

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: CIVIL BRANCH

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In the Matter of the Application of

THE CITY OF NEW YORK,

*Petitioner,*

Index No.

-against-

**VERIFIED PETITION**

AIRBNB, INC.,

*Respondent.*

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The Petitioner City of New York (the “City”), by its attorney, Zachary Carter, Corporation Counsel of the City of New York, as and for its verified petition in this matter, respectfully alleges, upon information and belief, as follows:

**PRELIMINARY STATEMENT**

1. Following a clear public mandate – as expressed through thousands of complaints from the public and repeated legislation – the City, acting through the New York City Mayor’s Office of Special Enforcement (“OSE”), is engaged in efforts to find and stop illegal conversions of permanent residences in New York City into ersatz hotels that deplete housing stock for New Yorkers, pose fire and building safety risks, and deceive consumers.

2. As part of these efforts, OSE has been conducting an investigation (the “Investigation”) into the illegal use and occupancy of permanent residences in an apartment building at 156 West 15<sup>th</sup> Street in Manhattan (the “Subject Building”), and seeks as part of the Investigation to identify all potential witnesses and hold accountable all the responsible parties who have displaced permanent housing stock to advance their illegal business activity.

3. Through the Investigation, OSE has uncovered a persistent illegal transient rental (i.e., less than thirty-day) operation at the Subject Building, where the operators unlawfully advertised transient stays in at least six out of nine apartments in the Subject Building through the advertising and reservation service provided by Airbnb, Inc. (“Airbnb”).

4. As part of the Investigation, OSE’s Executive Director issued a subpoena *duces tecum* on or about January 11, 2018 (the “Subpoena”), seeking copies of records of various documents related to each listing and reservation associated with the Subject Building, any hosts associated with listings advertising/offering stays at the Subject Building, and any guests who booked stays at the Subject Building through Airbnb during the relevant time period (individually and collectively, the “Records”). An acknowledged copy of the Subpoena is annexed hereto as Exhibit 1.

5. The Subpoena was returnable to OSE’s office in New York County on February 8, 2018.

6. The Subpoena was served on Airbnb on January 18, 2018, and a copy of an affidavit attesting to that service is annexed hereto as Exhibit 2.

7. On January 26, 2018, Airbnb acknowledged receipt of the Subpoena in writing to OSE.

8. After several rounds of communications with Airbnb, including two adjournments granted by OSE to give Airbnb additional time to respond to the Subpoena, Airbnb failed to produce all but a very small handful of the Records, and instead refuses to comply with the Subpoena.

9. Therefore, the City is seeking judicial assistance pursuant to CPLR 2308(b) and Judiciary Law § 2-b(3) to compel Airbnb’s compliance with the Subpoena as required by state

and federal law. A copy of a proposed order and judgment is annexed hereto as the Proposed Order.

10. As a City agency tasked with investigating and combating adverse conditions that impact the health, safety and general welfare of the City, its residents, visitors and first responders, OSE has an obligation to conduct thorough and complete investigations. By the same measure, the subjects of OSE investigations are also entitled to full, fair and impartial investigations that correctly identify those responsible for conduct in violation of state and local laws and which produce an accurate base of knowledge upon which the City may pursue actions and remedies as the facts support.

#### **PARTIES TO THE ACTION**

11. The City is a municipal corporation organized under the laws of the State of New York, and OSE is an agency thereof pursuant to Mayoral Executive Order No. 96 of 2006, as subsequently amended, with its principal place of business located at 22 Reade Street in New York County.

12. Airbnb is an authorized foreign business corporation organized under the laws of the State of Delaware, with its principal place of business located at 888 Brannan Street in the City and County of San Francisco, California. Airbnb also maintains a permanent office and staff in the State of New York.

#### **JURISDICTION AND VENUE**

13. The Court has jurisdiction pursuant to CPLR 2308(b) and Judiciary Law § 2(5).

14. The Court also has jurisdiction pursuant to the Court's inherent power to promote the proper administration of justice.

15. Venue is proper in New York County pursuant to CPLR 503(a) and 506(b) because OSE's principal place of business is located in, the Subpoena was returnable in, and the cause of action arose in New York County.

16. The City is seeking to proceed by order to show cause in this matter because of the public's interest in the swift, thorough, and complete investigation of public safety threats and deceptive consumer practices, and to serve Airbnb through its counsel in this matter as contemplated by *Bianca v. Frank*, 43 N.Y.2d 168 (1977).

17. No prior application has been made by the City for the relief sought herein.

### **STATEMENT OF FACTS**

#### **A. Background and Statutory Framework**

18. OSE is an agency of the City organized by Mayoral Executive Order No. 96 of 2006 to "address issues and combat adverse conditions that can impact quality of life, including those that threaten public safety, community livability and property values and can lead to serious crime." Those conditions "have historically been associated [*inter alia*, with] apartment buildings that have been converted into hotels," as noted in Mayoral Executive Order No. 96 as well. A copy of Mayoral Executive Order No. 96 has been annexed hereto as Exhibit 3.

19. The deleterious effects of illegal conversions of permanent dwellings into transient hotel operations have been documented by a number of reports and studies by both governmental and non-governmental organizations. Examples include:

- a. An October 2014 report by the New York State Office of the Attorney General entitled "Airbnb in the City," – available at <https://ag.ny.gov/pdfs/AIRBNB%20REPORT.pdf> – which specified that "72 percent of units used as private short-term rentals on Airbnb" appeared to violate

State and local laws in New York,” including the Multiple Dwelling Law and the New York City Administrative Code;

- b. A June 2016 report from MFY Legal Services entitled “Short Changing New York City – The Impact of Airbnb on New York City’s Housing Market” – available at [http://www.hcc-nyc.org/documents/ShortchangingNYC2016FINALprotected\\_000.pdf](http://www.hcc-nyc.org/documents/ShortchangingNYC2016FINALprotected_000.pdf) – which specified that “over 55% of Airbnb’s NYC listings are illegal and over 8,000 housing units [are] lost to Airbnb in 2015, reducing available housing by 10%,” and
- c. A January 2018 report from Professor Wachsmuth of McGill University entitled “The High Cost of Short-Term Rentals in New York City” – available at <https://mcgill.ca/newsroom/files/newsroom/channels/attach/airbnb-report.pdf> – which stated that “Airbnb has removed between 7,000 and 13,500 units of housing from New York City’s long-term rental market, including 12,200 frequently rented entire-home listings that were available for rent 120 days or more and 5,600 entire-home listings available for rent 240 days or more.”

20. Executive Order No. 96 was subsequently supplemented in 2016 by Mayoral Executive Order No. 22 to specifically direct OSE to enforce “provisions of the Multiple Dwelling Law and the New York City Administrative Code prohibiting the advertisement of certain unlawful occupancies,” like those at issue here. A copy of Mayoral Executive Order No. 22 is annexed hereto as Exhibit 4.

21. In exercising its powers, OSE employs a number of building and fire inspectors, police officers, deputy sheriffs, attorneys, analysts and investigators detailed from various

agencies within City government to conduct field inspections, investigations and legal proceedings.

22. The principal work of OSE is determining whether buildings in the City are being used to perpetrate violations of state and local laws and regulations that protect the livability of communities, promote safety of guests and residents, and protect consumers.

23. OSE investigations uncovering wrongdoing primarily result in administrative prosecutions and civil proceedings seeking injunctive relief and other penalties to halt nuisance and harm afflicting the City, its residents, and its visitors.

24. The laws and regulations governing the use and occupancy of dwellings in the City – including the Subject Building – are principally found in the Multiple Dwelling Law, and the New York City Fire, Building and Housing Maintenance Codes.

25. Specifically, the advertisement of short-term occupancies of dwellings in the Subject Building and other permanent residential dwellings in the City is principally regulated, in relevant part, by Chapter 396 of the Laws of 2016 (codified in relevant part as Multiple Dwelling Law § 121 and N.Y.C. Admin. Code § 27-287.1) and the New York City Consumer Protection Law, codified in relevant part as N.Y.C. Admin. Code 20-700 *et seq.*

26. Airbnb operates an online marketplace and hospitality service for people to list (commonly referred to as “hosts”) or to book (commonly referred to as “guests”) accommodations. A copy of Airbnb’s “About Us” page on its website is annexed hereto as Exhibit 5.

27. Airbnb operates its service through itself and a number of subsidiaries and affiliates, including, but not limited to:<sup>1</sup>

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<sup>1</sup> While the City does not believe Airbnb’s listed affiliates and subsidiaries themselves are necessary parties because of Airbnb’s control over their relevant business activities, copies of this verified petition and the papers in support of

- a. Airbnb Payments, Inc., an authorized foreign business corporation organized under the laws of the State of Delaware, and sharing its principal office space and executive staff with Airbnb in the City and County of San Francisco, California.
- b. Airbnb Ireland Unlimited Company, also known as Airbnb Ireland UC (“Airbnb Ireland”), an unauthorized foreign business corporation organized under the laws of the Republic of Ireland, with its principal place of business located in Dublin, Ireland.
- c. Airbnb Payments UK Limited, an unauthorized foreign business corporation organized under the laws of the United Kingdom, with its principal place of business located in London, United Kingdom.
- d. Airbnb Internet (Beijing) Co., Ltd., an unauthorized foreign corporation organized under the laws of the People’s Republic of China, with its principal place of business located in Beijing, China.

28. Airbnb charges hosts percentage-based commissions called “host service fees” to engage in booking transactions through its service.<sup>2</sup>

29. Airbnb also charges guests percentage-based commissions called “guest service fees” to engage in booking transactions through its service.<sup>3</sup>

30. In exchange for those commissions, Airbnb provides a wide range of services to hosts and guests, including payment processing and handling, tax accounting, dispute resolution, and assistance in generating content for advertisements.

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it will be provided to those listed entities to provide them with notice out of the City’s desire to err on the side of transparency and caution, following *Oliver C. v. Weissman*, 203 A.D.2d 458, 459 (2d Dept. 1994).

<sup>2</sup> Airbnb, *What are Airbnb Service Fees?*, <https://www.airbnb.com/help/article/1857/what-are-airbnb-service-fees> (last visited Apr. 13, 2018).

<sup>3</sup> *Id.*

31. New York City is one of Airbnb's largest markets for its services in the world, and the largest in market in the United States.

32. In response to increased complaints and enforcement concerning illegal hotels in the City, Airbnb instituted a series of limited restrictions known as its "one host one home" policy, a copy of which is annexed hereto as Exhibit 6.

33. That policy, however, permits multiple listings in the same dwelling, either by a single host or by multiple hosts.

34. On or about January 30, 2015, the State of Florida's Office of Financial Regulation fined Airbnb four hundred sixty-three thousand dollars (\$463,000) for operating as an unlicensed money transmitter in processing transactions concerning properties and users in the State of Florida. Airbnb agreed to pay that fine and obtain a license as a money transmitter from the State of Florida. A copy of the Office of Financial Regulation's weekly agency report indicating Airbnb's fine and agreement to licensure as a money transmitter is annexed hereto as Exhibit 7.

35. Airbnb Payments has succeeded Airbnb in holding a money transmitter license in Florida for Airbnb's operations, and a copy of a printout from the Florida Office of Regulation's website indicating Airbnb Payments' licensure as a money transmitter in Florida is annexed hereto as Exhibit 8.

36. Airbnb Payments is also licensed as a money transmitter in, among other states, New York. A copy of a printout from the New York State Department of Financial Services' website indicating Airbnb Payments' licensure as a money transmitter is annexed hereto as Exhibit 9.



37. Airbnb Payments UK provides similar services, and is similarly licensed abroad in, among other places, the United Kingdom to operate as an electronic money institution. A copy of a printout from the United Kingdom's Financial Conduct Authority confirming Airbnb Payments UK's licensure as an electronic money institution is annexed hereto as Exhibit 10.

38. Airbnb Internet (Beijing) Co. Ltd. provides similar services for China-based transactions, and a copy of Airbnb's website concerning tax filing information processed and provided by Airbnb Internet (Beijing) Co. Ltd. is annexed hereto as Exhibit 11.

**B. The Investigation and the Pending Nuisance Abatement Action Related to Illegal Transient Use in the Subject Building**

39. In order to facilitate inquiries like the Investigation, the Legislature specifically conferred upon OSE the power to enforce Multiple Dwelling Law § 121, including over and above OSE's existing investigative powers, the authority to compel evidence pursuant to Multiple Dwelling Law § 303(1-a), which includes issuing subpoenas and compelling the production of records.

40. The Subject Building is a walk-up building in the Chelsea neighborhood of Manhattan, which is designed and equipped for permanent residential occupancy only.

41. Since 2014, inspectors assigned to OSE have found illegal use and occupancy in the Subject Building on multiple occasions in multiple units. Specifically, during an administrative inspection of the Subject Building in September 2017, the City confirmed illegal transient occupancy in at least six out of a total of nine dwelling units – almost seventy percent.

42. The City's enforcement efforts mainly included a number of administrative prosecutions, which are normally effective in halting illegal hotel operations. For example, in *City of New York v. Guzman*, Summons No. 0195531454, the New York City Office of Administrative Trials and Hearings ("OATH") found Airbnb host Miguel Guzman responsible

for the illegal advertising of short-term rentals at the Subject Building. A copy of the OATH hearing officer's decision in *Guzman* is annexed hereto as Exhibit 12.

43. Information developed during the Investigation thus far indicates that all internet-based advertising of illegal transient stays in the Subject Building was made through Airbnb.

44. To further the Investigation, OSE issued the Subpoena on January 11, 2018, which focused on the alleged use and occupancy of the Subject Building for transient stays in contravention of state and local laws since September 24, 2013, the time at issue in the Investigation.

45. As noted in the detailed rider instructions accompanying the Subpoena, Airbnb was directed to produce records reflecting advertisements and resulting transactions to book transient stays at the Subject Building.

46. Airbnb was specifically directed not to produce private communications.

47. On January 22, 2018, the City, acting through OSE, initiated a civil action captioned as *The City of New York v. Dr. Philip Baldeo, et al.*, under New York County Index No. 450126/2018 (the "*Baldeo Matter*") against the Subject Building *in rem*, its owners and operators – both known and unknown – to halt the illegal and unsafe short-term rentals that been continuing unabated for more than three years despite administrative enforcement action. A copy of the City's verified complaint in the *Baldeo Matter* is annexed hereto as Exhibit 13, and the City repeats and re-alleges the allegations contained in that verified complaint as if fully stated herein.<sup>4</sup>

48. In addition to the aforementioned summons and verified complaint in the *Baldeo Matter*, a copy of the City's memorandum of law in support of its motion for a temporary

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<sup>4</sup> The City also respectfully requests that the Court take judicial notice of the papers and proceedings had in the *Baldeo Matter* pursuant to CPLR 4511 and following *B. v. B.*, 66 Misc. 2d 227 (Fam. Ct., Kings Co. 1971) (finding that court may take notice of proceedings had in another case before it).

restraining order and preliminary injunction in the *Baldeo* Matter explaining the legal and factual issues associated with the Subject Building is annexed hereto as Exhibit 14, and a copy of the attorney's affirmation in support of that motion is annexed hereto as Exhibit 15.

49. On January 23, 2018, the Court – sitting in Part 55 – issued a temporary restraining order directing the defendants in the *Baldeo* Matter to halt their advertising, offering, using and occupying illegal transient rentals in the Subject Building. A copy of that temporary restraining order is annexed hereto as Exhibit 16.

50. On January 26, 2018, Airbnb acknowledged receipt of the Subpoena by e-mail, but indicated that it would not comply with the Subpoena without a court order pursuant to its interpretation of 18 U.S.C. § 2703(c)(2), part of the Stored Communications Act. A copy of Airbnb's January 26, 2018 e-mail to OSE is annexed hereto as Exhibit 17.

51. In that January 26, 2018 response, Airbnb referred OSE to Airbnb's self-created law enforcement relations policy, a copy of which is annexed hereto as Exhibit 18.

52. After follow-up communication from OSE asking Airbnb to clarify its position, a copy of which is annexed hereto as Exhibit 19, Airbnb replied on February 1, 2018 confirming its prior refusal to produce substantial portions of the Records and re-asserting that any information regarding users not resident in the United States would need to be sought from Airbnb Ireland, who reserved the right to require a request pursuant to a mutual legal assistance treaty ("MLAT").<sup>5</sup> A copy of Airbnb's February 1, 2018 e-mail to OSE is annexed hereto as Exhibit 22. This demand to proceed through Airbnb Ireland and the MLAT process was made

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<sup>5</sup> While Airbnb did not specify the particular MLAT(s) it purported influenced its non-compliance with the Subpoena, the City believes that Airbnb may have been referring to the current MLAT's with the Republic of Ireland and the European Union, copies of which are respectively annexed hereto as Exhibits 20 and 21. MLAT requests can be time consuming, costly, and substantially burdensome, including requests through the MLAT's the United States have ratified with the Republic of Ireland and the European Union.

seemingly regardless of where the data at issue was actually maintained or who had care, custody or control over it. Airbnb subsequently retained outside counsel – its current counsel in this matter – who contacted the City on or about February 5, 2018, and sought an adjournment of the Subpoena’s return date to February 15, 2018, which OSE granted. A copy of the City’s February 7, 2018 e-mail confirming Airbnb’s adjournment is annexed hereto as Exhibit 23.

53. Airbnb subsequently requested an additional adjournment to comply with the Subpoena and provide a “more fulsome explanation” of its position, which was granted until February 20, 2018. A copy of the City’s February 14, 2018 e-mail confirming that adjournment is annexed as Exhibit 24.

54. After those two adjournments, Airbnb responded on February 20, 2018 with an approximately half-page chart and a four-page letter adopting Airbnb’s previous objection concerning the Stored Communications Act and refusing to comply further. A copy of that small chart of information – redacted in light of the presently ongoing nature of the Investigation – is annexed hereto as Exhibit 25, and a copy of Airbnb’s objection letter is annexed hereto as Exhibit 26.<sup>6</sup>

55. Upon information and belief, Airbnb has, pursuant to its internal policies, notified affected users of the Subpoena.

56. According to counsel for Airbnb, all but one of those notified users – who has subsequently communicated with OSE anonymously through counsel and is identified in this matter as John Doe – have either assented to compliance or not voiced any objections to Airbnb.<sup>7</sup>

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<sup>6</sup> Although the copy of Judge Howell’s decision in the United States District Court of the District of Columbia provided by Airbnb in support of its position indicates that the decision was filed under seal, the City’s research indicates that that decision has subsequently been published in unredacted form.

<sup>7</sup> Given their prior notification regarding the Subpoena, the City presumes Airbnb will notify those affected users of this proceeding as well.

57. OSE has not received any objections from notified users except for John Doe.

58. John Doe has argued to the City that he is a host whose Airbnb advertisements were incorrectly associated with the Subject Building, but has not produced any information to corroborate that allegation.<sup>8</sup>

59. For illustration purposes, OSE staff have prepared a chart detailing various data points responsive to the Subpoena – including information that is publicly available through advertisements posted through Airbnb’s marketplace service – and Airbnb’s non-compliance, a copy of which is annexed thereto as Exhibit 27.<sup>9</sup>

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(For an Order Pursuant to CPLR 2308(b) and Judiciary Law § 2-b(3))**

60. The City repeats and re-alleges each and every allegation contained in paragraphs 1 through 59 as if fully set forth herein.

61. The Investigation is squarely within OSE’s jurisdiction.

62. The Subpoena was lawfully issued and served.

63. Airbnb has not disputed that OSE is – which it indeed is – a governmental entity as defined by the Stored Communications Act.

64. Airbnb has not disputed that records regarding the Subject Building of the type sought here would be – and which they indeed are – relevant to the Investigation.

65. OSE has, and Airbnb does not dispute, a proper basis for inquisitorial action in support of the Subpoena.

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<sup>8</sup> As with Airbnb’s specified subsidiaries and affiliates, the City will provide copies of this verified petition and the City’s papers in support of it to John Doe’s counsel.

<sup>9</sup> Given Airbnb’s limited response, the City’s presumptions regarding Airbnb’s objections represent only the City’s best guesses as to Airbnb’s basis, and Airbnb should be required to provide the fulsome response specifically requested in the Subpoena.

66. The Subpoena is authorized by Multiple Dwelling Law § 303(1-a).

67. Alternatively, the Subpoena would have been authorized pursuant to OSE's existing investigative powers and those of its constituent agencies, which may be exercised on OSE's behalf pursuant to Mayoral Executive Orders Nos. 96 and 22.

68. Airbnb has previously asserted to the Court that records of the type sought here are not subject to the protections of the Stored Communications Act, and a copy of Airbnb's memorandum of law asserting that position in *New Yorkers Making Ends Meet in the Sharing Economy, et al. v. Airbnb, Inc., et al.*, New York Co. Index No. 158526/2014 is annexed hereto as Exhibit 28.<sup>10</sup>

69. Even assuming *arguendo* that the Stored Communications Act applies to the Subpoena, production is authorized by 18 U.S.C. § 2703(c)(2).

70. Pursuant to CPLR 2308(b), "if a person fails to comply with a subpoena that is not returnable in a court, the issuer or the person on whose behalf the subpoena was issued may move in the supreme court to compel compliance," and the Court shall order compliance if the Court determines the subpoena was authorized.

71. Additionally, as a court of record and of original jurisdiction in law and equity, the Court may enter orders in support of its equitable and inherent powers to promote the proper administration of justice.

72. The Court may also impose costs and penalties pursuant to CPLR 2308(b) after determining that the Subpoena was authorized.

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<sup>10</sup> In a similar manner and upon the same basis as the *Baldeo Matter*, the City respectfully requests that the Court take judicial notice of the papers and proceedings had in *New Yorkers Making Ends Meet in the Sharing Economy. v. Airbnb, Inc.*

73. Records of advertisements posted, reservations accepted, and stays hosted as part of an illegal business to convert permanent residences to transient occupancy are relevant to the Investigation.

74. Airbnb has care, custody or control of records responsive to the Subpoena in excess of the limited information it has produced thus far.

75. OSE has obtained records regarding Airbnb users from both the United States and abroad from Airbnb in the past, without going through the MLAT process, and redacted copies of such records have been annexed hereto as Exhibit 29.<sup>11</sup>

76. If the Court requires additional information regarding the Investigation beyond the information detailed herein, the City respectfully reserves the right to seek leave to submit such information *ex parte* and under seal following *Hearn v. Dept. of Investigation*, 2007 N.Y. Misc. LEXIS 9428, *supra.*; and *Hearn v. Dept. of Investigation*, 2007 N.Y. Misc. LEXIS 9429, *supra.*

**WHEREFORE**, the Petitioner City of New York respectfully requests that the Court issue an Order:

1. Finding that the Subpoena was authorized;
2. Directing Airbnb to produce the Records as directed by the Subpoena;
3. Imposing costs and penalties as authorized by CPLR 2308(b); and

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<sup>11</sup> The copies provided as examples here have been redacted to de-identify individuals listed in them, as they are not related to this matter, following *New York City Civilian Complaint Rev. Bd. v. New York City Office of the Comptroller*, 2015 N.Y. Misc. LEXIS 5030 (Sup. Ct., New York Co. 2015). If the Court desires unredacted copies, the City respectfully requests that it be permitted to file such copies under seal following *Hearn v. New York City Dept. of Investigation*, 2007 N.Y. Misc. 9428 (Sup. Ct., New York Co. 2007); and *Hearn v. New York City Dept. of Investigation*, 2007 N.Y. Misc. 9429 (Sup. Ct., New York Co. 2007).

Contrary to its stated objections, Airbnb produced information about one host in response to the Subpoena whose information indicates that he was based in the Dominican Republic, indicating that Airbnb does have access to records of regarding non-U.S. resident users.

4. Granting such other, further, or different relief as the Court deems just and proper.

Dated: New York, New York  
April 16, 2018

ZACHARY W. CARTER  
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City of New York  
*Attorney for Petitioner*  
100 Church Street  
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By: 

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: CIVIL BRANCH

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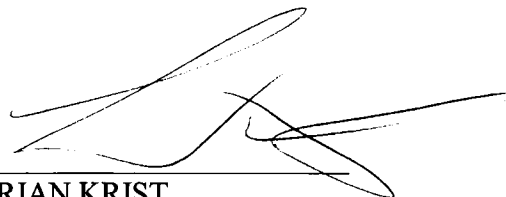
BRIAN KRIST, an attorney duly admitted to practice before the courts of the State of New York, hereby affirms the following to true under penalty of perjury pursuant to CPLR 2106:

1. I am a Special Assistant Corporation Counsel assigned to the New York City Mayor’s Office of Special Enforcement (“OSE”), and of counsel to Zachary Carter, Corporation Counsel of the City of New York and counsel for the petitioner City of New York (the “City”) in this proceeding.

2. I have read the annexed petition and I have knowledge of the matters set forth in said petition, upon information and belief, based on my review of the books and records of OSE and its constituent agencies pertaining to the matters set forth in said petition, and conversations with City personnel assigned to assist OSE in its investigation of the matters set forth in said petition, and my review of the sources and exhibits referenced in said petition.

3. Upon that information and belief, I believe the contents of the annexed petition to be true.

Dated: New York, New York  
April 16, 2018



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