

Susan.

Chris

Sobro

Rodriguez.

NAUTICA

COHEN HURKIN EHRENFELD POMERANTZ & TENENBAUM, LLP

ATTORNEYS AT LAW
25 CHAPEL STREET
SUITE 705
BROOKLYN, NY 11201
(718) 596-9000
FAX (718) 596-9536
www.cohenhurkin.com

ALAN S. TENENBAUM
ROBERT EHRENFELD
MARYBETH HOTALING
DANIEL J. POMERANTZ (NY & NJ BAR)
EUGENE HURKIN, RETIRED
IRWIN R. COHEN (1987-2002)
ROBERT POMERANTZ (1987-2003)

BRUCE M. SCHEINER
H. HEATH TYGAR (NY, NJ & FL BAR)
ILENE SUSSMAN (NY & DC BAR)
ELYCIA D. EDELMAN (NY & MA BAR)
DAVID TROUPP

January 17, 2012

NYC Department of Environmental Protection
59-17 Junction Blvd.
Flushing, N.Y. 11373

Re: Sobro 149 Realty LLC v. News Room Jazz Club, Inc.
Premises: 141-143 E 149th Street, Bronx, N.Y. 10451
Bronx, County Civil Court
Index #: 901322/11

Dear Sirs:

Enclosed please find a copy of a subpoena served upon your agency. The records were finally produced in court, apparently they were being held in Supreme Court. This was discovered after our annexed motion for contempt was made.

However, a witness's presence will be required for testimony on February 7, 2012, 2:00 P.M., Part 52, Room 506 at 851 Grand Concourse to testify in this matter. The subpoena did direct that a witness attend. If there is no witness, we will be forced to proceed with our motion.

Kindly contact the undersigned to confirm a witness appearance.

Very truly yours,

COHEN HURKIN EHRENFELD
POMERANTZ & TENENBAUM, LLP

By: 
Marybeth Hotaling, Esq.

2012 JAN 24 PM 1:43
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
GENERAL COUNSEL'S OFFICE
RECEIVED

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX : PART 52

SOBRO 149 REALTY LLC

Petitioner(s),

-against-

NEWS ROOM JAZZ CLUB, INC.

Respondent(s).

THE PEOPLE OF THE STATE OF NEW YORK

TO: NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 JUNCTION BLVD.

FLUSHING, NEW YORK 11373

By Someone Having Knowledge of the Facts

File # 281526

Index # 901322/11

JUDICIAL SUBPOENA
DUCES TECUM

Subpoena received by:
Belinda Panina
Legal Sec.
Office of Legal Affairs

GREETINGS:

WE COMMAND YOU, That all business and excuses being laid aside, you appear and attend and produce to one of the Judges of the Civil Court of the City of New York, COUNTY OF BRONX at a Trial Term, PART 52, ROOM 506, of said Court, to be held at the courthouse thereof; at 851 GRAND CONCOURSE, Borough of BRONX, City of New York, on the October 12, 2011, at 2:00 o'clock P.M. in the AFTERNOON,

Certified Copies of any and all record relating to water meters at 141-143 East 149th Street, Bronx, New York from 2008 to present including dates of installation and areas of premises covered by said meters as well as records of bills and payments.

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises.

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoenas was issued for a penalty not to exceed ONE HUNDRED FIFTY DOLLARS and all damages sustained by reason of your failure to comply.

WITNESS, Honorable JUDGE
CONCOURSE, BRONX, NEW YORK, the

, one of the Judges of said Court, at 851 GRAND
day of 2011.

J.H.C.

HON. RAUL CRUZ

COHEN HURKIN EHRENFELD
POMERANTZ & TENENBAUM, LLP.
Attorneys for Petitioner(s)
25 Chapel Street, Suite 705
Brooklyn, New York 11201
(718) 596-9000
By: MARYBETH HOTALING, ESQ.

Pursuant to CPLR 2303, a copy of this subpoena is also being mailed to the respondent's Attorney.

File # 281526
L&T Index # 901322/11

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX : PART 52

SOBRO 149 REALTY LLC

Petitioner(s),

- against -

NEWS ROOM JAZZ CLUB, INC.

Respondent(s).

JUDICIAL SUBPOENA
DUCES TECUM

Signature Rule 130-1.1a

MARYBETH HOTALING, ESQ.

COHEN HURKIN EHRENFELD
POMERANTZ & TENENBAUM, LLP
Attorney(s) for Petitioner(s)
25 Chapel Street, Suite 705
Brooklyn, New York 11201
(718) 596-9000

TO: PETER A. LUBELL, ESQ
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.
Attorney for Respondent(s)
733 YONKERS AVENUE
YONKERS, NEW YORK 11104

CIVIL COURT OF THE CITY OF NEW YORK
County of Bronx: PART 52

Index No. 901322

Sobro 149 Realty LLC

Plaintiff(s) Petitioner(s)

AFFIDAVIT
OF
SERVICE

Against

News Room Jazz Club, INC.

Defendant(s) Respondent(s)

Westchester COUNTY, NEW YORK STATE:

Deponent is not a party herein, is over 18 years of age and resides at:

On 10/6/11

at 3:05 PM.

at 59-17 Junction Blvd, Flushing, NY 11373

being sworn, says:

Deponent served the within ☐ summons ☐ with notice ☐ summons, Spanish summons and complaint, the language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

☐ summons and complaint ☐ citation

☐ notice of petition and petition ☒ judicial subpoena

☐ subpoena ☐ subpoena duces tecum

on Dept. of Environmental Protection.

☐ defendant (hereinafter
☐ respondent called therein named
☒ witness the recipient)

PERSONAL 1. ☐ by delivering a true copy of each to said recipient personally: deponent knew the person so served to be the person described as said recipient therein.

CORPORATION a corporation, by delivering thereat a true copy of each to
 2. ☐ Personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be Thereof.

SUBSTITUTED 3. ☒ by delivering thereat a true copy of each to age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling place ☐ usual place of abode within the state. a person of suitable

CONSPICUOUS 4. ☐ by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

on at and on at and on at

Mailing to residence use with 3 or 4 Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at 141-143 East 149th St. Bx, N.Y. and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

Mailing to business use with 3 or 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, the the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION

SEX: ☐ MALE ☒ FEMALESKIN COLOR: ☒ WHITE, ☐ BLACK, ☐ YELLOW, ☐ BROWN, ☐ REDHAIR COLOR: ☐ WHITE, ☐ BLACK, ☐ BLONDE, ☒ BROWN, ☐ RED, ☐ GRAY, ☐ BALDINGAGE: ☐ 14-20 ☐ 21-35 ☒ 36-50 ☐ 51-65 ☐ OVER 65HEIGHT: ☐ UNDER 5' ☐ 5'0 - 5'3 ☒ 5'4 - 5'8 ☐ 5'9 - 6'0 ☐ OVER 6'0WEIGHT: ☐ UNDER 100LBS ☐ 100-130LBS ☒ 131-160LBS ☐ 161-200LBS ☐ OVER 200LBS

OTHER IDENTIFYING FEATURES: * SITTING DOWN

WITNESS

HEES

\$ 15

the authorizing traveling expenses and one days' witness fee:

☒ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity Whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.
 Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

SWORN TO BEFORE ME ON 10-6-11

Alan Abady
 Notary Public, State of New York
 No. 01AB5014371
 Qualified in Westchester County
 Commission Expires July 15, 2015

Nestor Roman

Bronx, New York

Lic. # 932043

copy

WARNING

YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 52

SOBRO 149 REALTY LLC,

Petitioner,

-against-

NEWS ROOM JAZZ CLUB, INC.

Respondent.

NOTICE

THE PURPOSE OF THIS HEARING
IS TO PUNISH YOU FOR CONTEMPT
OF COURT AND SUCH PUNISHMENT
MAY CONSIST OF IMPRISONMENT
OR A FINE OR BOTH ACCORDING TO
LAW.

Index No. 901322/11

2011 NOV 30 PM 12:58

NOTICE OF MOTION

**TO PUNISH FOR CONTEMPT
BY FINE OR IMPRISONMENT**

S I R / M A D A M :

PLEASE TAKE NOTICE, that upon the annexed affirmation of DAVID TROUPP, ESQ., dated November 10, 2011, and upon all the papers and proceedings heretofore had herein, the undersigned will move this Court at **Part 52, (Room 506) of the Civil Court thereof located at 851 GRAND CONCOURSE, BRONX, NEW YORK, 10456 on DECEMBER 7, 2011, at 2:00, in the Afternoon of that day** or as soon thereafter as counsel can be heard, for an ORDER:

1. Finding and adjudging the NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP"), to be in CONTEMPT of this Court for failure to comply with a Judicially Ordered Subpoena served upon them on October 6, 2011.

2. Assessing Civil penalties against DEP and based upon said finding of contempt of Court.

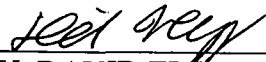
3. Awarding Petitioner reasonable attorneys fees;

4. Granting such other and further relief as to this Court may deem just and proper.

DATED: Brooklyn, N.Y.
November 11, 2011

Yours, etc.

COHEN HURKIN EHRENFELD
POMERANTZ & TENENBAUM, LLP
Attorneys for the Petitioner
25 Chapel Street, Suite 705
Brooklyn, New York 11201
(718) 596-9000


BY: DAVID TROUPP, ESQ.

TO: NEW YORK CITY DEPARTMENT
OF ENVIRONMENTAL PROTECTION
59-17 JUNCTION BLVD.
FLUSHING, NEW YORK 11373

PETER A. LUBELL, ESQ.
NOVICK, EDELSTEIN, LUBELL REISMAN,
WASSERMAN & LEVENTHAL, P.C.
ATTORNEYS FOR RESPONDENT
733 YONKERS AVENUE
YONKERS, NEW YORK 11104

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 52

Index No. 901322/11

SOBRO 149 REALTY LLC,

X

Petitioner,

-against-

AFFIRMATION

NEWS ROOM JAZZ CLUB, INC.

Respondent.

X

DAVID TROUPP, an attorney duly admitted to the practice of law before the
Courts of the State of New York, upon penalty of perjury affirms as follows:

1. I am associated with the firm of COHEN HURKIN EHRENFELD POMERANTZ &
TENENBAUM, LLP, the attorneys for petitioner, and I make this affirmation in support of the
instant motion which seeks to punish the NEW YORK CITY DEPARTMENT OF
ENVIRONMENTAL PROTECTION ("DEP") for contempt of Court.

2. This is a non-payment summary proceeding.

3. A Subpoena was Judicially so Ordered requiring DEP to produce certified copies of
any and all records relating to water meters at 141-143 East 149th Street, Bronx, New York from
2008 to present, including dates of installation and areas of premises covered by said meters as well
as records of bills and payments. Such records were to be produced on October 12, 2011 at 2:00
p.m. in Part 52, room 506 of the Housing Court located at 851 Grand Concourse, Bronx, New York.

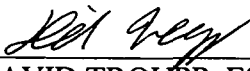
4. Said subpoena was served upon DEP on October 6, 2011. *See Exhibit A, Subpoena,*
with DEP receipt stamp dated July 23, 2010, and affidavit of service.

5. On October 12, 2011, DEP failed to appear and did not produce any records to the Court. As such, these proceedings were adjourned to November 4, 2011 for DEP to comply with the subpoena. Before and after October 12th, Petitioner's counsel attempted to contact DEP on numerous occasions regarding the instant subpoena. In or about October 2011, DEP contacted Petitioner's counsel and stated that they would be responding to the subpoena for the next court date. However, on November 4, 2011, DEP failed to appear and did not produce any of the requested documents pursuant to the Subpoena.

6. To date, DEP has still failed to produce any of the certified documents called for in the subpoena. DEP's lack of respect for the Court, the parties and the judicial process has compelled Petitioner to move this Court to punish the Respondent for contempt. Petitioner has incurred substantial attorney's fees and costs have been incurred due to DEP's failure to comply.

WHEREFORE, Affirmant respectfully requests that the Court grant the relief specified in the annexed Notice of Motion, together with such other and further relief as this Court deems just and proper.

Dated: Brooklyn, New York
November 11, 2011



DAVID TROUPP, ESQ.

EXHIBIT "A"

02/20/2011 15:30

17180363030

CHEPT:

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX : PART 52

SOBRO 149 REALTY LLC

File # 281526

Index # 901322/11

JUDICIAL SUBPOENA
DUCES TECUMSubpoena received by:
Belinda Panina
Legal Sec.
Office of Legal Affairs

Petitioner(s),

-against-

NEWS ROOM JAZZ CLUB, INC.

Respondent(s).

THE PEOPLE OF THE STATE OF NEW YORK

TO: NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 JUNCTION BLVD.
FLUSHING, NEW YORK 11373
By Someone Having Knowledge of the Facts

GREETINGS:

WE COMMAND YOU, That all business and excuses being laid aside, you appear and attend and produce to one of the Judges of the Civil Court of the City of New York, COUNTY OF BRONX at a Trial Term, PART 52, ROOM 506, of said Court, to be held at the courthouse thereof; at 851 GRAND CONCOURSE, Borough of BRONX, City of New York, on the October 12, 2011, at 2:00 o'clock P.M. in the AFTERNOON.

Certified Copies of any and all record relating to water meters at 141-143 East 149th Street, Bronx, New York from 2008 to present including dates of installation and areas of premises covered by said meters as well as records of bills and payments.

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises.

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoenas was issued for a penalty not to exceed ONE HUNDRED FIFTY DOLLARS and all damages sustained by reason of your failure to comply.

WITNESS, Honorable JUDGE
CONCOURSE, BRONX, NEW YORK, the, one of the Judges of said Court, at 851 GRAND
day of 2011.

J.H.C.

HON. RAUL CRUZ

COHEN HURKIN EHRENFELD
POMERANTZ & TENENBAUM, LLP.
Attorneys for Petitioner(s)
25 Chapel Street, Suite 705
Brooklyn, New York 11201
(718) 596-9000
By: MARYBETH HOTALING, ESQ.

Pursuant to CPLR 2303, a copy of this subpoena is also being mailed to the respondent's Attorney.

CIVIL COURT OF THE CITY OF NEW YORK
County of Bronx: PART 52

Index No. 901322

Sobro 149 Realty LLC

Plaintiff(s) Petitioner(s)

AFFIDAVIT
OF
SERVICE

Against

News Room Jazz Club, INC.

Defendant(s) Respondent(s)

Westchester COUNTY, NEW YORK STATE:

Deponent is not a party herein, is over 18 years of age and resides at:

On 10/6/11

at 3:05 PM.

at 59-17 Junction Blvd, Hushing, N.Y. 11373

Deponent served the within

☐ summons ☐ with notice☐ summons, Spanish summons and complaint, the language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)☐ summons and complaint☐ notice of petition and petition☐ citation☐ subpoena ☐ subpoena duces tecum

* Judicial Subpoena

being sworn, says:

on Dept. of Environmental Protection.

☐ defendant (hereinafter☐ respondent called

therein named

☒ witness the recipient)

PERSONAL

1. ☐

by delivering a true copy of each to said recipient personally: deponent knew the person so served to be the person described as said recipient therein.

CORPORATION a

2. ☐

corporation, by delivering thereat a true copy of each to

Personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be Thereof.

SUBSTITUTED

3. ☒by delivering thereat a true copy of each to age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling place ☐ usual place of abode within the state. a person of suitable

CONSPICUOUS

4. ☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

on

at

and on

at

and on

at

Mailing to residence

use with 3 or 4

Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at 141-143 East 149th St. Bx, N.Y. - and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

Mailing to business

use with 3 or 4

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, the the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION

SEX: ☐ MALE ☒ FEMALESKIN COLOR: ☒ WHITE, ☐ BLACK, ☐ YELLOW, ☐ BROWN, ☐ REDHAIR COLOR: ☐ WHITE, ☐ BLACK, ☐ BLONDE, ☒ BROWN, ☐ RED, ☐ GRAY, ☐ BALDINGAGE: ☐ 14-20 ☐ 21-35 ☒ 36-50 ☐ 51-65 ☐ OVER 65HEIGHT: ☐ UNDER 5' ☐ 5'0 - 5'3 ☒ 5'4 - 5'8 ☐ 5'9 - 6'0 ☐ OVER 6'0WEIGHT: ☐ UNDER 100LBS ☐ 100-130LBS ☒ 131-160LBS ☐ 161-200LBS ☐ OVER 200LBS

OTHER IDENTIFYING FEATURES:

* SITTING DOWN

WITNESS

FEE

\$ 15 the authorizing traveling expenses and one days' witness fee:

☒ was paid (tendered) to the recipient☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE

☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity Whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

SWORN TO BEFORE ME ON

10-6-11

Alan Abady
Notary Public, State of New York
No. 01AB5014371
Qualified in Westchester County
Commission Expires July 15, 2015

Nestor Roman

Bronx, New York
Lic. # 932043

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 52

L&T Index: 901322/11

File #:

-----X
SOBRO 149 REALTY LLC

Petitioner(s),

- against -

AFFIDAVIT OF SERVICE

NEWS ROOM JAZZ CLUB, INC.

Respondent(s).

-----X

STATE OF NEW YORK)

COUNTY OF KINGS)

I, James M. Callough, being duly sworn, say: I am not a party to the within action, am over 18 years of age and reside in BROOKLYN, NEW YORK, and am employed by COHEN HURKIN EHRENFELD POMERANTZ & TENENBAUM, LLP., 25 Chapel Street, Suite 705, Brooklyn, New York.

On Nov. 25, 2011, I served the within **NOTICE OF MOTION TO PUNISH FOR CONTEMPT BY FINE OR IMPRISONMENT** by hand delivering a true copy to NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE ADDRESS BELOW:

SERVED ON: MS. BELINDA PANTINCE
NEW YORK CITY DEPARTMENT
OF ENVIRONMENTAL PROTECTION
59-17 JUNCTION BLVD.
FLUSHING, N.Y. 11373

James M. Callough

Sworn to before me on the
29th day of November, 2011

Notary Public
NOTARY PUBLIC

DANIEL TROUPP
Notary Public, State of New York
No. 02TR6229349
Qualified in New York County
Commission Expires October 12, 2014

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: HOUSING PART 52

-----X
SOBRO 149 REALTY LLC

L&T Index #: ~~21918711~~ 901322/11

Petitioner,

- against -

AFFIDAVIT OF SERVICE

NEWS ROOM JAZ CLUB, INC.

Respondent.

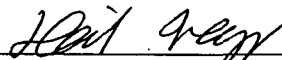
-----X

STATE OF NEW YORK)
)
COUNTY OF KINGS)

I, David Troupp, being duly sworn, say: I am not a party to the within action, am over 18 years of age and am employed by COHEN, HURKIN, EHRENFELD, POMERANTZ & TENENBAUM, ESQS., 25 Chapel Street, Brooklyn, New York.

On November 22, 2011, I served the within NOTICE OF MOTION FOR CONTEMPT by hand delivering a true copy to Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., Attorney for Respondent, News Room Jazz Club, Inc., at the address below:

SERVED ON: Gregory Bougopoulos, Esq.
1118 Grand Concourse
Bronx, New York



DAVID TROUPP

Sworn to before me on the
29th day of November, 2011



NOTARY PUBLIC

ILENE SUSSMAN
NOTARY PUBLIC, State of New York
No. 02SU5052075
Qualified in Kings County
Commission Expires November 20, 20 13

Index #: 901322/11
File # 281526

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 52**

X

SOBRO 149 REALTY LLC,

Petitioner(s),

- against -

NEWS ROOM JAZZ CLUB, INC.

Respondent(s).

X

NOTICE OF MOTION FOR CONTEMPT

Signature Rule 130-1.1a



**COHEN HURKIN EHRENFELD
POMERANTZ & TENENBAUM, LLP
Attorney(s) for Petitioner(s)
25 Chapel Street – Suite 705
Brooklyn, New York 11201
(718) 596-9000**

**TO: NEW YORK CITY DEPARTMENT
OF ENVIRONMENTAL PROTECTION
59-17 JUNCTION BLVD.
FLUSHING, NEW YORK 11373**

**PETER A. LUBELL, ESQ.
NOVICK, EDELSTEIN, LUBELL REISMAN,
WASSERMAN & LEVENTHAL, P.C.
ATTORNEYS FOR RESPONDENT
733 YONKERS AVENUE
YONKERS, NEW YORK 11104**

**** Transmit Confirmation Report ****

P.1

DEP LEAGAL AFFAIRS

Fax: 718-595-6543

Jan 27 2012 01:59pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
912127881633	Normal	27,01:57pm	1'52"	15	# O K	

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

59-17 Junction Boulevard
Flushing, New York 11373
Telephone: (718) 595-6555
Fax: (718) 595-6543

BUREAU OF LEGAL AFFAIRS

Date: 1/27/12

To: Christopher Dickerson

Fax: 212-788-1633

From: Susan Gordon

Pages: 15 (including cover)

Comments: _____

This fax contains confidential information, which may also be legally privileged. It is intended only for use of the addressee(s) named above. If you are neither the recipient of this facsimile nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that disseminating or copying this facsimile is prohibited. If you have received this facsimile in error, please notify this office by telephone and return the original to the address set forth above by the United States Postal Service. Thank you.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**59-17 Junction Boulevard
Flushing, New York 11373
Telephone: (718) 595-6555
Fax: (718) 595-6543**

BUREAU OF LEGAL AFFAIRS**Date:** 1/27/12**To:**Christopher Dickerson**Fax:**212-788-1633**From:**Susan Gordon**Pages:**15 (including cover)**Comments:**

This fax contains confidential information, which may also be legally privileged. It is intended only for use of the addressee(s) named above. If you are neither the recipient of this facsimile nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that disseminating or copying this facsimile is prohibited. If you have received this facsimile in error, please notify this office by telephone and return the original to the address set forth above by the United States Postal Service. Thank you.