

From the Desk of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Honorable [REDACTED]
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: [REDACTED]
[REDACTED]
[REDACTED]

**REQUEST FOR SUBPOENA TO COMPEL PRODUCTION OF CERTIFIED COURT RECORDS
FROM MANHATTAN CIVIL HOUSING COURT**

Honorable Judge [REDACTED] :

I, the undersigned pro se Defendant in the above-captioned matter, respectfully submit this letter to request the issuance of a subpoena directed to the **Civil Court of the City of New York, Housing Part, Manhattan Division**, regarding acquisition of certified litigation records involving the Plaintiff, Mr. [REDACTED].

Despite repeated good-faith efforts, we have been unable to obtain **certified court records** related to nearly forty (40) years of housing litigation involving [REDACTED] residing at [REDACTED] **Avenue**, initiated by various past management companies. These records are highly relevant to demonstrating a consistent pattern of tenant misconduct, obstruction, and legal disputes that directly inform the defenses raised in this action.

We have been advised that only the most recent 20 years of case records are digitized. Any older records must be physically retrieved from archives, which can take several months. A subpoena signed by the Court would expedite this process and ensure the production of **certified records**, which are necessary to preserve evidentiary integrity and prevent future challenges to authenticity by opposing counsel.

Additionally, we respectfully request that this Court issue subpoenas to the New York Police Department (NYPD) and the New York Fire Department (FDNY) to obtain all incident reports and emergency call records associated with [REDACTED] tenancy at [REDACTED] Avenue, **Apartment 5C**, as well as flooding incidents affecting Apartments **4C**, **3C**, **2C**, and **1C** directly below. On multiple occasions—including recent events—[REDACTED] has deliberately caused severe flooding in his apartment, resulting in significant water damage to the lower units. He has also repeatedly refused entry to emergency personnel, thereby creating hazardous conditions and placing the health and safety of other tenants at serious risk. Several of these incidents necessitated emergency intervention by **NYPD** and **FDNY**, and neighboring residents have contacted **911** to report these dangerous situations. The requested records are critical in demonstrating an ongoing pattern of endangerment and disruption.

Due to the location of critical infrastructure—including gas meters, hot-water pumps and the system for domestic hot water and radiator heating, as well as electrical panels— in the basement directly beneath the ground-floor apartments at [REDACTED] Avenue, relocating [REDACTED] to a ground-floor unit poses an unacceptably high risk of catastrophic harm. Given [REDACTED] documented history of repeated and intentional flooding, any future incident could result in severe water intrusion into these sensitive utility areas, potentially triggering an electrical fire, widespread property damage, personal injury, or even loss of life. The building’s construction is entirely wood-framed, with horizontal and vertical beams throughout, significantly increasing the vulnerability to electrical fire, which is almost impossible to extinguish due to its proximity to electric wiring running behind two (2)-hour fire-rated walls, and which may spread and cause catastrophic structural failure. We are deeply concerned that assigning [REDACTED] to a ground-floor unit under these conditions would expose us—as property owners and managers—to direct liability for any ensuing disaster, not only within [REDACTED] Avenue but also to adjacent and structurally connected buildings.

While we do not assert any medical or psychological diagnosis, [REDACTED] pattern of behavior—specifically his repeated and deliberate flooding of his apartment—closely resembles that of a compulsive actor who exhibits reckless disregard for the safety and wellbeing of others. As a rhetorical comparison, just as a pyromaniac is driven to start fires, [REDACTED] actions may be analogized to that of an “aquamaniac”—a person who appears to derive satisfaction from causing flooding and creating hazardous consequences for others. This

consistent and harmful behavior must be taken into account when evaluating whether the requested accommodations under the Fair Housing Act are reasonable and appropriate, particularly when the requested accommodation would expose other tenants and the property itself to serious risk.

Therefore, we respectfully request that the Court issue:

1. A subpoena to the **Clerk of the Civil Court, Housing Part, County of New York** for **certified copies of all litigation records involving [REDACTED] and [REDACTED] Avenue 5C**, from 1986 to present.
2. Subpoenas to the **FDNY** and **NYPD** for all incident reports, emergency call logs, and **911** responses related to flooding or emergency calls involving [REDACTED] at [REDACTED] Avenue Apartment 5C made by tenants in units 4C,3C,2C and 1C.

We believe these documents are essential to present a full and fair defense and to help the Court understand why relocation to a ground-floor unit poses an unreasonable risk and cannot be deemed a “reasonable accommodation” under law.

Although we have already expended over \$66,000 in efforts to provide [REDACTED] with a reasonable accommodation, we remain committed to relocating him to a ground-floor apartment at [REDACTED] Avenue that not only meets accessibility standards but also includes a private backyard—an extremely rare feature in New York City. We further believe that the three available apartments at [REDACTED] Avenue are subject to rent stabilization, offering [REDACTED] both security and long-term affordability. However, our arrangement with the housing provider at [REDACTED] is that we pay the overage amount of [REDACTED] rent-stabilized \$623.40, plus an additional incentive payment of approximately \$1,300.00, or whatever final amount is mutually agreed upon.

We continue to maintain that moving [REDACTED] to [REDACTED] Avenue represents the most practical, fair, and comprehensive resolution to the challenges described above. In order to restore our reputations and correct the record, it is essential that this Court have access to the full context, including documentation from the Housing Court, Fire Department, and Police Department. These records will directly refute the allegations made against us by [REDACTED] and his counsel, Mr. [REDACTED] of [REDACTED] & [REDACTED] and will support our

good-faith efforts to accommodate [REDACTED] while also protecting the safety and integrity of the building and its residents.

Pursuant to **Federal Rule of Civil Procedure 45**, I respectfully request that the Court issue subpoenas compelling the production of the above-described records, as these materials cannot be obtained without judicial authorization and are essential for the presentation of a full and fair defense.

Courts have routinely granted subpoenas for 911 call logs, emergency response records, and prior litigation history in cases involving allegations of nuisance, tenant misconduct, or public safety concerns.

We thank Your Honor for your consideration and remain available to provide any further supporting documentation.

Respectfully submitted,

[REDACTED]

Civil Action No. [REDACTED]

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.