

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SULLIVAN PROPERTIES, L.P.,

Index No.: _____/2020

Plaintiff,

-against-

AFFIDAVIT OF
DANIEL RISPOLI

BARIS DINCER,

Defendant.

STATE OF NEW YORK)
:ss:
COUNTY OF NEW YORK)

DANIEL RISPOLI, being duly sworn, deposes and states:

1. I reside in apartment 4BR at 111 Sullivan Street, New York, New York (the "Building"). I am familiar with the defendant, Baris Dincer ("Defendant"), the tenant who resides in apartment 2BR in the Building.

2. Since February 2020, the Defendant has engaged in destructive, harassing, threatening and disruptive behavior against the tenants of the 111 Sullivan Street ("Building"), the Building itself, and this affiant. Over the past four months the Defendant has created a terrifying, dangerous and inhabitable living environment.

3. At 10:20 pm on February 19, 2020, I notified the Building Super that Defendant had been continuously hammering in an aggressive manner. His behavior was not only extremely disruptive but concerning. I along with various other tenants in the building asked him to stop hamming, however, he ignored everyone and continued to hammer well into the night. I was advised by the Building Super that my email correspondence was being forwarded to the building's legal department, who would address the problem.

4. Despite my complaints, Defendant continued to perform construction including extremely loud hammering at all hours of the day and throughout the night.

5. On March 28, 2020, I once again emailed Plaintiff and management requesting that they take action pertaining to Defendant's incessant hammering and use of power tools, as the relentless noise had become unbearable. From my perspective it sounded like he was destroying his apartment, as the hammering was causing my apartment to shake. I learned that there had been a water leak in apartment 1BR, which is the apartment below Defendant. As a result, a maintenance guy had to enter Defendant's apartment to perform repairs and confirmed that Defendant was conducting unauthorized construction. The maintenance guy warned Defendant that he "shouldn't be doing" construction, however, the Defendant ignored the maintenance guy and instead advised him that "it was okay." I advised Plaintiff and the Building of the aforementioned. Additionally, I advised that Defendant had left some sort of unit in the hallway. Unfortunately, I did not hear anything back from Plaintiff or the Building, and Defendant continued with his disturbing behavior.

6. Around that time, Defendant also began to walk the halls of the Building at night. On the morning of March 29th, I woke up to cigarette butts dumped all around the hallways of the Building. In addition, Defendant dumped cigarettes butts and an unknown liquid in front of several of the residents' doors, specifically targeting the residents who had confronted him regarding his disruptive behavior. His behavior was so alarming I took a video of the destruction. I also began barricading my door every night before going to sleep out of fear that he would try to physically harm me.

7. Consequently, I developed anxiety, an inability to sleep and was afraid to be in my own home, issues that I continue to experience at present.

8. Around the same time, I had a conversation with one of the other Building residents who informed me that she too was afraid of Defendant and worried that his behavior would continue escalate. She advised that she had called the police on him but no one responded. Finally, she told me that she was leaving her apartment and was going to stay with family in California out of fear for her own safety.

9. At approximately 10:00 pm on April 2, 2020, I once again yelled down to Defendant requesting that he stop the persistent hammering and banging. However, Defendant yelled back, saying that he was tired of my complaints and that he was “building a bed.” Obviously, Defendant was engaging in more than just building a bed, as his intolerable actions had been going on for well over a month. I was afraid that he would come up to my apartment while I was sleeping and therefore, I emailed Plaintiff and management to advise them that he was being a nuisance, both causing my apartment to shake as well as being excessively loud, and requested that the Building intervene. As the Building had not taken any action to-date, I also informed them that I was going to call the Department of Buildings if some corrective action was not immediately taken.

10. The next morning, on April 3, 2020, I was again advised that my emails were being sent to the building’s legal department. I responded, requesting that the Building and management take action as I did not want to get the Department of Buildings or the police involved, but felt he was now a safety concern to the Buildings tenants insofar as his actions were escalating and his behavior had become more aggressive.

11. Additionally, I expressed my concern regarding Defendant having vandalized the door of apartment 3BR, and informed Plaintiff and management that Defendant was now

smoking indoors, causing the Building to smell. I also attached the aforementioned March 28th video depicting the cigarette butts/liquid he dumped all over the Building.

12. On April 11th, I sent additional correspondence to Plaintiff and the Building advising them that the situation with Defendant had escalated completely out of control. I informed them that he was yelling at us (the residents) and walked the floors of the building every night making everyone feel uncomfortable in their own homes. I again advised that he was smoking in his apartment and leaving the cigarette butts all over hallway. I requested that the Building take action and stop Defendant from further harassment to the Building tenants and destruction of the Building itself.

13. At 12:27 am on April 12th, I sent further correspondence to Plaintiff and the Building informing them that Defendant had resumed hammering.

14. As a result of Defendant's escalating behaviors and out of fear for my physical safety and well-being. I was forced to vacate my apartment on April 12, 2020. I sent correspondence to Plaintiff and the Building informing them that as a result of Defendant, I had no other choice but to leave my apartment as I no longer felt safe. Specifically, I wrote the following:

[T]his situation with the new resident in 2BR has a turned into a nightmare. He has turned aggressive and yells at us, walks the floors at night, and smokes in the building. I am having panic attacks at night thinking he is trying to break into my apartment and started barricading my door at night because I never what he will do. Every morning when I wake up I cringe as I open my door to check if he has left cigarette butts or some other substance outside of my door like he has to the residents of the third floor. I am unable to get a good night's sleep and it has gotten to the point where I am vacating my apartment for the time being while we wait for something to be done about this. I understand that the coronavirus situation is helping delay any action against him but something needs to be done to make me feel safe in my home. He has been so aggressive that one of the other residents called the cops on

him. As I have previously mentioned you can't allow him to destroy your property and harass the other tenants.

15. During the time that I was forced out of my apartment, I learned that Defendant's behavior continued to escalate, including breaking several windows.

16. Regrettably I had to return to my apartment on May 14, 2020. The only reason that I returned was because I was starting a new job. Otherwise, I would have continued residing elsewhere.

17. Immediately upon my return, it became obvious that Defendant was still engaging in disorderly, frightening and threatening behavior. Every night Defendant repeatedly slammed his front door shut, which was both startling and caused my entire apartment to shake.

18. In addition, on May 21, 2020, I was awoken at 5:00 am to the smell of smoke and loud music originating from Defendant's apartment. Notably, the loud music was still playing when I left for work that morning and as such, I advised Plaintiff and management.

19. When I returned from work later that same day, Defendant was again hammering and screaming.

20. On May 22, 2020, I was once again awoken by smoke throughout the building originating from Defendant's apartment. Afraid that the Defendant was going to start a fire in the building I emailed Plaintiff and management to advise them of my concerns. Additionally, I sent a video that I took of the smoke that had permeated into the hallway.

21. On May 24, 2020, I learned that Defendant caused another flood in apartment 1BR after I contacted Plaintiff and management about not being able to flush my toilet and the lack of cold water in the bathroom faucet. I was advised that Defendant had drilled into one of the water lines while performing unauthorized construction in his apartment. As a result, the

water in the entire building had to be turned off and a plumber was called in to fix the problem he caused.

22. A few hours later, at 10:50 pm, Defendant started hammering and yelling again. His menacing behavior made me feel unsafe in the Building so I emailed Plaintiff and management to advise them.

23. Upon my return from work on June 1, 2020, Defendant was playing music so loud in his apartment that the floors of my apartment were vibrating and I could clearly hear the music in my apartment. I emailed the attorney for Plaintiff advising her of his behavior and reiterated that my living situation was unbearable.

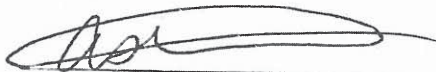
24. On June 2, 2020, I was awoken at 5:00 am by Defendant's excessively loud music, which was still blasting when I returned from work later that evening. I emailed the attorney for Plaintiff as well as the Building's Super as his behavior was distressing and abusive. I also recorded the music and sent the video to the attorney for Plaintiff as well as the Building's Super. His blasting music continued for the remainder of the night and I sent additional correspondence to Plaintiff at 10:21 pm advising them of such.

25. Throughout the past several months, Defendant has displayed a pattern of behavior that – aside from being in violation of his lease – is threatening, destructive, and harassing. Additionally, Defendant has conducted himself throughout this time in a manner that exhibits no regard for his fellow neighbors who he disrupts on a daily and nightly basis whether it be his construction work, his music or the constant slamming of his door.

26. Defendant has succeeded in making me feel unsafe in my own home. I fear that Defendant may physically hurt me, or do something to destroy the Building and my home. Defendant's behavior forces me to live in a constant state of fear, causing me extreme anxiety, stress and sleep deprivation.


DANIEL RISPOLI

Sworn to before me this
4th day of June, 2020.


Notary Public

ASHLEY HUMPHRIES
NOTARY PUBLIC, State of New York
No. 02HU833840
Qualified in New York County
Commission Expires December 7th, 2023