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BY EMAIL

March 7, 2019

Mr. J. Armand Musey
425 East 86th Street, Apt. PHA
New York, NY 10028

Re: 425 East 86 Apartments Corp. ("Coop")

Dear Mr. Musey:

Reference is made to your letter to me, dated February 27, 2019, regarding my affirmation, in response to your motion to amend your complaint in your case against the Coop. In particular, you asked me to set forth what I view as factual inaccuracies contained in your motion papers.

Perhaps the most glaring inaccuracy in the motion papers, to me, is your characterization of the minutes of a September 7, 1990 meeting of the Board of Directors of the Coop. It was your election to include that reference which brought about the need for my affirmation. As you can tell from the minutes, I was not present for that meeting. I did not see the minutes thereof until recently. As I pointed out in my affirmation, the minutes are inaccurate as to the part of the building about which I rendered my advice. I was dealing only with the terraces and trying to glean another interpretation is difficult to understand. You go on to say that the Board was at that time considering building a roof deck. I know nothing about that and I have never heard of any such consideration.

In a number of instances in your motion papers you inaccurately refer to the failure of the Board to require George Greenberg to comply with the Terrace Standards ("Standards"). Indeed, the theme of Mr. Greenberg and his actions appear in a number of places in your motion papers. The fact is that I have participated in the compliance demands made to Mr. Greenberg. Further, you state that Mr. Greenberg made no changes to the terrace adjacent to Apartment PHB in order to comply with the Standards. In fact, he has already made several changes to do so, disconnecting his sprinkler

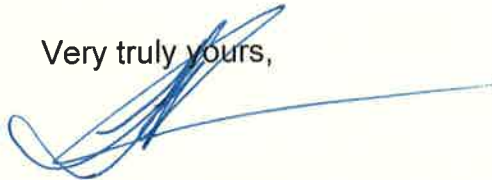
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system, and gas grill. Mr. Greenberg has apparently also emptied the planters on the terrace. You also strongly imply that Mr. Greenberg has somehow been treated differently because he is a member of the Board. That, too, is inaccurate. The Terrace Standards apply equally to shareholders with terraces, so any changes made apply to both you and Mr. Greenberg. On this basis alone you are not being treated "differently". You state that the Board changed the Standards to Mr. Greenberg's advantage. However, soon after the Terrace Standards were initially produced the Board changed the Standards to satisfy some of your concerns. Absent from your motion papers is any acknowledgment of that fact. Finally, I would note that Mr. Greenberg has not only recused himself from voting on any matter relating to his terrace, your terrace, and matters pertaining to the multiple litigations that you have brought against the Coop, but also has left the board meetings when those matters were discussed.

You state that by allowing you to install an air conditioning compressor on the roof above your apartment, the Coop somehow conceded your right to exclusive use of that roof. I am aware that the Coop's permission for you to place the compressor on the roof was a courtesy and, I believe, it was expressed to you as such. Likewise, contrary to your assertion that the Coop acknowledged your exclusive right to the roof by agreeing to notify you when a Coop employee or other worker is going to be on the roof, I am aware that promise to notify was another courtesy, in response to your complaint about a lack of privacy and a need for notice when someone is passing by and working above your apartment. I frankly cannot see how you can transform those acts of courtesy into an acknowledgment that you are entitled to exclusive use of the roof above your penthouse unit.

I have not attempted to point out every statement in your motion papers which I believe to be inaccurate. Rather, I have included only a few of the most obvious inaccuracies in an effort to refute your insinuation that I was not truthful in my affirmation.

Very truly yours,



Herbert L. Cohen