

FILED

JAN 25 2013

CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK  
BRONX COUNTY

THE CITY OF NEW YORK,

Plaintiff,

against

TUDOR PLACE ASSOCIATES; THE LAND AND BUILDING KNOWN AS 112 TUDOR PLACE, TAX BLOCK 2463, TAX LOT 11, Bronx County, City and State of New York; "JOHN DOE" and "JANE DOE", fictitiously named parties true names unknown, the parties intended being the owners, lessees, operators or occupants of Apartment 1B located at 112 Tudor Place, 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: 1/25/13

TO THE ABOVENAMED 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.

2013 JAN 25 AM 10:50  
CLERK'S OFFICE  
BRONX COUNTY NY

RECEIVED

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

December 23, 2012



MICHAEL A. CARDOZO

Corporation Counsel

City of New York

S. ANDREW SCHAFFER

Deputy Commissioner

Legal Matters

New York City Police Dept.

Attorney for Plaintiff

By:

Carrie B. Talansky, Esq.

2 Lafayette Street- Fifth Floor

New York, New York 10007

917454-1121

SUPREME COURT OF THE STATE OF NEW YORK  
BRONX COUNTY

THE CITY OF NEW YORK,

Plaintiff,

against

TUDOR PLACE ASSOCIATES; THE LAND AND BUILDING KNOWN AS 112 TUDOR PLACE, TAX BLOCK 2463, TAX LOT 11, Bronx County, City and State of New York; "JOHN DOE" and "JANE DOE", fictitiously named parties true names unknown, the parties intended being the owners, lessees, operators or occupants of Apartment 1B located at 112 Tudor Place, 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.:

12013

Filed on:

1/25/13

Plaintiff, the City of New York, by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, *Deborah L. Zealand, Assistant* ~~S. Andrew Schaffer~~, 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. The real property which is the subject of and a party to this action is the residence located at 112 Tudor Place, APARTMENT 1B, TAX BLOCK 2463, TAX LOT 11, County of Bronx, City and State of New York.

3. Defendant TUDOR PLACE ASSOCIATES is the last recorded owner of the real property which is the subject of this action according to records maintained by the New York City Department of Finance.

4. Defendant THE LAND AND BUILDING KNOWN AS 112 TUDOR PLACE, APARTMENT 1B, TAX BLOCK 2463, TAX LOT 11, County of Bronx, City and State of New York (hereinafter "subject premises"), is the location where the activities complained of in this complaint have taken place and are taking place.

5. 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**

6. Since March 21, 2012, there have been three (3) incidents involving controlled substances at the subject premises. Specifically, three (3) "controlled buys" of marihuana.

7. On March 21, 2012, Detective Rodriguez, along with other members of her team, met with a Registered Confidential Informant (hereinafter "CI") in the vicinity of the subject premises. The CI was thoroughly searched and found not to be in possession of any illegal drugs or United States currency. The CI was then given money for the controlled buy at the subject premises. The CI was observed walking directly to the subject premises without stopping or talking to anyone. The CI was then observed entering the subject premises and exiting a short time later and returning to the meeting place without stopping or talking to anyone. The CI then turned over a quantity of marihuana purchased from an individual within the subject premises. The CI was searched and found not to be in possession of additional illegal drugs or United

States currency. The marijuana was subjected to a field test and the results were positive for the presence of marijuana. The marihuana invoiced under Property Clerk's Invoice 2000083160.

8. On April 17, 2012, Detective Decandia, along with other members of his team, met with a CI in the vicinity of the subject premises. The CI was thoroughly searched and found not to be in possession of any illegal drugs or United States currency. The CI was then given money for the controlled buy at the subject premises. The CI was observed walking directly to the subject premises without stopping or talking to anyone. The CI was then observed entering the subject premises and exiting a short time later and returning to the meeting place without stopping or talking to anyone. The CI then turned over a quantity of marihuana purchased from an individual within the subject premises. The CI was searched and found not to be in possession of additional illegal drugs or United States currency. The marijuana was subjected to a field test and the results were positive for the presence of marijuana. The marihuana invoiced under Property Clerk's Invoice 2000091558.

9. On May 19, 2012, Detective Rodriguez, along with other members of her team, met with a CI in the vicinity of the subject premises. The CI was thoroughly searched and found not to be in possession of any illegal drugs or United States currency. The CI was then given money for the controlled buy at the subject premises. The CI was observed walking directly to the subject premises without stopping or talking to anyone. The CI was then observed entering the subject premises and exiting a short time later and returning to the meeting place without stopping or talking to anyone. The CI then turned over a quantity of marihuana purchased from an individual within the subject premises. The CI was searched and found not to be in possession of additional illegal drugs or United States currency. The marijuana was subjected to

a field test and the results were positive for the presence of marijuana. The marijuana invoiced under Property Clerk's Invoice 2000101698.

10. Upon information and belief, the subject premises continue to be used as a front for the illegal sale and storage of marijuana.

**AS AND FOR A FIRST CAUSE OF ACTION**

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

12. 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 or two twenty-one . . . of the penal law [offenses relating to cocaine][as amended by Bill dated December 29, 1993].

13. The subject premises have been the site of at least three (3) violations of Article 221 of the New York State Penal Law, on at least three (3) separate dates, within the one (1) year period preceding the commencement of this action.

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

15. 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.

16. 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.

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

18. 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**

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

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

(1) 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.

21. 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.

22. The subject premises are being used as a place where persons engage in activity in violation of Article 221 of the Penal Law.

23. 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 Article 221.

24. The subject premises are being used as a drug location where persons buy, sell and traffic in marihuana.

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

26. 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.

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

28. 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  
*December 28,* 2012

  
MICHAEL A. CARDOZO  
Corporation Counsel City of New York  
S. ANDREW SCHAFFER  
Deputy Commissioner Legal Matters  
New York City Police Dept.  
Attorney for Plaintiff

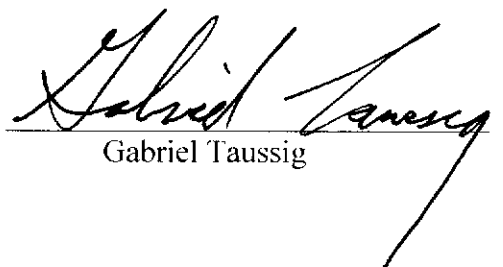
By: Carrie B. Talansky, Esq.  
2 Lafayette Street- Fifth Floor  
New York, New York 10007  
917454-1121

**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 7, 2013

  
Gabriel Taussig

Sir: --Please take notice that the within is a (Certified) true copy of a duly entered in the office of the clerk of the within named court on 20 Dated,

Yours, etc.,  
MICHAEL A. CARDOZO, Esq.  
CORPORATION COUNSEL, CITY OF NEW YORK  
S. ANDREW SCHAFER, Esq.  
DEPUTY COMMISSIONER, LEGAL MATTERS

Attorney for

Office and Post Office Address  
N.Y.C. Police Department  
Legal Bureau  
Civil Enforcement Unit  
2 Lafayette Street, 5<sup>th</sup> Floor  
New York, NY 10007-1307  
Tel. (917) 454-1100

NOTICE OF SETTLEMENT

Sir: -- Please take notice that an order of which the within is a true copy will be presented for settlement to the Hon.

One of the judges of the within named Court, at

on 20

at M.

Dated,

Yours, etc.,  
MICHAEL A. CARDOZO, Esq.  
CORPORATION COUNSEL, CITY OF NEW YORK  
S. ANDREW SCHAFER, Esq.  
DEPUTY COMMISSIONER, LEGAL MATTERS

Attorney for

Office and Post Office Address  
N.Y.C. Police Department  
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2 Lafayette Street, 5<sup>th</sup> Floor  
New York, NY 10007-1307  
Tel. (917) 454-1100

SUPREME COURT STATE OF NEW YORK  
BRONX COUNTY

THE CITY OF NEW YORK CITY,

Plaintiff,

-against-

TUDOR PLACE ASSOCIATES, et al.

Defendants.

SUMMONS AND VERIFIED COMPLAINT

MICHAEL A. CARDOZO, Esq.  
CORPORATION COUNSEL, CITY OF NEW YORK  
DEBORAH L. ZOLAND, Esq.  
DEPUTY COMMISSIONER, LEGAL MATTERS  
By: *Aldjiana Suljovic*, Esq.

N.Y.C. Police Department  
Legal Bureau  
Civil Enforcement Unit  
2 Lafayette Street, 5<sup>th</sup> Floor  
New York, NY 10007-1307  
Tel. (917) 454-1100

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for

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  
Attorney's Certification 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  
Attorney's Verification I have read the annexed  
by know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
Affirmation 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  
Individual Verification 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  
Corporate Verification 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 By Mail 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:  
Personal Service

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: January 25, 2013

County Clerk  
Bronx County  
851 Grand Concourse  
Bronx, New York

Re: The City of New York  
v.

TUDOR PLACE ASSOCIATES, *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.  
DEBORAH L. ZOLAND  
Assistant Deputy Commissioner  
Legal Matters