

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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J. ARMAND MUSEY,

Petitioner,

Index No. 158014-2016
(Lebovits, J.)

-against-

425 EAST 86 APARTMENTS CORP.,

**AFFIDAVIT OF
LESLIE SPITALNICK
IN OPPOSITION
TO PETITION**

Respondent.
-----X

STATE OF NEW YORK)

ss.

COUNTY OF NEW YORK)

LESLIE SPITALNICK, being duly sworn, deposes and says:

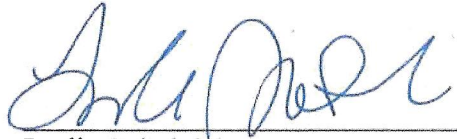
1. I am a member of the board of directors (the "Board") of the respondent, 425 East 86 Apartment Corp. (the "Co-op"). I submit this affidavit in opposition to the Petition filed in the above-captioned Article 78 proceeding, as well as in support of the Co-op's motion to dismiss same.

2. I joined the Board for the first time in October 2013, and have served as a member continuously since that time.

3. Along with Board president, David Munves, I have met several times with Petitioner and his partner, Margaret Janicek, to discuss resolution of a lawsuit Petitioner commenced against the Co-op, several current and former members of the Board and the Co-op's managing agent.


4. On one such occasion, on June 5, 2016, among the topics of discussion was the fact that Standard Waterproofing Corp. ("Standard") had not performed any work on the roof area outside of Petitioner's penthouse apartment, which area Petitioner refers to as his terrace.

5. At that meeting, Petitioner agreed that his review of the Co-op's books and records on May 25, 2016 revealed that this was the case.



Leslie Spitalnick

Sworn to me this
4th day of November, 2016



Notary Public

TODD A. KRICHMAR
Notary Public, State of New York
No. 02KR5025218
Qualified in Kings County
Commission Expires 4/11/18