

EXHIBIT 10 — NOISE ALLEGATIONS WITHOUT OBJECTIVE PROOF

Over eight years Defendant repeatedly alleged "noise," but never once produced an objective decibel measurement against the CMPD ordinance it itself cited — while admitting it had no proof, admitting it never measured the decibel level, and acknowledging real construction next door.

1 · THE OBJECTIVE STANDARD — CITED BY DEFENDANT ITSELF

Sept. 22, 2025 — Property Manager Stephanie Holley, MAA Uptown, quoting the CMPD ordinance

*"Acceptable **decibel (dB) levels are measured** at the property line ... 85 dB(C) Sunday through Thursday between 8 a.m. and 9 p.m.; 60 dB(C) ... between 9 p.m. and 2 a.m. ... 85 dB(C) Friday or Saturday between 8 a.m. and 11 p.m.; 60 dB(C) between 11:00 p.m. and 2:00 a.m."*

The ordinance Defendant cited turns on a **measured decibel level**. Plaintiff repeatedly asked Defendant to measure it. Defendant never did.

2 · DEFENDANT ADMITTED IT HAD NO PROOF — YET DOCUMENTED WARNINGS AND THREATENED EVICTION

Oct. 23, 2017 — Property Manager Nicole Menconi, "Noise Complaint – FINAL WARNING!"

*"... so **I do not have actual proof at this time**. Since I do not have proof, I will not move forward with eviction proceedings at this time, however this warning is **going to be documented in your file**. ... If this happens, **we will begin eviction proceedings at that time!**"*

3 · DEFENDANT ADMITTED IT DOES NOT MEASURE DECIBELS — AND NO DECIBEL READING WAS EVER TAKEN

Oct. 15, 2025 — Property Manager Stephanie Holley

*"As previously discussed, **we do not monitor decibel levels**, as that responsibility falls under CMPD. I did attempt to have the police respond to the situation, but by the time they arrived, the music had already been turned down."*

Across the entire tenancy, **no decibel measurement was ever taken** — including on the single occasion an officer was involved. Plaintiff's testimony addresses that occasion.

4 · DEFENDANT ACKNOWLEDGED THE REAL CONSTRUCTION — AND THAT ITS "COMPLAINTS" WERE SUBJECTIVE NEIGHBOR REPORTS

Sept. 23, 2025 — Property Manager Stephanie Holley

*"We've received concerns from several **neighboring apartments** ... On a positive note, **the nearby construction is expected to wrap up soon**, and we're looking forward to welcoming some new retail space to the neighborhood."*

5 · PLAINTIFF CONSISTENTLY ASKED FOR THE OBJECTIVE MEASUREMENT AND REPORTED HIMSELF WITHIN LIMITS

Aug. 2017 — Plaintiff to Defendant

*"... please provide proof of actual noise readings above what is required by the law. **Please send someone to measure noise DB readings** so we are all on the same page ..."*

Oct. 15, 2025 — Plaintiff to Defendant

*"Again, awaiting first warning with decibel reading as **my noise levels are 20dB below ordinance max**; I would request a harassment complaint filed."*

Why this matters (offer only when marked): The eviction was filed on or about Feb. 9, 2026, during active settlement discussions (see Findings; § 42-37.1). This exhibit shows that Defendant's stated friction with Plaintiff rested on **subjective "noise" allegations it never once objectively measured** against the ordinance it cited — admitting no proof (2017), admitting it "do[es] not monitor decibel levels" so that no reading was ever taken (2025), and acknowledging genuine construction and neighbor-sourced reports — while continuing to build a documented file and threaten eviction up to the eve of the tenancy's end. Plaintiff does not contend that no sound ever traveled between units in a downtown high-rise near a bar and active construction; he contends Defendant **never once measured the sound** against the objective standard it invoked, which supports retaliatory motive (§ 42-37.1) and willfulness (Ch. 75).

Prepared by Plaintiff, pro se. Source: Defendant's own emails, retained by Plaintiff, with passing DKIM/DMARC authentication from maac.com (sender verified). The original messages are available for the Court's inspection.