



A&P Rips Trump Condo's Eviction Threats, 'Bogus' Fines

By **Liz Hoffman**

Law360, New York (November 30, 2011, 7:50 PM ET) -- Grocery chain The [Great Atlantic & Pacific Tea Co. Inc.](#) on Wednesday sued the landlord and managers of a New York condo tower owned by Donald Trump, claiming they used "bogus" violations to impose \$86,000 in fines and threaten to terminate the lease on its street-level unit.

The Trump Palace condominium association and landlord [Equity One Inc.](#) threatened to cancel the lease on A&P's gourmet Food Emporium store for failing to polish brass on its doors, repair chips in its granite exterior and keep the roof terrace clean, among other infractions, A&P said in a complaint filed in New York state court.

A&P is seeking an injunction barring Equity One from canceling the lease.

"Not only is Trump's imposition of fines frivolous, but its conduct is in bad faith," A&P said. "Trump's conduct is class overreaching and the default notices must be enjoined."

The grocery store occupies the street level of the Trump Palace, a 55-floor condo tower on Manhattan's ritzy Upper East Side. Equity One bought the 25,350-square-foot retail condo for \$21 million last year and leased it to A&P under a long-term lease, according to a company release.

A&P says Equity One sent two default notices on Oct. 20, threatening to terminate the lease unless the store fixed the violations within 30 days.

Trump fined the unit \$100 per day for each alleged violation, for a total of more than \$86,000, according to a letter from the company's counsel, Robert Holland, filed with the complaint. Trump tried to tack on an additional \$40,000 in legal fees, but later cut the amount to about \$5,000, A&P said.

The building's rules, laid out by a condominium agreement, simply require owners to keep their units in "good" condition, A&P said. The rules do not mention brass polishing, replacing the loading dock door or any of the half-dozen other infractions cited in the default notices, A&P said.

"In fact, A&P always maintains its Food Emporium store ... in excellent — not merely 'good' — condition and Trump's conduct was and is entirely arbitrary and subjective," A&P said in the complaint.

Trump's alleged violations relate mostly to issues addressed by a series of agreements between the parties over the years, like a 2007 dispute settlement in which A&P agreed to polish the brass twice a year.

But many of those conditions have since been superseded by later agreements, A&P said.

"The alleged violations underlying the default notices are bogus," A&P said. "To the extent that any

repairs to the premises ever were required, A&P has already completed them or is in the process of completing them.”

Neither Trump nor Equity One returned phone calls seeking comment Wednesday.

A&P is represented by James O'Brien Jr. and Sarah Bell of [Pryor Cashman LLP](#).

Counsel information for Trump and Equity One was not immediately available.

The case is Great Atlantic & Pacific Tea Co. Inc. v. Equity One et al., case number 2011-113443, in New York Supreme Court, New York County.

--Editing by John Quinn.