

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
1002 REALTY CORP.,

Index No.: 516839/21

Plaintiff,

**MONEY JUDGMENT WITH
AFFIRMATION IN SUPPORT
OF BILL OF COSTS**

- against-

C.H.E.N.Y., INC. d/b/a CYPRESS HILLS EAST NEW
YORK COALITION INC., ALBERTO RAMOS,
TEODORO J. FLORES,

Defendants.

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Upon the Court granting Plaintiff's Motion for a default judgment as against Defendant C.H.E.N.Y., INC. d/b/a CYPRESS HILLS EAST NEW YORK COALITION INC.;

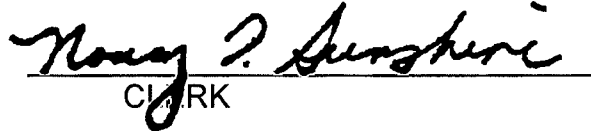
Upon the Court conducting an Inquest Hearing on December 7, 2022 and upon hearing the testimony of the witness and reviewing the documents that have been moved into evidence as against Defendant C.H.E.N.Y., INC. d/b/a CYPRESS HILLS EAST NEW YORK COALITION INC.;

Upon the Court granting Plaintiff's Motion for a default judgment as against Defendant ALBERTO RAMOS and TEODORO J. FLORES pursuant to the Order consistent with the Inquest Hearing on December 7, 2022 (a copy of which is annexed hereto and made a part thereof) and that the judgment shall be entered as against all the named Defendants herein in the sum of \$400,248.00; it is

ADJUDGED that Plaintiff 1002 Realty Corp., with its principal place of business located at 1002 Jamaica Avenue, Brooklyn, New York 11208 is awarded a Money Judgment against Defendant C.H.E.N.Y., INC. d/b/a CYPRESS HILLS EAST NEW YORK COALITION INC., with its principal place of business located at 279 Nichols Avenue,

Brooklyn, New York 11208; Defendant ALBERTO RAMOS, residing at 279 Nichols Avenue, Brooklyn, New York 11208 and Defendant TEODORO J. FLORES, residing at 315 Barbey Street, #1F, Brooklyn, New York 11207 (collectively "Defendants") and that Plaintiff recover from Defendants the sum of \$400,248.00 plus interest from April 4, 2022 in the amount of **\$35,421.24** ~~\$25,007.26~~ pursuant to CPLR § 5001(b), costs and disbursements in the sum of \$605.00 pursuant to CPLR § 8201 and CPLR § 8301 in accordance with the Bill of Costs below **\$436,274.24** making a total sum of ~~\$425,020.26~~, and that Plaintiff shall have execution of the judgment thereon as against Defendants in such amount forthwith.

Judgment entered this 28th day of March 2023


CLERK

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KINGS COUNTY CLERK

FEE _____

BILL OF COSTS

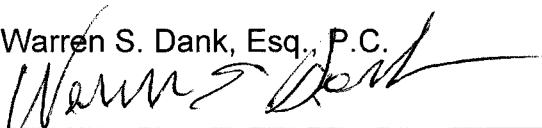
1.	Money Judgment After Inquest (See Attached Transcript)	\$400,248.00
2.	Interest at 9%, computed from August 1, 2015 through March 2, 2020: (\$98.69 per day @ 254 days)	\$ 25,067.26
3.	Costs, pursuant to CPLR § 8201(1) in the sum of \$200.00:	\$ 200.00
4.	Disbursements, pursuant to CPLR § 8301, for the fees incurred for the Index Number (\$210.00), Request for Judicial Intervention (\$95.00), Service of Process (\$55.00), and Motion Fees Paid (\$45.00)	\$ 405.00
Total Due:		\$425,920.26

STATE OF NEW YORK)
 ss:
COUNTY OF NASSAU)

WARREN S. DANK, an attorney admitted to practice law before the Courts of the State of New York, who is not a party to this action, affirmed to be true under penalties of perjury says:

The disbursements above specified have been or will necessarily be made or incurred therein and are reasonable in amount.

Dated: Syosset, NY
March 23, 2023

Warren S. Dank, Esq., P.C.


Warren S. Dank, Esq.
Attorneys for Plaintiff
62 Belmont Circle
Syosset, New York 11791
(516) 364-2469

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DUMP

At Part of the Supreme Court of the State of New York, held in and for the County of Kings, at the courthouse located at 320 Jay Street, Brooklyn, N.Y. 11201, on the 22 day of Feb 2023.

PRESENT:

HON. SHARON BOURNE-CLARKE, J.S.C.

Index No. 516839/21

1002 REALTY CORP.,

Plaintiff,

-against-

O R D E R

C.H.E.N.Y., INC d/b/a CYPRESS HILLS EAST
NEW YORK COALITION INC., ALBERTO
RAMOS, TEODORO J. FLORES, et al.

Defendants.

Plaintiff's Motion for Default Judgment as against Defendants Alberto Ramos and Teodoro J. Flores is granted without opposition and that the Judgment Clerk shall enter judgment in favor of Plaintiff as against Defendants Alberto Ramos and Teodoro J. Flores in the sum of \$400,248.00 consistent with the Inquest Hearing conducted on December 7, 2022 (a copy of which is annexed hereto and made a part thereof) and that the judgment shall be entered as against all the named Defendants herein in the sum of \$400,248.00.

E N T E R



HON. SHARON BOURNE-CLARKE, J.S.C.

the only

Hon. Sharon A. Bourne-Clarke
Acting Justice, Supreme Court

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: TRIAL TERM PART: DJMP
-----X
1002 REALTY CORP.,

Plaintiff,

- against -

Index No.
516839 / 2021
(INQUEST)

C.H.E.N.Y., INC d/b/a CYPRESS HILLS
EAST NEW YORK COALITION INC., et al,

Defendant.

-----X

KINGS COUNTY SUPREME COURT
360 Adams Street
Brooklyn, New York 11201
Wednesday, December 7, 2022

B E F O R E : HONORABLE JOY CAMPANELLI,
Supreme Court Justice

A P P E A R A N C E S :

WARREN S. DANK, ESQ., P.C.
Attorneys for Plaintiff

DAWN S. BOONE
SENIOR COURT REPORTER

INQUEST

1 THE COURT: Number 1, 1002 Realty, the witness.
2 Come on up. This is 1002 Realty Corp. versus C-H-E-N-Y
3 Incorporated. The Index is 516839 of 2021.

4 Counsel, can I have your appearance for the record
5 please.

6 MR. DANK: For the plaintiff --

7 THE COURT: Just do me a favor, state your name
8 again a little slower, please. In a loud and a clear voice
9 and if you want to be seated, you can use the mic so we
10 make sure you are heard, you are more than welcome.

11 MR. DANK: Thank you.

12 Warren S. Dank Esquire, my firm and I'm Warren S.
13 Dank.

14 THE COURT: The witness is on the stand and the
15 witness is going to be sworn in.

16 THE CLERK: Please stand raise your right hand.

17 Do you solemnly swear or affirm under penalties of
18 perjury that the testimony you shall give is the truth, the
19 whole truth and nothing but the truth?

20 THE WITNESS: Yes.

21 THE CLERK: You may be seated.

22 Please state your name and address for the record.

23 THE WITNESS: Roseann Martinelli. Home address
24 or?

25 THE COURT: If you have a business address.

INQUEST

1 THE WITNESS: 1002 Jamaica Avenue.

2 THE COURT: I'm going to ask you to speak in a
3 loud and clear voice so your attorney can hear you and then
4 make sure we get a clear record.

5 Counsel, when you are ready, you can inquire.

6 MR. DANK: Okay, thank you.

7 EXAMINATION

8 BY MR. DANK:

9 Q. Good morning.

10 How are you filiated with the plaintiff, 1002 Realty
11 Corp?

12 A. I help manage the property.

13 Q. Now does 1002 Realty Corp. own the property located 998
14 Jamaica Avenue and 100 Jamaica Avenue, Brooklyn?

15 A. Yes.

16 MR. DANK: Your Honor, at this time I'd like to
17 offer an actual copy of an original deed having been
18 downloaded by me from the official New York City gov
19 website ACRIS. I also have a certification pursuant to
20 2015, that I certified that was printed out as accurate
21 records.

22 THE COURT: That is an attorney certified deed.
23 That will be Plaintiff's 1.

24 Do you want the witness to look at it or you just
25 want the Court to take it into evidence?

DB

INQUEST

1 MR. DANK: Just take it into evidence please.

2 THE COURT: Okay, that's fine.

3 Q. What type of building is 1002 Realty Corp?

4 A. A commercial property.

5 Q. Now how many -- when you say commercial property, how
6 many tenants currently occupy the property?

7 A. I believe five.

8 Q. I'm sorry?

9 A. Five.

10 Q. Is it a mixed-use or just commercial?

11 A. No, it's just commercial because there is less than
12 three residential units.

13 Q. Okay, so when you say it's less than three residential,
14 it's not considered a multiple dwelling?

15 A. No, it's not a multiple dwelling.

16 Q. Now in regards to 998 Jamaica Avenue and 1000 Jamaica
17 Avenue, do you know who occupied that premises, those two
18 premises?

19 A. Um hmm.

20 THE COURT: You have to answer verbally, so yes
21 you know?

22 THE WITNESS: Yes.

23 Q. Who was occupying those two spaces?

24 A. CHENY, Alberto Ramos.

25 Q. Would that be Cypress Hills East New York Coalition

INQUEST

1 Inc, also known as CHENY, C-H-E-N-Y, Inc?

2 A. Yes.

3 Q. Doing business as Cypress Hills East New York
4 Coalition?

5 A. Yes.

6 Q. Now is there, was there a lease between the petitioner
7 and the respondent?

8 A. Yes, there was.

9 MR. DANK: Your Honor. At this time I'd like to
10 offer an original copy of a lease for identification --

11 THE COURT: This will be Plaintiff's 2 for
12 identification.

13 MR. DANK: For ID only.

14 THE COURT: Yes.

15 Just show that to the witness.

16 Q. I need you to look at the document in its entirety and
17 let me know after you completed that.

18 A. Okay.

19 Q. Do you recognize the document?

20 A. Yes.

21 Q. What do you recognize the document to be?

22 A. As the lease agreement.

23 Q. Between which parties?

24 A. Between Cypress Hills East New York Coalition and 1002
25 Realty.

INQUEST

1 Q. Can you please turn to the signature page of the lease?

2 A. Okay.

3 Q. Who signed the lease on behalf of the tenant?

4 A. Alberto Ramos, Cypress Hills East New York Coalition.

5 Q. And who signed the lease on behalf of the petitioner?

6 A. Mario Martinelli from 1002 Realty Corp.

7 Q. What is your relationship with Mario Martinelli?

8 A. He is my dad.

9 Q. Now do you recall, if you look at the first page of the
10 lease, do you recall when the respondent entered possession?

11 A. August 1, 2016.

12 Q. Now is the lease -- actually turn to the document --
13 strike that.

14 If you turn to some of the pages, there will be a
15 section called Modification of Lease?

16 THE COURT: Counsel, before she can read from it,
17 you have to move it in so it's not in evidence.

18 MR. DANK: You're right.

19 THE COURT: It's just for ID.

20 MR. DANK: Okay.

21 Q. Is the lease that is in front of you --

22 THE COURT: Hold on one second.

23 Thank you. You can continue.

24 Q. Is the lease in front of you, the original?

25 A. Yes.

DB

INQUEST

1 Q. Okay.

2 Now is that lease a business record of petitioner and
3 kept in the normal course of business practice of the
4 petitioner?

5 A. Yes, it is.

6 Q. Now is it the regular course of business of the
7 petitioner to retain and keep leases in their file?

8 A. Yes, it is.

9 MR. DANK: Your Honor, at this time I'd like to
10 offer the lease in until evidence as Petitioner's
11 Exhibit 2.

12 THE COURT: Plaintiff's 2, the lease, will be in
13 evidence as a business record.

14 MR. DANK: Thank your Honor.

15 Q. Regarding the address of the premises, what is the
16 address for the premises on the first page of the lease?

17 A. 1000 Jamaica Avenue, Brooklyn, New York 11208.

18 Q. Did it ever become a time when there was a modification
19 of a lease between the petitioner and respondent?

20 A. Yes.

21 Q. Can you please turn to the modification of the lease
22 section?

23 A. Yes.

24 Q. What is the date of modification of the lease?

25 A. October 2016.

INQUEST

1 Q. Okay.

2 Who signed the Modification of Lease on behalf of the
3 tenant?

4 A. Cypress Hills East New York Coalition, Alberto Ramos.

5 Q. Who signed the lease on behalf of petitioner?

6 A. Mario Martinelli 1002 Realty Corp.

7 Q. The date of the modification?

8 A. October 2016.

9 Q. Okay.

10 Now the Modification of Lease, what address was that
11 for?

12 A. That was for 998 Jamaica Avenue, Brooklyn, New York
13 11208.

14 Q. So was that an additional space that the tenant was
15 taking?

16 A. Yes.

17 Q. So they originally occupied one space and then they
18 modified their lease to occupy two spaces?

19 A. Yes.

20 Q. At the same building at 1002 Realty?

21 A. Yes.

22 MR. DANK: At this time, I'd like to show the
23 witness Plaintiff's Exhibit 3 for identification please.

24 THE COURT: Okay. 3 for ID.

25 Q. Now can you please look at the document and let me know

INQUEST

1 if you recognize the document?

2 A. Yes, I do.

3 Q. What do you recognize the document to be?

4 A. The rent ledger.

5 Q. Okay.

6 Specifically when you say rent ledger, is that the rent
7 breakdown as to the amount of money due and owing --

8 A. It's the rent breakdown, the real estate taxes and the
9 insurance.

10 Q. Okay.

11 Is that the obligation of the respondent pursuant to
12 the lease and the modification lease?

13 A. Yes.

14 Q. And now the rent ledger -- the rent ledger, when was
15 the rent ledger generated for the respondent?

16 A. That was August 1 --

17 THE COURT: She can't read from it, counsel. It's
18 still only for ID.

19 Do you have an independent recollection of the
20 date.

21 Q. Do you know when the date, without reading from the
22 document, do you recall when that ledger was generated?

23 A. August 1, 2016.

24 Q. Do you recall approximately how much money, the rent
25 and additional was due and owing pursuant to the lease and the

DB

INQUEST

1 modification lease, approximately?

2 A. Around \$400,000.

3 Q. Now is the rent ledger -- is a rent ledger prepared and
4 generated in the normal course of business practice of
5 petitioner?

6 A. Yes.

7 Q. Is it the regular source of business of petitioner to
8 make a rent ledger for their tenants?

9 A. Yes.

10 MR. DANK: Your Honor, at this time I'd like to
11 offer Plaintiff's Exhibit 3 into evidence.

12 THE COURT: The rent ledger will be in as a
13 business record, that will be 3 in evidence.

14 Q. Can you just give us a quick summary as to what the
15 rent ledger shows on the ledger itself, like the items and then
16 you know, give us a summary total amount?

17 A. Sure.

18 It has the balance from the statement that they owed in
19 rent and then in summary, you have accumulated rent from
20 June 2017 to July 21, 2020 and then you have real estate taxes
21 that are owed from June 2017 to December 2019 -- I mean 2020,
22 and then you have insurance that is owed from June of 2017 to
23 July of 2020, and then the late fee as per the lease.

24 Q. Okay.

25 Now you're referencing the rent. The rent coming off

INQUEST

1 the rental amount from the lease, right?

2 A. Yes.

3 Q. And the real estate taxes, insurance, how is that
4 getting charged?

5 A. So you take the, what the real estate taxes are for the
6 building in total and then we divide it among the tenants based
7 on square footage of what they were renting and it's divided
8 amongst the tenants.

9 Q. Just for summary, the total amount that the rent,
10 additional rent due and owing respondent when they vacated and
11 when you re-rented the space was how much in total? What is the
12 total amount due and owing?

13 A. As of late 2017, it was 56,970.

14 Q. Right, but then as of August 2022, what was due and
15 owing?

16 A. I mean you have to add it up.

17 Q. No, I mean it's on the first page.

18 A. \$400,248.

19 THE COURT: \$400,248.

20 MR. DANK: At this time, respectfully request a
21 money judgment in the amount of that amount, of 400,248
22 based on the default judgment entered against the corporate
23 entity.

24 THE COURT: You don't have any further questions
25 for the witness, correct?

INQUEST

1 MR. DANK: No, I do not.

2 THE COURT: You may leave the witness stand.

3 Thank you very much.

4 (Whereupon the witness exited the witness stand.)

5 THE COURT: Counsel, I don't know if I cut you off
6 but just put what amount you are asking against C-H-E-N-Y
7 because that is the only defendant that we have in the
8 order for default judgment against.

9 MR. DANK: That is correct. \$400,248.

10 THE COURT: Upon hearing the testimony of the
11 witness and reviewing the documents that have been moved
12 int evidence, this Court is going to make an award to the
13 plaintiff as against the corporate defendant, that is
14 C-H-E-N-Y Inc, doing business as Cypress Hills East
15 New York Coalition Incorporated in the sum of \$400,248.

16 Any judgment should be entered through the
17 judgment clerk. When this proceeding concludes, please get
18 the Court Reporter's information so that you can enter your
19 judgment.

20 MR. DANK: Thank you, your Honor.

21 THE COURT: I'm just going to hand you back your
22 exhibits counsel.

* * * * *

23 **The preceding transcript is certified to be a true and correct**
24 **record of the proceedings in this matter.**

24

25

Dawn Boone
DAWN S. BOONE
SUPREME COURT REPORTER

INQUEST

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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1002 REALTY CORP.,

Index No.: 516839/21

Plaintiff,

- against-

C.H.E.N.Y., INC. d/b/a CYPRESS HILLS EAST NEW
YORK COALITION INC., ALBERTO RAMOS,
TEODORO J. FLORES,

Defendants.

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MONEY JUDGMENT WITH AFFIRMATION IN SUPPORT OF BILL OF COSTS

Warren S. Dank, Esq., P.C.
Attorneys for the Plaintiff
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KINGS COUNTY CLERK

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