

THE CIVIL COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK PART S

-----X  
IN THE MATTER OF:

GREGORY SCOTT,

Index No.:  
LT-301175-20/NY

Petitioner,

Vs.

KOSOVA PROPERTIES INC.; HAMDI NEZAJ; FATOS NEZAJ;  
SHPEND NEZAJ; ANTON SHABAJ; AGUSTIN SHABAJ &  
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Respondents.

-----X

DATE: February 10, 2022

HELD AT: 111 Centre Street  
New York, NY 10013  
VIRTUAL PROCEEDING - Trial

BEFORE: HONORABLE JEAN T. SCHNEIDER,  
Judge

APPEARANCES: JENNIFER ROZEN, ESQ.  
Attorney for Gregory Scott

CARLOS PEREZ-HALL, ESQ. and  
ZACHARY COHEN, ESQ.  
Attorneys for the Respondents

ALSO PRESENT: GREGORY SCOTT  
SHPEND NEZAJ

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**Ubiquis**

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1 THE COURT: All right. So moving right along.  
2 For the record, the name of the case is Gregory Scott  
3 against Kosova Properties and others. The index number is  
4 301175 of '20. May I have appearances, please?

5 MS. JENNIFER ROZEN: For the Petitioner,  
6 Jennifer Rozen of Rozen Law Group.

7 MR. CARLOS PEREZ-HALL: For the Respondents,  
8 Carlos Perez-Hall from Borah, Goldstein, Altschuler,  
9 Nahins & Goidel. With me is my partner, Zachary Cohen  
10 from Borah, Goldstein, Altschuler, Nahins & Goidel.

11 THE COURT: Okay. So --

12 MR. PEREZ-HALL: -- And, and in the room today  
13 with me, which you can't see, but I can turn the laptop if  
14 you needed to, is my client Shpend Nezaj.

15 THE COURT: Got it. And there are--Mr. Perez-  
16 Hall, there are a number of individual Respondents named  
17 in addition to the corporate entity. Do you represent all  
18 Respondents?

19 MR. PEREZ-HALL: Yes, Your Honor.

20 THE COURT: Okay. So I have a list. I have a,  
21 a Google Drive with documents from Ms. Rozen. I have no  
22 documents from the Respondents. Is that because the  
23 Respondents don't intend to admit any documents?

24 MR. PEREZ-HALL: No, Your Honor, we--I'll let you  
25 go, Zach.

1 MR. ZACHARY COHEN: They, they were e-mailed to  
2 the Court. I can e-mail again. We e-mailed them probably  
3 in about four parts.

4 THE COURT: You e-mailed when?

5 MR. COHEN: This is the first three parts on  
6 Monday, and then one part yesterday. The last one final  
7 exhibit. When we, we e-mailed our stipulation of  
8 admissibility yesterday that where we agreed on what  
9 exhibits could go in, we e-mailed our witness list and  
10 then the one final exhibit.

11 THE COURT: And did you e-mail that to the  
12 courtroom e-mail or to my personal e-mail?

13 MR. COHEN: I'll tell you one second where it  
14 went. I think it was to your—I think your personal was on  
15 there.

16 THE COURT: Okay. And it would be from, from  
17 you, Mr. Cohen?

18 MR. COHEN: Yes.

19 THE COURT: All right.

20 MR. COHEN: This was at 12:43 p.m.

21 THE COURT: Okay. Hold on.

22 MR. PEREZ-HALL: It was yesterday.

23 MR. COHEN: Yesterday.

24 MR. PEREZ-HALL: And then there was one on  
25 Monday, right?

1 MR. COHEN: Yeah, and-but I-and then these bulk  
2 of our exhibits were in an e-mail on Tuesday that I don't  
3 know if that went to your personal e-mail. I can re-mail  
4 those.

5 THE COURT: Okay. Hold-hang on, just a second.  
6 I'm looking at the-I have your e-mail from yesterday. And  
7 I have the stipulation of admissibility.

8 MR. COHEN: And that's (inaudible) attach  
9 Petitioner's exhibit list and the Respondents' exhibit  
10 list.

11 THE COURT: Got it. Okay. All right. So  
12 perhaps we should begin by going through the documents  
13 that are not stipulated to and we'll begin with the  
14 Petitioner's exhibits as to which Respondent has raised  
15 issues. Go ahead. Tell me what the-what the issues are.

16 MR. PEREZ-HALL: 3A and 3B, Your Honor, those  
17 are EBT transcripts from May 1<sup>st</sup>, 2018. Our objection is  
18 that we believe that those are irrelevant to this  
19 proceeding. And as such, you know, have no bearing on the  
20 harassment claim.

21 THE COURT: And the-and the --

22 MR. PEREZ-HALL: -- And, and as relevant --

23 THE COURT: -- the relevance-the relevance is  
24 tied to the date of the document or to something else?

25 MR. PEREZ-HALL: The contents-the contents of

1 what is being discussed in there. This is an EBT from the  
2 false arrest case in Supreme Court and just being handled  
3 in Supreme Court. It's an EBT from Supreme Court. And so  
4 we were—we will object to that as not being relevant to  
5 the extent that it is dealing with subject matter that is  
6 not necessarily in our opinion, directly related to  
7 harassment complaint. Possibly, it could go in at a later  
8 time, but to object to admit it now before trial begins is  
9 premature in our opinion.

10 THE COURT: So you mean there might be a  
11 connection established by testimony, but not just  
12 automatic?

13 MR. PEREZ-HALL: Right.

14 THE COURT: Okay. Ms. Rozen, do you want to  
15 address that?

16 MS. ROZEN: Yeah, our position is that it's a  
17 statement by a party. I mean, it was made under oath.  
18 It's notarized by the --

19 THE COURT: -- They're not raising any issues  
20 with respect to that.

21 MS. ROZEN: Right and --

22 THE COURT: -- The only issue they're raising is  
23 relevance.

24 MS. ROZEN: Numerous instances that were listed  
25 in our petition for this case were also addressed in the

1 context of that deposition. So there, there are numerous  
2 portions of the deposition, not the entire deposition, but  
3 several portions which are relevant, which, you know, we,  
4 we would like to question both my client and the deponent  
5 about.

6 THE COURT: And those--and those incidents are  
7 what?

8 MS. ROZEN: Namely the, the incident regarding  
9 the fogged issue and the misinformation given by the  
10 landlord to my client and the threat that he was going to  
11 charge my client for--to--for replacing the fogged windows  
12 after the, the case was finalized despite the fact that  
13 DHCR issued a decision stating that that was the  
14 landlord's responsibility. So there's a threat in there  
15 that once all this was said and done, you know, he's going  
16 to --

17 THE COURT: -- There's a threat and there's--and  
18 there's--you're saying inaccurate information provided?

19 MS. ROZEN: Yes.

20 THE COURT: And that's what those two documents  
21 address?

22 MS. ROZEN: Yes, and it's the--it's A and--3A and  
23 3B. So it's just the deposition broken up in two parts.

24 THE COURT: Okay. Mr. Cohen, anything  
25 additional you want to say?

1 MR. COHEN: No, just that we were even in moving  
2 on that 7B is also tied to that same case as the  
3 deposition transcript.

4 THE COURT: 7B.

5 MR. COHEN: Is the next. The next.

6 THE COURT: The exact same issue.

7 MR. COHEN: Right.

8 THE COURT: I'm, I'm curious if those—if, if  
9 those statements relate to what Ms. Rozen said they relate  
10 to, how are they irrelevant since that is clearly a set of  
11 allegations, which if proven would be harassment?

12 MR. PEREZ-HALL: Well, again, this is I guess a,  
13 a bit of a new world for all of us in terms of submitting  
14 out of the—out of the 200 and summit documents. We've  
15 really limited it down. I'm used to the normal practice  
16 of testimony and then introducing into evidence if the  
17 testimony warrants it in, in terms of impeaching  
18 credibility, for instance or things like that.

19 THE COURT: So, so what you would like the Court  
20 to do with those three is to await Mr. Scott's statement  
21 or your client's—well, Ms. Rozen intends to call several  
22 of your clients as witnesses.

23 MR. PEREZ-HALL: Correct.

24 THE COURT: So what you would be saying is these  
25 deposition sections are in essence hearsay because they're



1 in out of court statement by a witness. But Ms. Rozen is  
2 saying yes, but they're a statement by a party, and the  
3 rules with respect to a statement by a party are  
4 different, correct?

5 MR. PEREZ-HALL: Yes, Your Honor. I understand.

6 THE COURT: So I'm, I'm going to admit 3A, 3B  
7 and 7B. What else?

8 [Whereupon Petitioner's Exhibit 3A, 3B and 7B,  
9 were admitted into evidence.]

10 MR. PEREZ-HALL: Yes, Your Honor. 7F is a DHCR  
11 proof of mail.

12 MS. ROZEN: You guys are muted.

13 THE COURT: Yeah, you're on mute for some  
14 reason.

15 MR. PEREZ-HALL: Sorry, sorry, sorry. I was to  
16 blame my partner here. 7F is a DHCR proof of mailing  
17 receipt, Your Honor.

18 THE COURT: Yes.

19 MR. PEREZ-HALL: And again, in subject to an  
20 offer of proof, I don't see necessarily the relevance of  
21 that at this time. It could be relevant. Again, it's  
22 also hard to make out on the picture. So --

23 MS. ROZEN: -- So part, I mean, you know, I, I  
24 obviously disagree. This is highly relevant. It's yet  
25 another complaint made to DHCR regarding harassment and

1 various issues at the building by my client and some of  
2 the other neighbors at the building. The problem is we  
3 subpoenaed the entire file from DHCR. For some reason  
4 this document was missing, so we're relying on my client's  
5 photo, which admittedly is difficult to read. You know,  
6 you can still make out what it is. It's in RA 84-84 form,  
7 and you can still make out the signatures. And again, you  
8 know, it's, it's relevant because it's another complaint.  
9 It's not just a proof of mailing, it's the actual  
10 document.

11 THE COURT: All right. I'm going to reserve on  
12 that and let that be addressed during the trial. What's  
13 next?

14 MR. PEREZ-HALL: 7H-1 through 7H-8. This is a  
15 DHCR proceeding with a different tenant. It has no  
16 relationship to Mr. Scott. Mr. Scott is not part of that  
17 proceeding. That—as such, it's not relevant to this  
18 proceeding.

19 THE COURT: Ms. Rozen?

20 MS. ROZEN: We argue that it is relevant. Ms.  
21 Napolitano [phonetic], it was Mr. Scott's neighbor. The  
22 two of them formed the tenant's association together  
23 because they were experiencing the same sort of  
24 harassment. You know, she was the legal tenant of record.  
25 She had a significant other living with her who was

1 deprived of a second key. She filed a proceeding  
2 basically for the same reason. She also signed this RA 84  
3 complaint that is not yet in evidence, but is 7F. And you  
4 know, once the, the tenants association was formed, they--  
5 the superintendent of the building and the landlord also  
6 attempted to get Ms. Napolitano arrested for alleged  
7 property damage. So the similarities are striking, and I  
8 really think that this goes toward habit and it's  
9 admissible.

10 THE COURT: I don't--I don't--it--I don't think so.  
11 I think it --

12 MR. PEREZ-HALL: -- It's the--all right.

13 THE COURT: -- it's like, well, but they did  
14 something bad to somebody else at some other time. And if  
15 7F is in fact also a complaint filed by someone else I, I  
16 don't see how that is admissible here. Again, with  
17 respect to 7F and 7H-1 to 7H-8, I'm not going to rule now  
18 that it can't come in, but I have to tell you that my  
19 instinct is that harassment of someone else in the  
20 building, it--harassment of someone else in the building  
21 becomes relevant if you're trying to show multiple  
22 findings of harassment under the statute, but not for, for  
23 what we're doing here. So I'll permit you to offer it and  
24 make a record at the appropriate time, but I have to tell  
25 you that I'm likely to find it not admissible.

1 MS. ROZEN: Understood, Your Honor.

2 MR. PEREZ-HALL: Next would be 9A through 9H.  
3 Again, Your Honor, this is Exhibit 10, same. It's the  
4 same person and a separate legal action that has no  
5 bearing on Mr. Scott. Mr. Scott is not part—is not a  
6 party to that case.

7 THE COURT: All right. Same, same ruling.

8 MR. PEREZ-HALL: 10D, what is this?

9 MR. COHEN: One second.

10 MR. PEREZ-HALL: Sorry, Your Honor, I, I'm going  
11 to refresh my recollection on what 10D and F are.

12 MR. COHEN: It's is civil court proceeding.

13 MR. PEREZ-HALL: Okay. So this is a civil court  
14 proceeding. I believe it's the deposition from the HPD  
15 case if my memory serves me correctly. So that would be,  
16 again, the relevance. It's a prior proceeding, but I  
17 don't understand the relevance of the HPD case as I think  
18 settled. It was—it was settled. So I guess, offer proof.

19 THE COURT: There's a—this is a—this is a  
20 deposition of one of your clients?

21 MR. PEREZ-HALL: Yes, Your Honor.

22 MR. COHEN: No, I think it's the court  
23 transcript. It from the—from the conference slash hearing  
24 in, in Housing Court, correct.

25 THE COURT: Oh, Ms. Rozen --

1 MS. ROZEN: -- Yes, so this --

2 THE COURT: -- court conference?

3 MS. ROZEN: There was a court--there was a prior  
4 HP proceeding --

5 THE COURT: -- Yes.

6 MS. ROZEN: -- for harassment (inaudible)  
7 repairs. There was a court conference in front of Judge  
8 Gonzalez, I think back in 2016. This is a transcript from  
9 that date. And there are, you know, there's, there's  
10 evidence of harassment within the context of this  
11 transcript. So I'd like to be able to use it to question  
12 the witness about it.

13 THE COURT: I'm sorry.

14 MR. PEREZ-HALL: And then --

15 THE COURT: -- How, how--you're saying that one  
16 of the parties made a harassing statement in a conference  
17 before the judge? Is that what you're saying?

18 MS. ROZEN: Mr. Nezaj made misleading comments  
19 and outright falsehoods during this conference. And  
20 again, it goes to the allegations of the petition. The  
21 key issue--the--there was an, an issue with the chain lock.  
22 And much of that is discussed during this court  
23 appearance.

24 THE COURT: All right. I'm, I'm not going to  
25 admit those at this point.

1 MR. PEREZ-HALL: It's 10D and F.

2 THE COURT: Again, I'm quite dubious.

3 MR. PEREZ-HALL: And F is an audio. I couldn't  
4 tell if that was the Court that produced that audio or  
5 that was Mr. Scott taping that audio, but they're both  
6 from that same hearing.

7 THE COURT: Okay. And the--and the same ruling,  
8 not admitted at this point. And, and certainly if--yeah, I  
9 mean, the, the--never mind. 12B to 12F?

10 MR. COHEN: Hold on second.

11 MR. PEREZ-HALL: All right. I'm just pulling  
12 that up again, Your Honor, to take a look.

13 MR. COHEN: Motion certainly.

14 MR. PEREZ-HALL: This is a--right. This is a  
15 motion made by Mr. Stark [phonetic] and a Mr., Mr. Brian  
16 Stark, prior counsel for the petition in the context of  
17 the HP proceeding. And there are handwritten notes on  
18 there by the Respondent. There are highlights. There are  
19 statements on there. It's not a true and accurate  
20 reflection of the notes of motion. And I don't  
21 necessarily see the relevance, again, of a prior HP  
22 proceeding that was settled where we have no allegations  
23 that any violations exist in the building currently.

24 THE COURT: Ms. Rozen?

25 MS. ROZEN: I didn't have a clean copy otherwise

1 I would've submitted that. But you know, this is an  
2 affidavit and support that's signed by one of the parties  
3 here where he alleges that my client and I had access to  
4 workers, which is again, an outright falsehood. So I  
5 think that it's important to introduce, to be able to  
6 question Mr. Nezaj about it.

7 THE COURT: Okay. I, I will admit that as a-as  
8 a sworn statement by a party.

9 [Whereupon Petitioner's Exhibit 12B was admitted  
10 into evidence.]

11 MR. PEREZ-HALL: Well, 12F is just a stipulation  
12 from that proceeding.

13 THE COURT: I'm sorry.

14 MR. PEREZ-HALL: 12F is a, a stipulation from  
15 that proceeding. So 12B through 12-and, and 12B and 12F,  
16 correct?

17 MR. COHEN: Yeah.

18 MR. PEREZ-HALL: Right. So 12F is the same  
19 proceeding. It's a stipulation.

20 THE COURT: Okay. That's also admitted.

21 [Whereupon Petitioner's Exhibit 12F was admitted  
22 into evidence.]

23 THE COURT: 13A?

24 MR. PEREZ-HALL: 13A is court audio. One  
25 second. I'm sorry, we're like 12C, I'm sorry.

1 MR. COHEN: No, 12A. 13A is --

2 THE COURT: -- I'm sorry, I thought 13A.

3 MR. PEREZ-HALL: I'm correcting you. 13A is a  
4 court audio, audio, which is we believe is irrelevant.

5 MR. COHEN: It's court audio from that same  
6 proceeding, a conference.

7 MR. PEREZ-HALL: It's another audio tape of the  
8 Court proceeding. We don't know if it's an official  
9 transcript or if it's Mr. Scott's recording of what hired  
10 (inaudible) --

11 THE COURT: -- Ms. Rozen, (inaudible).

12 MS. ROZEN: Yeah, there's also—we have the  
13 actual court transcript, so I don't think we necessarily  
14 need 13A.

15 THE COURT: Is there --

16 MR. COHEN: -- Who are those --

17 THE COURT: -- is there—is there another  
18 document in here which is a privately made recording of a—  
19 of a court proceeding?

20 MS. ROZEN: No, this, this actually came from  
21 the court.

22 MR. PEREZ-HALL: Okay. Okay. We couldn't tell  
23 from the audio.

24 MS. ROZEN: The audio's too good for an iPhone.

25 THE COURT: All right. I'm not going to admit



1 it. Not admitted.

2 MR. PEREZ-HALL: And then 18B is a posting of  
3 newspaper clipping.

4 MR. COHEN: No, no, no, I'm sorry. It's a  
5 screenshot from the--from the settlement, from the racial  
6 discrimination suit. It's not the actual settlement, but  
7 a screenshot of --

8 MR. PEREZ-HALL: -- Looks like a Westlaw  
9 screenshot or something like that. And it is regarding a  
10 proceeding that does not include Mr. Scott. It's not a  
11 finding of harassment. It is subject of --

12 THE COURT: -- Not, not admitted at this time.  
13 And I, I, I understand Ms. Rozen that a bunch of this  
14 stuff is an effort to convince the Court that the people  
15 involved, that the Respondents involved here are generally  
16 bad people. I get that, but --

17 MS. ROZEN: -- It's not just that. I mean,  
18 there's --

19 THE COURT: -- Wait, wait. But that doesn't  
20 become relevant unless you believe that they make false  
21 statements when you call them as witnesses. And you  
22 actually you should be a little bit careful about calling  
23 them as witnesses now that I think about it since you  
24 can't impeach a witness that you call yourself. So you  
25 should think seriously about that. And that might affect

1 what you can get in and what you can't. Okay. So we're  
2 now we're moving on to Respondents' documents to which  
3 Petitioner objects. Ms. Rozen?

4 MS. ROZEN: Hold on one second.

5 THE COURT: D, I, J and K.

6 MS. ROZEN: Okay. So Exhibit D is a, a  
7 photograph. It's a photograph of Joey Nezaj post. Am I  
8 saying his name correctly? How do you pronounce his last  
9 name?

10 MR. PEREZ-HALL: Nezaj. That's how I say it  
11 probably.

12 THE COURT: Yeah, the, the AJ is said I.

13 MS. ROZEN: Okay. So Mr. Nezaj. It's a photo  
14 of Mr. Nezaj presumably post altercation and, you know, it  
15 had-it just had no relevance and no bearing on this case.  
16 It's prejudicial and I don't think that it, it should come  
17 in.

18 THE COURT: No relevance really. When he says  
19 he was harmed in an altercation by your client, he can't  
20 show what he looked like. You just want him to lay a  
21 foundation saying this photograph was taken at this time  
22 under these circumstances. Okay. That's, that's a fair-  
23 that's a fair thing. You need to lay a foundation for  
24 that one.

25 MR. PEREZ-HALL: Yes, Your Honor, we could do

1 voir dire.

2 THE COURT: I think a proper foundation. I  
3 don't see any problem with it, but, but I think Ms. Rozen  
4 is within her rights to say, I want to hear the  
5 foundation.

6 MR. PEREZ-HALL: Yes, Your Honor.

7 THE COURT: How about I?

8 MS. ROZEN: Okay. So I is a, a letter from my  
9 client to another tenant. Again, relevance.

10 MR. PEREZ-HALL: It, it could become relevant,  
11 Your Honor, for the very discussion you just had about  
12 party witnesses and impeaching credibility.

13 THE COURT: Correct. So I treated the other  
14 documents by saying admit it at the proper point of  
15 testimony and we'll, we'll do that with this one as well.

16 MR. PEREZ-HALL: Okay.

17 THE COURT: Next is J, I think.

18 MS. ROZEN: And same objection. It is an e-mail  
19 from another tenant to my client?

20 MR. PEREZ-HALL: What is this?

21 MR. COHEN: It's an e-mail from Matthew  
22 [phonetic].

23 MR. PEREZ-HALL: Okay.

24 MR. COHEN: E-mail from Matthew (inaudible).

25 MR. PEREZ-HALL: Again, the same --

1 THE COURT: -- J is a statement by somebody else  
2 to your client?

3 MS. ROZEN: Yeah, it looks like it's, it's an e-  
4 mail from another tenant to my client. There's a  
5 handwritten note on it. I mean --

6 THE COURT: -- Okay. So that's not a client.  
7 That's not a party statement. That's a--that's pure  
8 hearsay.

9 MS. ROZEN: Yes.

10 THE COURT: Unless you're calling that person as  
11 a witness.

12 MS. ROZEN: Right.

13 MR. PEREZ-HALL: It was addressed to us though,  
14 and therefore --

15 THE COURT: -- (Inaudible).

16 MR. PEREZ-HALL: It was addressed to us.  
17 Meaning my client, not my office. I'm sorry. It was  
18 addressed to my client. So it could possibly come in as a  
19 business record or it could come in to impeach if  
20 warranted. So it's there for that purpose. I'm not  
21 suggesting --

22 THE COURT: -- All right. I mean, if you can--  
23 you can offer it when you get to it, but as I said with a  
24 couple of other things, I'm dubious about it. It sounds  
25 like a pure hearsay statement.

1 MR. PEREZ-HALL: Right. And then, and then I'll  
2 just --

3 THE COURT: -- Assuming it's offered for the  
4 truth, it sounds like pure hearsay to me.

5 MR. PEREZ-HALL: It would be an exception to  
6 hearsay if it was going to be used. I'll tell you right  
7 now what the argument would be, would be for the fact that  
8 we received the e-mail or the conversation not for  
9 necessarily the truth of the matter asserted.

10 THE COURT: If, if for some reasons, the fact  
11 that you received it is relevant. Okay. And, and that's  
12 J. And then how about K?

13 MS. ROZEN: So K are several what look like  
14 letters from other tenants of the building to the  
15 landlord. So it's pure hearsay and not relevant.

16 THE COURT: So it's basically the same issue as,  
17 as J.

18 MS. ROZEN: Yes.

19 THE COURT: So you can offer those as we get to  
20 them.

21 MR. PEREZ-HALL: Right. Just that like--just  
22 like the Petitioner is trying to paint a picture that my  
23 clients are bad actors, we similarly have a picture that  
24 we would like to paint if --

25 THE COURT: -- You want to--you want to paint a

1 picture that the other tenants don't love the Petitioner?

2 MR. PEREZ-HALL: Correct.

3 THE COURT: I, I get that and I'm--and I am  
4 dubious about both efforts. Let me--let me put it that  
5 way. I do not take a broad view of showing that people  
6 are generally unpleasant humans so.

7 MR. PEREZ-HALL: Understood.

8 THE COURT: All right. So --

9 MR. PEREZ-HALL: -- Your Honor, and this is just  
10 a point of order, just I, I figured I'd discuss it now  
11 just, just again, because this is somewhat new, the  
12 virtual world and admitting all this evidence at, at ahead  
13 of time. We do still have subpoenaed documentation.  
14 There may come a point that for instance point of order  
15 we're going to be submitting to Your Honor, a subpoena.  
16 We'll have to get into the dates, but for one of our  
17 witness list (sic) is an officer, he does require--a police  
18 officer and does require a subpoena to appear. But he is  
19 willing to appear. We did not put in our evidence list  
20 some of the subpoena documentation from a Petitioner from  
21 1 Penn Plaza, but some of that will be coming in on our  
22 side. Do you require me to tell you that in advance or is  
23 that something that we will just deal with on my case?

24 THE COURT: Since, since you guys are convincing  
25 me that we're probably still going to be trying this case

1 in May or June, I, I think that we could—we could continue  
2 that process. It had been my intention to have everything  
3 and it certainly had been my intention to have subpoenas  
4 submitted well in advance of starting the trial. But, but  
5 I also understand that when you are the Respondent, there  
6 may be things that develop in the course of the  
7 Petitioner's presentation that cause you to think that you  
8 need to add. Given that this is not an action with  
9 discovery where there's a requirement to exchange witness  
10 lists and so on, that this is a court rule, we'll, we'll  
11 be a little flexible with that.

12 MR. PEREZ-HALL: Thank you, Your Honor. And  
13 then also one point of order just for the Court to just  
14 get out of the way so I can focus. I found out, and I, I  
15 already expressed this to, to, to Ms. Rozen and to my  
16 client, but I'll tell the Court that my father-in-law, who  
17 basically is a—the second father to me is in going to  
18 hospice today. So it's a difficult time for me and my  
19 family. And while we move forward today, I would just ask  
20 the Court to consider that it for the next adjournment  
21 date. It may be more productive. I'm not trying to ask  
22 for an extensive adjournment, but maybe something in late  
23 March or, you know, mid-April would be appropriate. I  
24 would hate to tell the Court that I can't appear because I  
25 have to take care of my family.

1 THE COURT: Fully understood. You're, you're  
2 sure that you do want to go forward this morning?

3 MR. PEREZ-HALL: Yes, I'm fine. I've discussed  
4 that and, and to the extent that it's not my case and, and  
5 Ms. Rozen is a great attorney. So I'm sure that I'll have  
6 fewer objections than normal. I, I have no problem today,  
7 but thank you for considering that. I appreciate it very  
8 much.

9 THE COURT: Just, just for everybody to  
10 understand because of some administrative responsibilities  
11 that have cropped up literally at the end of the workday  
12 yesterday. I will not be continuing the trial in the  
13 afternoon. So we'll be finished for today at 1 o'clock.  
14 And we'll reserve some time before 1 o'clock to think  
15 about other scheduling and can take into account  
16 everybody's needs at that point.

17 MR. PEREZ-HALL: Yeah, and then I have one final  
18 point of order, Your Honor, and forgive me because I, I'm  
19 sure I'll get the response that I expect you to give, but  
20 I—in consultation with my client's other attorney in the  
21 Supreme Court case, I am requesting that—again, that the  
22 information that is subject to your review in, in terms—in  
23 terms of the deposition transcripts, in terms of the  
24 testimony be kept out pursuant to 3411-A4 as there is a  
25 prior pending proceeding with relevant subject matter that



1 was initiated by Mr. Scott in Supreme Court and to the  
2 extent that it's inappropriate for the Housing Court to  
3 determine that. We would ask that that be kept in  
4 abeyance or out of this case.

5 THE COURT: I don't believe that the Supreme  
6 Court action includes a claim for harassment.

7 MR. PEREZ-HALL: Does not.

8 THE COURT: If it—if it did, I, I would've been  
9 out of here long ago.

10 MR. PEREZ-HALL: Yes.

11 THE COURT: Since it doesn't, I mean, Supreme  
12 Court has general jurisdiction so they could consider  
13 harassment. It's not been made there. I will consider  
14 any evidence which is offered here, which is relevant to a  
15 claim of harassment. And having had a refresher trip  
16 through the harassment statute early this morning, I can  
17 tell you that I can't—it's hard to think of anything that  
18 wouldn't be relevant under that statute. But I will  
19 entertain an objection as we go along that something is  
20 not relevant specifically to harassment. But if I find  
21 that it is relevant under the statute to a claim of  
22 harassment, I will take it. And as I said to all of you  
23 in our last conference, if I need to make factual findings  
24 that are relevant to harassment, I will do so even though  
25 I recognize that those factual findings might have

1 collateral estoppel effect in the Supreme Court.

2 MR. PEREZ-HALL: Understood, Your Honor.

3 THE COURT: All right.

4 MR. PEREZ-HALL: Thank you.

5 THE COURT: So anything else preliminary from  
6 you, Ms. Rozen?

7 MS. ROZEN: No, I think we're set.

8 THE COURT: All right. In that case, I'm ready  
9 for your first witness.

10 COURT CLERK: (Inaudible), Your Honor.

11 THE COURT: I'm sorry, hold on just a second.

12 COURT CLERK: We have a 10 o'clock.

13 THE COURT: Can you see if you can reschedule  
14 them?

15 COURT CLERK: Okay.

16 THE COURT: Okay. Ready for your first witness?

17 MS. ROZEN: Okay. Excellent. Thank you, Your  
18 Honor. The Petitioner would like to call Gregory Scott.

19 THE COURT: Mr. Scott, raise your right hand  
20 please. You have to unmute yourself and then raise your  
21 right hand. Do you swear or affirm that the testimony you  
22 will give in this proceeding will be the truth?

23 MR. GREGORY SCOTT: Yes.

24 THE COURT: Okay. You can put your hand down.

25 I'm going to ask you a couple of questions. Where are you

1 seating now?

2 MR. SCOTT: In an office where I work.

3 THE COURT: And, and where is that office  
4 located?

5 MR. SCOTT: Your Honor, I have been threatened  
6 with death twice, knocked out and put --

7 THE COURT: -- Mr. Scott, in order to take  
8 testimony from a remote witness, I require that the  
9 witness tell me certain things about where the witness is  
10 and that's one of them. I'm sorry.

11 MR. SCOTT: I'm on the West Coast. Is that  
12 sufficient?

13 THE COURT: Yes. Is anyone in the room with  
14 you?

15 MR. SCOTT: No, would you like me to show my  
16 camera all around?

17 THE COURT: I do not require that. Do you have  
18 any documents in front of you?

19 MR. SCOTT: No, not, not at all.

20 THE COURT: So you don't have any documents with  
21 you at, at all?

22 MR. SCOTT: No, I can show you if you want. I  
23 can pick up my laptop --

24 MS. ROZEN: -- No, I, I'm just--I'm just--I just  
25 want to make sure.

1 MR. SCOTT: No.

2 THE COURT: If for any reason during your  
3 testimony you want to consult a document or other thing to  
4 refresh your recollection or anything else, you have to  
5 tell me that that's what you want to do and ask for  
6 permission to do it. The reason for that is this, if you  
7 were sitting in my courtroom, I would be able to see what  
8 was happening in that respect. And in the remote  
9 testimony, I'm not able to see that.

10 MR. SCOTT: Understood.

11 THE COURT: All right. Ms. Rozen, you may  
12 inquire.

13 DIRECT EXAMINATION

14 BY MS. ROZEN:

15 Q: Okay. Good morning, Dr. Scott. Can you please state  
16 your address for the record?

17 A: 83 Park Terrace West, Apartment 3A, New York, New  
18 York, 10034.

19 MS. ROZEN: Okay, thank you. And for the  
20 record, I'd like to refer to that as the subject apartment  
21 just to-for expediency.

22 THE COURT: That's fine.

23 Q: Can you describe the layout of your apartment?

24 A: We have in the exhibits a drawing or picture, so we  
25 will get to that, but I'll just tell you that --

1 THE COURT: -- Just describe it for now, please.

2 MR. SCOTT: As you walk in, there's a hallway  
3 about 6 feet that enters into a dining room, which is the  
4 northern most room. To the right of that, which is to say  
5 to the west is the kitchen. To the left of the dining  
6 room is a large living room. If you continue past the  
7 dining room, there's another hall. To the right again,  
8 which is to the west, there's a small bedroom. If you  
9 continue down the hall to the left will be the master  
10 bedroom on the left and the bathroom on the right. And  
11 that's it.

12 Q: Okay. And when did you move into the apartment?

13 A: 1998.

14 Q: Okay. How much is your current rent?

15 A: Well, officially its \$1,465, but I've been on rent  
16 reduction because DHCR penalized the landlord and I'm paying  
17 \$1,392 approximately.

18 Q: Okay. Who, if anyone, do you currently live with?

19 A: Well, I, I sublet the apartment to do research for my  
20 books. So Dr. Jasmine Manel [phonetic] is there now for two  
21 years until October 2023.

22 Q: Okay. And prior to leaving during the sublet, who if  
23 anyone lived with you in the apartment?

24 A: It was COVID time, so I did not take a roommate  
25 because my wife is very remote and refuses to live there

1 because of the death threats.

2 Q: Okay. What is your profession?

3 A: That's hard to answer because I have three and a half  
4 and I beg indulgence, I'll just give quickly. I retired from  
5 IBM in, in 2016 at the age of 66, after 15 years of working as  
6 a technical advisor for them. After 2016, I returned to my  
7 first love and first profession, which is doing philosophy. I  
8 was a philosophy professor in North America at different  
9 universities, so that's a second profession. But then I took  
10 the directorship of the doctoral studies program in DAMS  
11 Education at NYU in the mid to late nineties because I also had  
12 a ballet background. But it's the half profession that  
13 probably has the most relevance to this case along with the-  
14 with the IBM. And that is from 1971 until 1991, from my age of  
15 21 to 41. I also worked in housing construction and renovation  
16 as a landlord in three different cities in North America. I  
17 was a landlord also, and I would resell houses with my  
18 partners, my mother and so forth. And I did a lot of  
19 electrical, roofing, carpentry and plumbing. So that's the  
20 kind of half profession which I gave up. 1991 I became a  
21 professor, so.

22 Q: Okay. When is the last time you had a roommate, if  
23 you recall?

24 A: It was before COVID because once COVID started, I did  
25 not dare bring somebody in. It was in approximately August of

1 2019, I rented to a woman who worked for Apple. And-but then I  
2 was traveling for like three months. When I got back, it was  
3 middle, middle of January, 2020 and COVID was right around the  
4 corner. And, and as I said, once that happened, I just didn't  
5 take anyone else.

6 Q: Okay. Dr. Scott, what, if any surveillance, do you  
7 have for your apartment?

8 A: Now I have not only the ring cam it's called a ring  
9 peephole cam. It's, it's it just makes you sub the existing  
10 hole for the current, the, the long-standing peephole. You  
11 just unscrew it and I save it for when I-if I ever leave, then  
12 I just put it back on. So it's that ring peephole cam on the  
13 front door. And after it was jammed, we'll be looking at the  
14 evidence of that much later. I installed in internal  
15 surveillance with a Google Nest. So if anyone can get through  
16 the front door and jam that ring cam, which they did my Google  
17 Nest is the backup to catch any intruder.

18 Q: Okay. And when did you install the peephole camera?

19 A: February 12<sup>th</sup>, on or about within a day or two of  
20 2020.

21 MS. ROZEN: Okay. Your Honor, do I have the  
22 ability to share my screen at this point?

23 THE COURT: Let me just-I, I need to make an  
24 adjustment to do that. I'm sorry. I should have  
25 remembered to do that at the start. You are now listed as

1 a presenter and you're able to share your screen.

2 MS. ROZEN: Wonderful. Thank you.

3 THE COURT: The same with you, Mr. Cohen.

4 Q: Okay. Can you all see that?

5 A: Yes.

6 Q: Okay. So we're, we're looking at what's been marked  
7 Petitioner's 1A in evidence. Can you explain what this is?

8 A: So the, the ring cam works activated by motion. So  
9 when it detects motion, like somebody walking in front of it,  
10 depending on the configuration, it will save 20 seconds, 30  
11 seconds, or longer. I think I have it set normally for 20  
12 seconds, and then I ended up changing it. But at this point  
13 Mr. Hamdi Nezaj, the landlord comes in from the side and he  
14 grabs with a gloved hand. He grabs --

15 THE COURT: -- If you could stop, please. The,  
16 the question was just what is it? And you've identified  
17 it. Go ahead, Ms. Rozen.

18 MR. SCOTT: Okay.

19 MS. ROZEN: So I'm going to head over to  
20 Petitioner's 1C, which has been entered in evidence. Can  
21 you all see that? It's just tough because it doesn't show  
22 on my end.

23 THE COURT: Yes.

24 Q: Is that full video or it's not full video? Oh,  
25 sorry. Dr. Scott, can you describe what's happening here?



1       A:    So again, Mr. Hamdi Nezaj comes and twists it off,  
2 and as you see my so-called privacy zone, that black --

3           MR. PEREZ-HALL:  -- Objection, Your Honor, I  
4 don't think the witness is responding to the first video.  
5 The second one, I think he was.

6           MS. ROZEN:  On the second video.

7           THE COURT:  He's responding on the second one,  
8 correct?

9           MS. ROZEN:  I, I showed one video.  So we're  
10 talking about 1C right now.

11          THE COURT:  1C, yeah.  Overruled.  Go ahead.

12          MR. SCOTT:  So he twisted it and either tried to  
13 twist it off or just, but he ended up twisting it  
14 horizontally and you'll see that at the end he's mangled  
15 now the privacy zone settings, which were designed to  
16 protect the privacy of Apartment 3B right next to me on  
17 the right side of 2 feet.  So that gets screwed up, number  
18 one.  There's other damage which will be easier to see  
19 when we take up charge 23.  This is my --

20          THE COURT:  -- I'm sorry Mr. Scott, really stay  
21 within the question you've just been asked.  I know what  
22 you are—I know you're anticipating what's coming next, but  
23 a trial is kind of a, a stilted thing.  I know that you've  
24 been in court a lot before, but please try to stay within  
25 the particular question just asked.

1 MR. SCOTT: Sorry, I'm, I'm rather a novice in  
2 court, Your Honor. I, I, I, I do tend to speak a lot in,  
3 in lecturing as a professor.

4 THE COURT: Yeah.

5 MR. SCOTT: I apologize.

6 THE COURT: It's all right.

7 Q: Okay. Dr. Scott, what date was, was this video  
8 taken, the video that we just saw in, in Petitioner's 1C?

9 A: May, may I just add that what we saw at the end --

10 THE COURT: -- So just, just answer the question  
11 please. The question was, what's the date?

12 MR. SCOTT: June 26<sup>th</sup>, 2020.

13 Q: Okay. And what, if any damage, did the twisting of  
14 the ring cause to the actual camera?

15 A: Well, we saw that the privacy zones got screwed up  
16 and the two--there are three red lights that you cannot see on  
17 the front that end up coming on now and staying on when they're  
18 not supposed to, which, which depletes the battery because  
19 those lights are not supposed to be on. It's like the car--it's  
20 like your lights on your car always staying on and you can't  
21 turn them off. It depletes your battery, right.

22 Q: Okay. So I'm, I'm pulling up what's been entered  
23 into evidence as Petitioner's 1D. Can you explain what this  
24 is?

25 A: So this explains what the notion of privacy zones is,

1 which you can configure on ring cam. So here I you see that  
2 the right rectangle that's hiding door 3B. There's another  
3 rectangle directly in front, which would hide 3C. And you can--  
4 you can arrange these privacy, privacy zones the way you want  
5 to protect privacy for the parts that you don't want to capture  
6 for motion.

7 Q: Okay. So why did you have the ring camera installed  
8 on in your peephole?

9 A: Am, am I allowed to say why that man was putting the  
10 stuff under the doors and not under my door when the--when the  
11 cam got twisted?

12 THE COURT: No, just answer why you installed  
13 the ring camera.

14 MR. SCOTT: It has--it has something to do with  
15 the man putting the envelope into the door.

16 Q: All right. Question withdrawn. What, if anything  
17 else --

18 THE COURT: -- Right. I, I'm just--I'm just  
19 going to say something to Mr. Scott that I feel I need to  
20 say. You have bothered to hire Ms. Rozen to represent you  
21 in this case. She is a very good lawyer. She is asking  
22 the question that she believes need to be asked in the  
23 order that she believes they need to be asked in order to  
24 make an effective presentation for you. When there are  
25 decisions to be made about the direction of the case about

1 settling or not settling the case, you have a right to  
2 participate. But while we are on the record doing the  
3 trial, I would ask you please to answer the question she  
4 asks, only the question she asks, and at some point, we'll  
5 take a break and the two of you can talk offline if you  
6 feel that there's something else that needs to be asked.  
7 But please, she's doing a good job for you. Please just  
8 answer the question that's asked. Thank you.

9 MR. SCOTT: Why? Can you repeat the question,  
10 please?

11 Q: Yes. All right. Going back to Petitioner's Exhibit  
12 1C; what, if anything else, was, was happening in the video  
13 besides the twisting of the ring camera?

14 A: What appears to be the landlord's son was putting  
15 rent envelopes under the other two doors.

16 Q: Okay. What, if ever, did you receive one of—one of  
17 those envelopes?

18 A: I used to get them all the time until he attempted to  
19 steal \$5,300 from me, and then I --

20 MR. PEREZ-HALL: -- Objection.

21 THE COURT: Sustained.

22 Q: We'll get there.

23 A: Then I, I set up automatic bank payments for the rent  
24 and that at that point, I myself don't get the rent envelopes.

25 A: Okay. Did anything else—what, if anything else,

1 happened around June 26<sup>th</sup>, 2020?

2 A: Apart from me being scared because of COVID and, and  
3 the ramifications of what just happened, I don't, I'm not --

4 Q: -- Okay.

5 A: -- I'm not quite sure what--did you mean. Do you mean  
6 what happened on May 25<sup>th</sup>?

7 Q: No, Dr. Scott, no.

8 A: Okay.

9 Q: Now, I would like for you to tell me why you  
10 initially had that ring camera installed on your door, please?

11 A: Because on January 31<sup>st</sup>, 2020, so a few weeks before  
12 the--at the--I'm sorry, I'm, I'm very sleep deprived, Your Honor,  
13 in part because of all the work I had to do in the last day and  
14 a half, because they did not give us the stuff by last  
15 Thursday.

16 THE COURT: Please, please--just--please just  
17 answer the question as best you can, Mr. Scott.

18 MR. SCOTT: I'm trying, but I'm --

19 THE COURT: -- I'm sorry.

20 MR. SCOTT: So the, the man who is sitting in  
21 the room with the opposing counsel trapped me in the  
22 elevator, which is 2 feet from my front door and scared  
23 the hell out of me, because it was the same technique he  
24 had used a year before to knock me out and put me into the  
25 hospital (sic). He had trapped me in the foyer. So I was

1       scared. I was so scared that I got a ring cam to show  
2       what was happening in front of my front door.

3               MR. PEREZ-HALL: Objection.

4               THE COURT: Overruled.

5       Q:    Okay. I'm going to share my screen again, if that's  
6       okay. And pull up Petitioner's 2A, which is in evidence.  
7       Okay. Dr. Scott, can you tell me what this photo—can you  
8       describe what, what is in this photo, please?

9       A:    It is again, the landlord, Mr. Hamdi Nezaj and one of  
10      his two sons I believe. It's hard to tell because—and one of  
11      his three sons, but because of the beard and the mask, it's  
12      hard to tell which one. It's not Sphend, also known as Joey,  
13      it's either Fatos, also known as Lucky or a Fat Tone  
14      [phonetic], also known as John.

15      Q:    Okay. What were they doing in front of your door on  
16      that day?

17      A:    They wanted to get in to my apartment with no  
18      appointment. They showed up unannounced and they wanted to get  
19      in to allegedly look at plumbing. And may I mention that this  
20      was --

21              THE COURT: -- Please.

22              MR. SCOTT: -- two months after --

23              THE COURT: -- Please. Go ahead, Mr. Rozen.

24      Q:    So I am playing what's been marked Petitioner's 2B.  
25      Okay. Mr. Scott, when, when was this video taken?

1 A: That was May 25<sup>th</sup>, 2020.

2 Q: Okay. And what, if any reason, did the landlord give  
3 you for appearing at your door?

4 A: He said they wanted to look at the plumbing.

5 Q: Okay. And, and what, if anything else, happened on  
6 that day?

7 A: I had received an e-mail from the DA in the morning,  
8 and then about six hours later he showed up and wanted in.

9 Q: And, and what happened after that? Was he let in?

10 A: No, I was scared for my health reasons for two-for  
11 COVID. We had just been locked down in New York City. We were  
12 the epicenter in the world, and no one was on the streets. And  
13 he showed up and they wanted in. Even though they're wearing a  
14 mask, this was hardly any comfort. Well, we didn't know much  
15 about how COVID was transmitted then. And also, if I were to  
16 let them in, I was scared as could be, that they might pull us-  
17 they could do any number of things, and it would be their two  
18 words against mine. So I could not let them in and, and, and  
19 they never came back again.

20 Q: Okay. And what, if any repair issues, did you have  
21 that day?

22 A: None.

23 Q: Okay. So what, if any other reason, would you have  
24 had to feel threatened by an unannounced visit by the landlord?

25 A: Perhaps because they threatened to kill me twice

1 because I was knocked out by their other son and they want me  
2 out. And if they got in, as I said, they could do any number  
3 of things. I, I'm afraid of saying something too much because  
4 I don't want to offend the Judge. So I don't want to speculate  
5 at what they could do to me, because she might get upset. But  
6 I'll leave it to your imaginations what they could do. And,  
7 and --

8 Q: -- Okay.

9 A: -- by the way, this is why I set this court case up.  
10 When, when this happened--am I allowed to say why I--what this  
11 caused me to do in terms of this trial?

12 Q: To the questions that I'm asking.

13 THE COURT: I'm sorry, go ahead.

14 MR. PEREZ-HALL: Your Honor, I have an objection  
15 just to the compound --

16 THE COURT: -- Sustained.

17 Q: Okay. Dr. Scott --

18 THE COURT: -- Just, just for the record and for  
19 everybody to understand, I have interrupted Dr. Scott on  
20 multiple occasions and told him to stick to the question.  
21 I think I've made it clear what the trial rules are. At  
22 this point, I'm going to stop inserting myself into this.  
23 But I will absolutely sustain an objection to the--from the  
24 Respondents' anytime that Dr. Scott goes beyond the four  
25 corners of the question that has been put to him.



1 MS. ROZEN: Okay. May I continue, Your Honor?

2 THE COURT: You may.

3 Q: Dr. Scott, have you ever been to court with the  
4 landlord prior to this proceeding?

5 A: Housing Court in 2016, on January 8<sup>th</sup>, 2016, on March  
6 3<sup>rd</sup>, 2016, March 11<sup>th</sup> of 2016, and March 31<sup>st</sup> of 2016. We were  
7 then set to go to trial and it ended up getting—I withdrew  
8 without prejudice in July of 2016.

9 Q: What type of case was that?

10 A: They—it included a number of things. They withheld  
11 illegally the key; they did not put on a chain guard. They  
12 harassed me, the death threats. Maybe one or two other  
13 charges, but that's the—that was the crux of it.

14 Q: Okay. And what is the main allegation in the Supreme  
15 Court case that you referenced earlier?

16 A: There are two of them, which I'm, I'm not sure which  
17 one you mean?

18 Q: Sorry, what, what are the two then?

19 A: On September 16<sup>th</sup>, 2016, I was arrested for allegedly  
20 breaking a window in the stairwell. And then in-on-and so I  
21 filed—so the DA dropped it, and then I filed suit for that in  
22 Supreme Court for false arrest and malicious prosecution. And  
23 then the second one stemmed from November 21<sup>st</sup>, 2018 with the  
24 altercation. And I was the only one arrested. The DA dropped  
25 the case after seven months. I filed suit in Supreme Court for

1 false arrest, malicious prosecution, and aggravated assault.

2 Q: Okay. And what, what was the DHCR proceeding about?

3 A: There were two of them. One I was with Ms.

4 Napolitano and the second one I was by myself, and that was 38  
5 charges of harassment.

6 Q: Okay. And what about the, the DH --

7 A: -- Oh, sorry. Do you mean the filings that we did  
8 for DHCR or do you mean the hearing for DHCR?

9 Q: I'm going to get there. Hold on one second. Let me--  
10 I'm going to pull up what's been marked Petitioner's 3D in  
11 evidence. Can you all see that?

12 A: No.

13 Q: Now can you see it? Yes, great. Thank you.

14 A: Yes, okay. So that's the first one.

15 Q: Okay. So can you explain what this document is?

16 A: So Ms. Napolitano and myself form--we signed a  
17 complaint and claimed that the services not being maintained  
18 were what you see, the door lock. The chain guard on my, my  
19 own door--oh, sorry. So there were two DHCR. One was a group  
20 action, and I filed separately, I guess this is the second one--  
21 I guess this is my own private one. So it was for my own chain  
22 guard that by law they were required to install on 3A. The  
23 windows throughout the apartment were very badly fogged. So it  
24 was a, a request to inspect and replace them. And then they  
25 had--they, the landlord had changed the building entrance key

1 and only gave me two for myself, my wife, and our legal  
2 roommate.

3 Q: Okay. And what—and what was the finding of DHCR  
4 after—I'm sorry, withdrawn. What did DHCR determine in the  
5 context of this complaint?

6 A: That they should give me the chain guard, that they  
7 have to replace the windows at their own expense, that they  
8 have to give me a third key, and I got rent reduction as a  
9 result.

10 Q: Okay. And I'm sorry, what was wrong with the  
11 windows?

12 A: They were very badly fogged; you could hardly see out  
13 of them.

14 Q: Okay. And who did DHCR order to pay for that—for the  
15 replacement of the, the fog windows.

16 A: Mr. Hamdi Nezaj as part of his maintenance.

17 Q: Okay. I am going to pull up what's been marked  
18 Petitioner's 3B in evidence. I'm just going to scroll down a  
19 bit. Do you recognize this document?

20 A: Yes. And you're going to Page 149?

21 Q: I'm trying, okay. What, what happened in this  
22 deposition with respect to the, the fogged windows?

23 A: So my attorney spends a couple of pages asking him  
24 about the fogged windows, he tries to deflect to making it an  
25 issue of cracked windows. And my attorney brings him back

1 saying, "Look we're talking about the fogged windows." And on  
2 Page 149 and 150, he tells my attorney under oath, of course,  
3 that he's going to make—he's going to come to me for payment of  
4 those fogged windows even though DHCR had required that he pay  
5 for them.

6 Q: Okay. And who ultimately paid for the fog windows?

7 A: Oh, he did.

8 Q: Okay.

9 A: But if, if you go down to 149, you'll see he says,  
10 after the supreme case—Supreme Court case is over, he's going  
11 to come to me for the money, right in the middle.

12 MR. PEREZ-HALL: Objection.

13 THE COURT: I'll sustained and that part of the  
14 answer --

15 Q: -- And so --

16 THE COURT: -- is stricken.

17 Q: -- so what was the nature of, of the threat that Mr.  
18 Nezaj made with respect to the fog windows?

19 A: He says on line—on Lines 8, 9 and 10. And, uh,  
20 sorry, 8 through—8 through 14, we can't see the, the 15. He  
21 says—oh, sorry, can you show Line 8 again, please? You're—I  
22 can't see Line 8. My attorney says now, "Did Mr. Scott have to  
23 pay for the fogged windows?" Mr. Nezaj answers, "No, not yet  
24 anyway." My attorney says, "Do you intend to bill him for the  
25 repair?" Mr. Nezaj says, "When the cases are over, I'm going to

1 ask him for the amount of money that I paid for the windows."

2 Q: Okay.

3 A: And then he repeats it on the next page.

4 Q: Okay. To your knowledge, are there any other false  
5 statements that he made with respect to your rights as a  
6 tenant?

7 MR. PEREZ-HALL: Objection.

8 THE COURT: Sustain, leading.

9 Q: What, if anything else, do you believe constitutes  
10 harassment that was said during that deposition?

11 A: If harassment is any action that leads to unnecessary  
12 expense on my part, then insofar as he obstructs it and makes  
13 my lawyer stay longer, that seems to be one issue. Insofar as  
14 he makes claims on the deposition that he did not tell me. So  
15 I'm—I have to my—I have to rephrase that sentence.

16 Q: Okay.

17 A: He, he claims on the deposition that he did not tell  
18 me that he said I had to pay 10% more for a roommate.

19 Q: Okay.

20 A: There are some other issues, but unless I read it,  
21 it's hard to remember, I'm too sleep deprived right now.

22 Q: All right. We're going to move on. I'm going to  
23 share my screen again. And I've just opened what's been  
24 entered in evidence as Petitioner's 3E. Do you recognize this  
25 document?

1 A: Yes, on August 20. Yes, because I underlined those  
2 lines. Yes.

3 Q: Okay. What is this document? Withdrawn. Let me  
4 scroll down to, to the end of this.

5 A: Okay.

6 Q: What did DHCR decide in this order?

7 A: They rejected his appeals and gave me rent reduction  
8 and said it's hard for me to read. The underlying sentences  
9 are the one I understand easily, that one.

10 Q: Okay. So just what was this for?

11 A: That was for --

12 Q: -- (Inaudible).

13 A: -- that was for them having to replace the fogged  
14 windows at their own expense. The owner, Mr. Hamdi Nezaj  
15 appealed it and petitioned to have it overturned. And as you  
16 see in that middle last sentence--the last sentence of the  
17 penultimate paragraph, you see the owner's petition is denied.  
18 So the DHCR denied his appeal.

19 Q: Okay.

20 MR. PEREZ-HALL: Objection, Your Honor. Mr.  
21 Scott, was a--is a doctor, is not an attorney, he's making  
22 legal conclusions about what the document says, that's for  
23 Your, Your Honor to decide

24 THE COURT: Sustained. The document is, is in  
25 evidence and the Court will note what it decided.

1 MS. ROZEN: Sorry, I'm just trying to get to the  
2 next shared exhibit, okay. I'm-see how long this is? Oh,  
3 this is really long. I know, Your Honor, said that you  
4 would prefer to listen to these on your own?

5 THE COURT: Mm-hm.

6 MS. ROZEN: Would it still be okay to have him  
7 testify to the sum and substance or would you also need to  
8 hear the entire clip to do that? 'Cause some of them need  
9 a little bit of context --

10 THE COURT: -- Right. What's --

11 MS. ROZEN: -- (inaudible).

12 THE COURT: -- what's the Petitioner's-what's  
13 Petitioner's position on that? If we-if we need to, I  
14 mean, I haven't had any objection to playing the very  
15 short video clips so far. How long is this one?

16 MS. ROZEN: One is 15 minutes?

17 THE COURT: Yeah. I'd prefer not to play it.

18 MS. ROZEN: Okay. (Inaudible).

19 THE COURT: Is there, is there any objection to  
20 Ms. Rozen giving-asking the witness to briefly summarize  
21 the tape or you want her to play it for me? I'm happy to  
22 have her play it if you want to do that.

23 MS. ROZEN: Okay. (Inaudible).

24 THE COURT: Well, not happy, but I will have her  
25 play it if you prefer, let's put it that way.

1 MR. PEREZ-HALL: (Inaudible). May I ask for—I'm  
2 trying to work with everybody here. I'd rather think that  
3 everyone would rather not sit here for—to play a video  
4 that's already in evidence, but to the extent that there's  
5 an offer proof, can we just—and maybe where are we going  
6 with it? Because I may --

7 THE COURT: -- Let's,

8 MR. PEREZ-HALL: -- (inaudible).

9 THE COURT: -- let's ask counsel to summarize it  
10 before we ask the witness to do that, how's that?

11 MR. PEREZ-HALL: That works.

12 MS. ROZEN: I don't actually have a summary in  
13 front of me. This was a—I know that it was a conversation  
14 between the landlord and my client and I believe he was  
15 given misinformation. This was about the, the  
16 misinformation regarding him having to pay a 10% surcharge  
17 for having a roommate. And he also insisted that, that  
18 Petitioner had to have permission from the landlord in  
19 order to have a roommate. So, you know what, maybe this  
20 is straightforward enough on its own.

21 THE COURT: I would—I would think so.

22 MR. PEREZ-HALL: I would think so, yes.

23 MS. ROZEN: I'm thinking out loud, yeah. I  
24 think that that's...

25 THE COURT: And you've specifically told the



1 Court what it is, so I won't miss it.

2 MS. ROZEN: My memory is better than I thought.

3 THE COURT: Okay.

4 MS. ROZEN: Not totally gone. Think we all have  
5 a little bit of (inaudible) brain.

6 MR. PEREZ-HALL: Yes.

7 THE COURT: Okay.

8 MS. ROZEN: Okay. Moving along, can you guys  
9 still see my screen?

10 THE COURT: Not right this minute, no.

11 MS. ROZEN: Okay. How about now?

12 THE COURT: No. Yep, it's up now.

13 MS. ROZEN: Okay. Thank you. I'm sorry about  
14 that.

15 THE COURT: It's okay.

16 Q: Okay. We're looking at what's been marked  
17 Petitioner's 5A. Dr. Scott, can you tell me what this is?

18 A: This is my bank statement along with my wife or  
19 chequing statement. And it shows eight—so seven cheques, but  
20 one of them was for both November and December rent of 2016.  
21 And then it shows the other six cheques that had been for rent  
22 January through July of 2017. And the landlord held them all  
23 and then deposited them all on one day.

24 MR. PEREZ-HALL: Objection, speculation.

25 MS. ROZEN: The date is clearly on the statement

1 and it's in evidence.

2 THE COURT: If the --

3 MR. PEREZ-HALL: -- the question was --

4 THE COURT: -- if the --

5 MR. PEREZ-HALL: -- the question was the --

6 THE COURT: -- the objection is sustained--the  
7 objection is sustained to the extent that the, the  
8 statement shows when the cheques were cleared by the bank,  
9 not when they were deposited by Petitioner. It's a--it's a  
10 very small point, but legit, got it.

11 Q: Okay. Dr. Scott, why do you think all of the cheques  
12 cleared on or around the same day?

13 A: I, I think he was--I think whoever cashed them was  
14 attempting to have my, my wife's chequing account overdrawn  
15 because now we were away subletting and he could then take  
16 whatever cheques had bounce, go down to housing court and say,  
17 Scott doesn't pay his rent. There are three or four bounce  
18 cheques you see. Can I evict him?

19 MR. PEREZ-HALL: Objection.

20 Q: Who (inaudible) --

21 THE COURT: -- (Inaudible) sustained.

22 Q: -- when, if ever have, have rent cheques been double  
23 deposited by the landlord?

24 A: Okay. So two months later he tries to redeposit  
25 three of them in the amount of \$5,326.

1 Q: Okay. And what happened with that? Was he able to  
2 collect the money?

3 A: No. Chase Bank fraud blocked it and they contacted  
4 me and they said I had to go to the police department in order  
5 to file the report. So I went—I was closest to the San  
6 Francisco Police Department and I filed it.

7 Q: Okay. And I've just pulled up what's been entered  
8 into evidence as Petitioner's 5B. What is this document?

9 A: The, the incident report where they looked at the  
10 evidence and they filed a charge of attempted grand larceny,  
11 and then they forwarded it to the New York Police Department as  
12 a courtesy.

13 Q: Oh boy, I don't know how to turn this document, let's  
14 see?

15 THE COURT: How about if I turn my head?

16 MS. ROZEN: I don't want you to hurt your neck.

17 THE COURT: I, I can read it if Dr. Scott can,  
18 (inaudible). There must be a way to flip it, but.

19 MS. ROZEN: There we.

20 THE COURT: There you go.

21 Q: Okay. And Dr. Scott, what is this document?

22 A: So I'm sending him a letter on January 9<sup>th</sup>, 2017,  
23 where I give him the rent and I had deducted the small claims  
24 judgment against him that I won.

25 Q: What was the small claims judgment for?

1           A:    You asked me earlier when I was in court hearings.  
2    It was for one—it was for the Court hearing on March 3<sup>rd</sup> 2016,  
3    where both the lawyer and Mr. Shpend Nezaj did not show up, and  
4    I wasted half a day showing up, so.

5           Q:    Dr. Scott, what was that proceeding for?

6           A:    Because they had not installed the chain guard in  
7    accordance with the Court settlement of January 8<sup>th</sup> 2016, HPD  
8    contacted me, I said, no, the work was not done. Mr. Joey  
9    Nezaj falsely signed an affidavit that I did not let them in.  
10   And so I had—because of that affidavit they—Mr. Nezaj and his  
11   attorney forced me to court on March 3<sup>rd</sup> of 2016. So I  
12   appeared and they never showed up.

13          Q:    Okay. And you got a judgment? Is that what I'm  
14   understanding here, you got a judgment against the landlord?

15          A:    Yes.

16                   MS. ROZEN: Okay. Hope I'm not making you guys  
17   dizzy. All right. I'm going to actually play this video.  
18   It's only three minutes if that's okay with the Court?

19                   THE COURT: (Inaudible).

20                   MS. ROZEN: Okay.

21                   (VIDEO PLAYING)

22          Q:    Okay. Dr. Scott, what is the significance of that  
23   video?

24          A:    It was hard to hear because of the—of the voice  
25   quality and it was hard, especially to hear him praising me at

1 one point. So there, there are a couple of aspects for why  
2 it's significant. One is he praised me for being a good  
3 tenant. They like me, I pay my rent on time and I never cause  
4 any issues. If you listen to it again carefully with, with  
5 better voice quality, you will hear him praising me for that,  
6 that's the first. The second point is he requires permission  
7 for a land—for a roommate, which to my knowledge, maybe I will—  
8 this will be objected to, but to my knowledge, that's not the  
9 case for New York City. I don't need permission for a  
10 roommate. And thirdly, he would not give me obviously the  
11 third key for the roommate who was living there legally at that  
12 point.

13 Q: Okay.

14 MR. PEREZ-HALL: Objection to the specifically,  
15 just to the characterization of legal or illegal.

16 THE COURT: And for the word legal only, yes,  
17 sustained.

18 Q: All right. I'm pulling up what's been marked  
19 Petitioner 6C in evidence. Dr. Scott, what is this document?

20 A: This was the application—part of the application for  
21 the roommate advertisement in March about five months earlier,  
22 oh, sorry. Yeah, March a few months earlier from the key  
23 exchange we just saw. It was the, the—one of the wonderful  
24 applicants that we accepted as our roommate, she was a black  
25 engineer from France for an internship.

1 Q: Okay. And when did you notify the landlord that she  
2 was going to be a roommate?

3 A: I wrote it on the rent envelope in late March and  
4 sent it to him and he cashed the cheque.

5 Q: Okay. I am opening up what's been marked  
6 Petitioner's 6A in evidence. Can you all see that?

7 THE COURT: Yep.

8 Q: Okay. Dr. Scott, what is--what is this document?

9 A: It's a letter to the attorney I had to retain in  
10 order to fight for the right to have a black roommate, the  
11 first black roommate.

12 Q: Okay. What do you mean by--what do--what does race  
13 have to do with this?

14 A: When I interviewed to get the apartment 10 years  
15 earlier, Mr. Nezaj told me that he did not want any--and I hate  
16 to be vulgar, he didn't want any drug dealers and then he used  
17 the n word in the plural, but I thought he meant just no black  
18 drug dealer. So I said fine and so I signed the lease with  
19 him.

20 MR. PEREZ-HALL: Objection, Your Honor.

21 THE COURT: Overruled.

22 A: And then I had seven roommates over 11 years, white,  
23 Asian, and Hispanic. No problem. Never a problem. Then I  
24 brought in my first black roommate, the woman you just saw,  
25 Sophie Adeen [phonetic]. And he called me and he said, you

1 have to live in the apartment by yourself. You're the only one  
2 on the lease. You have to get rid of her. And I said, but  
3 I've had seven roommates before, what's the problem now? And  
4 then he reminded me, he said, "Don't you, you remember our  
5 conversation when—right before we signed the lease, when you  
6 were subletting for four months and, and I told you, no  
7 colored." At least he used a, a little more polite word. He  
8 said, "No colored in the building." And I said, I thought you  
9 just meant no colored drug dealers and I don't even want white  
10 drug dealers in the building. So I said, I'm not getting rid  
11 of her and I'm going to get a lawyer and I got the lawyer.

12 Q: Okay. So when, if ever, did you get a key for that  
13 roommate?

14 A: For the first one? Oh, you mean for the one from  
15 March 2015, the French?

16 Q: Yes, the French.

17 A: Oh, so the French—the black French women who came in  
18 for the five-month internship, we had three keys so it was not  
19 a problem. We always had three keys.

20 Q: Okay. So when did you get that third key?

21 A: When had we--had we—I always had three keys from the  
22 beginning for, for 11 years—and for 17 years, I had three keys.

23 Q: Okay. When, if ever, was the lock to the front door  
24 changed?

25 A: After the black roommate came in on July 26<sup>th</sup> 2015.

1 Q: Okay. I'm pulling up what's been marked Petitioner's  
2 6D in evidence, can you all see that?

3 A: Yes.

4 Q: Okay. What is this document?

5 A: It's what the landlord posted three days before the  
6 key exchange happened.

7 Q: Okay. So the key to the front door was changed  
8 sometime in July of 2015?

9 A: Yeah, approximately July 26.

10 Q: Okay. And when did you end up getting keys to the  
11 new lock?

12 A: You saw the video a few minutes ago where Joey Neza  
13 gave me two only, and then it took almost two years of court  
14 battles and DHCR hearings and appeals before finally in April  
15 of 2017, we were given the—our third key.

16 Q: Okay. I am pulling up what's been marked Petitioner  
17 6F in evidence. What is this document?

18 A: It's the certified letter to Mr. Hamdi Neza  
19 after we were deprived of the third key. And I give the name  
20 of the new roommate because the black roommate had just moved  
21 back to France after her internship. And so within—you see, I  
22 give the notice of, of the new roommate asking for the third  
23 key. And I also—and I also tell him in case he didn't know  
24 that his son had been threatening me.

25 Q: Okay. What do you mean that his son was threatening



1 you?

2 A: Mr. Joey Nezaj, the, the person who we can't see in,  
3 in the office now. In-oh, now we can see. In --

4 MR. PEREZ-HALL: -- This is Mr. Nezaj, the  
5 second one. Go ahead.

6 MR. SCOTT: -- on March--on March 2<sup>nd</sup> 2015, he  
7 said if I started attendance association, quote, and I'll  
8 never forget these words, "Lucky and two others will come  
9 over and you will be gone and we can get into your  
10 apartment at any time," unquote.

11 MS. ROZEN: Can we actually take just like a  
12 three-minute restroom break?

13 MR. PEREZ-HALL: Sure.

14 THE COURT: I think it's going to take more than  
15 30, 30 seconds though.

16 MS. ROZEN: (Inaudible), you said.

17 THE COURT: How long did you want? I'm sorry.

18 MS. ROZEN: Three minutes.

19 THE COURT: Three minutes?

20 MS. ROZEN: Yeah, it's just a call.

21 THE COURT: Yep, no problem.

22 MS. ROZEN: Okay. Sorry, thank you.

23 [OFF THE RECORD, 11:34 AM]

24 [ON THE RECORD, 11:52 AM]

25 THE COURT: Okay. Ready to begin?

1 MS. ROZEN: Yes, if everyone else is.

2 THE COURT: Great, okay.

3 Q: Okay. I'm going to go back to Petitioner 6F. Dr.  
4 Scott, when, if ever, did you receive a response from the  
5 landlord to this letter?

6 A: We never sent a response.

7 Q: Okay. And how long after you sent this letter did  
8 you receive the third key for your roommate?

9 A: Almost two years.

10 Q: Okay.

11 A: And I am opening what's been marked Petitioner 6G in  
12 evidence. Dr. Scott, what is this document?

13 A: Sorry, I can only see a little parts of it --

14 Q: -- (Inaudible).

15 A: -- so, so it look--it looks like a letter from Kosova  
16 Properties and they're writing to say that both cases have been  
17 dropped by Mr. Scott and I, I assume that means when I withdrew  
18 with--I assume that means I withdrew without, without prejudice.  
19 And then they're asking for DHR.

20 Q: Okay. Let's, let's take a look at the statements  
21 that you underlined. What is the significance of, of those  
22 statements made by the landlord?

23 A: Oh, so the, the landlord's basically accusing me of  
24 having broken the windows from the inside and likely on  
25 purpose.

1 Q: Okay. When, if ever, have any of your windows been  
2 broken?

3 A: They were never broken, although over 40 years, some  
4 of them had cracked I guess from the cold and heat.

5 Q: Okay. When, if ever, was there a finding that you  
6 broke the window?

7 A: Never.

8 Q: Okay. And when, if ever, have you denied access to  
9 the landlord for repairs?

10 A: For repairs, absolutely never.

11 Q: All right. Dr. Scott, when, if ever, have you had  
12 issues with the buzzer at the building?

13 A: The, the, the—you mean the whole, the main entrance  
14 buzzer or the buzzer to 3A, or?

15 Q: I guess, the buzzer—withdrawn. When, if ever, have  
16 you had an issue with the buzzer in your apartment?

17 A: Never.

18 Q: Okay. When, if ever, was there an issue with the  
19 buzzer generally?

20 A: In late January of 2015, they went out for about 10  
21 days.

22 Q: Okay. What, what effect did that have on you?

23 A: I was working for IBM at the time, usually out of my  
24 home office, so it would cause great inconvenience.

25 Q: When, if ever, did you tell the landlord that the,

1 the buzzers were out for 10 days?

2 A: Well, I told him immediately at the beginning and  
3 then I'm waiting for your follow-up questions. I, I don't want  
4 to upset the Judge because I don't want to make it an open-  
5 ended question. So can, can I, I don't know whether I can  
6 speak more or not. Jen, I'm relying on you to.

7 MR. PEREZ-HALL: Oh, this is a noise coming a?

8 MS. ROZEN: Sorry, this is Petitioner's 6H. I'm  
9 just going to play a second of it because as you can hear,  
10 it's really annoying.

11 A: And from my buzzer and to (inaudible).

12 Q: Okay. What, what is this audio clip all about?

13 A: So if you listen again carefully, you can only  
14 understand this if you listen to the recording that we just  
15 played a few minutes ago during the key exchange. At the very  
16 beginning of that recording, it goes by so fast that unless  
17 it's pointed out to you, you probably won't kind of realize it.  
18 But Mr. Joey, Mr. Joey Nezaj, right before he gave the two  
19 keys, he pointed out that there was an issue with the buzzer,  
20 but there wasn't. Now, two days later, he--there--the buzzer  
21 gets stuck by somebody, and this is the--I think this is the  
22 tape, the recording you're starting to play on the--can you show  
23 me the date again, is that 7/29 of 2015?

24 MR. PEREZ-HALL: Oh, this is an...

25 Q: Yes.

1           A:    Yes.  So I'm working in my office and all of a  
2 sudden, my buzzer is stuck and I go running out and the video  
3 tape shows me running downstairs because I thought it was the,  
4 the buzzer at the lobby and it wasn't.  And then I turn off the  
5 recording and as I walk back upstairs, Mr. Joey Nezaĵ is  
6 waiting for me at my front door and he says, "Oh, I was on the  
7 floor above and I heard your buzzer getting stuck and so I came  
8 down," and I just looked at him and walked into my apartment.

9           Q:    Okay.  I am pulling up what's been marked Petitioner  
10 7A in evidence.  Dr. Scott, what is this?

11          A:    It's a letter to the longtime neighbor, Dr. James  
12 Noys [phonetic], where I tell him my buzzer is out.  And I, I  
13 give the reason what, what—I give the reason that the landlords  
14 are giving to us --

15                   MR. PEREZ-HALL:  -- Go up there.

16                   MR. SCOTT:  And then Dr. Noys replies saying  
17 that his own buzzer has not been working for about 10  
18 days.  And then he gives --

19                   MR. PEREZ-HALL:  -- (Inaudible) one of his  
20 witnesses, his neighbors.  It's hearsay.  Objection, Your  
21 Honor, its hearsay.

22                   MS. ROZEN:  It's, it's an e-mail that my, my  
23 client object is already in evidence and that my client  
24 can authenticate because it's between him and his  
25 neighbor.

1 THE COURT: I'm a little confused. This is 7A,  
2 correct?

3 MS. ROZEN: Yes.

4 THE COURT: And 7A is in evidence, correct?

5 MS. ROZEN: It is.

6 MR. PEREZ-HALL: It is, I'll withdrawn then.

7 THE COURT: Okay. Thank you. Go ahead.

8 MR. SCOTT: So shocking. So James had asked  
9 Hamdi to put up a sign because James also works out of his  
10 home as a music professor and Hamdi says, "Oh, we did put  
11 up a sign, and a neighbor who shall remain nameless took  
12 it down because she thought it was unsightly." And James  
13 says, "Ridiculous."

14 MR. PEREZ-HALL: Again, objection to hearsay  
15 about statements; if we can leave it the e-mail for what  
16 it is

17 THE COURT: I'll sustained as to the  
18 characterization.

19 Q: Okay. Going back to the key issue you said you, you  
20 went without a third key for two years. How often during that  
21 time did you have a, a third occupant in your apartment?

22 A: Except for about October, November, and December;  
23 except for three and a quarter months, the whole time.

24 Q: Okay. And what, if any impact, did that have on you,  
25 your roommate and your wife during that time period?

1           A:    Well, we always had to give the roommate one of the  
2 keys and my wife and I would share a key because of course we  
3 could coordinate our schedule. But it would often mean that if  
4 some—the subway got delayed or whatever one person would be  
5 stuck on the stoop or even if I was home and she rang, maybe I  
6 was in the bathroom and she'd have to wait a minute or two  
7 until I came out. So there was often scheduling difficulties  
8 and it just caused great inconvenience over the time period.

9           Q:    I'm going to share my screen again. Now, I'm opening  
10 what's been marked Petitioner's 7P, which is in evidence. Dr.  
11 Scott, can you—can you see this document?

12          A:    Yes, I can see the letter has three purposes. Okay.

13          Q:    Can you just give me the, the sum and substance of  
14 why you were writing to the landlord?

15          A:    Because on the telephone call of September 14<sup>th</sup> that  
16 we did not play reserving it for Judge Schneider, is that how I  
17 pronounce your name correctly? The German—following the German  
18 rules --

19                   THE COURT:  -- Yes.

20                  MR. SCOTT:  Judge Schneider, thank you. So the,  
21 the recording of September 14<sup>th</sup> that Judge Schneider will  
22 listen to, she will hear him say—him and Mr. Nezaj, you  
23 have to send the request for painting in writing, for  
24 painting my apartment, which had not been done in 17  
25 years. So I sent the request in writing and then that was

1 the September early-mid-September, and he never replied.  
2 So I have to follow up with him because I then have to  
3 file suit in housing court to get a painting date because  
4 he won't do anything. So that's, that's the part Number  
5 1. Number 2, okay, that's two. So it's essentially that-  
6 and then the rest should be self-explanatory.

7 Q: Okay. When, if ever, did you receive a response to,  
8 to this January 5<sup>th</sup> letter-January 5<sup>th</sup> 2016?

9 A: I never did in part-I guess you could consider going  
10 to court for a response because I took him to court.

11 Q: Okay. What proceeding was that?

12 A: So that was the hearing on January 8<sup>th</sup> 2016.

13 Q: Where was that filed?

14 A: Manhattan Housing Court.

15 MS. ROZEN: Okay. Let's see. Assuming this  
16 isn't too long, I wanted to play Petitioner 7I, and this  
17 is three minutes and 24 seconds.

18 THE COURT: Oh, 7I is a-is a challenged  
19 document?

20 MS. ROZEN: Oh, is that on the list?

21 THE COURT: No, that's not on it.

22 MR. PEREZ-HALL: Oh, that's not I.

23 THE COURT: No, (inaudible) I'm sorry. It's-  
24 you're right. Go ahead.

25 (AUDIO PLAYING)



1 Q: Dr. Scott, who recorded this audio clip?

2 A: I had my recorder in my pocket, so I did.

3 Q: Okay. And whose voices can you hear on that?

4 A: That was Mr. Joey Nezaj.

5 THE COURT: And can, can the Court please opine  
6 or at least contribute for the record that the Court can  
7 hear nothing but --

8 MR. SCOTT: -- Yeah.

9 THE COURT: -- indistinguishable noise on that  
10 tape. So I don't really want Mr. Scott to tell me what's  
11 on the tape because I observed the tape and the Court's  
12 observation is that there is nothing intelligible on that  
13 tape.

14 MS. ROZEN: I wonder if that's a-- I wonder if it  
15 would be different if you listened to it on your own,  
16 because I can hear it very clearly on mine. Some of them  
17 are, are muffled, but this one in particular is pretty  
18 clear.

19 THE COURT: Well, I'm happy to listen to it  
20 separately. I'm just telling you that based on what I  
21 just heard, I'm not going to allow him to tell me what's  
22 on the tape.

23 Q: Got you. Okay. So Dr. Scott, when, if ever, has,  
24 has the landlord or their agents threatened to raise the rent?

25 A: During the tape? So --

1 Q: -- When, when was that?

2 A: That was September 9<sup>th</sup> of 2015.

3 Q: Okay. Why don't you tell me what happened on that  
4 day?

5 A: I put my recorder in my pocket as I often would do,  
6 turned it on and dumped the trash out. As I was walking into  
7 the building, there was that very quick exchange and Mr. Nezaj  
8 said they wanted to jack up the rents. So it wasn't a threat,  
9 I guess, but it was a statement they wanted to jack up the  
10 rents.

11 Q: Why was he claiming he wanted to jack up the rent?

12 A: It's a rent stabilized building.

13 MR. PEREZ-HALL: Objection.

14 THE COURT: Sustained. And the entire answer is  
15 stricken.

16 MR. COHEN: (Inaudible).

17 MS. ROZEN: I don't even know if I should bother  
18 playing anymore audio if you're not going to be able to  
19 hear it.

20 THE COURT: If the—if the other audio is going  
21 to sound the same as that one it is not a useful exercise.

22 MS. ROZEN: All right. Why don't I play just a  
23 second of this and see.

24 (AUDIO PLAYING)

25 MS. ROZEN: Is, is any of that intelligible to

1 you?

2 THE COURT: It was more intelligible than what  
3 you played on the shared screen previously?

4 THE COURT: Hold on.

5 (AUDIO PLAYING)

6 Q: Okay. Dr. Scott, what occurred on that day  
7 (inaudible) that recorder?

8 A: Okay. I didn't hear you.

9 Q: Then, the --

10 A: -- I, I can hardly hear you.

11 Q: What, what occurred on that day that we just heard?

12 THE COURT: Can you--the--your, your sound is now  
13 muffled. Your voice is very, very faint?

14 MR. PEREZ-HALL: Can I just jump in and ask what  
15 exhibit we were listening to?

16 MS. ROZEN: Petitioner's 7K2.

17 MR. PEREZ-HALL: 7K2. Thank you.

18 MS. ROZEN: Is my audio any, any better?

19 THE COURT: Yes.

20 MR. PEREZ-HALL: Now it's better.

21 Q: Okay. Thank you. So Dr. Scott, in the recording  
22 that, that we just heard what was happening?

23 A: I was waiting on the sidewalk for the police that I  
24 had just called because Joey Nezaj blocked me on the stairs.  
25 So while waiting for the police to come over, he followed me

1 out about 30 seconds later and I was speaking with his super.  
2 And then you hear that interaction, the police arrive, which  
3 you do not hear and I follow—they took a police report that's  
4 in part of our subpoenaed NYPD documents.

5 Q: Okay. And when you say he blocked you on the stairs,  
6 what are you referring to?

7 A: He would not let me walk up the stairs. He blocked  
8 me and wouldn't let me walk on the stairs.

9 Q: Okay. And when, if, if ever, had that happened  
10 before?

11 A: Never. That was August 27<sup>th</sup> 2015.

12 Q: Okay. And how did that make you feel when you were  
13 blocked on the stairs?

14 A: Upset, of course.

15 Q: What, if any tenants association, exists for your  
16 building?

17 A: It's called now 83 Electronic Park Terrace West  
18 Association. So the abbreviation is 83EPTA. It had a slightly  
19 different name at the beginning, but I formed it with Caitlin  
20 Napolitano [phonetic] right before you heard this video of me  
21 waiting on the sidewalk for the police.

22 Q: Okay. And you said you formed it with another  
23 neighbor?

24 A: Caitlin Napolitano.

25 Q: Okay. And what was her role in the formation of the

1 Tenants association?

2 A: She assisted me.

3 Q: Okay. And why, why did you form a Tenants  
4 association?

5 A: Because she had been harassed and deprived of her  
6 second key for her firefighter live-in partner on the same  
7 exact day that I was deprived of my third key.

8 MR. PEREZ-HALL: Objection.

9 THE COURT: Overruled.

10 Q: Okay. Were there any other reasons that you started  
11 the Tenants association?

12 A: Yes. To protect our rights as tenants, to get  
13 services that were improper finally repaired, mailboxes, old  
14 mailboxes, some of which did not even lock. Lighting in the  
15 stairway that was completely pitch black at night. We already  
16 talked about getting the building entrance keys for different  
17 people who had been deprived of them. So those were the three  
18 basic reasons that the Tenants association got started.

19 Q: Okay. And how did the landlord react to the  
20 formation of the tenants association, if at all?

21 A: Retaliation.

22 Q: Can you explain that?

23 A: He tried to have Ms. Napolitano arrested for  
24 allegedly putting Vaseline on buzzers just a couple days before  
25 Joey blocked me on the stairs. He then had me successfully

1 arrested for allegedly damaging the building two weeks later.  
2 That is the case in Supreme Court now with the super in  
3 official default. They just retaliated in a number of ways,  
4 making us go to court and not giving us keys still and just  
5 continually postponing and coming up with excuses and making us  
6 suffer for months.

7 Q: Okay. You mentioned that you were falsely arrested.  
8 Do you recall what date that was on?

9 A: Oh, I'll never forget it. September 16<sup>th</sup>, 2015.

10 Q: Okay. And why did that happen?

11 MR. PEREZ-HALL: Just objection to the  
12 characterization, he was arrested, I believe.

13 MS. ROZEN: He testified he was falsely  
14 arrested.

15 MR. PEREZ-HALL: And I'm objecting to the  
16 characterization of that (inaudible).

17 THE COURT: It's his claim.

18 MR. PEREZ-HALL: Understood. Withdrawn,  
19 withdrawn.

20 MR. SCOTT: So I-to understand-no, I want to  
21 stay within the four parameters or corners. Can you just  
22 repeat that so I can reply precisely?

23 Q: Yes. What happened on that day that you were  
24 arrested, what led to your arrest?

25 A: The landlord's superintendent, Laser Plumai

1 [phonetic] and Joey Nezaj claimed to the police that I had put  
2 a hole in a window and they pulled me out of my apartment and  
3 threw me in jail.

4 Q: Who pulled you out of your apartment?

5 A: Two policemen.

6 Q: Okay. And who was it that claimed they saw you broke  
7 the window?

8 A: It was Laser primarily, and Joey backing him up.

9 Q: Okay. And when, if ever, did you break that window?

10 A: I never broke that window.

11 Q: When, if ever, did you see that window broken?

12 A: I had seen it broken.

13 MR. PEREZ-HALL: Objection, Your Honor. This is  
14 the point where I would argue that we're getting into the  
15 merits of the other case. You heard that—you've heard  
16 what happened. You've heard the denial and you've heard a  
17 little bit about the scope of it. We're getting to a  
18 point now, where those details I don't necessarily believe  
19 would fall into a claim of harassment. He's asserted why  
20 he believes that he was harassed.

21 THE COURT: Okay. Let me --

22 MR. PEREZ-HALL: -- But I believe it's false.

23 THE COURT: let me rule on that on the record.  
24 If in fact, the Court were to find that the Respondents  
25 caused Petitioner to be arrested falsely, that would

1 certainly be an element of harassment. Therefore, the  
2 objection is overruled. Let me just say one thing while I  
3 have an opportunity to counsel for the Respondents. While  
4 you are muted and Ms. Rozen is examining the witness or  
5 the witness is testifying, I believe perhaps that counsel  
6 is engaging in conversation, which I can't hear, which is  
7 fine. But you may be showing the Court, facial  
8 expressions and gestures that perhaps you wouldn't make in  
9 the Courtroom and that perhaps, you wish I hadn't seen.

10 MR. SCOTT: Okay.

11 THE COURT: So I just thought I would call your  
12 attention to that in case you wanted not to do that. I'm  
13 not offended by it. I just think that I will say I  
14 observed a certain likeness or perhaps expressing of an  
15 attitude, which may or may not have been expressing an  
16 attitude about what was going on, on the screen. There  
17 may have been something else going on there, but if you  
18 were in the courtroom, you wouldn't be doing that and you  
19 might want to notice it, all right? Okay. Let's  
20 continue.

21 MR. SCOTT: I apologize. It was not  
22 intentional.

23 THE COURT: No apologies are necessary. I just  
24 thought I should call your attention to it because we  
25 don't always think about that, all right?



1 MR. SCOTT: Yes, Your Honor.

2 THE COURT: Great.

3 MS. ROZEN: All right. Where was I?

4 Q: okay. When, if ever, did you see that window broken?

5 A: I went down at lunch because I was working in my  
6 office as a result of Dr. Noyes [phonetic] sending me an e-mail  
7 saying, Greg, there's the window broken, maybe you want to look  
8 at it.

9 Q: Okay. And why did he notify you of the broken  
10 window?

11 A: Because he had been assisting the editing of the,  
12 tenants association's newsletters. And when he went to move  
13 his car, he saw it. He knew that the Tenants association  
14 wanted the building to be, you know, kept up and there might be  
15 some issue with glass. And so he, instead of, I guess, out of  
16 laziness, maybe because he was going to move his car, instead  
17 of going all the way down to the super's apartment, writing out  
18 a note on the super's pad, he just—when he got back to the  
19 apartment, he spent 30 seconds to write me the e-mail and said,  
20 the window's broken, maybe you want to go look at it. So half-  
21 an-hour later at lunch, I went and looked at it.

22 Q: Okay. And about what time was that, that you went to  
23 look at it?

24 A: His e-mail was, I think, 11:24 in the morning and I  
25 ate lunch around 12–12:30. So that's when I saw it.

1 Q: Okay. And what time did, did the super claim that he  
2 had seen you break the window?

3 A: About 5 p.m.

4 Q: On that same day?

5 A: Yes.

6 Q: what, if anything, did you tell the landlord or the  
7 super about that broken window?

8 A: when I looked at it, it seemed like a clean break  
9 with no glass on the inside of the stairway, so I thought,  
10 well, they're, they're going to take care of it. It's right  
11 above the mailboxes. Because they'll see it immediately,  
12 because Mr. Joey Nezaaj was living at that point, right next to  
13 the mailboxes. So I thought, okay, they'll take care of it.

14 Q: Okay. But what, if anything, did you tell them about  
15 your involvement with breaking the window?

16 A: Them being who?

17 Q: The landlord. Either the landlord or the super?

18 A: Oh, I saw him at the mailbox, around 5 o'clock. And  
19 we were talking about it and we discuss it and then we both  
20 agreed that it's not right and I went back up to my apartment.  
21 Although I--this leads into another issue. So sorry, I'll stop  
22 myself.

23 Q: What, if any charges, were issued against you for  
24 that?

25 A: I was charged with criminal mischief and I think one

1 other related thing. And thrown in jail for three hours.

2 Q: Okay. And what, if any conviction, have you had as a  
3 result of this broken window?

4 A: The DA dropped the charge about three months later on  
5 February 2<sup>nd</sup> 2016.

6 Q: Okay. And when did you file the Supreme Court case  
7 for a false arrest?

8 A: Shortly thereafter, about April of 2016.

9 Q: And what is the status now of that Supreme Court  
10 case?

11 A: Laser Plumai is in official default. And we're  
12 waiting to go to trial to see what they have to say about their  
13 responsibility and, and damages and so forth.

14 Q: Okay. What, if any effects, has the false arrest had  
15 on you?

16 A: It helped destroy my marriage because my wife was so  
17 scared that they would do something like this. This was only a  
18 few months after the death threat that she—I mean she was  
19 petrified. It was hard to live in the building. You know,  
20 every time you go out, you have to wonder am I going to be  
21 stuck in the back with a knife or whatever.

22 Q: When you say death threats, can you tell me a little  
23 bit more about that, when did you receive the death threat?

24 A: If you recall the e-mail that we were talking about  
25 the buzzers being out for 10 days, I went to Joey Nezaj. And

1 he and I were on good terms then and had been for 17 years and  
2 I offered to pull out my voltmeter, because recall that I have  
3 a background in electrical work. And I said, hey, I'll help  
4 you find the problem. Because he said it was a-one of the  
5 buzzers he alleged was stuck open to the main buzzer panel.  
6 And I said, Joey, here, I'll just go grab my voltmeter, let's  
7 pull off the panel and we'll touch the wire and we'll be able to  
8 figure out which apartment has the open buzzer. And so we can  
9 turn the buzzers back on for everyone. And he said, no, that's  
10 not how you do it and I looked at him. And then as a result,  
11 I-they wanted to get into everybody's apartment and so they  
12 came in and they pushed a buzzer, one buzzer on my panel and I  
13 was shocked because, which I can explain if you want me to.  
14 But as a result --

15 Q: -- What did not make any sense?

16 A: So the buzzer that his father came and wanted into  
17 all the apartments just to push one buzzer. Joey Nezaj was  
18 living in the building, as was the super. Nevertheless, the  
19 father traveled and wanted to get into my apartment and James  
20 Noye's apartments and wanted to push one buzzer to see if it  
21 was out. And it made no sense because if the buzzer was stuck,  
22 the door would be perpetually open for 10 days and the door was  
23 not perpetually open for 10 days. So it occurred to me this is  
24 a ruse just to get into people's apartments. That's what I  
25 thought. That was my opinion based on my building experience.

1 So when I ran into Joey sometime later, I said, if you guys  
2 pull that stunt again, I will start a tenant association. And  
3 that's when he gave me the death threat, "If you do that, Lucky  
4 and two others will come over and you will be gone and we can  
5 get into your apartment at any time."

6 Q: And where were you when he said that?

7 A: On the stair—in the stairwell.

8 Q: Okay. Who, if anyone else, was around to witness  
9 that?

10 A: No one.

11 Q: How did you respond?

12 A: I called the police.

13 MS. ROZEN: Just going to share my screen again.

14 Q: I'm showing you what's been marked Petitioners 8B in  
15 evidence. Sorry, it's again, sort of flipped. But what are  
16 these photos showing?

17 A: They're showing the bottom one—the top one shows the  
18 old mailboxes. The bottom one shows the new mailboxes that the  
19 new tenants association via the DHCR action forced them to  
20 install. And when they installed the new ones, they never  
21 notified the tenant. So we, the tenants association, put out a  
22 newsletter telling all the tenants, your mail is not coming in  
23 because new mailboxes are being put up and it's up to the  
24 landlord in terms of how long it takes. But the landlord is  
25 not posting. So we had to go to the post office to get our

1 mail for about five days. So I went to the--about the fifth  
2 day, I went to get mine and they said, oh, no, we don't have  
3 it, we finally are starting to deliver it at the building  
4 again. So I went back home, I came walking in and there was  
5 Joey next to the--Joey Nezaaj next to the postman on the floor  
6 who had massive amounts of mail that he was organizing. And in  
7 the photograph that you saw, you see all of the mailboxes being  
8 open with Joey there. And because my mail had been sometimes  
9 never getting to me for three months. This is November 2015,  
10 so three months after the tenants association was started,  
11 because my mail, which had always been perfect in 17 years, all  
12 of a sudden occasionally disappeared, and my wife too. And I  
13 had to open up postal investigations. I took a photograph as I  
14 came in of Joey standing there for one reason being that. And  
15 that's what you see in the bottom photograph. And then we have  
16 a --

17 THE COURT: -- Hold on a second. I've just  
18 pulled up Petitioner's exhibit 8E in evidence. Can you  
19 tell me what this document is? You can see it.

20 MR. SCOTT: There were many postal  
21 investigations I started, but it's incredibly difficult.  
22 The federal investigators told me to catch a landlord who  
23 lives six feet away from a mailbox and having the key to  
24 the mailbox. It's incredibly difficult for them to catch  
25 theft by landlord. They said, we will call him and warn

1 him that it's a federal crime. And there were some other  
2 issues that I reported to the 30-to the Inwood Post Office  
3 and nothing ever happened, so I had to write to you see  
4 the signature at the bottom. He is the head of New York  
5 City Postal. And I gave him the evidence for a variety of  
6 things that had happened. Not just receiving-not just  
7 mail seemingly going astray, but when I would send  
8 certified documents to the DHCR via registered mail and  
9 they would sit and they were time sensitive for hearings.  
10 And they would sit in a safe in the Inwood Post Office for  
11 a week when it was supposed to have been delivered the  
12 following morning. So I sent all the evidence to this  
13 head of the postal service and he basically sent a letter  
14 back to Sandoval [phonetic], Mr. Sandoval, the head of the  
15 Inwood, saying, investigate yourself.

16 Q: Okay. And when did the problems with the mail start?

17 A: Only after we started the Tenants association.

18 Q: Okay. And how long did the issues last with you not  
19 getting your mail?

20 A: Oh, gosh, into 2016, but I don't remember the exact  
21 date. I have different recordings where the panels were left  
22 open, the post office people were shocked, my, and my mail, but  
23 I ended up buying my own lock. That's what the post office  
24 people recommended. They say, just go buy your own lock, take  
25 off the landlord's. Keep it, if and when you move out, then

1 you just switch them back, give the landlord his, his lock back  
2 on the mailbox. So that's what I did.

3 Q: Okay. When did you do that?

4 A: Sometime in 2016. I'd have to go look in my records.

5 Q: Who paid for the new lock?

6 A: Of course, me. It was my lock so. I didn't want him  
7 having the key. So he never got the key for my mailbox.

8 Q: So what, if any issues, have you had receiving mail  
9 since you've changed the lock?

10 A: There were only a couple of times when the panel  
11 itself, the whole panel—as you saw in the picture, when I took  
12 a picture of Mr. Joey Nezaaj standing next to the mailbox, as  
13 you'll see, there's like three panels, each with about six  
14 mailboxes. And so I came home once and the whole panel was  
15 open. And I spoke to the post office people the next day and  
16 she said, I locked it up. It's like it was very baffling,  
17 incredibly baffling, because the land --

18 MR. PEREZ-HALL: -- Objection.

19 MR. SCOTT: Sorry. The landlord does not have  
20 the keys for those big panels. The landlord only has the  
21 individual mailbox key. So that was the only problem I  
22 had. Otherwise, there, there was no problem subsequently.

23 MR. PEREZ-HALL: Everything is fine, Your Honor,  
24 just if I could strike the portion of hearsay from the  
25 post office worker.



1 THE COURT: I'm sorry?

2 MR. PEREZ-HALL: So Scott testified about  
3 statements made by a post office worker to the extent that  
4 it's limited to strike just that portion.

5 THE COURT: That's stricken, yup.

6 Q: Okay. I am pulling up what's been marked  
7 Petitioner's 10A in evidence. Dr. Scott, what is this?

8 A: [Coughs], excuse me. So open violation. So you will  
9 recall that when I asked Mr. Hamdi Nezaj on the phone recording  
10 of September 14<sup>th</sup>, 2015 for painting, we were also asking for a  
11 chain guard. They actually installed one, but it was so cheap  
12 when I once opened the door, it just broke. So we are asking  
13 for a legitimate chain guard and the painting that Mr. Nezaj  
14 refused to do for months after 17 years of never having the  
15 apartment painted. I had to go—I had to first call the  
16 inspectors. And this is what their report was. And you see  
17 the issue date as December 28, 2015. And we can go through all  
18 the details, but what effectively this amounts to is they had  
19 to paint the whole western half of the apartment and only the  
20 western half. As I described earlier, that meant the hallway  
21 as you walk in the dining room, kitchen, the second hallway  
22 leading to the second small bedroom and the bathroom.  
23 Purposely excluded were the master bedroom and the living room.  
24 Q: Okay. And when, if ever, were these violations  
25 cleared?

1           A:    The violations were the painting itself was done  
2 along with the proper plaster for all of the correct rooms on  
3 January 25<sup>th</sup>, 2016. But the chain guard was not installed,  
4 contrary to the housing court settlement of January 8<sup>th</sup>, 2016.

5           Q:    Okay. I'm pulling up what's been marked Petitioner's  
6 10E in evidence. Do you recognize this document?

7           A:    Yeah, that was the settlement from the January 8<sup>th</sup>  
8 2015, in which she forced them to do the painting as required,  
9 but she would not allow me to get the third key because that  
10 was—as I mentioned to you earlier, you asked, you know, if  
11 there was a time I did not have the roommate. So there was  
12 that three and a half months (sic). And it was just a week  
13 before we got our new roommate that we happened to be in court.  
14 And so by lousy timing, the Judge said, well, you don't have a  
15 roommate today so I'm not going to give you the third key. But  
16 she did in the settlement, put forth the conditions for  
17 installing the chain guard and painting the—essentially the  
18 whole western half.

19          Q:    Okay. And how long after that order was issued was  
20 the work done? You may have testified, but I think I missed  
21 it.

22          A:    Yeah. So that was the settlement was January 8<sup>th</sup>.  
23 The painting was to be done either the 24<sup>th</sup> or the 25<sup>th</sup> from 9  
24 in the morning until 12 by the standard, standard housing  
25 settlement, I gather from what I heard. And if they're not

1 there by 12, I can leave and go off to do work or whatever.

2 MS. ROZEN: I don't know if we want to break at  
3 some point in the next couple of minutes just so we can  
4 choose new dates.

5 THE COURT: Yeah, my, my plan was to stop the  
6 quarter half. So if this a good for you we can do it now.

7 MS. ROZEN: I think it is just based on where I  
8 am with questioning.

9 THE COURT: Okay. Great. Just see what makes  
10 sense here. I have next week, Wednesday and Thursday open  
11 if the parties are available.

12 MS. ROZEN: I am not on Wednesday, but I could  
13 be on Thursday.

14 MR. PEREZ-HALL: Your Honor, just given what I  
15 spoke about briefly, it would be much better for me to do  
16 it. And I discussed this with Mr. Rozen at late March or  
17 early April. I'm subject to Your Honor, obviously. But I  
18 don't—I may—I don't know what's happening with my family  
19 situation. So I don't—I would hate to have one day of  
20 trial and cancel it unless Your Honor wants to just see  
21 what's going on. And we'll play it by ear.

22 THE COURT: Ms. Rozen, your thoughts?

23 MS. ROZEN: I mean, of course, I would extend  
24 this, Mr. Perez all the courtesy if he needs that time  
25 with his family. I mean, I previously had issues that

1 were similar and he was courteous to me. So if --

2 THE COURT: -- I appreciate counsel  
3 understanding the role that family plays in our lives.

4 MS. ROZEN: Sure.

5 THE COURT: So I have a much busier trial  
6 schedule later on than right now. But the week of March  
7 28<sup>th</sup> appears to be open. I mean, I'm subject, of course,  
8 to the unpredictability of our lives, and so I-might we  
9 choose a couple of days then?

10 MS. ROZEN: I am good that Thursday, so the 29<sup>th</sup>.  
11 Are we talking about March?

12 MR. PEREZ-HALL: 24<sup>th</sup>, I thought.

13 THE COURT: I'm talking about March now.

14 MR. PEREZ-HALL: It's a Monday,

15 THE COURT: March 28<sup>th</sup> is a Monday and I had  
16 nothing scheduled that entire week. So I thought we might  
17 take a couple of days in that in that week, if that's not  
18 good for you guys.

19 MS. ROZEN: I am good that Tuesday, Wednesday  
20 and Thursday.

21 MR. PEREZ-HALL: I am as well.

22 THE COURT: Dr. Scott?

23 MR. SCOTT: I, I, I would have to make some  
24 calls. I was—I sent you my dates, where I was unavailable  
25 because of traveling and certain other business

1 commitments that I cannot cancel from March 27<sup>th</sup> to April  
2 11<sup>th</sup>. Those are the only dates I'm unavailable.  
3 Otherwise, I'm completely free and --

4 MS. ROZEN: -- But March 27<sup>th</sup> to April 11<sup>th</sup>, you  
5 are not available?

6 MR. SCOTT: I'm not available. But believe me,  
7 I want to finish this trial. Your Honor, it's been six  
8 years. So I'm happy to--if I can --

9 THE COURT: -- I mean, we--I do have I do have  
10 Friday, March 25<sup>th</sup> available, but I'm sort of reluctant  
11 given what I've seen today to choose one day and then to  
12 have the rest of the trial take place in mid-April. So  
13 I'm now inclined to go to the week of April 11<sup>th</sup>, unless,  
14 unless that does damage to anybody here. I don't really  
15 want to do it. It's much further out than I would have  
16 preferred but speak to me.

17 MS. ROZEN: I mean, I--just from a continuity  
18 perspective, it would be easier to have consecutive days.  
19 It's hard to pick everything up again.

20 THE COURT: Yeah. That really is my thought.  
21 So, if we could do--let me just make good Friday is April  
22 15 and Passover begins at sundown on April 15. So I think  
23 that we would be safe here to go April 11, 12 and 13?

24 MS. ROZEN: That I can do.

25 MR. PEREZ-HALL: Yes, Your Honor.

1 THE COURT: Does that work? All right. So I'm  
2 blocking out those three days.

3 MR. PEREZ-HALL: Are we—Ms. Rozen, are we  
4 assuming that those three days would be your case-in-chief  
5 and then we would pick a date for my case-in-chief?

6 MS. ROZEN: I would hope that I won't need three  
7 more days. Definitely at least a full day, probably two  
8 full days.

9 MR. PEREZ-HALL: Just in terms of subpoenas and  
10 witnesses on my side being available and non-party  
11 witnesses. I have to coordinate that. I, I don't want to  
12 make an excuse later on.

13 MR. COHEN: So we should think in terms of April  
14 13<sup>th</sup> for (inaudible).

15 THE COURT: That's (inaudible).

16 MR. COHEN: okay.

17 MS. ROZEN: You know, it's not because --

18 THE COURT: Do you want me to, to book the 14<sup>th</sup>  
19 as well so that we might have a fighting chance of  
20 finishing?

21 MR. PEREZ-HALL: That's fine with us.

22 MR. COHEN: Yeah.

23 THE COURT: All right. Okay.

24 MS. ROZEN: That works for me. So April 11 to  
25 14?

1 THE COURT: Yeah.

2 MS. ROZEN: Okay. Full day each day.

3 THE COURT: Yeah. Locked out all day.

4 MS. ROZEN: Mm, excellent. And will the Court  
5 send us an invite or should we still use the recurring  
6 link?

7 THE COURT: As my old friend used to say, G-d  
8 willing, and the creep don't rise.

9 MR. PEREZ-HALL: My mom used to say that.

10 MR. COHEN: Your Honor, just a question about  
11 the exhibits. I saw you have my e-mail from yesterday,  
12 which includes our exhibit and, but it doesn't include our  
13 exhibit a through M, which was in three parts. Do you  
14 want me to e-mail that to your personal e-mail?

15 THE COURT: You had sent that previously,  
16 correct?

17 MR. COHEN: I sent it previously to whoever Ms.  
18 Rozen had sent her witness list to. There was a bunch of  
19 names on there, and I just copied and pasted it there.

20 THE COURT: I did. I got Miss Rozen's witness  
21 list, so I guess I have yours as well. If I don't have  
22 it, I'll let you know.

23 MR. COHEN: Okay. And then what --

24 THE COURT: -- Great.

25 MR. COHEN: Yeah.

1 MS. ROZEN: I'm sorry, 1 more question. Are we  
2 going to get a link or should we just plan on going to the  
3 recurring link in April?

4 THE COURT: You should use the recurring link.  
5 What we normally do is we will send a reminder with a-with  
6 the UCNS calendar and the link. Since we seem to be  
7 having trouble with the link, if we do send you a link  
8 closer to the date, you should use that one instead of  
9 reusing this one.

10 MS. ROZEN: Okay.

11 THE COURT: This one is actually the one that  
12 now-is now published for this part, so it should be this  
13 one. And I think the adjustment that needs to be made is  
14 that my courtroom computer needs to be adjusted to be able  
15 to connect to this link so it shouldn't change. But maybe  
16 they're going to decide to change the whole link  
17 altogether. I don't know. I'm hoping it'll still be this  
18 one, all right?

19 MR. PEREZ-HALL: Okay.

20 MS. ROZEN: All right.

21 MR. PEREZ-HALL: Yes, Your Honor.

22 THE COURT: Thank you.

23 MS. ROZEN: Thank you, Your Honor.

24 THE COURT: The pluses and minuses of  
25 technology.



1 MS. ROZEN: Yeah. Have a good day, everybody.

2 THE COURT: It's a lot.

3 MR. PEREZ-HALL: Take care.

4 (Proceeding Concluded.)

5 C E R T I F I C A T E

6 I, Edwin Ademba, certify that the foregoing transcript of  
7 proceedings in the Civil Court of the State of New York,  
8 County of New York of Gregory Scott v. Kosova Properties,  
9 Inc., Hamdi Nezaj, Fatos Nezaj, Shpend Nezaj, Anton  
10 Shabaj, Agustin Shabaj, and Department of Housing  
11 Preservation and Development, Index #LT-301175-20/NY, was  
12 prepared using the required transcription equipment and is  
13 a true and accurate record of the proceedings.

14  
15 Signature:  \_\_\_\_\_

16 Date: 9/16/2023

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**Ubiquis**

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