

Keaton
Butler

STATE OF NEW YORK

RECEIVED

CITY OF NEW YORK,

Plaintiff,

-against-

STIPULATION OF SETTLEMENT

Index No. 9525/13

THE LAND AND BUILDING KNOWN AS
41-06 10 STREET A.K.A. 41-01 10 STREET,
et. al,

Defendants.

WHEREAS, the plaintiff CITY OF NEW YORK commenced an action against the defendants THE LAND AND BUILDING KNOWN AS 41-06 10 STREET A.K.A. 41-01 10 STREET, TAX BLOCK #465, TAX LOT #100, in the COUNTY OF QUEENS, STATE OF NEW YORK, MICHAEL BUTLER A.K.A. JOHN DOE, as well as other defendants, seeking a judgment preliminarily and permanently enjoining a public nuisance within the premises located at 41-06 10 STREET, APARTMENT 4A, TAX BLOCK #465, TAX LOT #100, in the COUNTY OF QUEENS, STATE OF NEW YORK; closing the subject premises for a period of one (1) year from the posting of judgment; awarding plaintiff penalties, costs, and disbursements; and granting such preliminary relief closing the subject premises and enjoining the public nuisance; and

WHEREAS, the CITY OF NEW YORK and defendant MICHAEL BUTLER wish to reach an agreement settling the action as it pertains to them:

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorney of record for the plaintiff and Defendant MICHAEL BUTLER, as follows:

2013 MAY 23 10 17
COURT CLERK

1. The parties consent to the terms of this Stipulation in full settlement of the action and the motion as it pertains to them.
2. MICHAEL BUTLER is the tenant of the premises, located at 41-06 10 STREET, APARTMENT 4A, LONG ISLAND CITY, NEW YORK, consents and agrees to enter into this action and consents to the jurisdiction of this court.
3. Defendant MICHAEL BUTLER consents that any individual living within the subject premises, operating out of or from the subject premises, or loitering within the subject premises are permanently and perpetually enjoined from violating the New York State Penal Laws and/or any other provisions enumerated in Title 7 of the New York City Administrative Code.
4. Defendant MICHAEL BUTLER consents and agrees that KEJEAN BUTLER A.K.A. KEJEON BUTLER will vacate the subject premises forthwith. At no time after the date of the execution of this stipulation shall KEJEAN BUTLER A.K.A. KEJEON BUTLER enter or reside at the subject premises. If KEJEAN BUTLER A.K.A. KEJEON BUTLER enters or resides at the subject premises, the subject premises will be closed forthwith without further judicial intervention.
5. The parties to this Stipulation consent that the plaintiff (through the New York City Police Department) has the right to make unannounced inspections of the subject premises for the purpose of ensuring that said premises is not being used for any illegal activity and to confirm compliance with the provisions of this Stipulation. This parameter in no way limits the New York City Police Department, or any other agency, from conducting other investigations or operations inside the subject premises.
6. In the event that the subject premises becomes a place in, or upon which, any of the activities mentioned in paragraphs (3) or (4) above occur, the subject premises shall be

immediately closed by the New York City Police Department, without further judicial intervention.

7. Except to the extent set forth herein, this stipulation shall in no way limit or diminish any rights or remedies which the City of New York may possess with respect to occurrences or conditions which may arise after execution of this Stipulation or which may have occurred prior thereto.

8. The undersigned shall indemnify, defend, and hold plaintiff harmless against all claims regarding this action, including but not limited to personal property at or alleged to have been within the subject premises.

9. The execution of this stipulation shall act as a full and complete release between the parties as to any claims raised during the course of this matter or which the parties would have been required to bring in this matter pursuant to the provisions of the C.P.L.R.

10. Plaintiff reserves the right to re-open the action if there is a violation of this Stipulation. The parties consent to the terms of this Stipulation in full settlement of the action and the motion as it pertains to them.

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11. This Stipulation shall be effective immediately upon execution.

Dated: Queens, New York
May 17, 2013

Michael L. Butler

DEFENDANT-TENANT
MICHAEL BUTLER
By: MICHAEL BUTLER
41-06 10 STREET
APARTMENT 4A
LONG ISLAND CITY, NY 11101

V-K

MICHAEL A. CARDOZO
Corporation Counsel for the City of New York
DOUGLASS B. MAYNARD
Deputy Commissioner, Legal Matter
New York City Police Department
Attorneys for Plaintiff, City of New York

By: Vasilios Kovoros, Esq.
2 Lafayette Street, 5th Floor
New York, NY 10007
(917) 454-1147

SO ORDERED

[Signature]

Orin R. Viltzes
Judge

2013 MAY 23 A 10:11 J

[Vertical stamp]

SUPREME COURT STATE OF NEW YORK
COUNTY OF QUEENS

THE CITY OF NEW YORK,

Plaintiff,

- against -

THE LAND AND BUILDING KNOWN AS 41-06 10 STREET A/K/A 41-01 10 STREET, TAX BLOCK # 465, LOT # 100, COUNTY OF QUEENS, CITY AND STATE OF NEW YORK; NEW YORK CITY HOUSING AUTHORITY, "JOHN DOE"; "JANE DOE" fictitiously named parties, true names unknown, the parties intended being the owners, lessees, operators or occupants of Apartment #4A located at 41-06 10 Street, Long Island City, New York and any person claiming any right, title or interest in the real property which is the subject of this action,

Defendants.

VERIFIED COMPLAINT

Index No.

Filed On: MAY 15th 2013

Plaintiff, the City of New York, by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, Douglass B. Maynard, Deputy Commissioner for Legal Matters, New York City Police Department, of counsel, alleges as follows upon information and belief:

INTRODUCTION

1. The plaintiff brings this action pursuant to and by the authority of § 20 of the General City Law, § 394 of the New York City Charter and § 7-704(a) and § 7-706(a) of the Administrative Code of the City of New York.

THE PARTIES

2. Plaintiff, the City of New York, is a municipal corporation incorporated under the laws of the State of New York.

3. The real property which is the subject of this action is Apartment #4A located at 41-06 10 STREET A/K/A 41-01 10 STREET, TAX BLOCK # 465, LOT # 100, COUNTY OF QUEENS, CITY AND STATE OF NEW YORK.

4. Defendant NEW YORK CITY HOUSING AUTHORITY is the last recorded owner of the real property which is the subject of this action according to a deed recorded in Queens County, Office of the New York City Register.

5. Defendant THE LAND AND BUILDING KNOWN AS 41-06 10 STREET A/K/A 41-01 10 STREET, TAX BLOCK # 465, LOT # 100, COUNTY OF QUEENS, CITY AND STATE OF NEW YORK, is the subject premises where the activities complained of in this complaint have taken place and are taking place.

6. Defendants "JOHN DOE" and "JANE DOE" are fictitiously named parties, true names unknown, the parties intended being any person or entity who is an owner, lessor, lessee, agent and/or occupant of the subject premises, and any other person or entity claiming any right, title or interest in the real property which is the subject of this action.

7. Since May 1, 2013, inclusive, the subject premises have been the site of three (3) controlled crack/cocaine "buys" in violation of Article 220 of the New York State Penal Law on three (3) separate dates.

8. During this investigation, a Confidential Informant (hereinafter referred to as "CI") who is registered with the New York City Police Department, was used to develop the case. The Confidential Informant has proven reliable in the past in that the Confidential

Informant has provided information to the New York City Police Department which has been the basis for multiple search warrants, which have resulted in numerous arrests. All New York City Police Department policies and procedures concerning the use of a Registered Confidential Informant were followed.

May 1, 2013

9. On May 1, 2013, Detective Keith Dietrich, assigned to the Queens Narcotics Division, took the CI to the vicinity of the subject premises. CI was searched and found not to be in possession of any illegal drugs or United States currency. CI was then given buy money (U.S. Currency) for the controlled buy at the subject premises. CI was observed as s/he walked directly to the subject premises building without stopping or talking to anyone. A short time later, CI was observed as s/he walked back to the meeting place. CI then handed Detective Dietrich a quantity of crack/cocaine purchased from an individual known to the CI at the subject premises. CI was then searched once again and found not to be in possession of additional illegal contraband. The quantity of crack/cocaine was then vouchered under Property Clerk's Invoice 4000134918.

May 7, 2013

10. On May 7, 2013, Detective Craig Rosenberg, assigned to the Queens Narcotics Division, took the CI to the vicinity of the subject premises. CI was searched and found not to be in possession of any illegal drugs or United States currency. CI was then given buy money (U.S. Currency) for the controlled buy at the subject premises. CI was observed as s/he walked directly to the subject premises building without stopping or talking to anyone. A short time later, CI was observed as s/he walked back to the meeting place. CI then handed Detective Rosenberg a quantity of crack/cocaine purchased from an individual known to the CI at the

subject premises. CI was then searched once again and found not to be in possession of additional illegal contraband. The quantity of crack/cocaine was then vouchered under Property Clerk's Invoice 4000136375.

May 8, 2013

11. On May 8, 2013, Detective Dietrich again participated in an investigation of the subject premises. On this date, Detective Dietrich met with the same CI in the vicinity of the subject premises. CI was searched and found not to be in possession of any illegal drugs or United States currency. CI was then given buy money (U.S. Currency) for the controlled buy at the subject premises. CI was observed as s/he walked directly to the subject premises building without stopping or talking to anyone. A short time later, CI was observed as s/he walked back to the meeting place. CI then handed Detective Dietrich a quantity of crack/cocaine purchased from an individual known to the CI at the subject premises. CI was then searched once again and found not to be in possession of additional illegal contraband. The quantity of crack/cocaine was then vouchered under Property Clerk's Invoice 4000136728.

12. In each case in which controlled substances were purchased from the individual(s) inside the subject premises, the transaction was conducted openly and the seller(s) of the controlled substances appear to have evinced a "business as usual" attitude.

13. Upon information and belief, the offending tenant(s) still have access or could have access to the subject premises, thus the propensity of violence surrounding narcotics dealing still exists. Accordingly, a closing order is necessary to abate this serious public nuisance.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
THE CITY OF NEW YORK,

Plaintiff,

- against -

AFFIDAVIT

THE LAND AND BUILDING KNOWN AS
41-06 10 STREET A/K/A 41-01 10 STREET, et al.,

Defendants.
-----X

STATE OF NEW YORK)

: ss.:

COUNTY OF QUEENS)

Detective Keith Dietrich, Tax #898161, being duly sworn, deposes and says:

1. I am a member of the Queens Narcotics Division of the New York City Police Department. My duties include the enforcement of laws concerning illegal drugs and related activities. I have received professional training in the identification of crack/cocaine, participated in numerous controlled buys in which the substance purchased and believed by me to be crack/cocaine was later chemically determined to be crack/cocaine, and am fully familiar with the common methods of packaging crack/cocaine for sale.

3. I submit this affidavit in support of the plaintiff's application for a temporary restraining and closing order, and motion for preliminary injunction.

4. Pursuant to my assigned duties, I participated in an official investigation at Apartment 4A located at 41-06 10 Street, Long Island City, New York (hereinafter the "subject premises").

5. During this investigation a Confidential Informant (hereinafter referred to as "CI"), who is registered with the New York City Police Department, was used to develop the case. The CI has proven reliable in the past in that the CI has provided information to the New York City Police Department which has been the basis for multiple search warrants, which have resulted in numerous arrests. All New York City Police Department policies and procedures concerning the use of a Registered Confidential Informant were followed.

May 1, 2013

6. On May 1, 2013, I met and searched the CI. At this time the CI did not possess any controlled substances or contraband. The CI was then given a sum of United States Currency and instructed to purchase controlled substances inside the subject premises.

7. I observed the CI walk toward the subject premises building without stopping at any other destination or communicating with any individuals. A few minutes later, I observed the CI return from the subject premises building. The CI then gave me a quantity of crack/cocaine. The CI was then searched again for currency and contraband and none was found.

8. The CI informed me that the transaction occurred when the CI went to the subject premises and engaged in a narcotics related conversation with an individual known to the CI to be operating out of the subject premises. The CI then handed the individual a sum of United States Currency and the CI was given a quantity of crack/cocaine. Subsequently, the CI left the location.

9. Based on my professional training and experience in the identification and packaging of crack/cocaine, and the texture, appearance and packaging of the substance vouchered, I determined that the quantity of alleged crack/cocaine was actual crack/cocaine - an illegal drug. The quantity of crack/cocaine was vouchered under Property Clerk Invoice 4000134918.

May 8, 2013

10. On May 8, 2013, I again met and searched the CI. At this time the CI did not possess any controlled substances or contraband. The CI was then given a sum of United States Currency and instructed to purchase controlled substances inside the subject premises.

11. I observed the CI walk toward the subject premises building without stopping at any other destination or communicating with any individuals. A few minutes later, I observed the CI return from the subject premises building. The CI then gave me a quantity of crack/cocaine. The CI was then searched again for currency and contraband and none was found.

12. The CI informed me that the transaction occurred when the CI went to the subject premises and engaged in a narcotics related conversation with an individual known to the CI to be operating out of the subject premises. The CI then handed the individual a sum of United States Currency and the CI was given a quantity of crack/cocaine. Subsequently, the CI left the location.

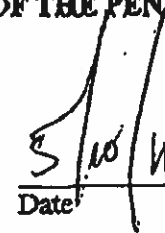
13. Based on my professional training and experience in the identification and packaging of crack/cocaine, and the texture, appearance and packaging of the substance vouchered, I determined that the quantity of alleged crack/cocaine was actual crack/cocaine - an illegal drug. The quantity of crack/cocaine was vouchered under Property Clerk Invoice 4000136728.

14. Based on my professional training, experience, and observations at the subject premises, it is my opinion that the subject premises is used primarily for the sale of illegal drugs.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.



Detective Keith Dietrich



Date



NYPD PETS PROPERTY and EVIDENCE TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/08)



Invoice No. **4000134918**

Invoking Command
115TH PCT.

Invoice Status
OPEN

Invoice Date: **05/01/2013** Property Type: **CONTROLLED SUBSTANCE** Property Category: **INVESTIGATORY**

Officers	Rank	Name	Tax No.	Command	
Invoking	DT2	DIETRICH, KEITH	898161	QNSNB	OCME EUI No.
Arresting	N/A				OCME FB No.
Investigating	DT2	DIETRICH, KEITH	898161	QNSNB	Police Lab Evid. Cont. No.
Det Squad Supervisor	N/A				Det Sqd. Case No. N/A
Collecting/Processing	N/A				SUBJECT RUMOR, JF N/A

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Description
1		ALLEGED CRACK COCAINE COLOR: WHITE PACKAGED IN: TISSUE TWIST FORM: ROCK	1201451914 5424562		

REMARKS:
898161 05/01/2013 18:06 : ATPO ABOVE ITEM WAS PURCHASED BY CI#2001/253 I/S OF #106 10ST 4A.

Date Of Incident	Paral Code/Description	Crime Classification	Related To	Receipt
05/01/2013	PL/220.39		N/A	REFUSED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSID No.

Name	Tax No.	Address	Phone No.

File#(s): **CI#2001/253** NY

Owner(s): **JD BIG** 4106 10TH ST, 4A, ASTORIA, NY- 11101
Complainant(s): **PSNY**

Complaint No.: **N/A**

Related Comp No.(s): **N/A**

Alcub/Accident No(s): **N/A**

Related Invoice(s): **N/A**

Approver	Rank	Name	Tax No.	Command	Date	Time
Entered By	DT2	DIETRICH, KEITH	898161	QNSNB	05/01/2013	18:53
Invoking Officer	DT2	DIETRICH, KEITH	898161	QNSNB	05/01/2013	18:08

Approved By: **SGT FIORELLO, LAWRENCE** 915719 QNSNB 05/01/2013 19:08
[Signature]



Invoice No. **4000134918**

ADA Copy
Printed: 05/01/2013 19:06

PCD Storage No. --

Page No. 1 of 2



NYPD PETS PROPERTY AND EVIDENCE TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/08)



Invoice No. **4000136375**

Invoicing Command
115TH PCT.

Invoice Status
OPEN

Invoice Date: **05/07/2013** Property Type: **CONTROLLED SUBSTANCE** Property Category: **INVESTIGATORY**

Officers	Rank	Name	Tax No.	Command	
Invoicing	DT3	ROSENBERG, CRAIG	907213	GINSB	OCME, EU No.
Arresting	N/A				OCME, FB No.
Investigating	N/A				Police Lab Evid. Cont. No.
Det Squad Supervisor	N/A				Det Sqd. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Agency N/A

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Description
1	1	ALLEGED ORANGE COCAINE COLOR: WHITE PACKAGE IN TISSUE FORM 1 TISSUE CONTAINING CRAIK COCAINE	907213		

REMARKS:
 907213 05/07/2013 14:46 : AT T/P/O ABOVE IS A COMPLETE LIST OF ALL PROPERTY VOUCHERED FOR INVESTAGTION
 BUYOP# 2489L

907213 05/07/2013 14:52 : AT T/P/O ABOVE IS A COMPLETE LIST OF ALL PROPERTY VOUCHERED FOR INVESTAGTION . PURCHASED
 BY CH#2001-253(INTEL)
 BUYOP# 2489L

Date Of Incident	Panel Code/Description	Crim. Classification	Related To	Receipt
05/07/2013	PL Z20.39/CSCS	FELONY	N/A	REFUSED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSD No.
Finder(s)					
Owner(s)			41-06 10 STREET, QUEENS, NY		
Complainant(s)					
Complaint No.	N/A				
Related Comp No.(s)	N/A				
Alleged/Accident No.(s)	N/A				
Related Invoice(s)	N/A				



Invoice No. **4000136375**

Invoicing Officer Copy
Printed: 05/07/2013 14:55

PCD Storage No. ---

Page No. 1 of 2



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/07)



Invoice No. **4000136375**

Approvals	Rank	Name	Tax No.	Command	Date	Time
Entered By	DT3	ROSENBERG, CRAIG	807213	QNSNB	05/07/2013	14:39
Invoicing Officer	DT3	ROSENBERG, CRAIG	807213	QNSNB	05/07/2013	14:35
Approved By	SGT	FIORIELLO, LAWRENCE	915719	QNSNB	05/07/2013	14:55

Craig Rosenberg

Lawrence Fiorello



Invoice No. **4000136375**

Invoicing Officer Copy
DATE: 05/07/2013 14:55

PCB Storage No. —

Page No. 2 of 2



NYPD PETS PROPERTY AND EVIDENCE TRACKING SYSTEM
Property Clerk Invoice
FD 507-141-Rev. 10/09



Invoice No. 4000136728

Invoking Command
115TH PCT.

Invoice Status
OPEN

Invoice Date
05/08/2013

Property Type
CONTROLLED SUBSTANCE

Property Category
INVESTIGATORY

Officer	Rank	Name	Tel No.	Command	OCUSE No.	OCSE, CR No.	Property Cust. Ctl. No.	Del. Cust. Care No.	N/A
Invoking	DT2	DIMEGLIO, MICHAEL	917546	QNSNB					
Arresting	N/A								
Invoking	N/A								
Del. Cust. Care	N/A								
PROPERTY	N/A								

Item	Total QTY	Description	PETE No.	PBA QTY	Description
1		ALLEGED CRACK COCAINE 88 PK WHITE PACKAGED IN WHITE TISSUE PAPER FORM ROCK	4281450300 56425597		

REMARKS:
917546 05/08/2013 18:00 : THE ABOVE IS PART OF BQ2489L

Date Of Incident	Fatal Code/Description	Color Classification	Related To	Receipt
05/08/2013	220.38/CSCS	FELONY	N/A	REFUSED

Defendant Name: D.O.B. Age Address Arrest No./Summons No. NY PD No.

Name Tel No. Address Home No.

Plaintiff: CR2001/253
Owner(s): JD BIGBOY, NY
Charge(s): PSNY

Company No.: N/A
Related Cont. No. (s): N/A
Alleged Offense No. (s): N/A
Related Invoice(s): N/A

Approver	Rank	Name	Tel No.	Command	Date	Time
Created By	DT2	DIMEGLIO, MICHAEL	917546	QNSNB	05/08/2013	18:00
Invoking Officer	DT2	DIMEGLIO, MICHAEL	917546	QNSNB	05/08/2013	18:13
Approved By	SGT	FIORIELLO, LAWRENCE	916719	QNSNB	05/08/2013	18:13



Invoice No. 4000136728

Printed: 05/08/2013 19:14

PCD Storage No. --

Page No. 1 of 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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THE CITY OF NEW YORK,

Plaintiff,

- against -

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THE LAND AND BUILDING KNOWN AS
41-06 10 STREET A/K/A 41-01 10 STREET, et al.,

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: ss.:

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Detective Craig Rosenberg, Tax #907213, being duly sworn, deposes and says:

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3. I submit this affidavit in support of the plaintiff's application for a temporary restraining and closing order, and motion for preliminary injunction.

4. Pursuant to my assigned duties, I participated in an official investigation at Apartment 4A located at 41-06 10 Street, Long Island City, New York (hereinafter the "subject premises").

5. During this investigation a Confidential Informant (hereinafter referred to as "CI"), who is registered with the New York City Police Department, was used to develop the case. The CI has proven reliable in the past in that the CI has provided information to the New York City Police Department which was been the basis for multiple search warrants, which have resulted in numerous arrests. All New York City Police Department policies and procedures concerning the use of a Registered Confidential Informant were followed.

May 7, 2013

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Detective Craig Rosenberg


Date