

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART G

109E9 LLC,

Petitioner-Landlord,

-against-

SHIRAS PATTERSON BECKWITH

109 East 9th Street

Apartment #2E

New York, New York 10003

Respondent-Tenant

“JOHN DOE” and/or “JANE DOE”,

Respondents-Undertenants.

Index No. L&T 306106-25/NY

**PETITIONER’S RESPONSES TO
RESPONDENT’S NOTICE TO
PRODUCE DOCUMENTS AND
VIDEO**

C O U N S E L:

PLEASE TAKE NOTICE, pursuant to Article 31 of the Civil Practice Law and Rules that Petitioner, 109E9 LLC, (“Petitioner”) by its attorneys, Kucker, Marino, Winiarsky & Bittens, LLP, respond to Respondent’s Notice to Produce Documents and Video dated May 30, 2025 (the “Notice”), as follows:

GENERAL OBJECTIONS

A. Petitioner objects to the Demands to the extent that they purport to impose obligations greater than those required by the CPLR, the Uniform Rules for the Supreme Court of New York County, and any other applicable rule.

B. Petitioner objects to the Demands on the grounds that its requests are overly broad, unduly burdensome, and seek documents not material or necessary in the prosecution or defense of the claims in this action.

C. Petitioner objects to the Demands to the extent that they request any document or information that is (a) privileged and protected from disclosure under the

attorney-client, work product, or any other applicable privilege, (b) confidential (including but not limited to financial and/or account information of Petitioner or of any person or entity other than the named Petitioner), and/or (c) proprietary.

D. Petitioner objects to the Demands to the extent that they seek documents not in Petitioner's possession, custody, or control, or purport to require Petitioner to seek documents in the possession, custody, or control of third parties.

E. In providing its response to the Demands, Petitioner does not waive or intends to waive, but rather intends to preserve:

- a. All objections as to vagueness, ambiguity, overbreadth, relevancy, or burdensomeness; and
- b. All rights to object on any grounds to the Demands, or any part thereof, or to any other discovery requests involving or related to the subject matter of the Notice; and
- c. All rights to object to the use of this response in any proceedings, including any trial or hearing of this or any other case.

F. Petitioner reserves its right to amend or supplement its responses or to make further objections should additional documents or information be discovered or come to its attention.

G. Any inadvertent or mistaken production of documents that are otherwise subject to the protections of the attorney-client, work product, or other privilege shall not constitute a waiver of any kind with respect to any such privilege. Without prejudice to the generality of the foregoing, any such inadvertent or mistaken production shall not put in issue or constitute the affirmative use of any information or material contained or

referenced in any such documents. Any such inadvertently or mistakenly produced documents, together with any copies made thereof, shall be returned to Petitioner or to its counsel.

H. Petitioner objects to including in any privilege log communications between Petitioner and its litigation counsel and/or between and among litigation counsel after commencement of this lawsuit, on the grounds that all such privileged communications are obviously subject to the attorney-client privilege and/or work-product doctrine, and compiling a list of all such communications (including e-mail) would be unduly burdensome and harassing, would serve no useful or valid purpose, and would itself reveal privileged information.

I. To the extent that Petitioner may produce any documents at any time in response to the Demands, such production is without prejudice to or waiver of those objections.

J. A response that states that Petitioner will produce documents responsive to a particular demand does not mean that Petitioner has any such documents.

K. The foregoing General Objections are incorporated by reference in the responses to each of the individual requests for production that follow.

OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

DOCUMENT REQUEST NO. 1:

With respect to each camera used to perform surveillance with respect to Respondent, each monitor or other device used to observe and/or record images captured by such camera or cameras (“monitoring device”), and each computer hard drive, videotape,

film (including negatives), DVD and/or other media used to store such images (“storage device”),

- a) *The receipts and contracts for the purchase and installation of such cameras, monitoring devices and storage devices;*

Response:

Petitioner objects to this document request on the grounds that it is both compound and unclear. Petitioner further objects on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Petitioner is not in possession of documents responsive to this request.

- b) *The Owners’ manuals for each such camera, monitoring device and storage device;*

Response:

Without waiving any objections to which Petitioner are entitled to raise at the time of trial see documents annexed hereto as Exhibit A.

- c) *The receipts and maintenance logs with respect to the operation, maintenance, calibration, testing and repair of each such camera and monitoring device; and;*

Response:

Petitioner objects to this document request on the grounds that it is both compound and unclear. Petitioner further objects on the grounds that the request is overbroad, unduly burdensome, and is not reasonably calculated to

lead to the discovery of admissible evidence. Subject to and without waiving these objections, Petitioner is not in possession of documents responsive to this request. Occasional manual updates, as needed, are handled by System Administrator. See Affidavit from System Administrator which will be provided as soon as it becomes available.

d) The originals of each storage device upon which surveillance images and/or sounds were and/or are recorded.

Response:

Petitioner objects to this demand on the ground that it is beyond the scope of information material to this case, fails to describe each item and category with reasonable category with reasonable particularity and it is not clear what the demand is seeking, and is overly broad. Notwithstanding the foregoing and without waiving any objections to which Petitioner is entitled to raise at the time of trial, see Hard Drive provided to Respondent's counsel.

DOCUMENT REQUEST NO. 2:

Identify and produce the complete and unredacted surveillance footage from every surveillance camera installed at the Subject Premises, including nonresidential and commercial tenant spaces and common areas or stairwells from 2021-present.

Response:

Petitioner objects to this demand on the ground that it is beyond the scope of information material to this case, fails to describe each item and category with reasonable particularity, demands information outside of the relevant inquiry

See response to No. 2 hereinabove.

DOCUMENT REQUEST NO. 4:

Provide an affidavit by an authorized or otherwise qualified custodian(s) of the video records requested in items 1-2 herein, stating that:

- a) The affiant is duly authorized custodian or other qualified witness and has authority to make the certification; and,*
- b) To the best of the affiant's knowledge, after reasonable inquiry, the records or copies thereof are accurate versions of the videos requested that are in the possession, custody, or control of Petitioners and/or their agents;*
- c) To the best of the affiant's knowledge, after reasonable inquiry, the video records produced represent all the videos described in items 2-3, or if they do not represent a complete set of the videos requested, an explanation of which videos are missing and a reason for their absence is provided; and*
- d) (if accurate), the records or copies produced were made by the personnel or staff of the business, or persons acting under their control, in the regular course of business, at the time of the act, transaction, occurrence or event recorded therein, or within a reasonable time thereafter, and that it was the regular course of business to make such records; and/or*
- e) The reason such videos were recorded (if not needed in the course of business).*

Response:

Petitioner objects to this demand on the ground that it is beyond the scope of information material to this case, fails to describe each item and category with

reasonable particularity, demands information outside of the relevant inquiry period and is overly broad. Notwithstanding the foregoing and without waiving any objections to which Petitioner is entitled to raise at the time of trial, Petitioner sets forth as follows: See Affidavit from System Administrator which will be provided as soon as it becomes available.

Dated: New York, New York
October 31, 2025

Yours, etc.

KUCKER MARINO WINIARSKY &
BITTENS, LLP

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make and retain such recordings, and they are made at or about the time of the events by equipment maintained in the ordinary course.

5. To the best of my knowledge, the camera and recorder were operating properly and the timestamps are accurate for the period relevant to this proceeding.
6. On March 6, 2025, at the request of Petitioner, I personally exported all of the recordings from Camera "109E9 CAM 01" for the period December 5, 2021 through December 13, 2024 using the system's standard export function. Camera "109E9 CAM 01" is the only camera at the Premises that is set up to save data.
7. The files produced are true and correct copies made by an accurate reproduction process. No edits or enhancements were made.
8. I am familiar with the area recorded by Camera "109E9 CAM 01." The videos fairly and accurately depict that area as recorded by the system.
9. I make this affidavit in my capacity as a private contractor of 109E9 LLC. At the time of export and production, the recordings were in the possession, custody, or control of Petitioner or its agents.

Michael Shuksta

Sworn to before me this
___ day of _____, 2025

Notary Public