

Pryor Cashman Response -- Questions & Documents Strategy

Document: Pryor Cashman Response -- Questions & Documents Strategy **Version:** v1.6 | **Updated:** 2026-03-24 **From:** Matthew A. Marcucci, Counsel, Pryor Cashman LLP (mmarcucci@pryorcashman.com) **Working Under:** Eric Sherman, Pryor Cashman LLP **Case:** Christian Gray v. American Package Co., Inc. (SCC) **Purpose:** Map each Marcucci question and document request to binder content, identify what the binder already answers, isolate items requiring client-supplied narrative or records, and establish delivery strategy.

PART 0 -- DATE ANALYSIS / COURT RECORD TARGET

Matt's follow-up states: "the court staff I've spoken to can't isolate a specific date for the conference but merely a range of dates spanning March through June of 2021."

The key issue is unchanged: Matt's office was searching the **wrong year**. The relevant conference was not in 2021; it was in **2023**. That year-correction remains the central point because it explains why court staff could not isolate the proceeding.

Matt email sent: Subject: "HP 6086/2020 -- Corrected Year for Court Record Search (2023, Not 2021)." Sent with an annotated date list and a request for prompt follow-up on the corrected 2023 hearing window. The year correction and candidate dates are now in Matt's hands.

Current date analysis:

Date	Status	Source	Notes
Feb 1, 2023	Ruled out	NYSCEF Docs #28-29	Previously treated as the lead candidate, but NYSCEF Doc #29 shows Feb 1 adjourned to Mar 6 "on consent." Email correspondence record confirms a scheduling reference, not the target admission proceeding. Ruled out as admission date; a proceeding occurred but is not the conference at issue.
Mar 6, 2023	Candidate	NYSCEF Docs #29-30	Confirmed court date following the Feb 1 adjournment.
Apr 19, 2023	Candidate	Email correspondence record	Court date appearing in the email record.
May 25, 2023	Ruled out	HP docket review	Not a court date in the HP docket.

Date	Status	Source	Notes
Aug 8, 2023	Candidate	Email correspondence record	Court date appearing in the email record.
Sep 29, 2023	Decision -- not hearing	NYSCEF Docs #31-32	Judge Smith's decision date, not the conference at issue.

Filter criteria for the correct proceeding: four people present (**Smith, Kozek, Skaller, Christian**) and **video conference format**. Under that filter, the admission date is still **being confirmed** among the three remaining candidates: **Mar 6, 2023; Apr 19, 2023; or Aug 8, 2023**.

What matters for this document: the target should no longer be stated as a single proven hearing date. The accurate position is that Matt's office was searching the wrong year, Matt has now been sent the corrected 2023 range, and the next step is the scheduled Kozek call on **Tuesday, March 24** to (1) confirm the exact date and (2) determine whether Kozek has any records.

Updated request target for court staff / clerk's office: request the **court record** for the relevant proceeding, in any available format -- **audio recording, video conference recording, or certified transcript**. The objective is Skaller's on-the-record statement that the Glass/Kowalewski affidavits were "inaccurate"; the medium is secondary.

Court record request specifics: - Case: LT-006086-20/KI - Candidate dates: Mar 6, Apr 19, or Aug 8, 2023 (pending confirmation) - Judge: Hon. Remy Smith, J.H.C. - Courtroom: Housing Part B - Proceeding type: Conference on Motion to Restore (Motion #1) - Format: Request any available record -- audio recording, video conference recording, or certified transcript

PART 1 -- QUESTIONS (11 Questions)

Question 1: PRV Delivery Date (Trigger Event)

Matt asks: "Do you know the precise date on which APC's Post-Remediation Verification report was delivered to you or to Sandercock's office?"

ANSWER -- BINDER HAS THIS:

The ALC PRV (WT-108) was delivered to Sandercock on approximately **August 11, 2021**. This is established by Sandercock's own email (STIP-EMAIL-1048, Aug 11, 2021) in which she writes: "First, we need Ed to inspect within 5 days from today." The phrase "5 days from today" proves she received the PRV that day and recognized the stipulation clock had started.

The ALC PRV was issued August 3, 2021 (inspection date July 28, 2021). There is an 8-day gap between issuance and delivery. The stipulation required delivery by "Respondent's counsel" (Skaller) to

"Petitioner's counsel" (Sandercock). The actual transmittal from Skaller to Sandercock is NOT in the email corpus -- this is an evidence gap (see Part 3 below).

Element	Date	Source
ALC inspection	Jul 28, 2021	WT-108
ALC PRV report issued	Aug 3, 2021	WT-108
PRV delivered to Sandercock	~Aug 11, 2021	STIP-EMAIL-1048 ("5 days from today")

Binder sources: [WT-108](#), [WT-118](#) Part B (Para 4), [WT-106B](#), STIP-EMAIL-1048 (archived PDF).

What to provide Matt: STIP-EMAIL-1048 (archived PDF on website), [WT-108](#) (ALC PRV report), and [WT-118](#). [WT-118](#) is the strongest routing page because it does not just identify the approximate delivery date; it shows the entire Paragraph 4 / Paragraph 5 compliance sequence, including Sandercock's Aug 11 acknowledgment of the clock, Olmsted's Day-5 inspection, and the Aug 19 notice-of-default transmission.

Christian input needed: None -- binder answers this.

Question 2: Copy of ALC PRV Report and Transmittal

Matt asks: "Do you have a copy of APC's Post-Remediation Verification report? Do you have the email or correspondence by which it was transmitted?"

ANSWER -- BINDER HAS THE REPORT; THE SPECIFIC FORWARDING EMAIL IS STILL MISSING:

The ALC PRV report IS in the binder: [WT-108](#) (ALC Post-Remediation Verification Report, Aug 3, 2021). It is already published on the website and available as a PDF.

The **specific** missing item is the email by which **Skaller forwarded the ALC PRV to Sandercock**.

[WT-118](#) shows that the delivery sequence is still strongly supported: Sandercock's Aug 11 email proves receipt, and the Aug 19 notice-of-default transmission shows the compliance dispute was already active. What is absent is the exact forwarding email from respondent's counsel.

What to provide Matt: [WT-108](#) PDF, STIP-EMAIL-1048 (Aug 11, 2021), and [WT-118](#). The clean explanation is: the binder contains the PRV itself and proof that Sandercock had it by Aug 11, 2021, but not the precise Skaller-to-Sandercock forwarding email.

Client search still needed: Check whether the Skaller transmittal email exists in any folder, forwarded chain, printout, or attachment set not yet searched.

Question 3: Date of "Admitted False Affidavits" Conference

Matt asks: "What was the date of the pre-trial conference? Other than that conference, are you aware of any other documents or instances where APC or Kofman 'admitted in court' that the affidavits in question were false?"

ANSWER -- BINDER HAS THIS COMPREHENSIVELY:

Date: Being confirmed; current candidates are **Mar 6, Apr 19, or Aug 8, 2023** (see Part 0 date analysis above). Feb 1, 2023 has been ruled out.

The admission: Skaller (BBG, counsel for APC/Kofman) stated on the record that the Glass/Kowalewski affidavits were "inaccurate." This occurred at a conference before Hon. Remy Smith, J.H.C. in Housing Part B.

Prior related admissions/retreat pattern (documented in WT-117 and NYSCEF Findings):

Date	Event	Source	Tier
Oct 7, 2022	Skaller emails that scope was "not completed"	Email CSV (Tier 3 -- extra-docket)	Email
Nov 3, 2022	Skaller offers to withdraw the Glass/Kowalewski affidavits	Skaller email, Nov 3, 2022 (withdrawal offer) (Tier 3)	Email
Mar 6, Apr 19, or Aug 8, 2023	Skaller states affidavits were "inaccurate" at HP conference	WT-106 Sec C; WT-117 Part F; WT-118 Part F (Tier 3 -- verbal)	Hearing

Important note for Matt: The admission is currently "Reported" status -- Christian was present and heard it, but there is no certified court record yet. That is precisely what the court record retrieval will provide. Once obtained, it transforms from "reported" to "documented" with quotable page/line citations.

Why this matters: Smith later denied the Motion to Restore on procedural proof grounds rather than on the merits of whether the remediation was actually complete. A court record capturing Skaller's "inaccurate" statement would therefore preserve an on-the-record retreat that was never superseded by a merits ruling.

Additional instances: The Glass margin comments (JG1-JG8) on the stipulation Exhibit 1 (NYSCEF Doc #10) show Glass himself narrowing the scope at inception -- before the affidavits were even filed. These are court-filed documents. See [WT-117](#) Part D.

What to provide Matt: [WT-117](#) (NYSCEF Docket Analysis), [WT-106B](#) (Stipulation of Settlement source text), [WT-118](#) Part F (filing attribution record), and the NYSCEF Doc #28/#29 PDFs. Emphasize that the court record is the critical next step.

Christian input needed: Confirm you were virtually present at the hearing where the admission occurred. Confirm that Kozek was also present and could corroborate. The Kozek call on Tuesday, March 24 should confirm the exact date among the three candidates (Mar 6, Apr 19, or Aug 8, 2023).

Question 4: OATH Proceeding Status

Matt asks: "What is your understanding of the current status of the OATH harassment proceeding?"

ANSWER -- BINDER HAS THE STRUCTURE AND KEY IDENTIFIERS; CURRENT STATUS STILL REQUIRES CLIENT UPDATE:

Critical clarification for Matt: There are **two separate OATH / Loft Board harassment matters** connected to 226 Franklin Street. Matt's file appears to capture only one of them, so the memo should distinguish them clearly.

Matter 1: Gray et al. (Christian's case) -- ACTIVE / STATUS UPDATE NEEDED

Field	Value	Source
Loft Board docket	TH-221	Substitution of Counsel
OATH index no.	22-1758	Substitution of Counsel
Building	226 Franklin St., Brooklyn, NY	Substitution of Counsel
Applicants	Christian Gray (G21), David May (G22), Kate Downie (G51), Erez Horovitz (F107)	Substitution of Counsel
Original counsel	Goodfarb & Sandercock, LLP	Substitution of Counsel
Current counsel	Ween & Kozek, PLLC (Nina Oksman)	Substitution of Counsel
Substitution date	Drafted Nov 2020; notarized 2020 (Downie) / 2022 (Gray, May, Horovitz)	Substitution of Counsel

This is a **multi-tenant harassment case** with four applicants across four units. [Red-OATH Vol 10](#) already functions as the organized binder home for this lane: master timeline, harassment-vector sections, multi-victim pattern analysis, evidence inventory, implementation roadmap, and procedural appendices. Matt should understand that the binder already contains a structured harassment record, even though the present procedural status still has to be updated from client-side knowledge and current case materials.

Matter 2: Schmidt (separate case) -- WITHDRAWN

Sally Schmidt's harassment application was withdrawn with prejudice per the May 16, 2024 Loft Board order in Matt's file. This is a **different matter** from Gray et al. (TH-221) and should not be conflated with it.

What to provide Matt: The [Substitution of Counsel](#) (PDF), the confirmed OATH / Loft Board docket numbers, and a concise explanation that Vol 10 is the organized binder home for the harassment record.

Client update still needed: What is the **current procedural status** of TH-221? Has there been a hearing, a conference, a scheduling order, or a stay? What is the last known proceeding? Matt needs an updated status report, not just the docket identifiers.

Bobick conflict note: This document adds to the Bobick analysis. Bobick was handling HP 6086/2020 for the landlord (NYSCEF Docs #2, #8 in 2020) while the OATH / Loft Board case (TH-221) was being filed against the same landlord for the same building by the same tenants. Sandercock was counsel for the

tenants in **both** proceedings before the substitution. This strengthens the concurrent-conflict question under NY RPC 1.7.

Question 5: Freeman Opportunity Damages -- Business Opportunities Lost

Matt asks: "Please describe in detail every business opportunity you believe was lost as a result of your displacement from G21."

ANSWER -- BINDER HAS EXTENSIVE DOCUMENTATION; CLIENT NARRATIVE IS STILL REQUIRED:

Red Vol 06 contains the framework Matt needs, but the answer is strongest when presented as **four opportunity lanes** rather than as a flat list of tabs.

Opportunity lane	Binder coverage	What it gives Matt
Major label projects	Red 101 series	Two-major-label ecosystem framing, label-side coordination logic, and project-development context
Grammy / prestige-track opportunity	Red 102 series	Validator and expert lanes, named industry figures, and prestige-track causation framing
Corporate enterprise partnerships	Red 103	System-readiness / validator architecture and enterprise partnership route
Investment consortium opportunity	Red 104	Investment-track routing and exhibit-index structure

Additional Red tabs supporting all four lanes include: - **Red 000** -- Executive Overview - **Red 201** -- Infrastructure Technical Foundation - **Red 202** -- Witness Implementation Guide - **Red 203** -- Financial Baselines Schedule C

What the binder already provides for Matt: Red Vol 06 supplies the opportunity categories, validator architecture, causation structure, and financial-baseline routing. It gives Matt a non-speculative framework for understanding how G21 displacement interrupted the Freeman track.

What still has to come from Christian: Matt is asking for a first-person opportunity narrative. For **each** opportunity, he still needs: (1) what the venture was, (2) how far along it was, (3) projected revenue and the basis for it, (4) whether it was a continuation of pre-existing operations or a new venture, and (5) what documents support the claim. The binder gives him the architecture; only Christian can supply the client-specific narrative tying identified opportunities to concrete loss.

Question 6: "Leased Space Elsewhere" -- Olmsted 2020 Statement

Matt asks: "You told Olmsted in 2020 that you 'leased space elsewhere to operate sound studios as a business.' Please explain that in full."

ANSWER -- EXACT SOURCE LOCATED; CHRISTIAN INPUT NEEDED:

Source document: Olmsted's June 2020 Microbial Survey report ([WT-107](#)), page 2. This report appears on the HP docket as a legacy document (NYSCEF Doc #7, processed Mar 22, 2021). The exact passage reads:

"Unit G21 is a residential apartment with contains a personal sound studio, which has special construction designed for sound attenuation. **The tenant advised me he leases space elsewhere to operate sound studios as a business.** The construction of G21 includes multiple layers of wallboard and insulation on walls and ceilings as well as insulation inside walls, under some floors and above the ceiling."

Context: Olmsted wrote this based on what Christian told him during the June 15, 2020 inspection of G21. The "space elsewhere" is Freeman Street (66 Freeman Street). This should be stated explicitly so it is not conflated with **Unit F1 at 100 Freeman Street**, which is a separate alternative-housing issue, not the same property as the leased studio/business space. This statement is already in a court-filed document and will be available to opposing counsel.

Why Matt flagged this: This will come up in discovery. Opposing counsel will probe: (1) when the Freeman lease started relative to the flood, (2) whether revenue was being generated, (3) whether it was a replacement for G21 or a separate operation, and (4) whether the displacement from G21 actually caused the business loss or whether the business had already relocated.

Strategic note: The statement is actually helpful -- it establishes that Christian had an active business operation. But the explanation needs to be precise, documented, and consistent with the G21 Schedule C baseline in [Blue 102](#) and the combined-operations / Freeman baseline in [Red 203](#), as well as the Red Vol 06 Freeman opportunity damages narrative.

Christian input needed: Provide a complete written explanation covering: (1) Was this Freeman Street? (2) When did you lease it? (3) Were you generating revenue before the flood, during displacement, or after? (4) What was the relationship between G21 studios and the leased space? (5) Was it a replacement for G21 or a separate business venture that was disrupted when G21 displacement forced emergency residential use of Freeman?

Question 7: Exact Flood Dates

Matt asks: "What are the exact dates of the flood?"

ANSWER -- BINDER HAS THIS:

Event	Date	Source
Primary flood (pipe burst above G21)	October 13-14, 2019 (overnight, Columbus Day weekend)	WT-116 Section B.2; BT-100A (156 photos and 25 videos); Sandercock complaint paras 7-10
	October 14, 2019	WT-103 (insurance letter)

Event	Date	Source
Great American date of loss		

The "Columbus Day weekend" reference is consistent: Columbus Day 2019 was Monday, October 14. The flood began the night of October 13 (Sunday) and continued into October 14.

BT-100A provides independent date verification through preserved video metadata. The archive contains 156 photos and 25 videos. Multiple videos preserve native QuickTime creation timestamps showing active flood documentation at 00:19:39 EDT, 00:20:11 EDT, 00:20:51 EDT, and 00:22:26 EDT on October 14, 2019, followed by additional timestamped aftermath videos later on October 14 and on October 15, 16, 17, 18, and 24. In total, 24 of 25 videos carry preserved date/time metadata spanning 9 recording windows across 6 calendar days. The photos corroborate flood conditions and measured depth (tape measure photos 008, 009 document ~4-5 inches of standing water), but most photo EXIF was stripped during transmission to counsel.

BT-100A also documents prolonged severity beyond the opening flood window, including later standing-water conditions, respirator/headlamp inspection footage, and professional audio equipment in wet conditions. That makes the archive useful not only for date authentication, but also for habitability, mitigation, and damages presentation.

What to provide Matt: **BT-100A** video metadata table showing the timestamped flood documentation sequence (Section 3.2). Selected high-impact photos with contact sheets. **WT-116** chronology. The Great American letter (**WT-103**) with the October 14 date of loss. Authentication rests on the preserved video metadata, contemporaneous transmission to Eric Sherman, and the insurance date of loss.

Christian input needed: Do you have text messages from that weekend? Any 311 complaints filed? Building management communications? Matt wants contemporaneous records beyond photos.

Question 8: December 2019 Second Flood

Matt asks: "Did a second flood occur on December 8, 2019 from a clogged roof drain?"

ANSWER -- BINDER HAS THIS:

Yes. A second flood occurred on approximately **December 8, 2019**, roughly eight weeks after the October 13-14 pipe burst. Three independent email sources in the binder confirm both the date and the mechanism:

Source	Date Sent	Key Content
FLOOD-EMAIL-078	Jun 18, 2020	States "second flood on December 8th" -- explicit, approximately seven months after the event
FLOOD-EMAIL-735	Sep 1, 2022	Describes exhaust vent mechanism: flooding occurred "a few months after the pipe bust"

Source	Date Sent	Key Content
FLOOD-EMAIL-742	Sep 1, 2022	Confirms timing: "soon after purged and cleaned after the pipe burst"

Mechanism: Rainwater pooled on the roof due to poor drainage. The G31 gas heater exhaust vent was not tall enough; when the water level exceeded the vent height, water entered through the vent and through the heater itself (a safety hazard). The "clogged drain on the roof" ([FLOOD-EMAIL-078](#)) and the detailed exhaust vent description ([FLOOD-EMAIL-735](#)) describe the same failure mode at different levels of detail.

Binder sources: [WT-116](#) Section B.2 (date confirmed as December 8 based on three-email evidence chain); [BT-100A](#) for October primary flood context.

What to provide Matt: [WT-116](#) chronology showing the December 8 re-flood, the three email PDFs ([FLOOD-EMAIL-078](#), [FLOOD-EMAIL-735](#), [FLOOD-EMAIL-742](#)), and the Sandercock complaint paragraphs referencing the December 8 date and clogged roof drain cause.

Christian input needed: Do you have any additional photos, texts, or building management communications specifically documenting the December 8 event beyond the three email sources already in the binder?

Question 9: Insurance Claim Documentation

Matt asks: "Do you have documentation of the insurance claim that APC filed, or evidence of what insurance proceeds APC received?"

ANSWER -- BINDER HAS THE DECLINATION LETTERS BUT NOT THE CLAIM ITSELF:

Documented in the binder: Great American's declination/partial disclaimer letters ([WT-103](#)), the identification of Western World as the property carrier for premises damage, the roles of Evan Katz / Power Adjustment in the adjustment chain ([WT-201](#), [WT-302](#)), and the pre-insurance inspection meeting record ([WT-104](#)).

Reported but not independently proven by carrier records in the binder: that the property claim was approved, that the numbers were "padded," and that proceeds were issued. The "padded the numbers" statement ([WT-104](#) context, Feb 26, 2020) and the "15-day collapse" timeline ([Purple B002](#)) are documented as reported events but lack independent carrier-side confirmation.

Not presently in the binder: the actual insurance claim form filed by APC, the Western World claim file, approval or payment records, proof of what proceeds APC received, or documentation of whether proceeds were disbursed to Christian.

Christian input needed: Do you have any documents from the insurance claim process? Any correspondence between APC and the insurer? Any communication where Kofman discussed proceeds? The "padded the numbers" statement ([WT-104](#) context, Feb 26, 2020) -- is this documented in writing or was it verbal? Matt is right that this needs proof beyond allegation.

Discovery note: Western World Insurance Company records should be a priority discovery target. The claim number with Great American is A00253448.

Question 10: Tax Returns and Business Records

Matt asks: "Do you have your tax returns and business records from the G21 recording studios?"

ANSWER -- BINDER HAS THE TAX-BASELINE FRAMEWORK; UNDERLYING RETURNS AND BUSINESS RECORDS STILL NEEDED FROM CHRISTIAN:

The binder already addresses this area in a structured way through [Blue Tab 102](#) and [Red Tab 203](#), but the two pages serve different functions.

[Blue Tab 102](#) is the direct **G21-only** business-income page. It identifies IRS-filed Schedule C records for Multi-Media Production at 97 Green Street (G21) for tax years 2017-2019 and uses those returns as the baseline for business-income loss analysis. The binder therefore already contains the framework and summarized baseline figures (2017: \$61,199; 2018: \$60,735; 2019: \$64,460; 3-year monthly average: \$5,177.58).

[Red Tab 203](#) is the companion **combined-operations / displacement** page. It consolidates the filed Schedule C baselines for both G21 and 66 Freeman Street / Karuna LLC, and it documents the displacement pathway from the G21 flood to compromised alternate housing and post-displacement operations at Freeman Street. [Red 203](#) is useful for integrated opportunity-loss context, but it does not replace the G21-only baseline analysis in [Blue 102](#).

Christian input needed: What Matt still needs from Christian are the underlying native records: Form 1040 with Schedule C for 2017-2019, IRS e-file acceptances, preparer information, monthly bank statements, invoices / purchase orders, contracts, cancellation emails, calendars, and related workpapers. The binder has the baseline and methodology; Christian must provide the native returns and supporting business records for production and disclosure.

Note: This is essential for the "reasonable certainty" standard Matt references. Without the underlying documented pre-flood income records, lost-profits damages become speculative -- but the binder already provides the structured framework and tax-verified baseline figures that demonstrate the claim is non-speculative.

Question 11: Relationship with Sandercock at Stipulation Signing

Matt asks: "Was there friction between you before the stipulation was executed, and if so, do you believe it affected the terms she negotiated?"

ANSWER -- CLIENT NARRATIVE REQUIRED; BINDER PROVIDES LATER CONTEXT, NOT THE PRE-SIGNING RELATIONSHIP STORY:

The binder documents Sandercock's later conduct extensively in [Orange Vol 12 \(B001, D001\)](#) and in [WT-118](#) (especially Part F, the filing-attribution and malpractice-fact record). It therefore gives Matt context

for later concerns about enforcement, motion practice, and scope treatment, but it does **not** substitute for Christian's account of the relationship **before and during stipulation execution** in June 2021.

Key later facts already documented in the binder include: - Sandercock's Aug 11, 2021 email: "not convinced the scope of work matters if the test results are good" - Sandercock's Aug 13, 2021 email: "if Ed's test reports are good, you have no position" - the 10-month enforcement delay (Aug 2021 - Jun 2022) - failure to include compliance proof in the motion papers - [WT-117](#) attribution showing Sandercock filed the motion papers - [WT-118](#) Part F preserving the email / filing sequence that later supports the Orange malpractice analysis

What still has to come from Christian: Matt is asking for the **relationship narrative at the time of stipulation negotiation**. The written response should address: (1) the working relationship before June 2021, (2) any friction or disagreements before execution, (3) the tenant-association issues Matt references, (4) when and why Sandercock was ultimately terminated, and (5) whether Christian believes the stipulation terms were adversely affected by that friction.

PART 2 -- DOCUMENT REQUESTS (13 Items)

Doc Request 1: ALC PRV Report + Transmittal Correspondence

Status: **AVAILABLE** (report) / **EVIDENCE GAP** (specific forwarding email)

- ALC PRV Report: [WT-108](#) PDF -- available on website and in binder
- Transmittal from Skaller to Sandercock: NOT in email corpus (Evidence Gap E.1)
- Sandercock receipt email (STIP-EMAIL-1048, Aug 11): PDF extracted and verified (24/24 email PDFs complete)
- [WT-118](#): timeline page showing why the receipt sequence is still well-supported even without the exact forwarding email

Action: Provide [WT-108](#), STIP-EMAIL-1048, and [WT-118](#) together. Explain that the binder contains the PRV itself and proof that Sandercock had it by Aug 11, 2021, but not the precise Skaller-to-Sandercock forwarding email.

Doc Request 2: Affidavits (Glass, Kowalewski, ALC, ServPro)

Status: **SUBSTANTIALLY AVAILABLE**

- Kowalewski affidavit: NYSCEF Doc #18 (filed Jul 28, 2022) -- in [WT-117](#) PDF archive (also: Kowalewski training certificate showing Glass as instructor, Doc #18 p.14)
- Glass affidavit: NYSCEF Doc #19 (filed Jul 28, 2022) -- in [WT-117](#) PDF archive
- Olmsted reply affidavit: NYSCEF Doc #23 (filed Aug 31, 2022) -- in [WT-117](#) PDF archive
- Skaller affirmation: NYSCEF Doc #17 (filed Jul 28, 2022) -- in [WT-117](#) PDF archive
- ALC PRV report: [WT-108](#) (report, not affidavit)

Action: Provide NYSCEF Docs #17, #18, #19, and #23 from the [WT-117](#) archive, and provide [WT-108](#) as the operative ALC report. Make clear that the binder does **not** presently show a separate stand-alone ALC affidavit or ServPro affidavit on the HP docket.

Client confirmation still needed: If there are any ServPro affidavits or non-filed declarations outside the HP docket, they would need to come from Christian's own files.

Doc Request 3: HP Action Proceedings Record (Court Record/Admission)

Status: IN PROGRESS -- THIS IS THE COURT RECORD RETRIEVAL

This is the same as Question 3. The candidate dates are Mar 6, Apr 19, or Aug 8, 2023 (see Part 0). Matt's year correction email has been sent; Kozek call Tuesday Mar 24 should confirm the exact date.

Action: Matt's office can request the court record from Kings County Housing Court using the correct case number, candidate dates, and judge. Request any available format -- audio recording, video conference recording, or certified transcript.

Doc Request 4: OATH April 2, 2024 Appearance Transcript

Status: CHRISTIAN INPUT NEEDED

Matt references a specific "April 2, 2024 OATH appearance at which Sally Schmidt's harassment application was withdrawn." This is the Schmidt matter -- separate from Gray et al. (TH-221 / OATH 22-1758).

Christian input needed: Do you have a transcript of this appearance? Any side agreement, settlement terms, or correspondence related to Schmidt's withdrawal? Were you present at this proceeding? Was TH-221 discussed at the same appearance?

Doc Request 5: OATH Materials (Broadly)

Status: BINDER HAS THE FRAMEWORK AND KEY IDENTIFIERS; RAW CASE MATERIALS STILL NEED TO BE GATHERED

[Red-OATH Vol 10](#) contains the organized harassment framework and routing structure. The [Substitution of Counsel](#) provides **OATH Index No. 22-1758** and **Loft Board Docket No. TH-221**. What Matt still lacks are the underlying filed OATH / Loft Board materials and the current status record.

What to provide Matt now: the [Substitution of Counsel](#), the confirmed docket numbers, and a short explanation that Vol 10 is the organized binder home for the harassment record (timeline, vectors, evidence inventory, roadmap, and procedural appendices).

Client materials still needed: applications, pleadings, orders, correspondence, conference notes, transcripts, notices, and any materials relating both to **TH-221** and to the separate **Schmidt withdrawal** matter if that file bears on the current posture.

Doc Request 6: Insurance Claim Proof

Status: PARTIALLY AVAILABLE / DISCOVERY TARGET

Available in binder: - [WT-103](#): Two Great American letters (partial disclaimer Dec 2019; final declination May 2021) - [WT-104](#): Pre-insurance inspection meeting documentation - [WT-201](#): Evan Katz witness profile (independent adjuster) - [WT-302](#): Power Adjustment corporate profile (public adjuster)

Not available: - APC's actual insurance claim form - Western World claim file / payment records - Documentation of proceeds received or disbursed

Action: Provide [WT-103](#) (carrier letters), [WT-104](#) (pre-insurance inspection / claim-sequence meeting record), [WT-201](#) (Evan Katz witness profile), and [WT-302](#) (Power Adjustment profile). Explain that these pages establish the adjustment chain and reported approval sequence, while the actual Western World claim file and payment records remain priority discovery targets.

Christian input needed: Any documents you have from the claim process -- even informal communications, text messages, or notes.

Doc Request 7: Tax Returns (2017-2019)

Status: CLIENT MUST PROVIDE NATIVE RECORDS

The binder already contains the **tax-baseline framework** through [Blue Tab 102](#) (G21-only baseline) and [Red Tab 203](#) (combined-operations / displacement baseline). What Matt still needs are the underlying production documents.

Action: Christian provides 2017, 2018, and 2019 federal returns with Schedule C for the studio operation, plus any available IRS filing confirmations.

Doc Request 8: Business Records (Freeman Street + Lost Opportunities)

Status: BINDER HAS THE FRAMEWORK; CLIENT MUST PROVIDE THE UNDERLYING SOURCE RECORDS

Red Vol 06 provides the opportunity-damages architecture, but Matt still needs the underlying documents that make the losses provable.

Client materials still needed: business plans, financial projections, contracts, purchase orders, letters of intent, term sheets, investor communications, booking materials, emails with validators or partners, cancellation records, and any contemporaneous notes showing deal stage, expected revenue, or disruption.

Action: Organize the production by the same four lanes used in Red Vol 06 -- major label projects, Grammy / prestige-track opportunity, corporate enterprise partnerships, and investment consortium opportunity.

Doc Request 9: October 2019 Flood Records

Status: SUBSTANTIALLY AVAILABLE

- [BT-100A](#): 156 photos and 25 videos from October 2019 (24 of 25 videos carry preserved date/time metadata with QuickTime creation timestamps spanning Oct 14-24, 2019; photo EXIF stripped during transmission)
- [WT-116](#): Chronological index of all flood/leak events
- [WT-103](#): Great American letter with Oct 14, 2019 date of loss
- Sandercock complaint (paras 7-10): contemporaneous pleading

Action: Provide [BT-100A](#) video metadata table (Section 3.2), selected high-impact photos with contact sheets, [WT-116](#) chronology, and [WT-103](#) letter. The video timestamp sequence beginning at 00:19:39 EDT on October 14, 2019 is the strongest date authentication evidence.

Christian input needed: Text messages, building management communications, 311 complaints from October 2019 -- anything beyond the photos and insurance letters.

Doc Request 10: December 2019 Flood Records

Status: SUBSTANTIALLY DOCUMENTED

The December 8, 2019 re-flood is established by three independent email sources ([FLOOD-EMAIL-078](#), [FLOOD-EMAIL-735](#), [FLOOD-EMAIL-742](#)) and documented in [WT-116](#) Section B.2. The mechanism (roof drain / exhaust vent failure) and approximate date are confirmed.

What to provide Matt: [WT-116](#) chronology, the three email PDFs, and the Sandercock complaint paragraphs referencing December 8.

Christian input needed: Any additional photos, communications with building management, insurance records, or other documentation of the December 8 event beyond the email references already in the binder.

Doc Request 11: Complete HP Action File

Status: SUBSTANTIALLY COMPLETE

[WT-117](#) (NYSCEF Docket Analysis) covers the complete 34-document NYSCEF docket. All 34 available documents have been processed and 35 PDFs are in the media archive. The full docket includes all motion papers, affidavits, and orders.

Action: Provide the complete [WT-117](#) PDF archive (35 files). Point Matt first to [Orientation_NYSCEF_Docket_Analysis](#) for navigation, then to [WT-117](#) for substantive docket analysis, and to [Orientation_Stipulation_of_Settlement / WT-106B](#) for the stipulation source record. Note that NYSCEF Docs #33-36 are filing errors deleted on NYSCEF and are not available for download.

Christian input needed: Do you have any HP documents that are NOT on NYSCEF? Any informal correspondence, notes from court appearances, or records that weren't filed electronically?

Doc Request 12: Communications with Counsel (Sandercock and Kozek)

Status: SUBSTANTIALLY AVAILABLE

The email_extract_v2.csv contains 1,959 emails, including extensive correspondence with Sandercock and Kozek. [WT-118](#) identified 24 key emails in the stipulation-compliance window alone, and all 24 email PDFs have been extracted and verified (24/24 complete).

Action: Provide the 24 stipulation-compliance email PDFs first. Use the broader CSV only as a search index for targeted follow-up extraction, rather than as the primary production artifact.

Client confirmation still needed: identify any communications with counsel that are **not** in email -- phone notes, text messages, handwritten notes, or in-person meeting notes, especially anything addressing stipulation terms before signing.

Doc Request 13: Lease or Occupancy Agreement

Status: CHRISTIAN MUST PROVIDE

Matt notes the last lease in the file is from 2007. This is a straightforward document production item.

Christian input needed: Provide the 2007 lease and confirm whether there is a more recent written agreement. If you are a statutory tenant without a current written lease, confirm that.

PART 3 -- DELIVERY STRATEGY

Priority 1: Immediate -- COMPLETE

1. **Date correction for court record search** -- Matt email sent ("HP 6086/2020 -- Corrected Year for Court Record Search (2023, Not 2021)") with the corrected 2023 hearing analysis and a request for prompt follow-up.

Priority 1A: Tuesday, March 24

1. **Kozek call** -- confirm exact admission date among 3 candidates (Mar 6, Apr 19, or Aug 8, 2023) and determine whether Kozek has any records.

Priority 2: This Week (Binder-Ready Production Package)

1. [WT-108](#) (ALC PRV Report) -- PDF from binder
2. **NYSCEF Doc PDFs** (#17, #18, #19, #23 -- affidavits; #28, #29 -- date proof; #31 -- Smith decision)
3. [WT-103](#) (Insurance declination letters) -- PDF from binder
4. [WT-117](#) (NYSCEF Docket Analysis) -- PDF or website link
5. [WT-106B](#) (Stipulation of Settlement source text) -- website

6. [WT-118](#) (Stipulation Compliance Timeline Analysis) -- website 8A.
[Orientation_Stipulation_of_Settlement](#) -- navigation entry for the stipulation source record 8B.
[Orientation_NYSCEF_Docket_Analysis](#) -- navigation entry for the HP docket / PDF archive
7. **BT-100A selected photos and video metadata** (flood documentation with timestamped video sequence)
8. **Website access** -- confirm Matt has Cloudflare access working (troubleshooting was pending)

Priority 3: This Week (Client-Supplied Items)

1. Tax returns (2017-2019 with Schedule C)
2. Lease/occupancy agreement
3. Written answers to Questions 5, 6, 11 (narrative from Christian); any additional December 8 documentation (Question 8)
4. OATH materials and status update (Question 4)
5. Any additional insurance claim documentation (Question 9)

Priority 4: Email Extraction -- COMPLETE

1. 24 stipulation compliance emails -- extracted and verified (24/24 complete)
2. Broader Sandercock/Kozek correspondence from CSV -- available for targeted extraction

Priority 5: Discovery Targets / Follow-Up Items

1. Western World Insurance Company claim file and payment records
2. Skaller-to-Sandercock PRV transmittal email
3. Court record of admission hearing -- Mar 6, Apr 19, or Aug 8, 2023 (Matt pursuing with corrected year; any format)
4. LL61 filing records from NYC DOL/DOB

PART 4 -- WEBSITE AS DELIVERY VEHICLE

The legal binder website (275 pages LIVE, password-protected via Cloudflare) already contains most of what Matt needs. The site should be treated as a **navigation and delivery accelerator**, not as a substitute for discrete productions of the most important PDFs.

Once Cloudflare access is working for Matt, he can use the site in three layers:

Core evidence pages

- [White Vol 07](#) for the evidence tabs ([WT-103](#) through [WT-118](#))
- [WT-106B](#) (Stipulation of Settlement source text)
- [WT-117](#) (NYSCEF Docket Analysis)
- [WT-118](#) (Stipulation Compliance Timeline Analysis)

- [BT-100A](#) (flood photo / video documentation)
- [NYSCEF PDF archive](#) (35 files in media folder)

Specialized subject-matter lanes

- [Red Vol 06](#) for Freeman opportunity damages
- [Red-OATH Vol 10](#) for the harassment / OATH framework
- [Orange Vol 12](#) for Sandercock malpractice and related Orange analysis

Navigation aids

- [Orientation_NYSCEF_Docket_Analysis](#) as the entry page for the HP docket and archive
- [Orientation_Stipulation_of_Settlement](#) as the entry page for the stipulation source record

Cloudflare access status: Troubleshooting email was sent to Matt; response pending. Resolving access should remain a top operational priority because the website is the fastest way for Matt to self-navigate the binder after the key PDFs are delivered directly.

PART 5 -- POINTS REQUIRING CLIENT NARRATIVE OR CLIENT-PROVIDED DOCUMENTS

These items cannot be fully answered from the binder alone and require Christian's direct narrative or native document production:

#	Question	What Christian Needs to Write
Q4	OATH status	Current procedural status of TH-221 / OATH 22-1758 (docket numbers now confirmed; status still needed)
Q5	Freeman opportunities	Detailed description of each lost business opportunity (see Matt's 5-part framework)
Q6	"Leased space elsewhere"	Full explanation of the Olmsted 2020 statement -- where, when, revenue, relationship to G21
Q8	December 2019 flood	Provide any additional documentation beyond the three email sources already in the binder
Q10	Tax returns	Locate and provide 2017-2019 returns with Schedule C
Q11	Sandercock relationship	Pre-stipulation friction; tenant association conduct; when/why fired; impact on terms
Q13	Lease	Provide current or most recent lease/occupancy agreement

END -- Pryor Cashman Response -- Questions & Documents Strategy v1.6