

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

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SULLIVAN PROPERTIES, L.P.,

Index No.: _____/2020

Plaintiff,

-against-

**AFFIDAVIT OF
ADNAN UTIC**

BARIS DINCER,

Defendant.

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

ADNAN UTIC, being duly sworn, deposes and states:

1. I am employed by Manhattan Skyline Management, the managing agent for Sullivan Properties, L.P., the owner of the building located at 111 Sullivan Street, New York, New York (the "Building") as the superintendent of the Building. As such, I am familiar with the facts regarding this matter.

2. I submit this affidavit in support of Plaintiff's Order to Show Cause seeking an injunction against defendant, Baris Dincer ("Defendant"), in accordance with Article 20 of the subject lease, enjoining Defendant from (i) smoking in the Building hallways and leaving cigarette butts in the hallways; (ii) conducting any sort of work in his apartment – construction or otherwise – that could damage the Building or any Building-wide systems; (iii) threatening other residents in any manner, including, but not limited to, screaming at them or throwing liquid substances on their apartment doors and breaking apartment windows; and (iv) otherwise continuing his course of conduct that is endangering the health, safety and well-being of other residents at 111 Sullivan Street, New York, New York.

3. Over the past several months, there have been an increasing number of disturbing incidents involving Baris Dincer (“Defendant”), the resident in apartment 2BR (the “Premises”) in the Building.

4. In late January 2020, Plaintiff learned that Defendant was throwing objects such as ice cubes, glassware and a coffee mug, out of the Premises window and into the shared courtyard.

5. In mid-February 2020, Plaintiff received three separate emails from Building residents informing that there was banging and hammering in the Premises, that neighbors have been yelling to get Defendant to stop but that the hammering got worse. A copy of the February 19, 2020 emails are annexed to the Regan Aff. as Exhibits 4, 5 & 6.

6. On March 28, 2020, I informed Plaintiff that Defendant had been drilling in the bathroom of the Premises, hitting one of the water lines and causing a major leak. The apartment beneath the Premises suffered extensive damage to its ceiling and the clothes of the tenant residing in that apartment were damaged as well. The water valve in Premises had to be shut off pending a plumber coming to the Premises. A copy of my email, together with photographs of the damage, are annexed to the Regan Aff. as Exhibit 8.

7. In addition, on March 28, 2020, Plaintiff received an email from a building resident regarding Defendant hammering and using power tools in the Premises, as well as Defendant having left items in the hallway. A copy of the March 28, 2020 email is annexed to the Regan Aff. as Exhibit 6.

8. On March 28, 2020, I went to apartment 3BR in the Building because Defendant was complaining of a leak coming from the apartment above the Premises, yet no leak was found. The next morning, on March 29, 2020, that Building resident found a substance on her front door that was oozing into her apartment that smelled like petroleum, which Building maintenance

cleaned up. This resident also informed Plaintiff of a trail of cigarette butts going up the stairs to the fourth floor. A copy of the March 29, 2020 email detailing the incident is annexed to the Regan Aff. as Exhibit 10.

9. On March 30, 2020, I entered the Premises and took photographs when I discovered that Defendant removed the medicine cabinet in the Premises bathroom by himself, opened the walls to find the purported leak by himself, and also provided photographs of the hole Defendant made in the water line. A copy of the March 30, 2020 email is annexed to the Regan Aff. as Exhibit 13.

10. By email dated March 31, 2020, I sent photographs of the damage to Apt. 1BR, the apartment below the Premises, caused by the ruptured water pipe that Defendant punctured. A copy of the email is annexed to the Regan Aff. as Exhibit 14.

11. Building residents continued to complain on a daily basis about the hammering, drilling and other noise that Defendant was causing in the Premises.

12. By email dated April 4, 2020, I sent photographs of cigarette butts that I discovered in the Building's interior staircase. A copy of the photographs are annexed to the Regan Aff. as Exhibit 18.

13. By emails dated April 11, 2020, a Building resident informed Plaintiff that Defendant splashed some liquid on her front door that smelled of cigarettes, and was also blasting his TV on very loud for hours. This tenant informed Plaintiff that she feels unsafe in her home and is therefore going to leave her apartment to return to her mother in California, and as a result of the foregoing, she is refusing to pay rent. A copy of the emails April 11, 2020 emails are annexed to the Regan Aff. as Exhibits 19 & 20.

14. Other tenants in the Building sent emails to Plaintiff on April 11, 2020 – one confirming that Defendant left ‘something’ on another resident’s door, and one indicating that the resident heard Defendant going to another resident’s door and leaving something on her door, and one about Defendant’s behaviors making all residents feel unsafe in their apartment. Copies of these April 11, 2020 emails are annexed to the Regan Aff. as Exhibits 15 & 22.

15. During the night of April 15-16, 2020, Plaintiff received an email from Defendant informing Plaintiff that “someone” had broken his window. Yet, when viewing video footage from cameras that Plaintiff has installed on the exterior of the Building, it appears that Defendant was throwing eggs out of his window into the common courtyard. In fact, not only did Defendant break the window in the Premises, he also broke the window of apartment AF in the Building. The NYPD were called and a report taken.

16. In addition to the constant complaints regarding the construction and other noises that Defendant make in the Premises on a daily and nightly basis, another water leak was occurred in apartment 1BR on May 8, 2020.

17. I received an email from a tenant on May 8, 2020 about Defendant drilling in the Premises and it sounding like he was doing so on or near his radiator. Because of the previous water leak into apartment 1BR caused by Defendant, I went into apartment 1BR and discovered that there had, in fact, been another water leak. When I entered apartment 1 BR on May 8, 2020, the was damage to the apartment that had dried – indicating that the leak had occurred several days prior. Photos from my inspection on May 8, 2020 are annexed to the Regan Aff. as Exhibit 24.

18. Then, on May 24, 2020, Plaintiff was informed by a Building resident of the sound of gushing water coming from apartment 1BR. Upon investigation it was discovered that there was

a massive water leak in the apartment, causing extensive damage. Photographs that I took and sent to Plaintiff documenting the damage are annexed to the accompanying Regan Aff. as Exhibit 22

19. After the water in the entire Building was shut to stop the flow of water into apartment 1BR, an investigation of the pipes showed that Defendant drilled a whole through the pipe. A photo of the pipe with the hole is annexed to the accompanying Regan Aff. as Exhibit 23

20. I am scared to approach Defendant as I do not know what he might do, or in what way he may retaliate against me for a perceived slight.

21. Defendant's ever escalating behavior is causing physical damage to the Building and is preventing Plaintiff from providing for the health, safety and well-being of other residents in the Building – something to which each and every Building resident is entitled.


ADNAN UTIC

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


Notary Public

SHARI S. LASKOWITZ
Notary Public, State of New York
No. 02LA6046659
Qualified in New York County
Commission Expires August 14, 20__