

SERVICE COPY

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

-----X
MATTHEW NORWOOD

Index No.
017204 CVN 2005

Plaintiff

-against-

587 RIVERSIDE ASSOCIATES LLC
PROPERTY MARKETS GROUP

COMBINED DEMANDS

Defendants.

-----X

PLEASE TAKE NOTICE, that the plaintiff, pursuant to CPLR §3101 and 3120, demands inspection of material discoverable as attached at the law Offices of Mitofsky, Shapiro, Neville & Hazen LLP, 341 West 38th Street, 9th Floor, New York, New York 10018 on the 27th day of June 2005.

PLEASE TAKE FURTHER NOTICE, that said inspection may also be made by means of furnishing true and complete photocopies of such materials prior to the 27th day of June 2005.

PLEASE TAKE FURTHER NOTICE, that the within demand is a continuing one. In the event information responsive to any of the items is obtained after service of this demand, it is to be furnished to this office.

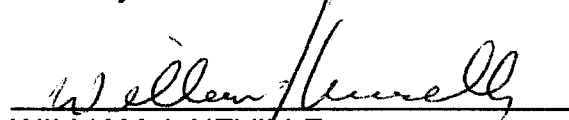
PLEASE TAKE FURTHER NOTICE, that failure to respond to this Notice for Discovery and Inspection will result in an application at the time of trial to preclude

you from introducing into evidence documents requested herein.

Dated: New York, New York
May 31, 2005

Yours etc.,

MITOFSKY, SHAPIRO, NEVILLE & HAZEN LLP
Attorneys for Defendants



WILLIAM J. NEVILLE
341 West 38th Street, 9th Floor
New York, New York 10018
(212) 736-0500

TO: MATTHEW R. NORWOOD
Plaintiff
587 Riverside Drive
Apartment 1-C
New York, New York 10031

DEFINITIONS

The following definitions are in addition to and supplement the information requested in the demands, and the information required to be supplied by these definitions is not to be considered limited by the document request itself.

1. "Relate (s) to" shall mean consisting of, referred to, reflected by or in any way logically or factually connected with the matters discussed, directly or indirectly.
2. "Document" is used in its broadest sense and includes all writings and printed material of any kind, all written or drafted matter of every kind and description, however produced or reproduced, whether related to fact, opinion, event, recollection, or intention, whether draft or final, original or reproduction, including but not limited to: checks, invoices, purchase orders, letter, correspondence, memoranda, telegrams, handwritten notes, lists, books of account, accounting records, periodicals, pamphlets, brochures, advertisements, reports, records, studies, working paper, contracts, agreements, licenses, understandings, minutes, notes, recorded recollections, films, transcripts, contracts and agreements (including, but not limited to, drafts, proposals and any and all modifications thereof), offers, proposal, prospectuses, memoranda of telephone conversations, personal conversations, and other communications (including, but not limited to, logs, or records thereof), microfilm tapes, telegrams, teletype messages, books, news releases, newspapers, magazines, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices, reports (including but not limited to, internal and external investigator's reports), summaries, outlines, rules,

regulations, directives, minutes or other memoranda or meetings, memoranda of interoffice or interoffice communications, financial statements, audit reports, desk calendars, appointment books, diaries, time sheets, logs, e-mails, documents which may exist on any computer, network, backup or in any other electronic format and other documents functionally similar to the foregoing, however described, in the possession, custody or control of defendant or its agents or attorneys regardless of the source of such documents, and all documents, books and records having any bearing, materially, or relevance, whether or not admissible in a court of law concerning all transactions between plaintiffs and defendants and defendants and their agents and contractors. Summaries prepared for trial will not suffice.

3. Defendant refers to Matthew R. Norwood and includes all other names by which he is known and all people and agents through which they operate.

INSTRUCTIONS

A. Each request for production of documents herein shall be deemed continuing so as to require prompt supplemental responses, if defendant obtains or discovers further documents called for herein between the time of responding to this request and the time of trial.

B. If any document within the scope of this request has been destroyed, defendant shall in the responses describe in detail the circumstances of such destruction, and shall produce any documents relating to such destruction.

C. If a claim of privilege is asserted with respect to any documents, state with respect to each such document the date thereof, the author, the recipients, the subject, the privilege claim and a description of the document sufficient to

demonstrate the applicability of the privilege claimed.

D. If any information or data is withheld because such information or data is stored electronically, it is to be identified by the subject matter of the information or data and the place or places where such information is maintained. All such information or data must be preserved forthwith.

E. The time period covered by the Notice of Discovery and Inspection, unless otherwise indicated herein, is the period August 4, 2004 to the present.

NOTICE TO PRODUCE EXPERT WITNESS INFORMATION

PLEASE TAKE NOTICE, that pursuant to CPLR 3101, defendant is hereby required to produce the following at the office of the undersigned:

1. The name of each person whom you expect to call as an expert witness at trial.
2. Disclose in reasonable detail the qualifications of each expert witness:
 - (a) Where did the expert attend school and when did he/she graduate?
 - (b) Did the expert attend graduate or post graduate programs? If so, where and when?
 - (c) Does the expert specialize in any areas? If so what?
3. Disclose in reasonable detail the subject matter on which each expert is expected to testify.
4. Disclose in reasonable detail the substance of the facts and opinions on which each expert is expected to testify.
5. Disclose in reasonable detail a summary of the grounds for each expert's opinion:
 - (a) A description of every document relied upon.
 - (b) A list of all textbooks, treatises and/or articles relied upon.

PLEASE TAKE FURTHER NOTICE, that this demand is a continuing demand for information regarding experts retained by you for trial. Failure to comply with the notice in a timely manner shall be grounds for an order precluding you from offering the testimony at trial of any expert witness whose name and expected testimony is not

disclosed, striking the answer, dismissing the defenses and counterclaim and/or such other relief as the court deems just.

NOTICE FOR DISCOVERY AND INSPECTION
OF PHOTOGRAPHS /VIDEOTAPES

PLEASE TAKE NOTICE, that pursuant to the pertinent statutory and case law, Defendant is requested to produce for discovery and inspection and copying at the office of the undersigned on the date and time aforementioned any and all photographs and/or videotapes of the parties and/or premises involved in the incidents complained of in the complaint and answer.

PLEASE TAKE FURTHER NOTICE, that if no such photographs and/or videotapes are known to you or your representatives, state so in reply to this demand. If such photographs and/or videotapes become known to you and/or your representatives subsequent to the service of this Notice, such information is required to be furnished to the undersigned whenever so obtained.

PLEASE TAKE FURTHER NOTICE, that if you fail to comply with the notice, the undersigned attorneys for defendants will apply to the court for an order for such relief as may be appropriate in the circumstances.

PLEASE TAKE FURTHER NOTICE, that this demand is deemed continuing through the time of trial of this action.

DEMAND FOR NAMES AND ADDRESSES OF ALL WITNESSES

PLEASE TAKE NOTICE, that pursuant to the Rules of the CPLR, attorneys for defendants hereby demand that plaintiff serve upon the undersigned the name and address of each individual they claim is a witness to the incidents alleged in the answer and complaint.

PLEASE TAKE FURTHER NOTICE, that the within demand is a continuing one. If information responsive to any of the above items is obtained after service of this demand, it is to be furnished to this office.

PLEASE TAKE FURTHER NOTICE, that said failure to respond to this Notice for Discovery and Inspection will result in an application at the time of trial to preclude you from proving any of the damages alleged herein.

IF SUCH INFORMATION IS NOT KNOWN, SO STATE IN A SWORN REPLY, THE ANSWERING DEFENDANTS WILL OBJECT AT THE TIME OF TRIAL TO THE TESTIMONY OF ANY WITNESS NOT SUPPLIED IN ACCORDANCE WITH THIS DEMAND

NOTICE FOR DISCOVERY AND INSPECTION

PLEASE TAKE NOTICE, that pursuant to the rules of the CPLR, you are requested to produce for discovery and inspection and copying at the office of the undersigned on the date and time aforementioned, the following documents and things for inspection:

1. The original of the lease made August 4, 2004.

2. **STATEMENTS**

(a) Any signed statement, unsigned statement, oral statement, or copy of any recorded statement or document or photograph made by or taken from any party represented by the undersigned in this action, or

(b) Any statement, unsigned statement, or copy of any recorded statement or document made by or taken from any defendant or agent, servant or employee of any defendant.

3. **PHOTOGRAPHS** - Exact duplicate reproductions of all photographs of any instrumentality claimed to be involved in the alleged occurrence and/or of the scene of the alleged occurrence in your possession, custody or control, or in the possession or under the control of any party you represent, or your agent, servant, employee, and/or principal, which represents the conditions of the locations at the time of the alleged occurrence and/or the instrumentalities involved or claimed to be involved therein, and/or photographs indicating the conditions of the premises immediately prior thereto or shortly after the events which are the subject of this action. In the event property damages are alleged, true and complete copies of any and all photographs depicting such damage immediately prior thereto or shortly after the alleged occurrence which is

the subject of this action.

4. **STATEMENTS** - Full, true, legible and complete copies of any statements prepared or made in the regular course of businesses by any employee, agent or representative of any party to this action concerning this occurrence.

5. **NAMES AND ADDRESSES OF ATTORNEYS** - You are required to provide a list of each party to this action, together with the name address and telephone number and file number of each attorney representing said parties.

6. Any correspondence from Plaintiff to Defendant concerning Defendants inability or excuses for lack of timely compliance with the lease from August 4, 2004 to date; and (b) any written response from defendants.

7. **PROPERTY DAMAGE CLAIM** - If property damage is alleged, you are required to produce true, accurate and complete copies of all property damage estimates, repair bills and/or all original bills and/or purchase invoices for the property allegedly damaged or destroyed due to the occurrences involved in the claim.

8. With regard to this claim, any notes, logs memorandum or other documentation made and/or maintained by plaintiff from August 4, 2004 to date.

9. All books, records, papers, correspondence and other documentation relating to defendants performance under the contract.

10. Any cancelled checks, receipts of other proof of payments under the lease from August 2004.

11. The lease for the apartment relied upon in the cause of action.

12. All other books, papers, receipts, memoranda, cancelled checks, correspondence, and other documents related to the action and counterclaim.

13. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention the alleged damage caused to property as alleged in the complaint.

14. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention the alleged failure to provide repairs as alleged in the complaint.

15. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention that defendants breached the lease.

16. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention that the plaintiff loss the use of his property.

17. Documents, contracts, correspondence, memoranda, notes and recordings, receipts and cancelled checks which prove, reflect or mention that plaintiff was damaged in the sum of \$7,040.00 per the compliant, including, but not limited to contracts and proof of payment for the alleged \$7,040.00 in damages. This includes documents, correspondence, memoranda, notes, recordings, receipts and cancelled checks or proof of payments relating to those damages.

18. If the loss of earnings or income from any source are claimed, plaintiff's income tax returns for the years since the lease commenced.

19. Proof of rent payments made since the lease commenced.

20. Policies of insurance including renewals, amendments and endorsements thereof for the plaintiff and the premises since the lease commenced.

21. Documents, contracts, correspondence, memoranda, notes, recordings, receipts and cancelled checks which prove, reflect or mention work done at the

premises since the lease commenced.

22. Documents, contracts, correspondence, memoranda, notes, recordings, receipts, reports, applications and cancelled checks relating to inspections at the premises.

23. Provide documents related to the presence of defendants' employees and agents at the Property from August 4, 2004 to the present.

PLEASE TAKE FURTHER NOTICE, that said inspection may also be made by means of furnishing photocopies prior to the 27th day of June 2005 and that failure to respond to this Notice for Discovery and Inspection will result in an application at the time of trial to preclude you from providing any of the allegations of your answer.

PLEASE TAKE FURTHER NOTICE , that said inspection may also be made by means of furnishing photocopies prior to the 27th day of June 2005 and that failure to respond to this Notice for Discovery and Inspection will result in an application at the time of trial to preclude you from providing any of the allegations of your answer.

PLEASE TAKE FURTHER NOTICE, that this demand is deemed continuing through the time of trial of this action.

NOTICE FOR DISCOVERY AND INSPECTION OF STATEMENTS

PLEASE TAKE NOTICE, that pursuant to the Rules of the CPLR, you are requested to produce for discovery and inspection and copying at the office of the undersigned on the 27th day of June 2005 the following documents and things for inspection:

1. Original statements by any agent/employee/representative of defendant to plaintiff, its agents, servants or representatives concerning the incidents in the complaint and answer from the execution of the lease.

2. Any and all statements by any plaintiff to the defendant(s).

PLEASE TAKE FURTHER NOTICE, that said inspection may also be made by means of furnishing photocopies of such statements prior to the 27th day of June 2005.

PLEASE TAKE FURTHER NOTICE, that this demand is deemed continuing through the time of trial of this action.

REQUEST FOR IRS AUTHORIZATIONS

PLEASE TAKE NOTICE, that the undersigned hereby demands, pursuant to CPLR §§ 3101(a) and 3120 that defendants within twenty (20) days of the service of this demand, execute an authorization allowing the undersigned plaintiff to obtain any and all of defendants' federal and state income tax returns or certified copies thereof pertaining to the years 2004.

Attylib/discovery docs/ norwoor v 587 rsd combined demands 5 3105

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

Dated,

Yours, etc.
MITOFSKY SHAPIRO
NEVILLE & HAZEN LLP
ATTORNEYS AT LAW

Attorneys for

Office and Post Office Address
341 WEST 38TH STREET, 9TH FLOOR
NEW YORK, NY 10018

To

Attorney(s) for

NOTICE OF SETTLEMENT

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
at
Dated, M.

Yours, etc.
MITOFSKY SHAPIRO
NEVILLE & HAZEN LLP
ATTORNEYS AT LAW

Attorneys for

Office and Post Office Address
341 WEST 38TH STREET, 9TH FLOOR
NEW YORK, NY 10018

To

Attorney(s) for

Index No. 017204CVN/2005 Year

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK.

MATTHEW NORWOOD

Petitioner-Tenant,

-against-

587 RIVERSIDE ASSOCIATES LLC
Respondent-Tenant.

COMBINED DEMANDS

Signature (Rule 130-1.1-a)

William J. Neville

Print name beneath
WILLIAM J. NEVILLE, ESQ.

MITOFSKY SHAPIRO
NEVILLE & HAZEN LLP
ATTORNEYS AT LAW

Attorneys for Petitioner-Landlord

Office and Post Office Address, Telephone
341 WEST 38TH STREET, 9TH FLOOR
NEW YORK, NY 10018
(212) 736-0500

To

Attorney(s) for

Service of a copy of the within is hereby admitted.
Dated

Attorney(s) for

MITOFSKY SHAPIRO NEVILLE & HAZEN LLP