

SUPREME COURT OF THE STATE OF NEW YORK  
QUEENS COUNTY

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THE PEOPLE OF THE STATE OF NEW YORK, :  
 BASIL SEGGOS, Commissioner of the New York :  
 State Department of Environmental Conservation, :  
 and THE NEW YORK STATE DEPARTMENT OF :  
 ENVIRONMENTAL CONSERVATION, : Index No. \_\_\_\_\_

Plaintiffs, :

-against- :

LSM AUTO PARTS & RECYCLING INC.; :  
 LIBERTY SCRAP METAL INC.; BGN REAL :  
 ESTATE LLC; and THREE SONS REAL ESTATE :  
 GROUP LLC, :

Defendants. :

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**SUMMONS**  
(with attached Verified  
Complaint)

**TO: LSM AUTO PARTS & RECYCLING INC.  
LIBERTY SCRAP METAL INC.  
BGN REAL ESTATE LLC  
THREE SONS REAL ESTATE GROUP LLC**

**YOU ARE HEREBY SUMMONED** to answer the attached verified complaint in this action and to serve a copy of your answer on the plaintiffs' attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York). In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Pursuant to New York CPLR §§ 503(a) and (c), the venue for this action is Queens County, New York, because defendants LSM Auto Parts & Recycling Inc., Liberty Scrap Metal Inc., and BGN Real Estate LLC are residents of Queens County, and a substantial part of the events or omissions giving rise to plaintiffs' claims occurred in Queens County.

Dated: New York, New York  
August 12, 2022

LETITIA JAMES  
Attorney General of the  
State of New York  
Attorney for Plaintiffs

By: 

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Plaintiffs, :

**VERIFIED COMPLAINT**

-against- :

Index No. \_\_\_\_\_

LSM AUTO PARTS & RECYCLING INC.; :  
LIBERTY SCRAP METAL INC.; BGN REAL :  
ESTATE LLC; and THREE SONS REAL ESTATE :  
GROUP LLC, :  
:

Defendants. :  
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Plaintiffs State of New York, New York State Department of Environmental Conservation (DEC) and its Commissioner Basil Seggos (collectively, “the State”), by their attorney, Letitia James, Attorney General of the State of New York, allege as follows against Defendants LSM Auto Parts & Recycling Inc., Liberty Scrap Metal Inc., BGN Real Estate LLC, and Three Sons Real Estate LLC (together, “Salvage Yard Defendants”), on information and belief.

**PRELIMINARY STATEMENT**

1. Vehicle dismantling involves taking apart automobiles to recover and sell used auto parts and sell remaining metal to scrap dealers. Automobiles contain many hazardous and toxic fluids, including engine oil, transmission fluid, transaxle fluid, front and rear axle fluid, brake fluid, power steering fluid, antifreeze/coolant, and fuel, most commonly gasoline (“Automobile Fluids”).

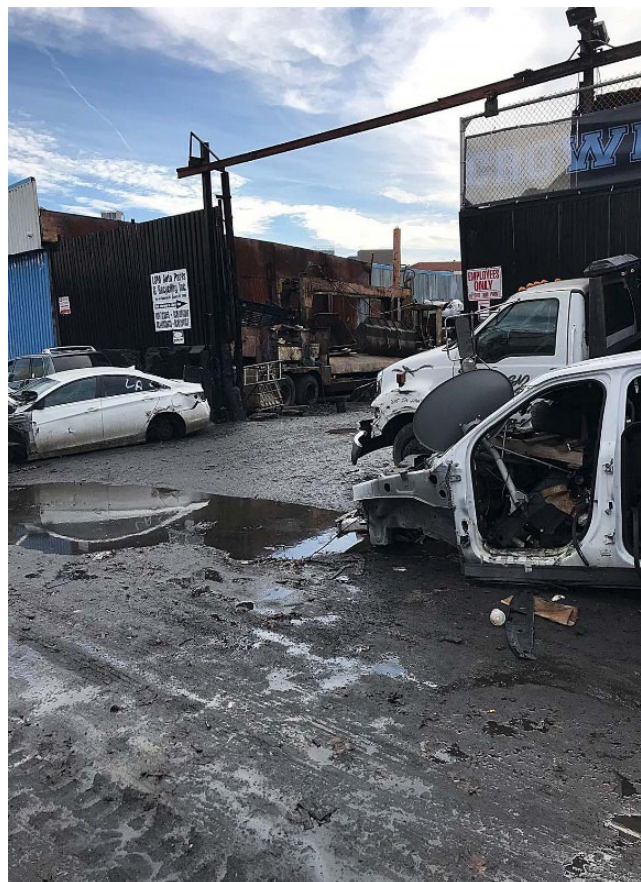
2. Given the dangers posed by these fluids, Article 27, Title 23 of the New York State Environmental Conservation Law (ECL) regulates commercial vehicle dismantling. The law requires dismantlers to recover and reuse or properly dispose of those fluids to avoid contaminating surface and ground waters, soil, and the air, and to prevent adverse impacts on human health and the environment. ECL Article 27, Title 23 (the “Vehicle Dismantling Law”) empowers the DEC Commissioner and Attorney General are authorized to seek injunctive relief to cure violations of, and to recover civil penalties from violators.

3. Relatedly, petroleum spills have caused and can cause serious harm to human health and safety and to New York’s water and other natural resources. Article 12 of the New York State Navigation Law, the “Oil Spill Law,” addresses that harm. The Oil Spill Law imposes strict liability on persons responsible for oil spills, including owners of unremediated spill sites; requires immediate reporting and containment of all spills; empowers the DEC Commissioner to order the cleanup of spills; and empowers the Attorney General to bring actions for injunctive relief and civil penalties. Spills of various petroleum products typically occur at poorly managed dismantling operations that are run in violation of applicable laws and regulations.

4. To prevent petroleum spills, New York regulates tanks that store petroleum under Article 17, Title 10 of the ECL. Pursuant to this statute, DEC has issued comprehensive regulations to prevent the harm that leaks and spills from petroleum storage tanks have historically caused to New York’s surface and

groundwater. Those regulations include requirement regarding design and material composition, and secondary containment in case they leak.

5. Salvage Yard Defendants own and/or operate an automobile salvage yard on Liberty Avenue in Jamaica, Queens (the “Salvage Yard”). For years they have operated the salvage yard in violation of New York’s Vehicle Dismantling Law, DEC petroleum bulk storage regulations, and the Oil Spill Law. The Salvage Yard has been a neighborhood eyesore and a source of contaminated runoff. The subsurface is likely saturated with Automobile Fluids, although Salvage Yard Defendants’ lack of cooperation with DEC has hindered the agency’s ability to ascertain just how contaminated the Salvage Yard is. Below is a photograph of the Salvage Yard in June 2021:



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