

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
SULLIVAN PROPERTIES, L.P.,

Index No.: \_\_\_\_\_/2020

Plaintiff,

-against-

**AFFIRMATION  
OF EMERGENCY**

BARIS DINCER,

Defendant.  
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SHARI S. LASKOWITZ, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following under penalty of perjury:

1. I am of counsel to Ingram Yuzek Gainen Carroll & Bertolotti, LLP, attorneys for Sullivan Properties, L.P. ("Plaintiff"), the Plaintiff in this action. As such, I am familiar with the facts regarding this matter.

2. I submit this affirmation of emergency in support of Plaintiff's Order to Show Cause granting Plaintiff, in accordance with Article 20 of the subject lease and applicable law, a Preliminary Injunction enjoining Baris Dincer ("Defendant"), from: (a) smoking in the Building hallways and leaving cigarette butts in the hallways; (b) conducting any sort of work in his apartment – construction or otherwise – that could damage the Building or any Building-wide systems; (c) 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 (d) 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 (the "Building").

3. As more specifically set forth in the accompanying Affidavits of Paul Regan, Andres Reynoso, Adnan Utic, Alexis Brandon, Miwako G. Messer and Daniel Rispoli, as well as

the accompanying Memorandum of Law, time is of the essence with respect to the Court's intercession in this matter to stop Defendant from adversely impacting the health, safety and well-being of all residents at 111 Sullivan Street, New York, New York.

4. As more fully set forth in the accompanying affidavits, Defendant's objectionable conduct as a resident of the Building, not only breaches his lease obligations, but is endangering the health, safety and well-being of his neighbors *in the midst of a global pandemic!*

5. Initially, Plaintiff received complaints from Building residents about Defendant causing disturbances to other tenants in the Building, such as Defendant throwing items out of his apartment window into a common courtyard where another resident could be hit and injured, and Defendant causing incessant noises (banging and use of power tools) in his apartment preventing other residents from sleeping.

6. Unfortunately, Defendant's behavior escalated and on March 28, 2020, Defendant – who was conducting unauthorized work in his apartment – drilled into the bathroom wall of his apartment and into a water pipe, causing the pipe to burst and causing excessive damage both to his apartment and to the apartment beneath. Since then, Defendant's behavior has further escalated and Plaintiff has received complaints regarding threats to other residents in the Building, including throwing unknown liquid substances onto a neighboring resident's door and breaking apartment windows. In addition, Defendant has been smoking throughout the Building, leaving cigarette butts in the hallways and stairwells.

7. Defendant has caused at least two (2) other water leaks into the apartment below his apartment – again causing extensive damage.

8. In addition, Defendant's latest behaviors includes blasting music at an extremely high volume, which is audibly heard throughout the building, for hours on end and throughout the night.

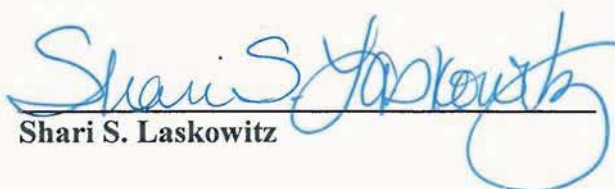
9. Defendant's behavior has left the remaining residents in the Building fearful for their health, safety and well-being – particularly given that each resident is required to stay at home due to the pandemic 'pause' currently in place in New York State. The situation has escalated to the point where one resident has left the Building and are refusing to pay rent – citing her health and safety as the reason for vacating – and another two residents have left and have requested to break their leases due to Defendant's behavior.

10. Due to the egregious nature of Defendant's behaviors and their effect on other residents in the Building, unless Defendant is enjoined from continuing his objectionable conduct, any ultimate victory Plaintiff would win in the ensuing litigation would be a pyrrhic victory at best insofar as tenant's health and safety may be compromised, causing tenants to vacate the building in the midst of a global pandemic. One tenant has already decided that the risks of contracting Covid-19 were more palatable than remaining in her apartment and enduring Defendant's perilous behaviors.

11. Plaintiff previously submitted a similar application to the Court in accordance with UCS Administrative Order AO-78-20 (E), to designate this case as an "essential matter", and that application was denied and deemed as 'non-essential'.

**WHEREFORE**, for the foregoing reasons it is respectfully requested that this Court hear and grant Plaintiff's Order to Show Cause on an expedited basis.

**Dated: New York, New York**  
**June 4, 2020**

  
Shari S. Laskowitz