

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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JACK BRITVAN, as a limited partner in 31 East 1st Street
Associates, L.P., on behalf of himself and derivatively
in the right of 31 East 1st Street Associates, L.P.,

Plaintiff,

-against-

MAXINE GILBERT, individually and as personal
representative of the Estate of Benjamin Gilbert;
31 EAST 1ST CORP.; DAVID OHEBSHALOM;
BIG APPLE MANAGEMENT, LLC; and BAJA 31 LLC,

Defendants,

31 EAST 1ST STREET ASSOCIATES, LP,

Nominal Defendant.
-----X

Index No.

File Date:

SUMMONS

Plaintiff's Address:
44 Holiday Pond Road
Jericho, NY 11753

Plaintiff designates
New York County
as the place of trial

The basis of venue is
parties' residence

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to
serve a copy of your answer, or if the complaint was not served with this summons, to
serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of
this summons, exclusive of the day of service (or within 30 days after the service is
complete if this summons is not personally delivered to you within the State of New
York); and in case of your failure to appear or answer, judgment will be taken against you.

Dated: New York, New York
September 17, 2017

GALLET DREYER & BERKEY, LLP

By:


David S. Douglas

845 Third Avenue
New York, New York 10022
(212) 935-3131

Attorneys for Plaintiff

TO: Maxine Gilbert
19566 NE 37th Avenue
Aventura, Florida 33180

31 East 1st Corp.
c/o Big Apple Management, LLC
347 5th Avenue, Suite 1201
New York, New York 10016

David Ohebshalom
2 Grenwolde Drive
Great Neck, New York 11024

Big Apple Management, LLC
347 5th Avenue, Suite 1201
New York, New York 10016

Baja 31 LLC
c/o Big Apple Management, LLC
347 5th Avenue, Suite 1201
New York, New York 10016

31 East 1st Street Associates, LP
c/o 31 East 1st Corp.
c/o Big Apple Management, LLC
347 5th Avenue, Suite 1201
New York, New York 10016

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JACK BRITVAN, as a limited partner in 31 East 1st Street
Associates, L.P., on behalf of himself and derivatively
in the right of 31 East 1st Street Associates, L.P.,

Plaintiff,

Index No.

-against-

**VERIFIED
COMPLAINT**

MAXINE GILBERT, individually and as personal
representative of the Estate of Benjamin Gilbert;
31 EAST 1ST CORP.; DAVID OHEBSHALOM;
BIG APPLE MANAGEMENT, LLC; and BAJA 31 LLC,

Defendants,

31 EAST 1ST STREET ASSOCIATES, LP,

Nominal Defendant.

-----X
Plaintiff Jack Britvan (“Britvan”), as a limited partner in 31 East 1st Street
Associates, L.P. (“East 1st Street”), on behalf of himself and derivatively in the right of
East 1st Street, by his attorneys Gallet Dreyer & Berkey, LLP, as and for his Complaint,
alleges with personal knowledge as to his own actions, and upon information and belief
as to those of others, as follows:

Nature of this Case

1. Benjamin Gilbert (“Benjamin”) and defendant Maxine Gilbert (“Maxine”;
collectively, the “Gilberts”) were, and Maxine remains – through the Gilberts’ entity
defendant 31 East 1st Corp. (“GP Corp.”) – the general partner of East 1st Street, a limited
partnership that, until 2016, owned a valuable property located at 31 East 1st Street in
Manhattan (“Property”). Defendant David Ohebshalom (“Ohebshalom”) managed the
Property, through his company defendant Big Apple Management, LLC (“Big Apple”).

2. In or about January 2016, the Gilberts and Ohebshalom conspired to arrange a sale of the Property to Ohebshalom for a price grossly below that which the Property was worth. They did the same as to three other properties that were likewise owned by limited partnerships of which the Gilberts were the general partners and that Ohebshalom managed. As a result of the Gilberts and Ohebshalom's wrongdoing, East 1st Street was deprived (based on the limited information supplied to plaintiff) of more than \$5,300,000 and the limited partners of nearly \$1,600,000. The four limited partnerships fleeced by defendants were deprived of a total of nearly \$15,400,000.

3. Defendants' unlawful sale of the Property (and the other properties) violated the Gilberts' fiduciary, contractual, and other legal duties to East 1st Street and the limited partners of East 1st Street, including plaintiff Britvan, by placing the personal self-interest of themselves and Ohebshalom over that of East 1st Street and East 1st Street's limited partners.

4. Additionally, while Maxine has provided certain limited documents and information to plaintiff, she has failed, despite repeated requests, to provide plaintiff with the complete documents to which plaintiff and his fellow limited partners were and remain entitled.

5. This lawsuit seeks redress for the significant harm that East 1st Street, East 1st Street's limited partners, and plaintiff in particular have suffered as a result of defendants' knowing violation of their fiduciary and other duties and the letter of the law, intentional wrongdoing, gross misconduct, active and deliberate dishonesty, and failure affirmatively to discharge their duties to East 1st Street and its limited partners in good faith and with the degree of care that an ordinarily prudent person would use.

Parties

Plaintiff

6. Plaintiff Britvan is a citizen of the State of New York with a residence in Jericho, New York. He is, and at all times relevant to this action was, a limited partner in East 1st Street, a limited partnership established under the laws of the State of New York.

Defendants

7. Defendant Maxine is a citizen of the State of Florida with a residence in Aventura, Florida. Maxine is the owner and chief executive officer of defendant GP Corp. and the personal representative of the Estate of Benjamin Gilbert. Maxine and Benjamin were married. Prior to his death in August 2016, Benjamin was also an owner of GP Corp.

8. Defendant GP Corp. is the general partner of East 1st Street. As noted above, GP Corp. is owned by Maxine and, prior to Benjamin's death, was jointly owned by Benjamin and Maxine. GP Corp.'s office is located within the office of defendant Big Apple, rather than in Florida where Maxine resides, and thus appears now to be controlled by Ohebshalom.

9. Defendant Ohebshalom is a citizen of the State of New York with a residence in Great Neck, New York.

10. Defendant Big Apple is a limited liability company established under the laws of the State of New York, whose manager and members are Ohebshalom or members of his family.

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