

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

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CITY OF NEW ROCHELLE

Index No. 54190/2016

Plaintiff,

- against -

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA  
ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC.  
and FMLR REALTY MANAGEMENT LLC.,

**VERIFIED REPLY**

Defendants.  
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Plaintiff the City of New Rochelle (the "City") by its attorneys Wilson Elser Moskowitz  
Edelman & Dicker, LLP, alleges for its reply to defendants' counterclaims follows:

**AS AND FOR A REPLY TO  
THE FIRST COUNTERCLAIM**

1. Denies knowledge or information sufficient to form a belief concerning the  
allegations contained in paragraph 95 of the Verified Answer.

2. Denies the truth of the allegations contained in paragraph 96 of the Verified  
Answer.

3. Denies knowledge or information sufficient to form a belief as to the truth of the  
allegations contained in paragraph 97 of the Verified Answer.

4. Denies knowledge or information sufficient to form a belief as to the truth of the  
allegations contained in paragraph 98 of the Verified Answer.

5. Deny the truth of the allegations contained in paragraph 99 of the Verified  
Answer.

6. Deny the truth of the allegations contained in paragraph 100 of the Verified Answer.

7. Deny the truth of the allegations contained in paragraph 101 of the Verified Answer.

8. Deny the truth of the allegations contained in paragraph 102 of the Verified Answer.

9. Deny the truth of the allegations contained in paragraph 103 of the Verified Answer.

**AS AND FOR A REPLY TO  
THE SECOND COUNTERCLAIM**

10. Repeat and realleges the responses contain in paragraphs 1-9 above as if fully stated herein.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 105 of the Verified Answer.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 106 of the Verified Answer.

13. Deny the truth of the allegations contained in paragraph 107 of the Verified Answer.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 108 of the Verified Answer.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 109 of the Verified Answer.

16. WHEREFORE, the City of New Rochelle demands judgment against Defendants for the following:

- (a) compensatory damages including but not limited to the value of the removed trees, loss in value of the Parcel, and property damage;
- (b) statutory damages under RPAPL § 861 including stumpage value and \$250 per tree, treble damages, and the costs to restore the property to its prior condition;
- (c) consequential damages including but not limited to the costs of constructing the fence to prohibit access to the parking lot and the costs of removing the parking lot and restoring the Parcel to its prior condition;
- (d) statutory damages under City Code §111-40 of \$2500 per first violation and \$5000 for each subsequent offense;
- (e) a permanent injunction prohibiting defendants from encroaching upon City property at East Street and Fifth Avenue;
- (f) punitive damages;
- (g) attorneys' fees and costs;
- (h) prejudgment interest at the maximum legal rate; and
- (i) such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York  
May 16, 2019

Wilson, Elser, Moskowitz, Edelman & Dicker, LLP  
Attorneys for the City of New Rochelle

By: 

Peter A. Meisels  
Eliza M. Scheibel  
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White Plains, NY 10604  
Tel. No. (914) 323-7000  
Our File No.: 07367.00101

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

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CITY OF NEW ROCHELLE

Index No. 54190/2016

Plaintiff,

- against -

**VERIFICATION**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA  
ROCCA & SONS, INC. a.k.a. F. LARocca & SONS, INC.  
and FMLR REALTY MANAGEMENT LLC,

Defendants.

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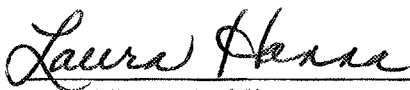
Peter A. Meisels, an attorney admitted to practice law before the Courts of the State of  
New York hereby verifies:

I am a member of the firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP,  
counsel for the plaintiff, the City of New Rochelle (the "City") in this action. I have reviewed  
the foregoing verified reply and know the same to be true, except as to those matters which are  
alleged on information and belief, as to which I believe them to be true. I make this verification  
on behalf of the City, a governmental subdivision, pursuant to CPLR 3020(d)(2) based on my  
review of the City's records and files.



Peter A. Meisels

Sworn to before me this  
16<sup>th</sup> day of May, 2019



Notary Public

LAURA HANNA  
Notary Public, State of New York  
No. 01HA6035322  
Qualified in Westchester County  
Commission Expires Dec 27, 2021