

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK****SULLIVAN PROPERTIES, L.P.,
Plaintiff,****Index No.: 153974/2020****-against-****AFFIDAVIT OF
DANIEL RISPOLI****BARIS DINCER,****Defendant.****STATE OF NEW YORK)
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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. Although the Temporary Restraining Order issued by the Court on June 23, 2020 only restricted Defendant’s behaviors to not doing any damage to the building, not threatening violence to other building residents and not throwing liquids, Defendant has continued on a rampage of behaviors that have been willful, disrespectful and lacking any common decency towards his fellow neighbor, namely – me.

3. Moreover, since the Defendant is now the only other person besides myself residing in the building, there is no other person who could be causing all of the noise, smoke and other disruptions that are occurring in the building on an almost daily basis.

4. On June 24, 2020 at 6:54 pm, I emailed the building superintendent, as well as Plaintiff’s counsel, regarding loud hammering taking place in Defendant’s apartment. A copy of that email is annexed hereto as **Exhibit 1**.

5. On June 25, 2020 at 10:07 pm, I emailed the building superintendent and Plaintiff's counsel regarding the smell of cigarette smoke permeating into my apartment. A copy of that email is annexed hereto as **Exhibit 2**.

6. On June 27, 2020, I sent three (3) separate emails to the building superintendent and Plaintiff's counsel. The first email, a copy of which is annexed hereto as **Exhibit 3**, was sent at 1:15 pm, advising of the smell of cigarette smoke in my apartment. The second email, a copy of which is annexed hereto as **Exhibit 4**, was sent at 8:20 pm, advising of the drilling and loud music emanating from Defendant's apartment. The third email, a copy of which is annexed hereto as **Exhibit 5**, was sent at 11:21 pm, advising of the smell of cigarette smoke in my apartment.

7. On June 28, 2020 at 11:51 am, I sent an email to the building superintendent and Plaintiff's counsel, regarding the smell of cigarette smoke in my apartment. A copy of the email is annexed hereto as **Exhibit 6**.

8. On June 29, 2020 at 8:36 pm, I sent an email to the building superintendent and Plaintiff's counsel, regarding the loud hammering emanating from Defendant's apartment that could be heard in my apartment. A copy of the email is annexed hereto as **Exhibit 7**.

9. On June 30, 2020 at 7:22 pm, I sent an email to the building superintendent and Plaintiff's counsel, again regarding the loud hammering emanating from Defendant's apartment that could be heard in my apartment. A copy of the email is annexed hereto as **Exhibit 8**.

10. On Wednesday, July 1, 2020, I happened to walk into the Building at the same time as the Defendant. He repeatedly asked me where I lived. I did not want to tell him, so I told him that I live 'upstairs'. He responded "oh are you apartment 4?"

11. Then, on July 2, 2020 I received a strange note from Defendant, a copy of which is annexed hereto as **Exhibit 9**. Between Defendant repeatedly asking me which apartment I live in, coupled with the disturbing note attempting to lure me into his apartment, I feared for my safety and barricaded myself in my apartment with furniture blocking the door, something I have had to do on many occasions as a result of Defendants erratic and frightening behavior. I advised the Plaintiff that I felt that Defendant was targeting me and that my living conditions continued to be inhumane. A copy of the email is annexed hereto as **Exhibit 10**.

12. That same evening, Defendant took my work boots – which were outside the door of my apartment – and threw them in an inaccessible alley outside of the building. Notwithstanding several attempts, I was unable to retrieve my work boots, and was required to purchase a new pair, which cost me \$99.99. This was particularly distressing to me since Defendant lives two (2) floors below my apartment and seeing as I am the only other resident in the building aside from the Defendant, he has absolutely no reason to be on the fourth (4th) floor where my apartment is located. I notified the building and again asked them to please get Defendant out of the building as he was putting my own safety in jeopardy. A copy of the email is annexed hereto as **Exhibit 11**.

13. On July 3rd I emailed the building superintendent asking whether any of the wires were cut as the internet in my apartment was no longer working. I received an email from the building's super intendant advising that Defendant cut the wires, which caused an interruption to the internet. I was instructed to "call the Wifi company" to have it fixed. A copy of the email exchange is annexed hereto as **Exhibit 12**. The internet was not restored until July 10th, despite the fact that I had to continue to pay for the service as a result of Defendant's actions.

14. On July 6, 2020 at 6:58 pm, I sent an email to the building superintendent and Plaintiff's counsel, regarding the loud hammering emanating from Defendant's apartment that could be heard in my apartment. A copy of the email is annexed hereto as **Exhibit 13**.

15. On July 8, 2020 at 8:37 pm, I sent an email to the building superintendent and Plaintiff's counsel, regarding the odor from cigarette smoke permeating my apartment. A copy of the email is annexed hereto as **Exhibit 14**.

16. On July 9, 2020 at 10:39 pm, I sent another email to the building superintendent and Plaintiff's counsel, regarding the continued odor from cigarette smoke permeating my apartment. A copy of the email is annexed hereto as **Exhibit 15**.

17. On July 10, 2020 at 8:38 am, I sent an email to the building superintendent and Plaintiff's counsel, regarding the smell of cigarette smoke permeating the stairway in the building. A copy of the email is annexed hereto as **Exhibit 16**.

18. Later in the evening on July 10, 2020, I sent two (2) more emails to the building superintendent and Plaintiff's counsel, one at 10:19 pm, about hammering and drilling in Defendant's apartment, and another at 10:29 pm, about Defendant playing loud music in his apartment that was audible in my apartment. A copy of these two (2) emails are annexed hereto as **Exhibits 17 and 18**. As documented in these emails, Defendant's conduct seemed more aggressive, leaving me to again feel unsafe with no options in my own home. I feared that if the police were called and did nothing, that Defendant would retaliate.

19. On July 13, 2020, I sent three emails to the building superintendent and Plaintiff's counsel; one at 5:51 pm and one at 6:03 pm, both regarding the drilling taking place in Defendant's apartment; and a third one at 6:24 pm regarding the smell of smoke in my apartment. A copy of these emails are annexed hereto as **Exhibits 19, 20 and 21**.

20. On July 16, 2020 at 8:27 pm, I sent an email to the building superintendent and Plaintiff's counsel, regarding Defendant repeatedly slamming his door and the smell of smoke emanating from his apartment and into my apartment. A copy of this email is annexed hereto as **Exhibit 22**.

21. On July 17, 2020 at 11:47 pm, I sent an email to the building superintendent and Plaintiff's counsel, regarding a litany of noise and disturbing behaviors taking place and emanating from Defendant's apartment, including Defendant repeatedly slamming his door, hammering and noise from music or a running machine that was causing the walls in my apartment to vibrate. I informed the building that Defendant had also been making these disturbing noises the night before. A copy of this email is annexed hereto as **Exhibit 23**.

22. On July 18, 2020, I called 311 to report the disturbance caused by Defendant's repeated slamming of his door, hammering and use of the alarming machine. I sent an email to the building superintendent and Plaintiff's counsel at 12:16 am advising of same. A copy of the email is annexed hereto as **Exhibit 24**. I received a notification that the New York Police Department had been dispatched to the building and responded to the complaint, taking action to fix the condition. I forwarded a copy of the notification to the building, a copy of which is annexed hereto as **Exhibit 25**. However, as I feared, I was informed by the building's superintendent that video surveillance showed the police walk by the exterior of the building, made no effort to enter, and then left without taking any action or intervention. A copy of that correspondence is annexed hereto as **Exhibit 26**.

23. On Saturday, July 18th at 6:58 am, I notified the building that Defendant was slamming his door over and over again all morning. The noise was so loud it prevented me from being able to sleep on my day off. A copy of this email is annexed hereto as **Exhibit 27**.

24. On July 19, 2020, I sent two (2) emails to the building superintendent and Plaintiff's counsel advising of the hammering and use of power tools in Defendant's apartment. A copy of the emails are annexed hereto as **Exhibit 28 and 29**.

25. On July 22, 2020, I sent an email to the building superintendent and Plaintiff's counsel advising of the drilling and use of power tools in Defendant's apartment, causing loud noise and vibrations that were felt in my apartment two floors above. A copy of the email is annexed hereto as **Exhibit 30**.

26. On July 25, 2020, I received the extremely disturbing email attached hereto as **Exhibit 31** from Defendant. In this email, Defendant inaccurately states that I must either be extremely sensitive to noise or have been coerced by the building. He admits to causing me undue stress, but asks me not to yell down and request that he be quiet. Not only am I not sensitive to noise, but I have only yelled down asking Defendant to stop his behavior on one occasion back in April. I have been more than patient despite Defendant's persistent disruptive and troublesome behavior. I am also well aware that it is Defendant's behavior that has forced numerous tenants to vacate the building – either temporarily or permanently. His communication with me once again made me feel unsafe in my own home, as I have tried to limit my contact with Defendant out of fear for my own personal safety, and as a result I have had to retain my own personal attorney.

27. On July 27, 2020 at 10:18 pm, I sent an email to the building superintendent as well as Plaintiff's counsel, regarding Defendant blasting his music at unreasonable volumes and slamming his door with such force that it causes my apartment and the shelving inside of my apartment to shake. I notified the building that this conduct had started at 3:00 am and continued until 10:18 pm that evening. A copy of the email is annexed hereto as **Exhibit 32**.

28. On July 28, 2020 at 12:03 am, I recommended to the building that they check the security cameras as Defendant was in the courtyard making a lot of noise which was not only terrifying but sounded destructive. A copy of the email is annexed hereto as Exhibit 33. I also called 311 and made another complaint, however, the police never came. I was later advised by the building superintendent that Defendant had apparently locked himself out of his apartment, and had therefore climbed the fire escape and kicked in his own window.

29. That same night on July 28, 2020 at 12:12 am, I sent a further email to the building superintendent and Plaintiff's counsel, advising that Defendant was using a drill or some other power tools in his apartment, which was audible in my apartment. A copy of the email is annexed hereto as Exhibit 33.

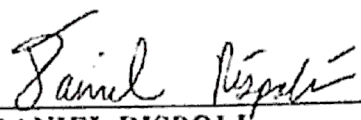
30. On July 30, 2020 at 4:38 pm, I sent an email to the building superintendent and Plaintiff's counsel, advising that Defendant was once again playing his music at an unnecessarily high volume such that the walls and floors of my apartment were vibrating. A copy of the email is annexed hereto as Exhibit 34.

31. I was away for the weekend and upon my return to my apartment, Defendant was playing music in his apartment at an excessively high volume. The email that I sent to the building superintendent and Plaintiff's counsel is annexed hereto as Exhibit 35 and once again document how awful my living situation has been for the past 5+ months.

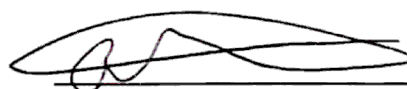
32. I would not say that I am unreasonably sensitive to noise or smells, but the constant banging, hammering, use of power tools and blasting music by Defendant in his apartment – all of which can be heard in my apartment and which disturbs me and oftentimes wakes me up or causes me to be unable to sleep – is unacceptable. I deserve to quietly enjoy my apartment and have been unable to do so for months as a result of Defendant's behavior.

Additionally, Defendant's erratic behavior coupled with the distressing letters he has sent me have made me live in constant fear for my own well-being. Defendant's actions have had a grave effect on my mental health, have cost me considerable money, and have robbed me of my sense of safety.

33. I implore this Court to issue a restraining order restricting Defendant's behavior so that we can both live peacefully.


DANIEL RISPOLI

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


Notary Public

ASHLEY HUMPHRIES
NOTARY PUBLIC, State of New York
No. 02HU6333840
Qualified in New York County
Commission Expires December 7th, 2023