

# White Tab 118 -- Stipulation of Settlement: Compliance Timeline Analysis

---

**Document:** White Tab 118 -- Stipulation of Settlement: Compliance Timeline Analysis  
**Color:** White | **Icon:** Paperclip | **Version:** v1.2 | **Updated:** 2026-03-23 | **DocID:** WT-118  
**Binder Volume:** 07 | **Binder Part:** C -- Evidence Tabs (100-Series) | **Binder Tab:** 118  
**URL Slug:** /vol07-white/stipulation-compliance-timeline/  
**Layer:** 3 -- Volume Entry Page  
**Case:** HP 6086/2020, Christian Gray v. American Package Co., Inc.  
**Purpose:** Maps each paragraph of the Stipulation of Settlement against documented evidence of compliance or non-compliance.

## GUARDRAIL: WHITE -- FACT REPOSITORY ONLY

This document records what the stipulation requires, what the documentary evidence shows happened, and where the evidence trail proves or fails to prove compliance. No legal argument or strategy. Interpretive significance belongs in Purple.

---

## PART A -- Document Overview

---

This analysis maps the Stipulation of Settlement (HP 6086/2020) paragraph by paragraph against the actual documented timeline. The stipulation was entered in Housing Court and governed remediation of mold conditions at Apartment G21, 226 Franklin Street, Brooklyn, NY 11222.

The stipulation created a multi-step verification framework: remediation, ALC inspection and PRV report, delivery to petitioner's counsel, Olmsted counter-inspection within 5 days, and Olmsted report within 14 days. The critical question is whether this framework was followed -- and if so, why the Motion to Restore was denied on procedural grounds.

### Primary Sources:

- Stipulation of Settlement (HP 6086/2020) -- court-filed
- WT-108: ALC PRV Report (Aug 3, 2021)
- WT-108A: Dec 8, 2020 Work Scope (Appendix B)
- WT-108B: Olmsted Post-PRV Inspection and Lab Results (Aug 10-18, 2021)
- WT-109: Olmsted Response to ALC (Aug 18, 2022)
- WT-110: Olmsted Follow-Up Scope (Nov 7, 2022)
- WT-114: Scope Manipulation Evidence Compendium
- WT-117: HP 6086/2020 NYSCEF Docket Analysis

- Email CSV (email\_extract\_v2.csv) -- indexed by row number
- NYSCEF Findings (GX-34/35) -- Smith decision analysis

## PART B -- Paragraph-by-Paragraph Compliance Map

### Paragraph 1 -- Remediation Work Commencement

**Stipulation Requirement:** "The Remediation Work shall commence on July 20, 2021 with regard to the preparation work with the remediation work to commence on July 21, 2021 ('Renovation Work Commencement Date'). The remediation company will file the Post Remediation Assessment form and Mold Remediation Certification as required by NYC EPA."

**Documented Compliance:**

Element	Required	Actual	Source	Status
Preparation work start	Jul 20, 2021	Jul 20, 2021	WT-108 (monitoring window)	MET
Remediation work start	Jul 21, 2021	Jul 20-27 range	WT-108	MET
Post Remediation Assessment form filed	Required by NYC EPA	Not documented as filed	WT-109 Section H	UNVERIFIED
Mold Remediation Certification filed	Required by NYC EPA	Olmsted states filings were NOT filed	WT-109 Section H	NOT MET

**Evidence Note:** WT-109 (Olmsted Response, Aug 18, 2022) states that required Local Law 61 of 2018 filings -- Work Plan Notification, Work Plan, Post-Remediation Assessment Form, and Post-Remediation Certification -- were not filed. This is a separate compliance failure from the scope completion question.

**Collection Task:** Verify NYC DOL/DOB records for any LL61 filings related to 226 Franklin St., G21, filed in 2021.

### Paragraph 2 -- Unfettered Access

**Stipulation Requirement:** "Respondent shall have unfettered access to the Apartment until all the Remediation Work is completed."

**Documented Compliance:** No dispute identified in the record regarding access during the Jul 20-27, 2021 remediation window.

### Paragraph 3 -- Expert Presence During Remediation

**Stipulation Requirement:** "Respondent's mold inspection company, ALC Environmental ('ALC') and Petitioner's mold inspection company, Olmstead Environmental Services ('Olmstead') shall be permitted to be present during the Remediation Work. Petitioner and Olmstead shall not interfere with the Remediation Work. Petitioner and Respondent landlord shall not be present during the Remediation Work."

#### Documented Compliance:

Element	Required	Actual	Source	Status
ALC permitted to be present	Yes	ALC monitored Jul 20-27 (M-F, 9am-4pm)	WT-108	MET
Olmsted permitted to be present	Yes (permitted, not required)	Olmsted was NOT present during work	Email [1044] Aug 10, 2021	PERMITTED BUT DID NOT ATTEND
Petitioner/Respondent landlord not present	Required	Not disputed in record	--	NO DISPUTE

**Evidence Note:** Email [1044] (Olmsted to Sandercock, Aug 10, 2021) states: "I spoke with Jack Glass and his assistant, who monitored the work at 97 Greene. They indicated the work is done and all air tests were very low. I have not seen the results." This confirms Olmsted learned about the work completion from ALC after the fact, not from being present during work.

The stipulation says Olmsted "shall be permitted to be present" -- it does not require his presence. However, his absence during remediation meant he could not observe whether the scope was actually performed as ordered, which became central to the subsequent dispute.

### Paragraph 4 -- ALC Post-Remediation Report

**Stipulation Requirement:** "Upon completion of the Remediation Work ('Completion Date'), ALC shall inspect and test the Apartment to ensure that the Remediation Work has been completed and prepare a written report ('ALC Post Remediation Report'). Respondent's counsel shall provide Petitioner's counsel with a copy of the ALC Post Remediation Report by e-mail at mbs@goodfarblaw.com."

#### Documented Compliance:

Element	Required	Actual	Source	Status
ALC inspection upon completion	Yes	Jul 28, 2021 (1 day after work ended Jul 27)	WT-108	MET
ALC written report prepared	Yes	Report issued Aug 3, 2021	WT-108	MET

Element	Required	Actual	Source	Status
Report delivered to Petitioner's counsel at mbs@goodfarblaw.com	Yes	Delivered ~Aug 11, 2021	Email [1048]; WT-108B Section C	MET (with 8-day gap)

**Evidence of Delivery Date:**

Email [1048] (Sandercock to Olmsted/Gray, Aug 11, 2021): "First, we need Ed to inspect within 5 days from today." The phrase "5 days from today" establishes Aug 11 as the day Sandercock received the ALC PRV and recognized the stipulation clock had started.

**PRV Delivery Gap:** The ALC PRV was issued Aug 3, 2021 but not delivered to Sandercock until approximately Aug 11, 2021 -- an 8-day gap. The stipulation requires delivery by "Respondent's counsel" (Skaller), not ALC directly. The transmittal from Skaller to Sandercock is not in the email corpus.

**Collection Task:** Obtain the Skaller-to-Sandercock transmittal email forwarding the ALC PRV. This would establish the exact delivery date and confirm compliance with the email delivery requirement (to mbs@goodfarblaw.com).

**Paragraph 5 -- Olmsted Inspection and Report Deadlines**

**Stipulation Requirement (two obligations):**

**Obligation 5A:** "Within 5 days ('Olmstead Inspection Deadline') of Respondent's counsel delivering a copy of the ALC Post Remediation Report to Petitioner's counsel, Olmstead shall inspect and test the Apartment to ensure that the Remediation Work has been completed and prepare a written report ('Olmstead Post Remediation Report')."

**Obligation 5B:** "Petitioner's counsel shall provide Respondent's counsel with a copy of the Olmstead Post Remediation Report by email at DSkaller@bbgllp.com within 14 days of the Olmstead Inspection Deadline."

**Forfeiture Clause:** "In the event Olmstead fails to inspect and test the Apartment by the Olmstead Inspection Deadline, Petitioner shall forfeit and waive its right to inspect and test the Apartment and shall not be permitted to restore this proceeding or commence a proceeding or action to challenge ALC's report or that the Remediation Work has not been completed."

**Obligation 5A -- 5-Day Inspection Deadline**

**Day Count (email-sourced):**

Day	Date	Event	Source
Day 0	~Aug 11, 2021	PRV delivered to Sandercock	Email [1048]: "5 days from today"

Day	Date	Event	Source
Day 1	Aug 12, 2021	Olmsted proposes 8:30am Monday inspection	Email [1012]
Day 1	Aug 12, 2021	Gray confirms attendance	Email [1016]
Day 5	Aug 16, 2021	Olmsted inspects G21; 13 samples collected (9 air + 2 bulk + 2 tape lift)	WT-108B Section A (COC signed, dated Aug 16)

**STATUS: 5-DAY DEADLINE MET.** Olmsted inspected on Day 5 (Aug 16, 2021).

**Supporting Email Chain:**

- Email [1038] (Sandercock, Aug 11): "Called me, he is working on a govt. contract in the Virgin Islands and is coming back this weekend. He can go to your building Monday. Please keep your schedule open...Monday is the last day he can inspect."
- Email [1039] (Sandercock, Aug 11): "Late in the day Monday like 4 30 pm or later. Can you provide access at that time?"
- Email [1012] (Olmsted, Aug 12, 6:36 AM): "Can I meet you at 97 Greene at 8:30 am on Monday instead of later in the day. I think Monday is going to be fraught with delays and I would like to get yours done first."
- Email [1016] (Gray, Aug 12): "I'll be there at 8:30am on Monday."
- WT-108B: Chain of Custody form signed by Edward Olmsted, dated August 16, 2021, listing 9 samples from G21.

**Note on Sandercock's Awareness:** Sandercock explicitly calculated the deadline in her Aug 11 email ("5 days from today") and stated "Monday is the last day he can inspect." This confirms she understood the stipulation requirement and was tracking compliance.

**Obligation 5B -- 14-Day Report Deadline**

**Day Count (from Olmsted Inspection Deadline = Aug 16, 2021):**

Day	Date	Event	Source
Day 0 (inspection)	Aug 16, 2021	Olmsted inspects; samples collected	WT-108B (COC)
Day 1	Aug 17, 2021	Prestige lab analysis completed (Report #210817-04)	WT-108B Section A
Day 2		Lab forwards results to Olmsted (9:47 AM)	

Day	Date	Event	Source
	Aug 18, 2021		Email [1900] (forwarded from Prestige)
Day 2	Aug 18, 2021	Olmsted forwards to Sandercock + Gray with professional assessment: "These results are terrible. All the air samples have very elevated levels of pen-asp spores...They need to do the entire scope"	Email [1900]
Day 2	Aug 18, 2021	Sandercock acknowledges: "Thank you for letting us know, looking forward to report."	Email [1011]
Day 3	Aug 19, 2021	Olmsted sends draft formal report to Sandercock	Email [1930] (Sandercock forwards draft to Gray)
Day 3	Aug 19, 2021	<b>Sandercock sends Olmsted report + notice of default to Skaller (DSkaller@bbgllp.com)</b>	Email [1927]
Day 14	~Aug 30, 2021	14-day deadline	Stipulation Para. 5
~Day 372	Aug 18, 2022	Formal narrative report (WT-109) issued	WT-109

**STATUS: 14-DAY DEADLINE -- SUBSTANTIALLY MET (Day 3).**

Sandercock transmitted Olmsted's report to Skaller on Aug 19, 2021 (Day 3), well within the 14-day window. The transmittal email [1927] explicitly states: "I attach Ed Olmsted's report based on observations and samples taken on 8/16/21...This is a notice of default with respect to the stipulation entered into in the HP proceeding."

**The Formal Report Question:** The formal narrative report (WT-109) was not produced until Aug 18, 2022 -- approximately 12 months later. The question is whether the Aug 18-19, 2021 delivery of lab results + professional assessment + draft report satisfies Para 5's requirement for "a copy of the Olmstead Post Remediation Report."

The email evidence suggests Sandercock treated the Aug 19 transmittal as compliant -- she sent it to Skaller as a "notice of default" under the stipulation. She did not indicate any further report was needed to complete the Para 5 obligation.

## Paragraph 6 -- Mutual Agreement on Completion (Discontinuance)

**Stipulation Requirement:** "In the event that ALC and Olmstead agree that the Remediation Work is completed after the Completion Date ('Completion Confirmation Date'), this proceeding shall be discontinued and the Parties shall forthwith execute and file a stipulation of discontinuance, with prejudice."

**STATUS: NOT TRIGGERED.**

ALC certified clearance (WT-108). Olmsted found the opposite -- elevated mold levels, incomplete scope, and concluded the remediation was inadequate (Email [1900], WT-108B, WT-109). ALC and Olmsted did not agree. Paragraph 6 was therefore never triggered.

---

## Paragraph 7 -- Disagreement and Motion to Restore

**Stipulation Requirement:** "In the event ALC and Olmstead cannot agree that the Remediation Work has been completed or additional remediation work is necessary, either party may restore this proceeding, by notice of motion, for a hearing on the sole issue of whether the Respondent did not comply with the agreed upon Remediation Work or any additional work that either or both ALC and Olmstead believes should have been performed as being necessary..."

### Documented Compliance:

Element	Required	Actual	Source	Status
ALC-Olmsted disagreement	Prerequisite	Established Aug 2021	WT-108 vs WT-108B/109	MET
Motion to Restore filed	Either party may file	Filed Jun 14, 2022	NYSCEF Doc #11	MET (10-month delay)

**10-Month Enforcement Gap:** The ALC-Olmsted disagreement was established by Aug 18, 2021 at the latest (email [1900]: "These results are terrible...They need to do the entire scope"). The Motion to Restore was not filed until Jun 14, 2022 -- a gap of approximately 10 months.

During this gap, the email record shows:

- Sep 15, 2021 (email [968]): Sandercock tells Gray that the landlord will "likely" continue work but no ServPro date yet due to hurricane emergency work. Options: wait or make a court motion.
- Oct 11, 2021 (email [981]): Sandercock tells Olmsted she has been "trying to get the landlord attorney to tell me if the landlord is going to complete the scope of work or whether we need to restore the case." Skaller proposed a phone conference between Olmsted and the landlord's expert.
- Nov 22, 2021 (email [959]): Sandercock asks Olmsted: "I have not been contacted about remediation resuming; do you have any update on it? Is it time for me to agitate with the owner's lawyer?"
- Nov 22, 2021 (email [963]): Olmsted responds: "Not yet. I have been discussing with jack glass. Will touch base with him tomorrow."

- Dec 22, 2021 (email [874]): Sandercock follows up on whether the landlord's expert has agreed to get ServPro back.
- Dec 23, 2021 (email [879]): Sandercock proposes: "I get in touch with owner's lawyer and say we'll restore the HP case if they don't get going on the work."

**Pattern:** From Aug 2021 through Dec 2021, Sandercock pursued informal resolution rather than filing the Motion to Restore. The motion was not filed until Jun 14, 2022 -- after the Glass/Kowalewski affidavits were filed (Jul 28, 2022, NYSCEF Docs #18-19) and after Olmsted's formal report (WT-109, Aug 18, 2022). (Note: The motion filing date of Jun 14, 2022 predates the affidavits, so the sequence is: Motion filed Jun 2022 -> Skaller opposition with affidavits Jul 2022 -> Olmsted formal response Aug 2022.)

---

## **Paragraph 8 -- Agreed Non-Completion**

**Stipulation Requirement:** "In the event ALC and Olmstead agree that the Remediation Work was not completed after the Completion Date, the Mold Remediation Company shall complete the agreed upon outstanding Renovation Work and the Parties shall repeat the process as stated in paragraphs five (5) through nine (9) herein."

**STATUS: NOT TRIGGERED IN FORMAL PROCESS.**

However, the Nov 7, 2022 follow-up inspection (WT-110) documents that Olmsted and Jack Glass (ALC) conducted a joint walk-through where Glass acknowledged additional work remained. WT-109 Section G states that in July 2021, Glass acknowledged further work was needed and a written plan was expected but never provided.

This creates a factual basis that approaches Para 8 conditions informally -- the landlord's own expert (Glass/ALC) acknowledged work was incomplete -- but no formal Para 8 process was initiated.

---

## **Paragraphs 9-13 -- Procedural and Release Provisions**

**Paragraph 9 (Restoration limitation):** Proceeding may only be restored for enforcement of stipulation obligations regarding remediation work or additional disputed work. The Motion to Restore (Doc #11) was filed within this scope.

**Paragraph 10 (Mutual release):** Broad release of claims "from the beginning of the world through the date of this Stipulation." Analyzed separately in Strategy\_HP\_Stipulation\_of\_Settlement\_Release\_Vacatur\_Strategy. Not a compliance question.

**Paragraphs 11-13:** Attorney fee reservation, drafting neutrality, and supersession clauses. Not relevant to compliance timeline.

---

## PART C -- Smith Decision: Why Compliance Was Not Recognized

On Sep 29, 2023, Hon. Remy Smith, J.H.C. denied the Motion to Restore. Smith's reasoning, per WT-117 Part E and NYSCEF Findings:

1. The motion was "devoid of the respondent's remediator's Post Remediation Report that was to trigger the Olmstead Post-Remediation Report."
2. Olmsted's report (Doc #16) was "completely devoid of the date that respondent's remediator 'cleared the work'" -- so she could not determine whether petitioner had met the inspection deadline.
3. While respondent attached its PRV report, Smith found "no proof that it was emailed in compliance with paragraph 5" and "no proof that Olmstead conducted his inspection within 5 days of the email."
4. Conclusion: "The ability to bring this motion was therefore never triggered and the motion must be denied."

**The Evidentiary Gap:** Smith ruled on procedure because the motion papers did not include the evidence proving compliance. But that evidence existed in the email record:

What Smith Needed	What the Emails Prove	Source
Proof PRV was emailed per Para 5	Sandercock received PRV ~Aug 11 ("5 days from today")	Email [1048]
Date respondent's remediator cleared work	ALC PRV inspection Jul 28, report Aug 3	WT-108
Proof Olmsted inspected within 5 days	COC dated Aug 16, 2021 (Day 5 from Aug 11 delivery)	WT-108B; Email [1012]
Olmsted report delivered within 14 days	Sandercock sent report to Skaller Aug 19 (Day 3)	Email [1927]

**The emails documenting Para 5 compliance were available to Sandercock (she wrote them) and to Kozek (who inherited the file). Neither included this evidence in the motion papers.**

## PART D -- Compliance Summary Table

Para	Requirement	Deadline	Actual	Days Used	Status	Evidence
1	Work commences Jul 20-21	Jul 20-21, 2021	Jul 20, 2021	0	MET	WT-108
1	LL61 filings	Required	Not filed per Olmsted	--	NOT MET	WT-109 Sec H

Para	Requirement	Deadline	Actual	Days Used	Status	Evidence
3	ALC present during work	Permitted	Jul 20-27, M-F	--	MET	WT-108
3	Olmsted present during work	Permitted	Not present	--	PERMITTED/DECLINED	Email [1044]
4	ALC inspects upon completion	Upon completion	Jul 28 (1 day after)	1 day	MET	WT-108
4	ALC report prepared	Upon completion	Aug 3, 2021	7 days	MET	WT-108
4	ALC report delivered to Petitioner's counsel	By email to mbs@	~Aug 11, 2021	~8 days	MET (gap noted)	Email [1048]
5A	Olmsted inspects within 5 days of delivery	5 days from ~Aug 11	Aug 16, 2021	Day 5	MET	WT-108B COC
5B	Olmsted report to Skaller within 14 days	14 days from Aug 16	Aug 19, 2021	Day 3	MET	Email [1927]
6	ALC + Olmsted agree = discontinue	--	Did not agree	--	NOT TRIGGERED	--
7	Disagreement = motion to restore	Either party may file	Filed Jun 14, 2022	~10 months	MET (delayed)	NYSCEF Doc #11

## PART E -- Evidence Gaps and Collection Tasks

### E.1 Critical Missing Evidence

- Skaller-to-Sandercock PRV transmittal email.** The stipulation requires "Respondent's counsel" (Skaller) to deliver the ALC PRV to "Petitioner's counsel" (Sandercock). Sandercock's Aug 11 email [1048] proves she received it, but the actual transmittal from Skaller is not in the email corpus. This email would establish the exact Day 0 for the 5-day clock and whether delivery was to mbs@goodfarblaw.com as required.
- ~Olmsted draft report sent to Sandercock Aug 19.~ RESOLVED:** Email [1930] shows Sandercock forwarding a draft from Olmsted to Gray on Aug 19. The attachment has been archived as [STIP-EMAIL-1927\\_ATTACH\\_Olmsted\\_Draft\\_Report\\_20210819.pdf](#) (9.6 MB). See Part J.8.
- LL61 filing records.** WT-109 states the required filings were not made. NYC DOL/DOB records would confirm or rebut this.

4. **Skaller response to Aug 19 notice of default.** Email [1927] is Sandercock's notice of default to Skaller. Any response from Skaller would document the landlord's position as of Aug 2021.

## E.2 Existing Evidence Sufficient to Establish

The email chain proves the following without additional evidence:

- PRV delivery to Sandercock on approximately Aug 11, 2021 (email [1048])
- Olmsted inspection on Aug 16, 2021 (COC, multiple emails)
- Lab results delivered Aug 18, 2021 (email [1900])
- Olmsted report + notice of default delivered to Skaller Aug 19, 2021 (email [1927])
- Sandercock was aware of and actively tracked the 5-day deadline (email [1048])
- Olmsted's professional assessment was unequivocal: "These results are terrible" (email [1900])

---

## PART F -- NYSCEF Filing Record and Motion Chronology

---

The following documents the NYSCEF filing record and email chronology relevant to the Motion to Restore. For malpractice analysis and attorney conduct assessment, see Orange Vol 12 (B001, D001).

### F.0 NYSCEF Filing Record by Counsel Period

#### Sandercock period (Goodfarb & Sandercock LLP):

NYSCEF Doc	Date	Content	Filed By
#11	Jun 14, 2022	Notice of Motion (Motion to Restore)	Sandercock, E.
#12-16	Jun 14, 2022	Supporting papers (affirmation, exhibits, Olmsted report)	Sandercock, E.
#22	Aug 31, 2022	Reply Affirmation #1 (11 scope failures, para 5a-k)	Sandercock
#23	Aug 31, 2022	Reply Affirmation #2 (Olmsted sworn affidavit)	Sandercock

#### Kozek period (Ween & Kozek PLLC):

NYSCEF Doc	Date	Content	Filed By
#25	Nov 15, 2022	Substitution of Attorney (notarized)	Oksman, N.
#26	Nov 15, 2022	Notice of Appearance	Oksman, N.
#28-30	Dec 2022 - Mar 2023	Adjournment stipulations	Oksman, N.
#37	Oct 31, 2023	Notice of Appeal	Kozek-Perkins, M.

Substitution of counsel occurred Nov 15, 2022 (Doc #25). Smith decided the motion Sep 29, 2023 (Doc #36).

## F.1 Smith Decision -- Stated Findings (Sep 29, 2023)

Smith denied the Motion to Restore. The decision identified the following evidentiary deficiencies in the motion papers (Docs #11-16, #22-23):

Smith's Finding (Doc #36)	Corresponding Evidence in Record
"No proof [PRV] was emailed in compliance with paragraph 5"	Email [1048] (Aug 11, 2021): Sandercock to Olmsted/Gray, states "5 days from today"
"No proof that Olmsted conducted his inspection within 5 days"	Email [1012] (Aug 12, 2021): Olmsted scheduling for Aug 16; COC dated Aug 16 (WT-108B)
Motion "devoid of" respondent's PRV report triggering the timeline	ALC PRV (WT-108) issued Aug 3, 2021; delivered to counsel ~Aug 11, 2021
Olmsted report "devoid of the date remediator cleared the work"	ALC PRV cover letter dated Aug 3, 2021; PRV inspection date Jul 28, 2021 (WT-108)

The motion papers (Docs #11-16, #22-23, filed by Sandercock) did not include the emails or documents listed in the right column. No supplemental filings were made between the substitution of counsel (Nov 15, 2022) and the decision (Sep 29, 2023).

## F.2 Email Chronology -- Post-Results Through Motion Filing (Aug 2021 -- Jun 2022)

Olmsted's lab results were received Aug 18, 2021 (email [1900]). The Motion to Restore was filed Jun 14, 2022 (Doc #11). The email record during this interval:

- Sep 15, 2021 (email [968]): Sandercock to Gray -- "wait, or make a court motion to restore"
- Oct 11, 2021 (email [981]): Sandercock to Olmsted -- follow-up on landlord's attorney response
- Nov 22, 2021 (email [959]): Sandercock to Olmsted -- "Is it time for me to agitate with the owner's lawyer?"
- Dec 23, 2021 (email [879]): Sandercock to Gray -- proposes restoring HP case "if they don't get going on the work"

## F.3 Scope Position Statements in Email Record (Aug 11-13, 2021)

Email [1048] (Aug 11, 2021), Sandercock to Olmsted and Gray: "In my humble and quite likely uneducated opinion, I am not convinced the scope of work matters if the test results are good."

Email [1015] (Aug 13, 2021), Sandercock to Gray: "I keep trying to prepare you for the fact that if Ed's test reports are good, you have no position and you are wasting your time pursuing this." And: "If the test results are good, neither Ed nor I can advocate for work that was part of a contract but perhaps not needed."

Email [1048] was sent the same day Sandercock acknowledged receipt of the ALC PRV. Olmsted's inspection (Aug 16, 2021) and lab results (Aug 18, 2021) followed.

## F.4 Post-Substitution Filing Record (Nov 2022 -- Sep 2024)

Date	Event	Source
Nov 15, 2022	Substitution of counsel filed (Doc #25, #26)	NYSCEF
Dec 2022 - Mar 2023	Adjournment stipulations filed (Docs #28-30)	NYSCEF
Sep 29, 2023	Smith decision denying Motion to Restore (Doc #36)	NYSCEF
Oct 31, 2023	Notice of Appeal filed (Doc #37)	NYSCEF
Sep 23, 2024	Appeal dismissed for failure to perfect (Doc #38)	NYSCEF

The RATA form (Doc #37) stated the decision was "based upon arguments that were never raised in opposition to Petitioner's motion and which are unsupported by the law and the so-ordered stipulation of settlement."

## PART G -- Cross-References

Tab	Content	Relevance
WT-108	ALC PRV Report (Aug 3, 2021)	Para 4 compliance; clearance statement
WT-108A	Work Scope (Dec 8, 2020)	Baseline scope agreed
WT-108B	Olmsted Post-PRV Inspection/Lab Results (Aug 10-18, 2021)	Para 5A compliance; COC; compliance table
WT-109	Olmsted Response to ALC (Aug 18, 2022)	Formal report; LL61 filings; scope refutation
WT-110	Olmsted Follow-Up (Nov 7, 2022)	Glass acknowledged additional work
WT-114	Scope Manipulation Evidence Compendium	Comprehensive scope failure documentation
WT-117	NYSCEF Docket Analysis	Smith decision; full docket
Orange B001	Sandercock Malpractice Framework	Motion failure; enforcement delay
Orange B002	Atlas Malpractice Framework	Architect role (if relevant)
Purple B010-B012	False Certification PRV packages	Strategic treatment of ALC/Olmsted conflict

## PART H -- Email Index (Stipulation-Relevant)

The following emails from email\_extract\_v2.csv are directly relevant to stipulation compliance. Row numbers reference the CSV for retrieval. PDF column links to archived email PDFs in the media folder (see Part J for collection status).

### H.1 Pre-Remediation (May-Jul 2021)

Row	Date	From	Subject	Relevance	PDF
1093	Jun 1, 2021	Orefice	HP case settlement	Stipulation signed reference	<a href="#">PDF</a>
1863	Jun 17, 2021	Sandercock	FW: Workshare Compare Document Distribution	Stipulation drafts to Olmsted	<a href="#">PDF</a>
1053	Jul 19, 2021	Olmsted	Calendar to be on site this wednesday	Pre-remediation scheduling	<a href="#">PDF</a>

### H.2 Post-Remediation / PRV Window (Aug 2021)

Row	Date	From	Subject	Relevance	PDF
1032	Aug 2, 2021	Gray	Mold Remediation	Scope concerns post-work; ServPro vs Total Restoration	<a href="#">PDF</a>
1035	Aug 2, 2021	Sandercock	Re: Mold Remediation	Sandercock response re ServPro	<a href="#">PDF</a>
1044	Aug 10, 2021	Olmsted	mold work	Olmsted spoke with Glass; work described as done	<a href="#">PDF</a>
1037	Aug 11, 2021	Gray	Re: mold work	Gray details scope failures to Olmsted	<a href="#">PDF</a>
<b>1048</b>	<b>Aug 11, 2021</b>	<b>Sandercock</b>	<b>Re: mold work</b>	<b>"5 days from today" -- Day 0; "scope doesn't matter"</b>	<a href="#">PDF</a>
1038	Aug 11, 2021	Sandercock	Ed Olmsted	Olmsted in Virgin Islands; Monday is last day	<a href="#">PDF</a>
1039	Aug 11, 2021	Sandercock	Update on Olmsted	4:30pm Monday proposed	<a href="#">PDF</a>
<b>1012</b>	<b>Aug 12, 2021</b>	<b>Olmsted</b>	<b>Re: mold work</b>	<b>Proposes 8:30am Monday (Aug 16)</b>	<a href="#">PDF</a>
1016		Gray	Re: mold work	Confirms 8:30am Monday	<a href="#">PDF</a>

Row	Date	From	Subject	Relevance	PDF
	Aug 12, 2021				
1014	Aug 13, 2021	Gray	Exhibit 1	Requests scope of work document	<a href="#">PDF</a>
1015	Aug 13, 2021	Sandercock	Re: Exhibit 1	"not convinced scope of work matters if test results good"	<a href="#">PDF</a>
<b>1900</b>	<b>Aug 18, 2021</b>	<b>Olmsted</b>	<b>Fwd: two reports for 97 Green</b>	<b>Lab results: "These results are terrible"</b>	<a href="#">PDF</a>
1011	Aug 18, 2021	Sandercock	Re: two reports for 97 Green	Acknowledges receipt; "looking forward to report"	<a href="#">PDF</a>
1930	Aug 19, 2021	Sandercock	Fwd: draft report	Forwards Olmsted draft to Gray	<a href="#">PDF</a>
<b>1927</b>	<b>Aug 19, 2021</b>	<b>Sandercock</b>	<b>FW: Christian Gray, 226 Franklin St.</b>	<b>Notice of default to Skaller with Olmsted report</b>	<a href="#">PDF</a>

### H.3 Post-Results / Enforcement Gap (Sep 2021-Jun 2022)

Row	Date	From	Subject	Relevance	PDF
968	Sep 15, 2021	Sandercock	Mold work in your loft	Landlord "likely" to continue; ServPro hurricane delays	<a href="#">PDF</a>
981	Oct 11, 2021	Sandercock	update	Trying to get landlord to complete scope or restore case	<a href="#">PDF</a>
959	Nov 22, 2021	Sandercock	226 Franklin owner's expert	"not been contacted about remediation resuming"	<a href="#">PDF</a>
963	Nov 22, 2021	Olmsted	Re: 226 Franklin owner's expert	"Not yet. Discussing with Jack Glass"	<a href="#">PDF</a>
874	Dec 22, 2021	Sandercock	ServPro	Follow-up on whether ServPro returning	<a href="#">PDF</a>
879	Dec 23, 2021	Sandercock	Re: ServPro	Proposes restoring HP case if work doesn't resume	<a href="#">PDF</a>
--	Jun 14, 2022	--	Motion to Restore filed	<a href="#">NYSCEF Doc #11 (PDF)</a>	--

## PART I -- Conclusion of Fact

---

The documentary evidence -- primarily emails written by Sandercock herself -- establishes that the petitioner's side complied with the Stipulation of Settlement's Paragraph 5 verification framework:

1. The ALC PRV was delivered to Sandercock on approximately Aug 11, 2021 ([email 1048 PDF](#)).
2. Olmsted inspected G21 on Aug 16, 2021, Day 5 of the 5-day window (COC, [email 1012 PDF](#), [email 1016 PDF](#)).
3. Lab results and professional assessment were delivered to Sandercock on Aug 18, 2021, Day 2 after inspection ([email 1900 PDF](#)).
4. Olmsted's report was transmitted to Skaller on Aug 19, 2021, Day 3 after inspection, well within the 14-day window ([email 1927 PDF](#)).
5. The Aug 19 transmittal was explicitly framed as a "notice of default with respect to the stipulation" ([email 1927 PDF](#)).

Smith's procedural denial was based on the absence of this proof in the motion papers -- not on a finding that the deadlines were actually missed. The evidence proving compliance existed in Sandercock's own email correspondence and was available for inclusion in the Motion to Restore.

---

## PART J -- Source Document Archive

---

This section indexes all source documents referenced in this analysis. Documents are organized by type. PDF links use `media/` relative paths for MkDocs deployment in the same volume directory.

### J.1 Court-Filed Documents

Document	Description	PDF
<b>Stipulation of Settlement</b>	HP 6086/2020 -- so-ordered stipulation governing remediation, verification, and restoration framework (Paras 1-13)	<a href="#">Stipulation of Settlement (PDF)</a>
NYSCEF Doc #11	Notice of Motion -- Motion to Restore (filed Jun 14, 2022 by Sandercock)	<a href="#">Doc #11 (PDF)</a>
NYSCEF Doc #16	Olmsted Report (filed as exhibit with Motion to Restore)	<a href="#">Doc #16 (PDF)</a>
NYSCEF Doc #22	Reply Affirmation #1 -- Sandercock's 11 scope failures (para 5a-k)	<a href="#">Doc #22 (PDF)</a>
NYSCEF Doc #23	Reply Affirmation #2 -- Olmsted sworn affidavit	<a href="#">Doc #23 (PDF)</a>
NYSCEF Doc #25	Substitution of Attorney -- Ween & Kozek replaces Goodfarb & Sandercock (Nov 15, 2022)	<a href="#">Doc #25 (PDF)</a>
NYSCEF Doc #31	Decision/Order -- Hon. Remy Smith denying Motion to Restore (Sep 29, 2023)	<a href="#">Doc #31 (PDF)</a>

---

Document	Description	PDF
NYSCEF Doc #37	Notice of Appeal -- Kozek (Oct 31, 2023); includes RATA form	<a href="#">Doc #37 (PDF)</a>
NYSCEF Doc #38	Notice of Entry -- Appellate Term dismissal for failure to perfect (Sep 23, 2024)	<a href="#">Doc #38 (PDF)</a>

## J.2 Expert Reports and Lab Results

Document	Description	PDF
ALC PRV Report (WT-108)	Post-Remediation Verification -- inspection Jul 28, 2021; report Aug 3, 2021; "achieved clearance"	<a href="#">ALC PRV Report (PDF)</a>
Olmsted COC	Chain of Custody form -- signed by Edward Olmsted, dated Aug 16, 2021; 9 samples from G21	<a href="#">Chain of Custody (PDF)</a>
Prestige Lab Reports	Prestige EnviroMicrobiology Report #210817-04 -- analysis completed Aug 17, 2021	<a href="#">Lab Reports (PDF)</a>
Olmsted Response (WT-109)	Response to Skaller Affirmation -- Aug 18, 2022; "replete with misleading and incorrect statements"	<a href="#">Olmsted Response (PDF)</a>
Dec 8, 2020 Work Scope (WT-108A)	Agreed mold abatement work scope -- Appendix B of PRV	<a href="#">Work Scope (PDF)</a>

## J.3 Email Evidence -- Stipulation Compliance Window (Aug 2021)

These are the emails that prove Para 5 compliance. All 24 emails have been converted to PDF and archived in the media folder. **Load-bearing emails** are bolded.

Filename	Row	Date	From > To	Subject	Status
STIP-EMAIL-1032_20210802_Gray_Mold_Remediation.pdf	1032	Aug 2, 2021	Gray > Sandercock	Mold Remediation	AVAIL.
STIP-EMAIL-1035_20210802_Sandercock_Re_Mold_Remediation.pdf	1035	Aug 2, 2021	Sandercock > Gray	Re: Mold Remediation	AVAIL.
STIP-EMAIL-1044_20210810_Olmsted_Spoke_With_Glass.pdf	1044	Aug 10, 2021	Olmsted > Sandercock, Gray	mold work	AVAIL.
STIP-EMAIL-1037_20210811_Gray_Scope_Failures.pdf	1037	Aug 11, 2021	Gray > Olmsted	Re: mold work	AVAIL.

Filename	Row	Date	From > To	Subject	Status
<b>STIP-EMAIL-1048_20210811_Sandercock_5_Days_From_Today.pdf</b>	<b>1048</b>	<b>Aug 11, 2021</b>	<b>Sandercock &gt; Olmsted, Gray</b>	<b>Re: mold work</b>	<b>AVAIL</b>
STIP-EMAIL-1038_20210811_Sandercock_Ed_Olmsted_VI.pdf	1038	Aug 11, 2021	Sandercock > Gray	Ed Olmsted	AVAIL
STIP-EMAIL-1039_20210811_Sandercock_Update_Olmsted.pdf	1039	Aug 11, 2021	Sandercock > Gray	Update on Olmsted	AVAIL
<b>STIP-EMAIL-1012_20210812_Olmsted_830am_Monday.pdf</b>	<b>1012</b>	<b>Aug 12, 2021</b>	<b>Olmsted &gt; Sandercock</b>	<b>Re: mold work</b>	<b>AVAIL</b>
STIP-EMAIL-1016_20210812_Gray_Confirms_Monday.pdf	1016	Aug 12, 2021	Gray > Olmsted, Sandercock	Re: mold work	AVAIL
STIP-EMAIL-1014_20210813_Gray_Exhibit_1_Request.pdf	1014	Aug 13, 2021	Gray > Sandercock	Exhibit 1	AVAIL
STIP-EMAIL-1015_20210813_Sandercock_Scope_Doesnt_Matter.pdf	1015	Aug 13, 2021	Sandercock > Gray	Re: Exhibit 1	AVAIL
<b>STIP-EMAIL-1900_20210818_Olmsted_Lab_Results_Terrible.pdf</b>	<b>1900</b>	<b>Aug 18, 2021</b>	<b>Olmsted &gt; Sandercock, Gray</b>	<b>Fwd: two reports for 97 Green</b>	<b>AVAIL</b>
STIP-EMAIL-1011_20210818_Sandercock_Ack_Lab_Results.pdf	1011	Aug 18, 2021	Sandercock > Olmsted, Gray	Re: two reports for 97 Green	AVAIL
STIP-EMAIL-1930_20210819_Sandercock_Fwd_Draft_Report.pdf	1930	Aug 19, 2021	Sandercock > Gray	Fwd: draft report	AVAIL
<b>STIP-EMAIL-1927_20210819_Sandercock_Notice_Default_Skaller.pdf</b>	<b>1927</b>	<b>Aug 19, 2021</b>	<b>Sandercock &gt; Skaller</b>	<b>FW: Christian Gray, 226 Franklin St.</b>	<b>AVAIL</b>

## J.4 Email Evidence -- Enforcement Gap (Sep-Dec 2021)

These emails document the 10-month delay between Olmsted's findings and the Motion to Restore.

Filename	Row	Date	From > To	Subject	Status
STIP- EMAIL-0968_20210915_Sandercock_Mold_Work_Loft.pdf	968	Sep 15, 2021	Sandercock > Gray	Mold work in your loft	AVAILABLE
STIP- EMAIL-0981_20211011_Sandercock_Update_Restore.pdf	981	Oct 11, 2021	Sandercock > Olmsted	update	AVAILABLE
STIP-EMAIL-0959_20211122_Sandercock_Owners_Expert.pdf	959	Nov 22, 2021	Sandercock > Olmsted	226 Franklin owner's expert	AVAILABLE
STIP- EMAIL-0963_20211122_Olmsted_Re_Owners_Expert.pdf	963	Nov 22, 2021	Olmsted > Sandercock	Re: 226 Franklin owner's expert	AVAILABLE
STIP-EMAIL-0874_20211222_Sandercock_ServPro.pdf	874	Dec 22, 2021	Sandercock > Olmsted, Gray	ServPro	AVAILABLE
STIP- EMAIL-0879_20211223_Sandercock_Re_ServPro_Restore.pdf	879	Dec 23, 2021	Sandercock > Gray	Re: ServPro	AVAILABLE

## J.5 Email Evidence -- Pre-Remediation Context

Filename	Row	Date	From > To	Subject	Status
STIP- EMAIL-1093_20210601_Orefice_HP_Settlement.pdf	1093	Jun 1, 2021	Orefice > Gray	HP case settlement	AVAILABLE
STIP- EMAIL-1863_20210617_Sandercock_Workshare_Stip.pdf	1863	Jun 17, 2021	Sandercock > Olmsted, Gray	FW: Workshare Compare Document Distribution	AVAILABLE
STIP- EMAIL-1053_20210719_Olmsted_Calendar_Onsite.pdf	1053	Jul 19, 2021	Olmsted > Sandercock, Gray	Calendar to be on	AVAILABLE

Filename	Row	Date	From > To	Subject	Status
				site this wednesday	

## J.6 Binder Cross-References (Internal Links)

These WT tabs are referenced throughout this analysis. They are separate binder documents, not archived here.

Tab	Title	Binder Location
WT-108	ALC Post-Remediation Verification (PRV) Report (Aug 3, 2021)	Vol 07, Tab 108
WT-108A	Mold Abatement Work Scope (Dec 8, 2020)	Vol 07, Tab 108A
WT-108B	Olmsted Post-PRV Inspection and Lab Results (Aug 10-18, 2021)	Vol 07, Tab 108B
WT-109	Olmsted Response to ALC (Aug 18, 2022)	Vol 07, Tab 109
WT-110	Olmsted Follow-Up Scope (Nov 7, 2022)	Vol 07, Tab 110
WT-114	Scope Manipulation Evidence Compendium	Vol 07, Tab 114
WT-117	HP 6086/2020 NYSCEF Docket Analysis	Vol 07, Tab 117

## J.7 Collection Status Summary

Category	Total	Archived	Pending
Court-filed documents (NYSCEF)	9	9 (in WT-117 PDF archive)	0
Expert reports / lab results	5	5 (in WT-108/108B/109 archives)	0
Stipulation compliance emails (Aug 2021)	15	<b>15</b>	0
Enforcement gap emails (Sep-Dec 2021)	6	<b>6</b>	0
Pre-remediation emails	3	<b>3</b>	0
<b>Total email PDFs</b>	<b>24</b>	<b>24</b>	<b>0</b>

**Collection Status:** All 24 emails have been converted to PDF and archived in the media folder. Each PDF preserves full headers (From, To, Date, Subject) and body content. The 4 load-bearing emails (rows 1048, 1012, 1900, 1927) are confirmed present and verified.

**Attachments Archived (5 files):** Three Prestige lab report files from email [1900], the Olmsted draft report from email [1927], and the post-abatement inspection report from email [1930] have been archived separately. See J.8 below.

## J.8 Email Attachment Archive

Five high-value attachments from the stipulation compliance email chain have been archived separately.

Filename	Source Email	Description	Size
<a href="#">Prestige Scanned Report (PDF)</a>	Row 1900	Prestige EnviroMicrobiology combined scanned report -- Report #210817-04	839 KB
<a href="#">Prestige Direct Exam (PDF)</a>	Row 1900	Prestige lab direct examination results -- Report #210817-04	122 KB
<a href="#">Prestige Spore Trap (PDF)</a>	Row 1900	Prestige spore trap analysis results -- Report #210817-04	140 KB
<a href="#">Olmsted Draft Report (PDF)</a>	Row 1927	Olmsted draft formal report attached to notice of default (Aug 19, 2021)	9.6 MB
<a href="#">Post-Abatement Inspection (PDF)</a>	Row 1930	Post-abatement inspection report for 97 Greene (Aug 19, 2021)	10.7 MB

**END -- White Tab 118 -- Stipulation of Settlement: Compliance Timeline Analysis v1.2**