



4. On May 6, 2016, I sent an email to Respondent, in which I agreed to review Respondent's subset of documents and reserved my right to view additional documents. A true and correct copy of my May 6, 2016 email to Respondent is attached hereto as **Exhibit 3**.

5. On May 9, 2016, I received a letter from Respondent, in which Respondent explicitly denied me the right to have any agent or representative present during my review, and further denied me the right to photograph, scan or copy any documents I reviewed on May 23. A true and correct copy of Respondent's May 9, 2016 letter is attached hereto as **Exhibit 4**.

6. On May 23, 2016, I arrived at the designated Douglas Elliman office to review Respondent's documents. Douglas Elliman Property Manager Karel Deboer led me to a conference room, where he reminded me that no copying of documents would be allowed and an armed man who identified himself as Kenneth Rinaldi, a retired NYC police officer, was present for the duration of my review. When my partner and co-habitant, Margaret Janicek arrived to assist me in reviewing documents, she was denied access. It was not until my counsel intervened that Respondent begrudgingly agreed to allow Margaret to assist me in reviewing documents. Officer Rinaldi repeatedly reminded me that we were not allowed to make copies, scan or take photographs of documents in any way.

7. Even with Margaret's assistance, the nature and complexity of documents provided made it impossible to complete my review on May 23. Further, the nature of some of the documents, including the expense portion of the general ledger with thousands of entries, and financial statements, highlighted the need for copies and electronic versions. They cannot be understood or reconciled in hard copy and information cannot be absorbed at first glance. Providing me with only the expense side of the general ledger and not the income side makes it impossible to reconcile the expenses listed. Additionally, paragraph 5 of my proprietary lease clearly states

that I have a right to inspect the “full and correct books of account” and does not limit my right to only the expense side of the ledger. The act of allowing me to look at documents, under armed guard, without the ability to examine electronic versions and duplicate documents for further review was exceedingly ineffective to the point of obstruction. Additionally, the review created more questions for me than it answered. Nevertheless, in light of ongoing settlement talks, I let my concerns lie. However, as the statute of limitations approached, I sent a letter to Respondent, addressing my concerns, including the fact that I was unable to finish my review of documents in May, and that I was denied the right to inspect the income side of the general ledger, electronic versions of documents, and the ability to copy documents. A true and correct copy of my August 23, 2016 letter to Respondent, with attachments thereto, is attached hereto as **Exhibit 5**.

8. On September 13, 2016, Respondent replied to my August 23 letter, inviting me to continue my prior review of documents, but repeating its denial of my right to copies of documents and to receive electronic versions of documents. A true and correct copy of Respondent’s September 13, 2016 letter is attached hereto as **Exhibit 6**.

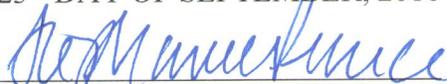
9. A true and correct copy of my Proprietary Lease is attached hereto as **Exhibit 7**.

10. To the extent that Respondent is concerned about possible public dissemination of documents, I have offered to enter into a confidential agreement and/or a nondisclosure agreement regarding any electronic versions of documents or copies that I receive. Further, to the extent that Respondent is concerned about the added cost of providing me with photocopies, I have offered to pay for any and all copies made for me.

11. It is respectfully requested that the relief requested in my petition be granted in all respects.

  
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J. Armand Musey

SWORN TO BEFORE ME THIS  
23<sup>rd</sup> DAY OF SEPTEMBER, 2016

  
\_\_\_\_\_  
NOTARY PUBLIC

**STEPHANIE A. PRINCE**  
Notary Public, State of New York  
Registration #02PR6346224  
Qualified In New York County  
Commission Expires August 8, 2020