I'm sorry.

MR. GOLDSTEIN: Judge you know you can't,

Your Honor, I appear before you all the time Judge.
And you know me but I think I--I don't think it's
right to tell my client that a - - if, Your Honor,
has never really been in the apartment or knows where
geographic setup of the apartment. They know.
They're there all the time.

THE COURT: So show me the geographic setup
of the apartment.

MR. NEZAJ: Give me a paper. Let me draw it
out.

[Fabricated apt as a cube.]

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

So no
mistake
about
the apt
at issue

THE COURT: Wow.

MR. NEZAJ: An architect too.

MR. NEJAZ: It's wrong. It's four rooms.

MR. MORETTI: Can the great room start as--
[Crosstalk]

THE COURT: How many rooms did you want to
paint when you came in?

MR. NEZAJ: We wanted--we were set up to
paint the whole thing.

THE COURT: Okay. Stop right there. How
many violations were there for painting?

MR. MORETTI: About four or five.

THE COURT: How many?

MR. MORETTI: At least four, maybe five.

THE COURT: Okay. So for what rooms?

MR. MORETTI: Foyer, hallway, kitchen,
bathroom, and the--

MR. NEZAJ: [Interposing] And the north room.

MR. GOLDSTEIN: --mystery room.

MR. NEZAJ: So yeah just...

THE COURT: Foyer. There's a foyer
violation?

MR. MORETTI: Yes, Your Honor.

THE COURT: Go ahead, what else?

MR. MORETTI: There is others. The first

Ubiquis

room for the north violation, kitchen violation, a bathroom violation.

THE COURT: Kitchen, bathroom.

MR. MORETTI: First room from north.

THE COURT: First room from north.

MR. MORETTI: Private hallway. And that's it.

THE COURT: Okay. Foyer--

MR. MORETTI: [Interposing] Five.

THE COURT: --kitchen, bathroom, first--all right. And what'd you say, I'm sorry?

MR. MORETTI: Private hall.

THE COURT: Okay. Okay, so how many-- describe your apartment.

MR. MORETTI: [Background Noise].

THE COURT: Describe your apartment. Describe your apartment. Is it--

MR. SCOTT: [Interposing] So it's--

THE COURT: [Interposing] There's a foyer in your apartment?

MR. GOLDSTEIN: Label north. Where is north?

MR. SCOTT: I'm - - .

MR. MORETTI: When you first enter the building.

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

MR. SCOTT: It's a hallway. I open the door.

THE COURT: That's that foyer.

MR. SCOTT: It's an entrance.

THE COURT: Is there a kitchen in your apartment?

MR. SCOTT: Yes.

THE COURT: Okay. Is there a bathroom in your apartment?

MR. SCOTT: Yes.

THE COURT: Is there a private hallway in your apartment?

MR. SCOTT: The second private hallway.

THE COURT: Okay. Now what is the room as you walk in, what's the first one, is there a dining room?

MR. SCOTT: It's a dining room.

THE COURT: How many bedrooms are there?

MR. SCOTT: Two.

THE COURT: Okay. So were they doing the bedrooms--

MR. SCOTT: [Interposing] Only the small one because I tried to get it done in September. They never answered for three months.

THE COURT: But it's not on the list here.

Ubiquis

MR. SCOTT: No.

MR. MORETTI: No.

THE COURT: Okay.

MR. SCOTT: Only one bedroom was on the list.

THE COURT: Okay. So counsel, so counsel, so they were supposed to go on the 25th, what did they paint?

MR. SCOTT: What they were supposed to.

THE COURT: Tell me what they painted.

MR. SCOTT: They painted the hallways you enter. The dining room. The kitchen. The second hallway, the small bedroom on the right and the bathroom. They did not paint the master bedroom or the living room because that was not asked for.

MR. MORETTI: It is not on the report.

THE COURT: Okay. It's not on the report.

MR. MORETTI: No.

THE COURT: So that's it. That's it.

MR. NEJAZ: I just wanted to show you where the north room is.

MR. NEZAJ: That's the--

THE COURT: [Interposing] Yes.

MR. NEZAJ: --we've owned the building for 40 years.

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

THE COURT: Okay. That's the north room.

It's not a bedroom. It would be the--

MR. NEZAJ: [Interposing] It's a living room.

It's a living room.

[Nezaj's drawing]

MR. SCOTT: Can I see that, Your Honor?

MR. GOLDSTEIN: Where there are major cracks that weren't done because we were supposed to do it in the spring.

THE COURT: Okay. The living room is not on the violation report.

MR. GOLDSTEIN: It's the first room from the north. That's the first--

MR. GOLDSTEIN: [Interposing] That's the first room from the north.

THE COURT: That's the dining room. Where is the dining room?

MR. NEZAJ: It's connected with the--

THE COURT: [Interposing] Show me.

MR. SCOTT: Oh this is completely ridiculous.

[Nezaj's drawing]

MR. NEZAJ: It's not ridiculous.

MR. SCOTT: This is utterly ridiculous. So this is much--this is very large here, Your Honor. The entrance into the living room is like an Arabian arch. I'm sorry. It's like an Arabian arch from the

Correct
(not counting entrance hall)

big dining room. This dining room actually extends all the way to here. This dining room here.

THE COURT: That is a dining room, it's a bedroom.

MR. SCOTT: That's his drawing.

THE COURT: Oh.

MR. SCOTT: I can show you photographs.

THE COURT: It's the dining room.

MR. SCOTT: I can show you photographs, Your Honor.

THE COURT: So this is the dining room?

MR. SCOTT: All this argumentation I can simply show you arguments--

THE COURT: [Interposing] Let me -- if it's in the apartment.

MR. SCOTT: --too.

THE COURT: So where is the other bedroom?

MR. SCOTT: Here, this is what it really closer to what it looks like. And I can pull up on my computer and show you the photographs, Your Honor. That'll settle it right away.

THE COURT: [Background Noise]. You're going to do this. This is just too ridiculous. I'm sorry. You say it's all been done or not?

MR. SCOTT: The painting has all been done.

Ubiquis

61 Broadway - Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655