

EXHIBIT 2



ARTIFACT NUMBER [2]

THE AFFIDAVIT OF MIWAKA G. MESSER aka MIWA

AS ANNEXED:

153974/2020

6/2/2020

OBSERVATIONS - ENTERED IN THE PUBLIC RECORD BY:

MIWAKA G. MESSER, aka MIWA

| MARCH 2020 | | | | | | |
|------------|--------|---------|-----------|----------|--------|----------|
| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

APRIL, 2020

MIWAKA G. MESSER. OBSERVED and DOCUMENTED approximately 46% of my time, as exhibited, harassment by Defendants and in the AFFIDAVIT of MIWA and on behalf of the ZUCKERS, YUZERS and ELSERS.

April 27TH 2020

Observed through my door and documented myself from the corridor...

“...banging on the radiator...”

| APRIL 2020 | | | | | | |
|------------|--------|---------|-----------|----------|--------|----------|
| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
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| 19 | 20 | 21 | 22 | 23 | 23 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |

MAY, 2020

MIWAKA G. MESSER. OBSERVED and DOCUMENTED approximately 38% of my time, as exhibited, an improvement of the harassment exhibited by Defendants and in the AFFIDAVIT of MIWAKA G. MESSER entered on behalf of the ZUCKERS, YUZERS and ELSERS, as notarized in their commencement documents by Shari S. Lasckowitz of the YUZERS –worked in concert with the ELSERS.

| MAY 2020 | | | | | | |
|----------|--------|---------|-----------|----------|--------|----------|
| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
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| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

JUNE, 2020

MIWAKA G. MESSER. COMMITTED PERJURY, and under Item 14 in the AFFIDAVIT and on behalf of the DEFENDANTS; whereby ALEXIS BRANDON in fact notarized a document in the County of Alameda, in the State of California on the 11TH of APRIL - introduced by the ZUCKERS and YUZERS and entered in DOCKET NUMBER 31, and on the 4TH Page – was also executed behalf of Defendants.

| JUNE 2020 | | | | | | |
|-----------|--------|---------|-----------|----------|--------|----------|
| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
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NYSCEF Confirmation Notice

New York County Supreme Court



The NYSCEF website has received an electronic filing on 06/05/2020 01:58 PM. Please keep this notice as a confirmation of this filing.

153974/2020
Sullivan Properties L.P. v. Baris Dincer
Assigned Judge: Shlomo S. Hagler

Documents Received on 06/05/2020 01:58 PM

| Doc # | Document Type |
|-------|--|
| 1 | SUMMONS + COMPLAINT |
| 2 | ORDER TO SHOW CAUSE - ACCOMPANYING COMMENCEMENT DOC(S) (PROPOSED), Motion #001 |
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| 5 | EXHIBIT(S) 1 |
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| 14 | EXHIBIT(S) 10 |

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- 16 EXHIBIT(S) 12
- 17 EXHIBIT(S) 13
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- 34 MEMORANDUM OF LAW
- 35 ADMISSION OF SERVICE
- 36 RJI -RE: ORDER TO SHOW CAUSE

Filing User

Shari Laskowitz | slaskowitz@ingramllp.com | 2129079600
150 East 42nd Street 19th Floor, New York, NY 10017

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SHARI LASKOWITZ - slaskowitz@ingramllp.com

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UCS-840
(rev. 07/29/2019)

New York Supreme COURT, COUNTY OF New York

| Index No: _____ Date Index Issued: _____ | | For Court Use Only: |
|--|---|---|
| CAPTION | | IAS Entry Date |
| Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet. Sullivan Properties L.P. <div style="display:flex; justify-content:space-between;"> -against- Plaintiff(s)/Petitioner(s) </div> Baris Dincer <div style="display:flex; justify-content:space-between;"> Defendant(s)/Respondent(s) </div> | | <div style="background-color:#f2f2f2; padding: 2px; text-align:center;">Judge Assigned</div> <div style="background-color:#f2f2f2; padding: 2px; text-align:center;">RJl Filed Date</div> |
| NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated. | | |
| COMMERCIAL | MATRIMONIAL | |
| <input type="checkbox"/> Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) <input type="checkbox"/> Contract <input type="checkbox"/> Insurance (where insurance company is a party, except arbitration) <input type="checkbox"/> UCC (includes sales and negotiable instruments) <input type="checkbox"/> Other Commercial (specify): _____ <i>NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJl ADDENDUM (UCS-840C).</i> | <input type="checkbox"/> Contested <i>NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJl Addendum (UCS-840M).</i> <i>For Uncontested Matrimonial actions, use the Uncontested Divorce RJl (UD-13).</i> | |
| REAL PROPERTY: Specify how many properties the application includes: <u> 1 </u> | | |
| <input type="checkbox"/> Condemnation <input type="checkbox"/> Mortgage Foreclosure (specify): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Property Address: _____ <i>NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJl ADDENDUM (UCS-840F).</i> <input type="checkbox"/> Tax Certiorari - Section: Block: Lot: <input type="checkbox"/> Tax Foreclosure <input checked="" type="checkbox"/> Other Real Property (specify): landlord/tenant | TORTS <input type="checkbox"/> Asbestos <input type="checkbox"/> Child Victims Act <input type="checkbox"/> Environmental (specify): _____ <input type="checkbox"/> Medical, Dental, or Podiatric Malpractice <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Products Liability (specify): _____ <input type="checkbox"/> Other Negligence (specify): _____ <input type="checkbox"/> Other Professional Malpractice (specify): _____ <input type="checkbox"/> Other Tort (specify): _____ | |
| OTHER MATTERS | SPECIAL PROCEEDINGS | |
| <input type="checkbox"/> Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section] <input type="checkbox"/> Emergency Medical Treatment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Local Court Appeal <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Name Change <input type="checkbox"/> Pistol Permit Revocation Hearing <input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property <input type="checkbox"/> Other (specify): _____ | <input type="checkbox"/> CPLR Article 75 (Arbitration) [see NOTE in COMMERCIAL section] <input type="checkbox"/> CPLR Article 78 (Body or Officer) <input type="checkbox"/> Election Law <input type="checkbox"/> Extreme Risk Protection Order <input type="checkbox"/> MHL Article 9.60 (Kendra's Law) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="checkbox"/> MHL Article 81 (Guardianship) <input type="checkbox"/> Other Mental Hygiene (specify): _____ <input type="checkbox"/> Other Special Proceeding (specify): _____ | |
| STATUS OF ACTION OR PROCEEDING: Answer YES or NO for every question and enter additional information where indicated. | | |
| YES NO | | |
| Has a summons and complaint or summons with notice been filed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Has a summons and complaint or summons with notice been served? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is this action/proceeding being filed post-judgment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If yes, date filed: <u> 06/05/2020 </u> | | |
| If yes, date served: _____ | | |
| If yes, judgment date: _____ | | |
| NATURE OF JUDICIAL INTERVENTION: Check one box only and enter additional information where indicated. | | |
| <input type="checkbox"/> Infant's Compromise <input type="checkbox"/> Extreme Risk Protection Order Application <input type="checkbox"/> Note of Issue/Certificate of Readiness <input type="checkbox"/> Notice of Medical, Dental, or Podiatric Malpractice <input type="checkbox"/> Notice of Motion <input type="checkbox"/> Notice of Petition <input checked="" type="checkbox"/> Order to Show Cause <input type="checkbox"/> Other Ex Parte Application <input type="checkbox"/> Poor Person Application <input type="checkbox"/> Request for Preliminary Conference <input type="checkbox"/> Residential Mortgage Foreclosure Settlement Conference <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Other (specify): _____ | | |
| | Date Issue Joined: _____ | |
| | Relief Requested: _____ | Return Date: _____ |
| | Relief Requested: _____ | Return Date: _____ |
| | Relief Requested: Injunction/Restraining Order | Return Date: _____ |
| | Relief Requested: _____ | |

RELATED CASES: List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

| Case Title | Index/Case Number | Court | Judge (if assigned) | Relationship to instant case |
|------------|-------------------|-------|---------------------|------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PARTIES: For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

| Un-Rep | Parties | Attorneys and/or Unrepresented Litigants | Issue Joined | Insurance |
|-------------------------------------|--|--|---|--|
| | List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant; 3 rd party plaintiff, etc.) | For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email. | For each defendant, indicate if issue has been joined. | For each defendant, indicate insurance carrier, if applicable. |
| <input type="checkbox"/> | Name: Sullivan Properties L.P. Role(s): Plaintiff/Petitioner | SHARI LASKOWITZ, INGRAM, YUZEK, GAINEN, CARROLL & BERTOLOTTI, LLP, 150 East 42nd Street 19th Floor, New York, NY 10017, 2129079600, slaskowitz@ingramllp.com | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> | Name: Dincer, Baris Role(s): Defendant/Respondent | 111 Sullivan Street, New York, NY 10012, 9173783467, bd2561@columbia.edu | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <input type="checkbox"/> | Name: Role(s): | | <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| <input type="checkbox"/> | Name: Role(s): | | <input type="checkbox"/> YES <input type="checkbox"/> NO | |
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| <input type="checkbox"/> | Name: Role(s): | | <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| <input type="checkbox"/> | Name: Role(s): | | <input type="checkbox"/> YES <input type="checkbox"/> NO | |

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 06/05/2020

SHARI LASKOWITZ

Signature

3043015

SHARI LASKOWITZ

Attorney Registration Number

Print Name

This form was generated by NYSCEF

At the IAS Motion Part ____ of the Supreme Court of the State of New York held at the Courthouse in and for the County of New York, located at 60 Centre Street, New York, New York, on the ____ day of June 2020.

P R E S E N T :

Hon: _____

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

-----X

**SULLIVAN PROPERTIES, L.P.,
Plaintiff,**

Index No.: _____/2020

-against-

BARIS DINCER,

Defendant.

**ORDER TO
SHOW CAUSE**

-----X

Upon the reading and filing of the Affirmation of Emergency of Shari S. Laskowitz, Esq., dated June 4, 2020 and the exhibits annexed thereto, the affidavit of Paul Regan, sworn to on the 2nd day of June 2020, and the exhibits annexed thereto, the affidavit of Andres Reynoso, sworn to on the 3rd day of June, 2020, the affidavit of Adnan Utic, sworn to on the 4th day of June 2020, the affidavit of Alexis Brandon, sworn to on the 11th day of April 2020, the affidavit of Miwako G. Messer, sworn to on the 2nd day of June, 2020, the affidavit of Daniel Rispoli, sworn to on the 4th day of June, 2020, accompanying Memorandum of Law and the accompanying Summons and Complaint,

LET the Defendant Baris Dincer or his attorney, show cause before this Court at IAS Part ____, Room ____, to be held on June __, 2020 at ____ o'clock in the fore/afternoon of that day or as soon thereafter as counsel can be heard, why an order should not be entered: granting Plaintiff, in accordance with Article 20 of the subject lease and applicable law, a Preliminary Injunction enjoining Baris Dincer ("Defendant"), from: (i) smoking in the Building hallways and

649060_1/03273-0414

[https://iapps.courts.state.ny.us/nyscef/ViewDocument?](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=6_PLUS_b2yT8nsmIoLHiczgi5NA==)
[docIndex=6_PLUS_b2yT8nsmIoLHiczgi5NA==](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=6_PLUS_b2yT8nsmIoLHiczgi5NA==)
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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; and it is

ORDERED that pending the hearing and determination of this motion, the Defendant and his guests, agents, servants, employees and/or representatives are enjoined 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; and it is

FURTHER ORDERED that sufficient reason appearing therefore, let service of this Order and attached supporting papers and exhibits, together with the Summons and Complaint, be made upon the Defendant Baris Dincer, 111 Sullivan Street, Apt. 2BR, New York, New York 10012, pursuant to the CPLR be deemed good and sufficient service if made on or before June ___, 2020; and it is

FURTHER ORDERED that opposition papers, if any, shall be served on or before _____, 2020; reply papers, if any, shall be served on or before _____, 2020.

ENTER:

J.S.C.

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Shari Laskowitz | slaskowitz@ingramllp.com | 2129079600
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