

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

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

**Plaintiff,**

**-against-**

**BARIS DINCER,**

**Defendant.**

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**STATE OF CALIFORNIA )**

**:ss:**

**COUNTY OF \_\_\_\_\_ )**

**ALEXIS BRANDON**, being duly sworn, deposes and states:

1. I am the tenant of apartment 3BR at 111 Sullivan Street, New York, New York. I reside directly above Baris Dincer ("Defendant"), the Defendant in this action, who resides in apartment 2BR.

2. I moved into the Building in September 2019. Since Defendant moved into the Building in January 2020, his behavior has become increasingly erratic and downright scary – to the point that I have vacated my apartment and flown across country in the midst of a pandemic, to reside with my mother in California at least until the 'stay at home' is lifted.

3. I have consistently notified Plaintiff's management company about Defendant's behavior. On February 19, 2020, I sent an email to Plaintiff informing that Defendant was hammering in his apartment all evening, and that neighbors were yelling outside of their doors at Defendant to get him to stop. I informed Plaintiff that as a young woman living alone in New York City, I was nervous for my safety as a result of Defendant's behavior. A copy of my February 19, 2020 email is annexed to the accompanying Regan Aff. as **Exhibit 5**.

4. Although the noise and disturbances continued, my next email to Plaintiff was on March 29, 2020 – after Defendant punctured a hole in a water pipe causing damage in the Building. I had heard Defendant banging on the pipes for quite a while. At some point in the day, the super came to my apartment to inspect as a result of Defendant claiming that there was a leak emanating from my apartment. An inspection showed that there was no leak from my apartment. A copy of the March 29, 2020 email to Plaintiff is annexed to the Regan Aff. as Exhibit 10.

5. On the morning of March 29, 2020, I saw something oozing into my apartment from outside the front door, and when I opened it to see what it was, I found a thick substance on the floor that smelled like petroleum. I contacted the super and it was cleaned up to the best of his ability. See, Exhibit 10 to the Regan Aff.

6. At this point, I was very concerned for my safety and afraid of what might happen next – as I informed Plaintiff in my March 29, 2020 email. See, Exhibit 10 to the Regan Aff.

7. Although Defendant continued to be a nuisance, my next email to Plaintiff was on April 11, 2020, informing Plaintiff that Defendant continues to be a nuisance. As I was getting ready for bed, I heard Defendant's door open; Defendant came to my door and splashed some liquid on it that smelled of cigarettes and possibly urine. A copy of the April 11, 2020 email to Plaintiff is annexed to the Regan Aff. as Exhibits 19-20.

8. It was at this point that I decided to leave my apartment and travel across country to stay with my mother in California. The potential risk to my safety remaining in my apartment far outweighed the potential of contracting Covid-19 on a cross-country flight.

9. I sent a second email to Plaintiff on April 11, 2020 further detailing the incident from the prior night, including how after Defendant through whatever liquid substance at my front door, he started screaming in the hallway about how disgusting I was to throw liquid on his door!

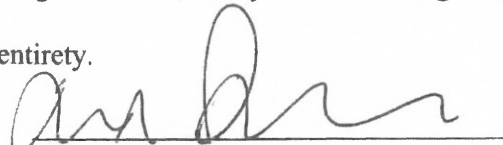
My fear of leaving my apartment at that point belies his crazy rants! He was then smoking in his apartment and the smell travelled up to my apartment. He then blasted a podcast in his apartment which I could hear clearly in my apartment. A copy of this second email from April 11, 2020 is annexed to the Regan Aff. as Exhibit 21.

10. In fact, my mother was so concerned about the situation, she contacted Plaintiff on her own to ensure that they were aware of the severity of the situation. My mother's emails to Plaintiff are annexed to the Regan Aff. as Exhibit 21.

11. It is completely unacceptable for anyone – let alone a single woman living in New York City – to feel so threatened and unsafe in their own home as the result of the actions of one unstable individual. My flying across the country in the midst of a global pandemic and chancing contracting Covid-19 is indicative of the level of fear for my safety that I felt in my apartment.

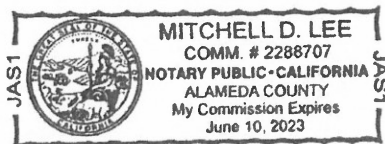
12. I have informed Plaintiff that I do not intend to pay my rent unless and until I can reside safely in my apartment without the threat of Defendant's actions.

13. Based on the foregoing, Plaintiff's request to enjoin 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 (d) otherwise continuing his course of conduct that is endangering the health, safety and well-being of other residents at the Building, should be granted in its entirety.

  
Alexis Brandon

STATE OF CALIFORNIA )  
 ) ss.:  
COUNTY OF Alameda )

CA On April 16, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Alexis Brandon, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within affidavit, and being duly sworn, acknowledged to me that she executed the same in his/her capacity, and that by her signature on the affidavit, she executed the affidavit.



  
Notary Public