

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

-----X

IN THE MATTER OF:

CAITLYN NAPOLITANO,

Petitioner,

Vs.

HAMDJ NEZAJ/KOSOVA PROPERTIES,

Respondents.

-----X

November 24, 2015

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: CAITLYN NAPOLITANO
Petitioner

TRANSCRIBER: LYNN M. REINHARDT

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W I T N E S S E S

<u>PETITIONER:</u>			RE	RE	V.	
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>D.</u>	<u>J</u>

<u>RESPONDENT:</u>			RE	RE	V.	
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>D.</u>	<u>J</u>

E X H I B I T S

<u>PETITIONER:</u>			
<u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>

<u>RESPONDENT:</u>			
<u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>

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1 MALE VOICE: I was retained yesterday. So
2 this is the first I'm hearing of a lot of this. I've
3 spoken to Joey. Not to Hemdi at this point. But I am
4 sure that they will deny what she's claiming.

5 [OFF THE RECORD]

6 [ON THE RECORD]

7 MALE VOICE: Nobody is refusing a key. What
8 they have said is we need a copy of his photo ID and
9 we need the--

10 THE COURT: [Interposing] Why is that - - ?

11 MALE VOICE: We are entitled to know who has
12 keys to our building. It is a--

13 THE COURT: [Interposing] She is told that
14 she's entitled to a key.

15 MALE VOICE: No she's not. She's entitled
16 to one key. Okay.

17 THE COURT: No, no she's entitled to two
18 keys.

19 MALE VOICE: And we are entitled to know who
20 has our keys and we are entitled to the fee associated
21 with creating the key. It's a magnetic lock. It's
22 \$200 plus \$100 security deposit.

23 THE COURT: [Background Noise].

24 MALE VOICE: She pays for it.

25 THE COURT: You pay for the key?

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1 MALE VOICE: You want an extra key. You pay
2 for it.

3 THE COURT: Okay.

4 MALE VOICE: You want an extra key; you pay
5 for it.

6 THE COURT: Is this a rent regulated
7 apartment?

8 MALE VOICE: Mm-hm.

9 MS. NAPOLITANO: It is.

10 MALE VOICE: But we create these and we're
11 happy to give it. Give us a photo ID. I'm not asking
12 for a social security number. We want to know who the
13 keys are issued to. That is a security thing. If you
14 want it, you give it to us.

15 THE COURT: Listen, I've been through keys
16 in buildings.

17 MALE VOICE: So have I.

18 THE COURT: I present my ID; I get two keys.
19 I am the--

20 MALE VOICE: [Interposing] She didn't ask for
21 two keys when she moved in.

22 THE COURT: No, I am the lease holder and I
23 am responsible. Okay.

24 MALE VOICE: No you and I could--

25 THE COURT: [Interposing] - - .

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1 MALE VOICE: --agree to disagree about that.

2 THE COURT: No we--fine.

3 MALE VOICE: Okay.

4 THE COURT: I just say. And--

5 MALE VOICE: [Interposing] Except we're not
6 here for trial so--

7 THE COURT: [Interposing] Yeah I know.

8 MALE VOICE: So there's not going to be an
9 order today.

10 THE COURT: - - .

11 MALE VOICE: The other issue as the court is
12 well aware there's two sides to every story.

13 THE COURT: Yeah I mean--

14 MALE VOICE: [Interposing] And, and right.

15 THE COURT: --that's what I'm asking what did
16 your client say?

17 MALE VOICE: And so my client denies the
18 allegations of any racial slurs. As a matter of fact,
19 she was at my client's apartment door knocking on the
20 door at 11:00 at night and my client's Hispanic wife
21 spoke to her in Spanish. She was like in shock. So
22 my client denies any allegations that he ever made,
23 said anything racial or ethnically biased towards her.
24 Or anyone else in the building. She--he says like he,
25 she complains that he's been calling the police on

1 her. He said she's been doing it on him. That there
2 have been some verbal confrontations but not in a way
3 that she--they've had disputes over issues. But
4 nothing that rises to the level of harassment. And he
5 believes she is harassing him and this stems out of
6 the fact that in the recent past, that she said this
7 all started like around July, she had--oh I'm sorry,
8 I'm going to turn that. She had tried to organize a
9 tenant's association in the building. There is 38
10 apartments. Everybody kind of shut her down and
11 that's what frustrated her is that people weren't
12 going to go against the landlord against her. And she
13 started withholding her rent. And started this. So
14 that's where we are.

15 MS. NAPOLITANO: May I speak?

16 MALE VOICE: Do you owe three months' rent,
17 is that not true?

18 MS. NAPOLITANO: It's completely untrue.
19 And I have documentation for everything that's been
20 happening. First thing I'm going to address, I never
21 tried to organize a tenant's association. That is
22 actually a different tenant that lives in the
23 building. Because I am not the only one experiencing
24 harassment. So that is not me. That is a different
25 tenant. He's actually with me here today. Number

1 two--

2 THE COURT: [Interposing] Yeah I have to set
3 a trial date. Because if you don't agree there can no
4 meeting of the minds in terms of--

5 MS. NAPOLITANO: [Interposing] Yeah, do not
6 agree.

7 THE COURT: Bring it back to court.

8 MS. NAPOLITANO: Okay.

9 THE COURT: And then you can ask for the - -
10 .

11 MS. NAPOLITANO: Okay.

12 THE COURT: As long as they go through - - .
13 they don't.

14 MS. NAPOLITANO: Okay.

15 MALE VOICE: Do you want me to--do you want
16 to try something along those lines and I'll write it
17 up?

18 MS. NAPOLITANO: Yeah.

19 MALE VOICE: All right. And you'll provide
20 an ID and a security deposit that goes along with the
21 key? The extra key they get a security, because
22 that's how they ensure they get it back so they don't
23 have to reprogram the locks.

24 MS. NAPOLITANO: And how much is that?

25 MALE VOICE: It's \$100.

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1 MS. NAPOLITANO: You said \$200 before.

2 MALE VOICE: Well the key costs \$200 and the
3 security is \$100.

4 MS. NAPOLITANO: So I have to pay security
5 and pay for the key?

6 MALE VOICE: Right, the security you get
7 back when you turn the key in. They're very expensive
8 keys.

9 MS. NAPOLITANO: Right, but that was their
10 choice to change the locks. I didn't have to pay for
11 a key before.

12 MALE VOICE: For every--the answer is yes or
13 no. If you say no, I'll go to him and see what he
14 says. If you say yes, it's resolved. I don't want to
15 debate about it.

16 MS. NAPOLITANO: Well when I--just so you
17 know when I spoke to the other tenants, they said that
18 they did not have to pay for a key so I don't know
19 why--

20 MALE VOICE: Everybody got issued the
21 initial key.

22 MS. NAPOLITANO: For the second key.

23 MALE VOICE: I don't believe that that's
24 true but--

25 THE COURT: [Interposing] If that's the case

1 counselor, then you need to talk to your property.

2 MALE VOICE: If it's the case. I don't, I
3 don't disagree with you. But then definitely I'll put
4 down a security deposit.

5 MS. NAPOLITANO: Okay.

6 MALE VOICE: That you'll do right?

7 MS. NAPOLITANO: A security deposit is okay.
8 But the other tenants haven't had to.

9 MALE VOICE: So give me a few minutes, I got
10 to call him about that.

11 [OFF THE RECORD]

12 [ON THE RECORD]

13 THE COURT: Will provide a copy of his photo
14 identification and \$100 security deposit to secure and
15 return the key. Any future key to--

16 MALE VOICE: [Interposing] Replace.

17 THE COURT: --to replace the lost key will
18 require a fee of--

19 MALE VOICE: [Interposing] \$200.

20 THE COURT: --\$200 plus another deposit. Did
21 I get another deposit?

22 MALE VOICE: Because you got to pay them to
23 deactivate keys and stuff when you do that. You pay
24 the--it's the encouragement not to lose keys.

25 THE COURT: I don't think you can plan to

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1 lose keys.

2 MALE VOICE: No, well but some people are
3 less responsible than others.

4 THE COURT: Have you ever lost keys?

5 [END OF HEARING]

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C E R T I F I C A T E

I, Lynn M. Reinhardt, certify that the foregoing transcript of proceedings in the Civil Court of the City of New York, County of New York of Caitlyn Napolitano v. Hamdi Nezaj/Kosova Properties, Index No. 1847/15, Control No. FTR 345/2016, was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature: Lynn M. Reinhardt

Dated: May 2, 2016

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