

SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX

THE CITY OF NEW YORK,

Plaintiff,

- against -

SOUTHERN BLVD I HOUSING DEVELOPMENT
FUND COMPANY, INC.; THE LAND AND
BUILDING KNOWN AS 737 SOUTHERN
BOULEVARD A/K/A 739 SOUTHERN
BOULEVARD, TAX BLOCK #2720, TAX LOT #24,
County of Bronx, City and State of New York; and
"JOHN DOE" and "JANE DOE" fictitiously named
parties, true names unknown, the parties intended being
the owners, lessees, operators or occupants of the
apartment #5E within the building located at 737
SOUTHERN BOULEVARD, Bronx, New York and any
person claiming any right, title or interest in the real
property which is the subject of this action,

Defendants.

SUMMONS

Index No: /2013

Filed On: 2/14/13

13 FEB 14 AM 10:27
COUNTY CLERK
BRONX COUNTY

RECEIVED

NO FEE

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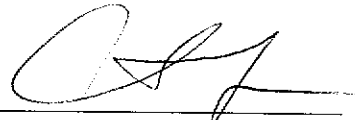
BRONX COUNTY
CLERK'S OFFICE

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED TO ANSWER the complaint in this action and serve a copy
of your answer on the plaintiff's attorney within twenty (20) days after the service of this summons,
exclusive of the day of service or within thirty (30) days after service is complete if this summons is
not personally delivered to you within the State of New York. In the case of your failure to answer,
judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue designated is Bronx County, the county in which the property affected by this action is located. Plaintiff designates Bronx County as the place of trial.

DATED: New York, New York
January 17, 2013



MICHAEL A. CARDOZO
Corporation Counsel
City of New York
DOUGLASS MAYNARD
Deputy Commissioner
Legal Matters
New York City Police Dept.
Attorney for Plaintiff

By: Aldijana Suljovic, Esq.
2 Lafayette Street- Fifth Floor
New York, New York 10007
917-454-1143

SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX

THE CITY OF NEW YORK,

Plaintiff,

- against -

SOUTHERN BLVD I HOUSING DEVELOPMENT
FUND COMPANY, INC.; THE LAND AND
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BOULEVARD A/K/A 739 SOUTHERN
BOULEVARD, TAX BLOCK #2720, TAX LOT #24,
County of Bronx, City and State of New York; and
"JOHN DOE" and "JANE DOE" fictitiously named
parties, true names unknown, the parties intended being
the owners, lessees, operators or occupants of the
apartment #5E within the building located at 737
SOUTHERN BOULEVARD, Bronx, 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: /2013

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Plaintiff, the City of New York, by its attorney, Michael A. Cardozo, Corporation Counsel of the
City of New York, Douglass 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 and a party to this action is the apartment #5E within the building located at 737 SOUTHERN BOULEVARD A/K/A 739 SOUTHERN BOULEVARD, TAX BLOCK #2720, TAX LOT #24, County of Bronx, City and State of New York.

4. Defendant SOUTHERN BLVD HOUSING DEVELOPMENT FUND COMPANY, INC. is the last recorded owner of the real property which is the subject of this action according to a deed recorded in Bronx, Office of the New York City Register.

5. Defendant THE LAND AND BUILDING KNOWN AS 737 SOUTHERN BOULEVARD A/K/A 739 SOUTHERN BOULEVARD, TAX BLOCK #2720, TAX LOT #24, County of Bronx, 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.

BACKGROUND FACTS

7. Since October 24, 2012, there have been four (4) "controlled buys" of heroin.

8. On October 24, 2012, a Registered Confidential Informant 2002-040 (hereinafter "CI 2011-0670") purchased heroin from an individual operating within the subject premises in exchange for a sum of United States currency.

9. On October 26, 2012, a Registered Confidential Informant 2002-040 (hereinafter "CI 2011-0670") purchased heroin from an individual operating within the subject premises in exchange for a sum of United States currency.

10. On December 5, 2012, a Registered Confidential Informant 2002-040 (hereinafter "CI 2011-0670") purchased heroin from an individual operating within the subject premises in exchange for a sum of United States currency.

11. On December 6, 2012, a Registered Confidential Informant 2002-040 (hereinafter "CI 2011-0670") purchased heroin from an individual operating within the subject premises in exchange for a sum of United States currency.

12. The subject premises is a front for the illegal sale and storage of heroin. Thus, it cannot be denied that the subject premises is a serious public nuisance.

AS AND FOR A FIRST CAUSE OF ACTION

13. Plaintiff repeats and realleges, as if fully set forth herein at length, the facts contained in the preceding paragraphs.

14. Pursuant to § 7-703 of the Administrative Code, a public nuisance includes:
(g) Any building, erection or place including one- or two-family dwellings, wherein, within the period of one year prior to the commencement of an action under this chapter, there have occurred three or more violations of any of the provisions of article . . . two twenty . . . of the penal law [offenses relating to heroin][as amended by Bill dated December 29, 1993].

15. The subject premises has been the site of at least four (4) violations of Article 220 of the New York State Penal Law on four (4) separate dates within the one (1) year period preceding the commencement of this action.

16. By virtue of the foregoing, there exists a public nuisance at the subject premises.

17. Pursuant to § 7-706 and § 7-714 of the Administrative Code, plaintiff is entitled to a judgment against the defendants, their agents, assigns and/or representatives, and any and all persons acting individually or in concert with them, permanently enjoining such public nuisances; directing the sheriff to seize and remove from the subject premises all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and directing the sale by the sheriff of such property; and closing the subject premises for a period of one (1) year from the posting of the judgment.

18. The defendants have owned, leased, used, maintained or conducted the subject premises for drug trafficking and have permitted, promoted, condoned or acquiesced in the use of said portion of the premises for the illegal activity.

19. The defendants have intentionally conducted, maintained or permitted the aforementioned public nuisance.

20. Pursuant to § 7-706(h) of the Administrative Code, plaintiff is entitled to a judgment against the defendants ordering that each defendant pay a penalty of one thousand dollars (\$1,000.00) for each day that such defendant intentionally conducted, maintained or permitted the public nuisance.

AS AND FOR A SECOND CAUSE OF ACTION

21. Plaintiff repeats and realleges, as if fully set forth herein at length, the facts contained in the preceding paragraphs.

22. Pursuant to § 7-703 of the Administrative Code, a public nuisance includes:

(l) Any building, erection or place including one - or two -family dwellings, wherein there exists or is occurring a criminal nuisance as defined in § 240.45 of the penal law.

23. Section 240.45 of the Penal Law states that:

A person is guilty of Criminal Nuisance in the second degree when:

...

2. he knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.

24. The subject premises is being used as a place where persons engage in activity in violation of Article 220 of the Penal Law.

25. Defendants have created a criminal nuisance pursuant to Penal Law § 240.45 by knowingly conducting or maintaining the subject premises as a place where persons gather for purposes of engaging in activity in violation of Penal Law Articles 220.

26. The subject premises is being used as a drug location where persons buy, sell and traffic in heroin.

27. By virtue of the foregoing, there exists a public nuisance at the subject premises.

28. Pursuant to § 7-706 and § 7-714 of the Administrative Code, plaintiff is entitled to a judgment against the defendants, their agents, assigns and/or representatives, and any and all persons acting individually or in concert with them, permanently enjoining such public nuisance; directing the sheriff to seize and remove from the subject premises all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and directing the sale by the sheriff of such property; and closing the subject premises for a period of one (1) year from the posting of the judgment.

29. The defendants have intentionally conducted, maintained or permitted the aforementioned public nuisance.

30. Pursuant to § 7-706(h) of the Administrative Code, plaintiff is entitled to a judgment against the defendants ordering that each defendant pay a penalty of one thousand dollars (\$1,000.00) for each day that such defendant intentionally conducted, maintained or permitted the public nuisance.

WHEREFORE, the plaintiff demands judgment against the defendants as follows:

a. With respect to the **FIRST CAUSE OF ACTION**, directing that the subject premises described herein and made a defendant in this action shall be permanently and perpetually enjoined as a place which is conducted, maintained or permitted to be a public nuisance, by the defendants, their agents, assigns and/or representatives, and any and all persons acting individually or in concert with them; directing the sheriff to seize and remove from the subject premises all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and directing the sale by the sheriff of such property; directing that the subject premises, which has been conducted and maintained as a public nuisance, shall be closed against all use for a period of one (1) year from the date of the posting of the judgment herein, pursuant to § 7-714(c) of the Administrative Code, unless sooner released as provided by law; and awarding to plaintiff civil penalties in the amount of one thousand dollars (\$1,000.00) from each defendant for each and every day that such defendant intentionally conducted, maintained or permitted the public nuisance;

b. With respect to the **SECOND CAUSE OF ACTION**, directing that the subject premises described herein and made a defendant in this action shall be permanently and perpetually enjoined as a place which is conducted, maintained or permitted to be a public nuisance, by defendants, their agents, assigns and/or representatives, and any and all persons acting individually or

in concert with them; directing the sheriff to seize and remove from the subject premises all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and directing the sale by the sheriff of such property; directing that the subject premises, which has been conducted and maintained as a public nuisance, shall be closed against all use for a period of one (1) year from the date of the posting of the judgment herein, pursuant to § 7-714(c) of the Administrative Code, unless sooner released as provided by law; and awarding to plaintiff civil penalties in the amount of one thousand dollars (\$1,000.00) from each defendant for each and every day that such defendant intentionally conducted, maintained or permitted the public nuisance;

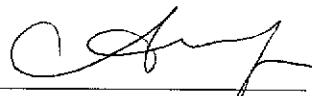
c. Taxing and allowing plaintiff's costs and disbursements against the defendants pursuant to the Civil Practice Law and Rules, and directing that plaintiff have execution therefor;

d. Taxing and allowing plaintiff's actual costs, expenses and disbursements in investigating, bringing and maintaining the action, pursuant to Administrative Code § 7-714(g), and directing that plaintiff have execution therefor; and

e. Granting to plaintiff such other and further relief as the Court may deem just, proper and equitable.

DATED: New York, New York

January 17, 2013



MICHAEL A. CARDOZO
Corporation Counsel City of New York
DOUGLASS MAYNARD
Deputy Commissioner Legal Matters
New York City Police Dept.
Attorney for Plaintiff

By: Aldijana Suljovic, Esq.
2 Lafayette Street- Fifth Floor
New York, New York 10007
917-454-1143

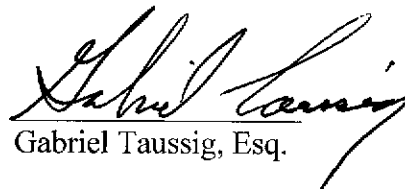
VERIFICATION

Gabriel Taussig, an attorney admitted to practice before the Courts of the State of New York, hereby affirms the following to be true, under the penalties of perjury, pursuant to C.P.L.R. 2106:

I have been duly designated as Assistant Corporation Counsel of the City of New York and, as such, I am an officer of the City of New York, the Plaintiff in the within action. I have read the foregoing complaint and know the contents thereof; the same are true to my knowledge except as to those matters therein alleged upon information and belief, and as to those matters I believe them to be true.

The reason why this verification is not made by the City of New York is that it is a corporation. My belief as to all matters not stated upon my knowledge is based upon information obtained from various departments of the city governments, from statements made to me by certain officers or agents of the City of New York, and from statements, affidavits or affirmations of other persons.

DATED: New York, New York
January 23, 2013


Gabriel Taussig, Esq.

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and

certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

Say that: I am the attorney of record, or of counsel with the attorney(s) of record, for I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on Information and belief, and as to those matters I believe them to be true. My belief, as to those matter therein not stated upon Knowledge, is based upon the following:

The reason I make this affirmation instead of is

I affirm that the forgoing statements are true under penalties of perjury.

(Print signer's name below signature)

Dated:

STATE OF NEW YORK, COUNTY OF

ss:

Being sworn says: I am in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

the of a corporation, one of the parties to the action, I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matter therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 20

Notary Public

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

age and reside at:

Being sworn says: I am not party to the action, am over 18 years of

On ,20 , I served a true copy of the annexed:

in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

by delivering the same personally to the persons and at the addresses indicated below:

Sworn to before me on , 20

Notary Public

(Print Signer's name below signature)



POLICE DEPARTMENT
LEGAL BUREAU
CIVIL ENFORCEMENT UNIT
2 LAFAYETTE STREET-5th Floor
NEW YORK, N.Y. 10007-1307

Date: February 14, 2013

County Clerk
Bronx County
851 Grand Concourse
Bronx, New York

Re: The City of New York
v.

SOUTHERN BLVD I HOUSING DEVELOPMENT
FUND COMPANY, INC., *et al.*

Dear Clerk:

The above entitled special proceeding is being instituted by the New York City Police Department on behalf of New York City.

I am claiming an exemption from the Index, RJI, and Motion fees of \$210.00, \$95.00, and \$45.00 dollars respectively pursuant to C.P.L.R. Section 8017.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aldijana Suljovic', with a long horizontal flourish extending to the right.

(for) Aldijana Suljovic, Esq.
DOUGLASS MAYNARD
Deputy Commissioner
Legal Matters