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IN BRIEF

A&O Shearman Delays Start Dates for Some First-Year Associates

A group of first-year associates at A&O Shearman had their start dates pushed back to January, a person with knowledge of the situation confirmed.

Associates at the firm were always offered the choice of an earlier or a later start date and given the option of a salary advance, the source said, adding that the delay would help the firm better manage its talent pipeline.

More than a year since the merger of Allen & Overy and Shearman & Sterling, A&O Shearman is a leaner combined firm than the sum of its parts, having set out to cut its equity partnership by 10% by this April in an effort to focus on growth in priority areas. Roughly 7% of the firm's partners had left by May, Law.com reported at the time.

The remainder of 2025 also poses uncertainty for M&A-centric law firms, with trade talks and tariffs putting some cross-border deals on hold.

—Dan Roe

Attorneys 'On the Move': Real Estate Partner Rejoins ArentFox; MoFo Adds Restructuring Partner

• Carolyn Austin has rejoined ArentFox Schiff as a partner in the firm's real estate practice. She was a partner at the firm from 2014 to 2018 and rejoins from Greenspoon Marder.



Carolyn Austin

• Wiggin and Dana has added Vasiliki (Vasi) Yiannouli-Riva as a partner in its real estate, environmental, construction and facilities department, based in both the Connecticut and New York offices. She joins from Polisini.

• David Rodrigues has joined Robinson+Cole as a partner in the firm's intellectual property + technology group. He joins from Gottlieb, Rackman & Reisman.

Perspective: The Case That Won't Go Away

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• Moses Singer has added Robert Rosenberg as a partner in its intellectual property, entertainment/media & technology and AI & data law practice groups. He joins from Showtime Networks where he served as the company's EVP and general counsel. The firm has also added partner Frederick Bimber to its intellectual property, entertainment/media & technology practice.

• Daniel Edelman has joined Baker Donelson as a shareholder and member of its commercial litigation practice. He joins from Epstein Becker & Green.

• Lowenstein Sandler has added Jonathan Algor as partner in its white collar defense and corporate investigations & integrity practice groups. He was formerly a prosecutor for the national security and cybercrime section of the U.S. Attorney's Office for the Eastern District of New York.

• Foley Hoag has elected partners Peter "Chip" Korn and DeAnn Smith to the firm's executive committee.

• Rob Warfield has joined Orrick from The Carlyle Group. He joins as a partner on the firm's energy & infrastructure team.

• Jacob Comer has joined Seward & Kissel as a partner in the firm's investment management group specializing in venture capital formation and transactions. He joins from Novaquest Capital Management. In addition, Randall Adams has joined the firm as a partner in its litigation & investigations group. He joins from Schulte Roth & Zabel.

• Kimberly Wolf Price has been nominated as chief operating officer at Bond, Schoenbeck & King.

• Subash Iyer, former acting general counsel of the U.S. Department of Transportation and former chief counsel of the Federal Transit Administration, has joined Kaplan Kirsch as a partner.

• Katten Muchin Rosenman has added Loren Lembo as a partner in its transactional tax planning practice.

• Withers has promoted Luca Denora and Jordan

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Another New York Appeals Court Rejects Family Court Orders Monitoring Parents

BY ALYSSA AQUINO

ANOTHER state appeals court has barred New York's Family Court from allowing the Administration for Children's Services to supervise parents who aren't suspected of a crime based on child abuse or neglect allegations against an absentee parent.

The First Department of the New York Supreme Court Appellate Division on Thursday issued a ruling invalidating many supervisory orders coming out of the Family Court.

Under Section 1017 of the Family Court Act, the court may order state monitoring of parents who aren't charged with child abuse or

neglect, if a child has been removed from their custody.

But the department found that the court had ordered such monitoring for Ms. W., a mother who was assaulted by the father of her child. Although Ms. W. wasn't charged with any wrongdoing—and didn't live with the child's father—ACS requested to monitor her parenting, according to the decision.

"Essentially, the ACS policy at issue, in this case, permits it to surveil the mother simply because the child's father committed acts of domestic violence against her. We cannot condone a policy based on this faulty and unlawful premise," Associate Justice Ellen Gesmer wrote on behalf of the court.

Under the supervisory order, ACS caseworkers made 15 announced and unannounced home inspections over a six-month period, searching every



A memorial dedicated to the victims of the 2022 shooting at the Tops supermarket in Buffalo. A gunman livestreamed on Twitch as he killed 10 and injured three.

In Buffalo Shooting, Appellate Judges Dismiss Claims Against Social Media Companies

BY BRIAN LEE

IN SEPARATE rulings involving social media firms and a gun-accessory manufacturer, an appeals court in Western New York delivered a mixed bag for victims of the Buffalo shooting massacre on July 25.

In a consumer-protection case against MEAN LLC, the Appellate Division, Fourth Department unanimously ruled that claims by 25 survivors could proceed against the gun magazine manufacturer whose product allowed the teen shooter to modify his semiautomatic assault rifle into larger-capacity weaponry. The decision said that

the Empire State's long-arm statute confers personal jurisdiction over out-of-state firms that either transact business or contracts to supply goods or services in the state.

But in a split ruling that reversed a lower trial court, the Rochester appellate panel dismissed tort claims against YouTube, Reddit and a series of social media platforms the then-18-year-old shooter used in carrying out the racially motivated massacre that resulted in 10 deaths and injuries to three others at Tops Friendly Markets in Buffalo on May 14, 2022.

The shooter, who drove more than 200 miles from his

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McDermott and Schulte voted on their merger last month.

As McDermott and Schulte Plan Friday Merger, Firm Leaders Discuss Leadership, Office Details

BY PATRICK SMITH

WHILE McDermott, Will & Emery's merger with Schulte, Roth & Zabel is on track to close on Friday, Aug. 1, the firms are still working out details on leadership and real estate, a firm leader said in an interview.

The timeline for the merger, creating a firm known as McDermott Will & Schulte, has caught some observers by surprise because the run-up to this merger closure

is shorter than other major law firm mergers. McDermott and Schulte voted on their merger last month.

It's one of the largest law firm mergers in recent years, including in New York, with Schulte having more than 313 lawyers and McDermott with 235. Speaking on where the combined firm will be housed, McDermott chair Ira Coleman said the "real estate piece has the longest lead time" and that a final resolution has not been reached.

Schulte's lease renewal in New York appears to be

A 'Necessity' Now in Big Law: Why Law Firms Are Adding Business Leaders

BY ANDREW MALONEY

AT BOTH large and midsize firms, some practicing lawyers were recently relied on to manage entire operations in staff, technology or human resources.

But a string of new C-suite announcements in 2025 underscores how law firms are increasingly relying on business experts who don't have JDs to handle their administrative and management decisions. In particular, the

advance of artificial intelligence, firms' data collection and profitability efforts have led firms to expand their C-suite staff and hire experts for chief technology, chief operations and chief people roles, for instance. And they've continued to create and fill those roles this year.

"The challenge is basically just how rapidly the legal industry is evolving," said Jason Mulgrew, who is chief operating officer for midsize New York firm Kleinberg Kaplan and who also spent years in business development

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Big Law Expands NYC Offices, But Few Mid-Size Firms Follow

BY RYAN HARROFF

THE SECOND quarter of 2025 saw several of the biggest Am Law 100 firms, including Kirkland & Ellis and Goodwin Procter, expand their office spaces in New York. But only some Second Hundred and midsize firms, such as Stinson and Barclay Damon, appear to be following suit based on recent leases.

Several other midsize law firms are renewing for the same amount

of total office space rather than expanding. Gregg Cohen, principal at real estate firm Cresa, said in a Friday interview that he does not expect to see as much expansion of office space among midsize firms as the market has seen with the largest firms.

"If Q2 is any indication of what midsize firms are doing, then we should expect mid-sized firms to continue keeping the same amount of space or becoming more efficient with

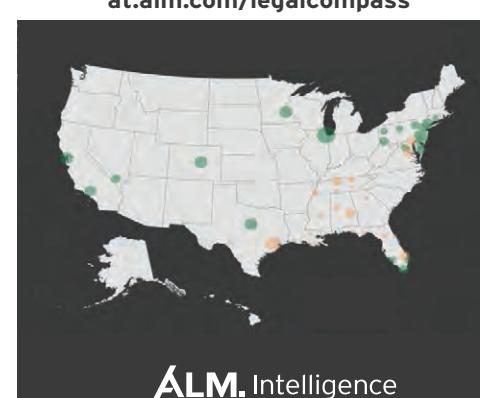


Stinson office at 140 Broadway in New York. Stinson, Barclay Damon and Meiriowitz & Wasserberg have made major expansions to their New York offices, but other midsize peers are holding their existing spaces or reducing.

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Cookie Wars in Aisle Four: 'Mondelez v. Aldi'
by Deena R. Merlen

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Are Lateral Partners Losing More Clients During Moves?

BY ANDREW MALONEY

BIG LAW firms have ramped up recruiting and more partners are now switching firms. But fewer clients on average are now sticking with those laterals, recent research suggests.

The number of clients projected to stay with partners as they switch platforms between mostly Am Law 200 firms has "steadily decreased" over the last two years, according to an annual report from Decipher Investigative Intelligence, with the average number of clients per lateral candidate dropping from 9.9 in 2023 to 8.1 in 2024. Those numbers are also down from 13.5 in 2021 and 15 in 2022.

The increase in laterals broadly may have something to do with it, with more and more partner candidates diluting the market, the authors said in an interview. The report noted partner laterals were up 6% in 2024 and 17% over the previous seven years.

The transactional boom during the first couple of years of the

2020s may also have led to more corporate laterals with steadier client profiles, relative to now.

Greg Hamman, chief data officer for Decipher, said the surge in transactional activity in the early 2020s led to more partners with "contained" clients, like banks and hedge funds, in the lateral market. "So in 2021 and 2022, the reason those averages were so high was because we saw the mobility of corporate clients on a larger scale," Hamman said. "A lot of those [laterals] come with contained client bases."

Decipher also stated that some of the recent decrease in client portability "is likely attributable to the abundance of up-and-coming service or non-equity partners who have flooded the market since 2023, a demographic often characterized by less established client relationships."

The numbers may reflect "more institutional clients staying put," Decipher added. Indeed, firms have gone out of their way to deepen ties with existing clients, getting to know their businesses better and representing them across multiple practices and issues, making

their relationships stickier and less dependent on a few lawyers.

Multiple firms in recent years have also talked about consolidating clients across their platforms and strategically targeting lateral teams that overlap with existing clients.

Julie Henson, chief growth officer at Decipher, said she thinks too many firms are still only doing one or two types of work for top clients. "But the ones doing well think, 'How can we get more concentrated work from this client? We want to do three, four or five types of work for them,'" she said.

The authors of the report noted there's plenty of variation in the client portability numbers across other practice areas, as well as across cities, experience levels and segments of the market.

Sabina Lippman, a recruiter for elite firms and managing partner at CenterPeak, said in an interview that her group tends to counsel lateral partners to be conservative in estimating what percentage of their book of business they expect to port over. Sometimes those laterals will lose clients unexpectedly, but

just as often, they'll gain new business on the new platform, she said. "I'd say 100% is average because for the number of people in the 60% to 70% range, there are probably as many people in the 130% to 140% range," Lippman said.

Portability by Market and Experience

According to Decipher, partners in Dallas and Atlanta predicted higher portability numbers than

partners across the country (11 clients for partners in each market last year vs. the national average of 8.1). The report also noted that Northern California markets had higher portability rates than Los Angeles, in Southern California, for instance.

"This reflects the fundamentally different talent pools in these markets. While San Francisco and Silicon Valley have seen a recent influx of private equity and technology spend, Los Angeles has



seen more movement in the more traditional practices of litigation and real estate," the report stated.

Partners' experience levels also have a relationship with portability. The portability average was the highest for partners with between 31 and 40 years of experience, Decipher said. Those partners projected that about nine clients, or 86% of their clients, would move with them. "As one might expect, the lawyers likely to have lower direct engagement with their clients—junior partners and the most senior partners—exhibit the lowest client portability rates," Decipher added.

But overall, Hamman, the chief data officer for Decipher, called the portability projections an "inflationary statistic." "Typically [the partners] claim more than they deliver," he said.

The candidate data figures are based on diligence work done by Decipher, as well as other candidate intake sources. The study focused on lateral candidates who are "overwhelmingly" from Am Law 200 firms, Decipher analysts said.

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Questions? Tips? Contact our news desk: editorialnylj@alm.com

Trump's Push To 'Save College Sports' May Fall Short Without Congress, Experts Say

BY DAN NOVAK

and the special American institution of college sports."

The executive order also called on schools to prohibit third-party "pay-for-play" name, image and likeness deals and expand scholarships for women's and non-revenue generating sports.

Marquette University Law School professor Matt Mitten said he broadly agrees with the objectives of the order to provide stability for the long-term future of college sports. However, congressional action is needed to fix the issues facing college athletes and their schools, he added.

"I think what this executive order is doing is directing these various federal agencies to come up with some rules that further the objectives of this executive order," Mitten said. "Is this the best way to achieve it—by executive order and federal agency action? I certainly question that."

The FTC and DOJ could establish guidelines that make it harder for private plaintiffs to win antitrust suits against the NCAA or its member schools, but it would still be up to Congress to provide an antitrust exemption, added Mitten, executive director of Marquette's National Sports Law Institute.

For example, the proposed Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act would provide antitrust protections for the schools and a stipulation that college athletes are not university employees. The bill would also cap the amount schools can directly pay athletes through revenue sharing.

In the absence of a statutory antitrust exemption, Trump could still "order his Department of Justice to not enforce [the antitrust laws], which is in essence creating the same thing in practicality as immunity," said Jeff Cohen, chair of litigation at Flaster Greenberg.

"[The order] won't prevent antitrust civil suits," Cohen added. "The question is whether it will prevent the Department of Justice from doing anything."

Trump's order also directs the National Labor Relations Board and the Labor Department to clarify the employment status of student athletes. Mitten said the

provision is a clear message to the NLRB to issue guidance declaring student-athletes are not university employees and thus cannot unionize.

Michael Elkins, an attorney who has represented college athletes pursuing NIL deals, said such guidance would certainly be the subject of litigation.

"I don't think the executive branch should have any role in regulating any marketplace, let alone this marketplace," said Elkins, a partner at MLE Law. "We shouldn't be regulating [college sports] either, other than rules that are agreed to through collective bargaining or through settlement agreements that at least the student athletes have input in."

Mitten said the order may best serve as motivation for Congress to take action.

On Thursday, Sen. Chris Murphy, D-Connecticut, reintroduced legislation at odds with Trump's order. The bill would establish a federal right for college athletes to market their names, images and likenesses.

"It will be interesting, one, to see what these federal agencies come up with," Mitten said. "Two, is this [executive order] going to provide an impetus for both sides of the aisle in Congress to agree on a comprehensive college sports bill? I think that's part of the objective of this."

Dan Novak can be reached at dnovak@alm.com.

Supreme Court's Message to Federal Judges: Don't Reinstate Officials Fired by Trump

BY JIMMY HOOVER

WASHINGTON, D.C.

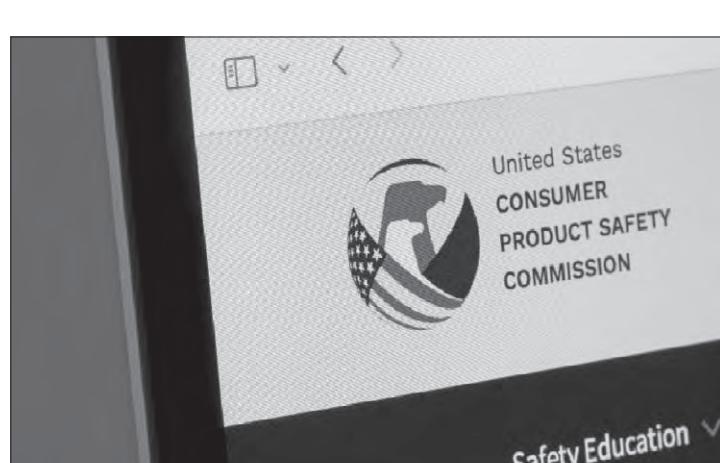
THE U.S. Supreme Court has been sending a clear message to federal judges in recent weeks: If President Donald Trump wants to fire an independent federal official, there's not much you can do to stop him.

The latest example came Wednesday, when the Supreme Court's conservative majority froze a judge's decision to reinstate three Democratic members of the Consumer Product Safety Commission.

The CPSC's mission is to come up with rules, issue recalls and dole out fines to ensure that store shelves are stocked with safe products for American shoppers. To that end, Congress established the agency as independent and bipartisan with commissioners who could not, by federal law, be fired without cause.

Trump's decision to summarily fire the three Democrats on the commission—Mary Boyle, Alexander Hoehn-Saric and Richard Trumka Jr.—led the ousted regulators to challenge their removals in court. In May, a Maryland federal judge ruled in their favor, saying the firings violated their for-cause removal protections and ordered them reinstated to their offices at the agency's headquarters in Rockville, Maryland.

The Trump administration sought an emergency order blocking that decision last month. On Wednesday, the court's conserva-



A case involving the Consumer Product Safety Commission is the latest example of the Supreme Court policing the ability of lower courts to block or reverse actions by the White House.

tive majority granted U.S. Solicitor General D. John Sauer's request over the dissents of the court's three liberal justices. The court's reasoning in *Trump v. Boyle* was sparse. The majority's unsigned order pointed to the court's previous decision in *Trump v. Wilcox*, allowing the president to fire other Joe Biden-appointed independent regulators at the National Labor Relations Board and the Merit Systems Protection Board.

Quoting from *Wilcox*, the Supreme Court wrote it was "our judgment that the Government faces greater risk of harm from an order allowing a removed officer to continue exercising the executive

power than a wrongfully removed officer faces from being unable to perform her statutory duty."

Taken together, the court's decisions allowing Trump, at least for now, to remove independent regulators is a "clear sign" to lower federal courts that they should think twice before reinstating them to their positions, said Jonathan Adler of William & Mary School of Law.

Indeed, the Supreme Court explicitly said in *Boyle* that its emergency orders should "inform how a court exercises its equitable discretion in like cases."

The Trump administration is likely to invoke the court's recent orders as it defends the president's

firings of other purportedly independent agency officials at the Federal Trade Commission, Federal Labor Relations Authority and other federal regulatory bodies.

The *Boyle* case is also the latest example of the Supreme Court policing the ability of lower courts to block, or reverse, White House actions.

Last month, the court held in a landmark 6-3 ruling that federal district judges generally lack the authority to issue universal injunctions against unlawful White House policies—removing a key tool that litigants had employed to stop various Trump initiatives.

Progressive critics say the Supreme Court is now empowering Trump to override federal laws ensuring the independence of federal regulators, upending roughly a century of legal practice in the United States.

"In today's decision, without much reasoning, it has essentially said that nearly 100 years of precedent and 150 years of practice mean nothing—and that independent agencies cannot remain independent," Samuel Bredbart of the Brennan Center for Justice at NYU Law wrote on the social media platform Bluesky after the court's *Boyle* order.

"SCOTUS continues to shore up the power of the presidency (and its own power) at the expense of Congress—and the expense of the people served by agencies like the Consumer Product Safety Commission," Bredbart added.

Uncertainty Looms as Trump Asserts Control Over Commission

At the CPSC, Trump's firings have left the agency in the hands of its two remaining Republican members, acting Chair Peter Feldman and Commissioner Douglas Dziki, who previously served as Feldman's chief counsel.

Experts familiar with the CPSC say the removal of its Democratic commissioners is unlikely to lead to a major change in the agency's policy direction. Under Feldman's leadership, the agency has maintained aggressive enforcement of the Consumer Product Safety Act, especially against Chinese and other foreign manufacturers.

However, the firings have contributed to a general landscape of legal uncertainty for both regulated manufacturers and the consuming public, product safety practitioners told the National Law Journal.

If the court system were to deem

the removals unlawful, for instance, that would call into question the validity of the agency's actions in their absence.

"While we don't expect a policy shift as a result of this, we do think that the current legal landscape has created a significant amount of uncertainty in the regulated community and the consumer spaces," said Elliot Kaye, a partner at Cooley who previously served as chair of the CPSC.

Kaye called it "imperative" that the courts come up with a definitive answer "sooner than later as to what is a legally valid commission action."

Another Cooley partner and former CPSC chief of staff, Matt Howsare, said those validity questions apply to the actions the Democratic commissioners took when they were reinstated by the Maryland federal court.

"Until that's decided, that uncertainty will loom over what the agency's doing from this point forward," Howsare said.

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Correction

The article "Judge Upends Construction Worker's \$28.5M Asbestos Award Based on Old Settlements," which was published in the July 28 print edition of the New York Law Journal, misstated when bankruptcy trust claims were filed by lawyers for a plaintiff in an asbestos lawsuit and which firms submitted the filings. In October 2023, a Manhattan court learned that bankruptcy claims were filed by lawyers from Meierowitz's bankruptcy team and from Weitz & Luxenberg.

Expert Analysis

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Cookie Wars in Aisle Four: 'Mondelez v. Aldi'

Let's say I, a busy attorney, am late leaving work and have to run a few errands on the way home. I'm driving on Route 1 past strip malls and big box stores, trying to remember where the heck is Home Depot.

Far ahead, I see an orange something on a sign, and although it is far too far for me to read any words, I know I have found it, just from the color alone. That color is effectively functioning as a trademark, a source indicator—it tells me, "Home Depot."

And even if it is the exact same orange as a certain brand of politician, nobody is going to confuse a hardware store with a politician, not even if they both tend to obsess about the water pressure of shower heads.

When it comes to trademark infringement, that's the bottom line: We ask, "is there a reasonable likelihood of consumer confusion between the two?"

So now let's say I make a quick stop at the liquor store—I motor down the aisle and pluck some Absolut Vodka from the shelf without having to slow down to even glance at the label, thanks to that distinctive bottle shape. The Absolut Vodka bottle is a classic example of trade dress.

But then I try to squeeze in one last errand—a quick stop at the supermarket to get the kid his absolute favorite cookies for his birthday—and in my haste, I bring home... the wrong ones! They look so similar.

I try to convince the birthday boy that the store brand I bought is just as good, but he is not to be appeased. I pour myself some vodka. It has been a long day.

So, what happened there, in Aisle 4 of the grocery store?

We turn now to the cookie wars of *Mondelez v. Aldi*.

Mondelez International, Inc., owner of Nabisco and one of the world's largest multinational food companies, fattens waistlines in

DEENA R. MERLEN is a partner at Reavis Page Jump.



By
Deena R.
Merlen

over 150 countries with a wide variety of tasty packaged snacks sold in grocery stores and other channels around the world.

OREO®, WHEAT THINS®, NUTTER BUTTER®, CHIPS AHOY!®, NILLA WAFERS®, RITZ®, and PREMIUM® are among the iconic Mondelez brands.

On May 27, 2025, Mondelez filed a complaint in the District Court of the Northern District of Illinois for damages and injunctive relief against Aldi, Inc., owner of the Aldi supermarket chain, arising

Notably, none of the elements in its product packaging that Mondelez claims are distinctive appear to be functional elements but rather are in the nature of aesthetic design choices.

from Aldi's use of private label or "store brand" product packaging on cookies and crackers that Aldi sells at its stores.

Mondelez contends that Aldi's products are packaged in a manner that deliberately copies Mondelez's trade dress for certain cookies and crackers snack products and thereby trades upon Mondelez's valuable reputation and the goodwill Mondelez has developed in its trade dress for these products.

Mondelez asserts that Aldi's actions are likely to deceive and confuse consumers and dilute the distinctive quality of Mondelez's unique product packaging, and if not stopped, threaten to irreparably harm Mondelez and its valuable brands.

As Mondelez puts it in the complaint, Aldi, by its marketing and

sale of the alleged look-alikes, "seeks to ride the coattails of the substantial reputation of the Mondelez trade dresses in order to benefit from its power of attraction, fame and/or prestige, and to exploit the marketing effort expended by Mondelez."

Defendant's clear intent is to take advantage of the reputation of the Mondelez trade dresses to assist it in selling the infringing products."

Mondelez seeks damages and injunctive relief based upon Aldi's alleged willful trademark infringement, trade dress infringement, unfair competition, unjust enrichment and dilution under federal and state law.

What is trade dress, and what do courts consider when weighing in on claims like these? Let's unpack this whole packaging claim.

Trade dress is a type of intellectual property that relates to the overall sensory impression of a product, which may include, for example, its shape, size, graphics, colors, textures, and more.

Trade dress protection can be extended to a product's packaging if the packaging is sufficiently distinctive as to serve, like any other trademark, as a unique source identifier, provided the packaging is non-functional. Functional product features may, in appropriate cases, be protectable under patent law, but they will not enjoy trademark and trade dress protection.)

To make out a claim for trade dress infringement, a plaintiff must generally argue that its trade dress is non-functional, distinctive, and that the defendant's trade dress is reasonably likely to cause confusion with the plaintiff's trade dress.

Concerning distinctiveness, trade dress may be inherently distinctive or it may become distinctive through secondary meaning acquired due to the extensive, exclusive, and long-standing use of the plaintiff's trade dress over time.

In the instant case, Mondelez claims in its first cause of action for federal trade dress » Page 7



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Off the Front

Shooting

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home to carry out the massacre, is serving a life sentence as a result of criminal charges in state court, and faces the death penalty in his federal case.

Justice Stephen Lindley wrote for the 3-2 majority in the case against the social-media companies, which had argued they were immune from liability under Section 230 of the Communications Decency Act and the First Amendment.

"While everyone of goodwill condemns the shooter's actions and the vile content that motivated him to assassinate Black people simply because of the color of their skin, there is in our view no reasonable interpretation of Section 230 that allows plaintiffs' tort causes of action to survive as against the social media defendants, who are entitled to immunity under the statute as the publishers of third party content on their platforms," wrote Lindley, joined in the majority by Justices John M. Curran and Nancy E. Smith.

Although the lower trial court had found that the social media companies' Section 230 arguments "may ultimately prove true," Lindley wrote that dismissing the claims at the pleading stage "is essential to protect free expression" under the statute.

He found that dismissing now, instead of after years of discovery and litigation—with ever mounting legal fees—"would thwart" the law's purpose.

The dissenting jurists, Justices Tracey A. Bannister and Henry Nowak, disagreed, saying that, "Taken to its furthest extent, the majority essentially concludes that every defendant would be immune from all state

law tort claims involving speech or expressive activity. If the majority is correct, there could never be state tort liability for failing to warn of the potential risks associated with a product, for insisting upon a warning would be state-compelled speech in violation of the First Amendment."

John V. Elmore, who argued the plaintiffs' case in a coordination of four separate lawsuits, told the Law Journal there would likely be an appeal.

"I would think that we probably will, we're discussing our options with all our partners," Elmore said. "It's a 3-2 decision, and that meant that two of judges agreed with the trial judge—so really it's 3-3."

"So our goal is to make society safer and we strongly believe that internet addiction is a problem with youth," Elmore added. "The dissent is almost like the crux of the case where it says such content 'only serves to further silo, divide and isolate end users by force-feeding them specific curated content designed to maximize engagement."

Orrick, Herrington & Sutcliffe, Wilson Sonsini Goodrich & Rosati, Webster Szanyi and Perkins Coie represent Meta Platforms, Alphabet, Google, YouTube and Reddit. Morrison & Foerster represents Discord. Hueston Hennigan and Gibson, McAskill & Crosby represent Amazon.com and Twitch. Harris Beach Murtha represents 4Chan. O'Melveny & Meyers and Hagerty & Brady represent Snap.

None of the defendants' counsel returned phone messages seeking comment.

The other case resulted in a 5-0 memorandum ruling against MEAN LLC, with the Appellate Division concluding that the plaintiffs' allegations established the requisite "substantial relationship" between the busi-

ness transaction and the claims asserted, while rejecting MEAN LLC's contention the court may not exercise personal jurisdiction.

The decision could be considered less controversial from the standpoint that some on the appellate panel had stated during oral arguments that the tort plaintiffs would win based on the logic of courts following the Sandy Hook Elementary School shooting massacre in Connecticut in 2012.

The Fourth Department wrote: "MEAN purposefully availed itself of the New York market by making representations about the effects of its lock for New York residents, and it received the benefits of that intentional connection regardless of whether the particular lock in question here was actually sold in New York," the decision read.

MEAN had argued it was immunized from the consumer protection claims under the Protection of Lawful Commerce in Arms Act—or PLCAA—a law that only allows suits against gun makers and sellers to proceed if they knowingly violated a state or federal law related to selling or marketing firearms.

Kristen Elmore-Garcia, a partner in the Law Offices of John V. Elmore, argued this case on behalf of the Social Media Law Center of Seattle.

"The Fourth Department decided in a first-of-its-kind case in New York that our consumer protection law were predicate exception to the protection law for the Commerce in Arms Act," Elmore-Garcia told the Law Journal, while noting that its unanimous ruling "varied ever so slightly" from that of state Supreme Court Justice Paula Feroletto in February 2024, when the trial court denied MEAN LLC's motion to dismiss.

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management structure, since well before I came to the firm," said Duane Morris chair and CEO Matthew Taylor. He and Chicago office managing partner Neville Bilimoria said it just made sense to have someone with an accounting background run finances, for instance. "We could sleep well at night," Bilimoria said.

But "things are moving too fast for anyone who isn't a regular student of business to possibly advise on everything in human resources, technology, even finances," said Jennifer Johnson, CEO of executive search firm Calibrate. She added that sometimes partners believe their practice expertise equips them for such leadership roles.

Sometimes they might be right. But often, a labor and employment partner running HR, or a corporate partner running finance, doesn't work as well as it would seem. "We start asking them questions about IT, change management, organization rescale and design, and they don't have the answers because they haven't done that," Johnson said.

She also said some younger partners are fully aware of the huge commitment it takes to be in the C-suite and are opting out before they try it. "The next generation is taking over, the next group of people are coming in, and they are saying, 'I want to spend more time with family. I only want to practice law.'

Taking away management and administrative responsibilities from partners may not be easy for all firms.

Foley & Lardner COO Jen Patton said while she hasn't seen it at her firm, one potential downstream effect of firms continuing to add from beyond the industry

is a culture clash. "In a different setting, I could see some partners saying, 'Who are these people to come in and take over? This is our partnership.'

Patton herself was a commercial litigator and one who has been at Foley since 2019. She was the firm's chief talent officer before becoming chief operations officer in late 2024.

But the crush of data, and the need to interpret it to help partners be more profitable, is moving the needle. "The COO ought to be the one that is bringing to the partners information that is digestible and actionable in a short amount of time, so that the partners can get back to practicing law," said Johnson, of Calibrate.

Mulgrew, the Kleinberg Kaplan COO, said even in just the last two years, the legal industry has changed so significantly that "it's almost a necessity" to carve out new roles for business-minded individuals so lawyers can focus more on their practice.

He said a key part of his role is helping lawyers digest data and profitability metrics. He gave the example of a realization rates. "Let's pick a bad number, like 60% realization. You can't look at that and say, 'Wow, we took a bath on that. What happened?'" he said in an interview.

"Well, maybe we got our foot in the door and got other work from that client. Maybe we took a little time to do it and now we know it inside out, for when we do it again. That is a huge part of what we can do," Mulgrew added. "The nuance around that is really crucial in a role like mine."

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growth is about strengthening our capabilities firmwide—investing in the people who deliver the sophisticated legal counsel our clients rely on."

Kieran Corcoran, Stinson's New York City office managing partner, said in an email that "continued growth and clients' demands drove the need for new space" for his firm and added that the new office will facilitate greater collaboration and client service as well as recruitment.

Representatives for Meirowitz & Wasserberg did not immediately respond to a request for comment.

Second Hundred firm Carlton Fields added slightly more office space when it relocated from the Chrysler building to Third Avenue, expanding from 17,000 to 18,400 square feet, Cohen said.

But according to Cohen, other midsize firms have mostly been renewing in place and, in a few cases, have reduced total square footage.

Lieff Cabraser Heimann & Bernstein, 130-attorney firm, and Windels Marx Lane & Mittendorf, an 170-attorney firm, both renewed for the same amount of total office

space in the second quarter, Cohen said. Lieff Cabraser has 27,777 square feet on Hudson Street and Windels Marx has 63,356 square feet on West 56th Street, according to Cresa's data.

Kudman Trachten Aloe Posner, a 14-lawyer firm, relocated and reduced, moving from a 15,710 square foot space on Third Avenue to a 10,311 office on Madison Avenue, according to Cohen. Representatives for Kudman Trachten did not immediately respond to a request for comment.

Cohen said that he expects to see most midsize law firms either keeping the same office space or reducing in the near future, in contrast to the expansion of space that the larger firms are engaging in.

Law.com reported this month that some of the largest firms in New York have been leasing new office space because they are outgrowing their current space.

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Questions? Tips? Contact our news desk: editorialnylj@alm.com

room in Ms. W.'s house and strip-searching her child.

"The mother described the searches as 'traumatizing,' 'intrusive and humiliating,' said they reminded her 'of the fear and anxiety of being abused' by the father," and 'brought [her] back to a dark place where [she] was forced to think about the abuse,'

the justice said, quoting from Ms. W.'s affidavit. "She further stated that ACS supervision had a substantial negative impact on her ability to have friends and family visit her and her child, to control her schedule, and 'to live freely.'

ACS, which didn't respond to a Monday request for comment, had argued that monitoring Ms. W.'s care of her son was necessary for his protection. But the First Department pointed out that Ms. W. had

cooperated with ACS and that she had never been declared an unfit parent.

"That [the respondent parent] is alleged to have harmed the child does not give the state carte blanche to make demands on [the nonrespondent parent]," the department said, quoting from a decision known as Matter of Danna T.

The First Department's decision follows in the footsteps of the Second Department, which had invalidated the supervisory orders while hearing a similar case brought by another domestic violence survivor.

In that decision, Justice Lourdes Ventura wrote that the orders were "intrusive and potentially traumatic," and that they disproportionately affected Black and Hispanic families.

The First Department said it agreed with the Second Department's "sound reasoning."

Both cases had been brought by women represented by the Family Justice Law Center and the NYU School of Law's Family Defense Clinic and received the support of various organizations that advocate for domestic violence survi-

Outside Counsel

In Search of an Immutable Rule

Divorce actions involving the equitable distribution of a spouse's interest in a closely held business can be dicey. At the outset, the trial court must providently exercise its broad discretion under Domestic Relations Law §236(B)(4) (b) in selecting the proper valuation date for a spouse's business interest.

Once that critical decision is made, the court must then value the interest and award an equitable portion of it to the non-titled spouse.

Finally, to avoid a reversal on appeal, the court must craft a reasoned decision demonstrating that its execution of its broad discretion was provident and not arbitrary.

To reduce inconsistency and unpredictability in assessing those decisions at the appellate level, either the Legislature or the Court of Appeals needs to establish a crystal clear rule requiring that a spouse's active marital business interests be valued as of the date of commencement, unless there is (1) a post-commencement value surge directly tied to pre-commencement marital efforts, or (2) an unforeseen post-commencement event occurs that would make choosing the commencement date inequitable.

From a historical perspective, the Second Department's 1986 decision in *Wegman v. Wegman*, 123 AD2d 220 (2d Dept 1986) has long served as a benchmark in valuation date jurisprudence.

While *Wegman* thoughtfully acknowledges the challenges involved in choosing a proper valuation date, it also emphasizes that the date selected must be derived from the facts of each case, while, at the same time, honoring the statutory aim of equitable distribution.

In *Wegman*, the trial court selected the trial date to value the husband's business interest based on its finding that the post-commencement growth of the business stemmed primarily from the successful marketing of a product

PETER J. GALASSO is a partner at Galasso & Langione and fellow to the American Academy of Matrimonial Lawyers. He appeared on behalf of John Massoni as co-counsel to Joseph Miano at the Massoni trial and on appeal.



developed during the marriage.

This sensible fact-based outcome properly reflected the legal significance to be given to a post-commencement increase in the value of a spouse's business interest that is rooted in pre-commencement marital efforts.

Wegman left open a key question, however, that this article intends to answer: Should an active business asset be uniformly valued as of the date of commencement when no compelling reason exists to justify ignoring the intent of DRL §236(B)(1)(c), which was enacted to limit what can be designated as marital property to only

To reduce inconsistency and unpredictability... the Legislature or the Court of Appeals needs to establish a crystal clear rule.

those assets and liabilities existing as of the date of commencement as of the date of commencement.

Five years after *Wegman* was decided, the First Department cited to the guidance provided in *Wegman* in deciding *Greenwald v. Greenwald*, 172 A.D.3d 860 (2d Dept. 2019), stating in pertinent part:

Passive assets should generally be valued as of the trial date so as to prevent a windfall to the titled spouse if the asset has increased in value; active assets should generally be valued as of the commencement date of the action in order to benefit the titled spouse, since any appreciation in value is the product of that spouse's labor.

In its subsequent decision in *Heine v. Heine*, 176 A.D.2d 77, 580 N.Y.S.2d 231 (1st Dept 1992), the First Department doubled down on the providence of the active-passive approach articulated in *Greenwald* as follows:

Assets that are passive, that is, whose values are affected by outside influences such as inflation

or market forces, should generally be valued as closely as possible to the date of trial so as to avoid a windfall to the titled spouse and injustice to the other if the asset has increased in value. (See, *Greenwald v. Greenwald*, 164 A.D.2d 706, 716, 565 N.Y.S.2d 494, lv. den., 78 N.Y.2d 855, 573 N.Y.S.2d 645, 578 N.E.2d 443.) On the other hand, assets whose values are affected by the active participation of the titled spouse should generally be valued as of the commencement of the action to reward that party's post-commencement efforts, to which the non-titled spouse did not contribute, either directly or indirectly. (Id at 87)

Not surprisingly, in both *Greenwald* and *Heine*, the husband's business interests were deemed active and were valued as of the date of commencement. Unless a very good reason is given to value an active business interests on a date other than the date of commencement, such as the reason relied on by the Second Department in *Wegman*, it appeared to most matrimonial attorneys familiar with *Heine* and *Greenwald* that a spouse's business interest would be valued as of the date of commencement. And then along came the Second Department's 2023 decision in *Lieberman-Massoni v. Massoni*, 215 A.D.3d 663 (2d Dept. 2023).

In contrast to its decision in *Wegman*, the appellate panel which decided *Massoni v. Lieberman-Massoni* took a far less didactic approach in determining the proper date to value the husband's business interest. In *Massoni*, the husband held an interest in a large outdoor advertising company that are called "B-Units," which were granted from time to time to key employees, but which had no value when granted and only accrued value if the company grew in value, thereby irrefutably linking the value of the husband's B-Units to the company's active appreciation. In addition, the calculation of the redemption value of the B-units that were granted key employees was governed by a formula in the company's operating agreement.

Early in the litigation, the original judge assigned to the case issued an order, consistent with DRL §236(B)(4)(b), » Page 8

IN BRIEF

« Continued from page 1

Garman to partners.

• **Sarah Kaehler** has joined BCLP as a partner in the firm's corporate transactions practice. She was previously with Golenbock Eiseman Assor Bell & Peskoe.

• **Morrison Foerster**, has added Bryan Kotliar as a partner in the firm's business restructuring + insolvency group.

• **Hughes Hubbard & Reed** has hired Andrés Berry as a partner in the firm's banking & financial services practice.

• **Polsinelli** has named William Di Bianca as the office managing partner of its New York Office.

• **Maura Abeln Smith** has

joined McAllister Olivarius as head of U.S. practice and of counsel.

• **Marisa White** has joined Baker Botts as a partner in the firm's corporate department in New York.

• **Yankwitt** has hired Nathaniel Putnam as counsel. He was formerly assistant U.S. attorney in the District of Connecticut.

• **Faegre Drinker** has added Alena Markley as counsel in the firm's product liability practice. She joins from Greenberg Traurig.

cooperated with ACS and that she had never been declared an unfit parent.

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vors, including the Lawyers Committee Against Domestic Violence and the New York State Coalition Against Domestic Violence.

Technology Today

BLOCKCHAIN LAW

Policy Versus Process in Effecting Crypto Reform

By
Robert A.
Schwinger



The digital assets world is currently in a state of regulatory flux as Congress works on new laws to govern the space and regulatory bodies seek to revise or replace existing rules.

But until new changes to statutes and regulations are formally adopted, do regulators have leeway to effect changes from past practices—and if so, how and to what extent?

Three recent regulatory pronouncements have put such questions to the fore at the Securities and Exchange Commission (SEC), with two SEC Commissioners and staff voicing starkly divergent positions.

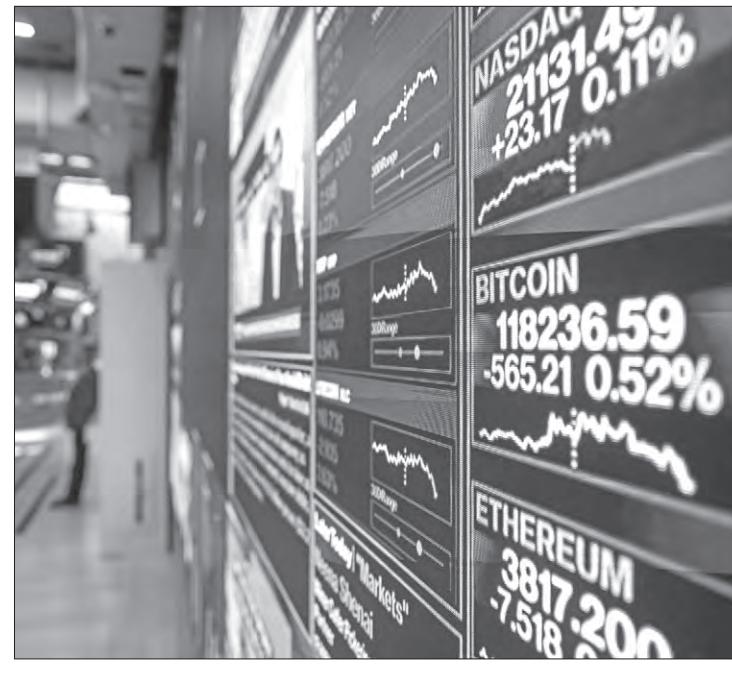
These recent episodes shine a light on the tension between policy and process in a changing regulatory environment.

Whether to Treat Transactions in Meme Coins as 'Securities' Transactions

On Feb. 27, 2025, the SEC Division of Corporation Finance staff issued a "Staff Statement on Meme Coins," in which the staff announced its view that transactions in meme coins "do not involve the offer and sale of securities under the federal securities laws."

The staff explained that it was issuing this statement "[a]s part of an effort to provide greater clarity on the application of the federal securities laws to crypto assets."

According to the staff statement, the term "meme coin" refers to "a type of crypto asset inspired by



result, "neither meme coin purchasers nor holders are protected by the federal securities laws."

The staff statement began its explanation for this conclusion by noting that a "meme coin does not constitute any of the common financial instruments specifically enumerated in the [statutory] definition of 'security' [under 15 U.S.C. §§77b(a) (1) and 78c(1)(10)] because, among other things, it does not generate a yield or convey rights to future income, profits, or assets of a business."

Thus, it said, "[i]n other words, a meme coin is not itself a security."

The staff statement then discussed "whether a meme coin may be offered and sold as part of an investment contract under the 'investment contract' test [for 'securities'] set forth in *SEC v. W.J. Howey Co.*," 328 U.S. 293 (1946).

An investment contract under *Howey*, said the staff statement, requires "an investment in an enterprise premised on a reasonable expectation of profits to be derived from the entrepreneurial or managerial efforts of others."

The staff statement cited two principal respects in which it said meme coin transactions did not satisfy the *Howey* test.

and lack of utility, other than for entertainment or other non-functional purposes."

On view of these features, the staff statement concluded that "transactions in the types of meme coins described in this statement, do not involve the offer and sale of securities

During that time, if an owner's token is selected to provide validation services, the owner is rewarded with either newly minted tokens or a percentage of network transaction fees.

under the federal securities laws."

For that reason, it said, "persons who participate in the offer and sale of meme coins do not need to register their transactions" with the SEC and do not fall within the exemptions from registration. Furthermore, as a

First, it said, "meme coin purchasers are not making an investment in an enterprise," because "their funds are not pooled together to be deployed by promoters or other third parties for developing the coin or a related enterprise." *» Page 7*

ROBERT A. SCHWINGER is a partner in the commercial litigation group at Norton Rose Fulbright US LLP. MAX NETTLER, an associate in the Firm's litigation group, assisted in the preparation of this column.

10 Top AI Blunders: From Latham's Apology To K&L Gates' 'Debacle'

BY CAROLINE BYRNE

A BOSTON lawyer is facing sanctions after blaming a Microsoft AI tool for fabricating legal quotes—an outcome Cervantes Law describes as a "nightmare of mistakes." Sound familiar? These 10 cases—including two Big Law snafus—show how fast legal tech can go from helpful to hazardous.

1. 'Cosmetic Errors'

An English barrister and her solicitors were sanctioned after citing five fake cases and dismissing them as "cosmetic errors." During a costs hearing for *Ayinde v. London Borough of Haringey*, barrister Sarah Forey said the "minor citation errors" arose because she kept a box of relevant authorities and a list, and dropped the cases from her list into the pleadings. The judge wasn't entirely convinced. One of the fictional cases, *R (on the application of El Gendi) v. Camden London Borough Council*, involved a High Court—seemingly from an alternative universe—ruling on a homeless accommodation. The judge referred Forey and the solicitors to their regulators.

2. Latham vs Claude

Latham & Watkins found itself apologizing to a California judge in May after citing an incorrectly named report while defending Anthropic in a copyright dispute over AI-generated lyrics. A Latham citation—proffered by the client's AI "Claude"—became an unintentionally famous work of fiction, prompting associate Ivana Dukanovic to assure the court it was an honest mistake rather than outright fabrication, even if Claude did get the title and authors muddled.

3. The Al-Haroun case

As AI blunders go, England's *Al-Haroun v. Qatar National Bank QPSC* sets the bar high. The claimant's case against the bank, valued at about \$90 million, was based on AI-generated "research," which cited no less than 49 false authorities either entirely fabricated or misquoted. Mr. Al-Haroun lost, unable to use his research to win over the judge. Instead, the case was referred to the Divisional Court where Justice Foxton warned of the threat of AI to justice and public trust in his June ruling. Proof that in court, AI hallucinations can cost a fortune.

4. Lost in Translation?

In Canada's *Ko v. Li*, Jisuh Lee of ML Lawyers faced contempt sanctions in May for relying on multiple fake or misrepresented cases in matrimonial proceedings. The judge pointed out that the hyperlinks led to unrelated cases, error messages, and non-existent rulings. The Ontario judge reprimanded Lee, suspecting the factum was *» Page 8*



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COURTESY PHOTO

The firm plans to use AI-enabled solutions from the competition, which was hosted by the firm's AI on Demand Taskforce.

Inside Honigman's AI 'Shark Tank' for Summer Associates

BY BENJAMIN JOYNER

GENERATIVE AI competitions, contests, and training courses have become an integral part of summer associate programs at some law firms, as leaders look to give future employees early access to the tools reshaping legal practice.

At Detroit-headquartered Honigman, this Tuesday marked the conclusion of a "Shark Tank"-style AI workflow competition for summer associates.

Put on by the firm's AI on Demand Taskforce, the event was the culmination of a broader AI training program that began when participants joined the firm at the beginning of the summer. The event included 11 summer associates, competing on six teams in collaboration with attorneys from the firm's practice groups to propose AI-powered workflows.

"We recognized the fact that these summer associates, they just didn't want to learn how a technology operates," said Erik Kapocius, Honigman's senior AI solutions manager, and architect of the program. "They needed the underpinnings of how these technologies will change the way in which they practice law."

A Different Training Model

Unlike in a traditional hackathon, participants weren't required to present working prototypes. Instead, they were tasked with building proposals for use cases that could feasibly be addressed with existing technology, in consultation with their attorney teammates, Honigman's AI and practice innovation teams, and representatives *» Page 8*

LegalOn Announces \$50 Million Series E Funding Round, Led by Goldman Sachs

BY BENJAMIN JOYNER

ON THURSDAY, U.S. and Japan-based legal tech startup LegalOn announced that it has closed a \$50 million Series E funding round, led by Growth Equity at Goldman Sachs Alternatives. The round also featured participation from World Innovation Lab, Japanese law firm Mori Hamada, and financial institutions Mizuho Bank and Shoko Chukin.



The new investment comes roughly three years after LegalOn's \$101 million series D, and brings total investment in the company to over \$200 million. The company was founded in Japan in 2017 as LegalForce, and initiated its expansion to the United States in late 2022.

The fresh funding is intended to accelerate the company's development of agentic AI software and build out its business development operations, particularly in the U.S. and U.K.

"There are two areas that we're going to be investing in more," said LegalOn global CEO Daniel Lewis. "One is agentic AI development ... we're going to be building a variety of agents across the workflow that help lawyers go from intake all the way through to completion on a wide variety of tasks."

"The second thing that we'll be doing is expanding our business and our go-to-market globally," he continued. "We've come to believe that the problems that legal teams are facing around the world, especially related to contracts, but in more areas than just that, are really universal ... and we're excited to grow our capacity to expand and serve folks wherever they are."

LegalOn announced an expansion from contract review into matter management with the launch of Matter Management last week, and released an AI-powered playbook feature in January. Lewis said the new funding will help the company continue to expand the array of products it offers in-house teams in different areas adjacent to contracting.

In addition to the series E, LegalOn also announced a new strategic collaboration with generative AI development lab OpenAI. Intended to combine LegalOn's legal expertise with ChatGPT Enterprise and its API, the partnership will give LegalOn early access to OpenAI's advanced models, and already includes engineers from both companies working collaboratively on new legal agents.

While LegalOn has previously leveraged OpenAI's models in its products, Lewis said the closer collaboration will offer several advantages.

"It's earlier access to models than other companies [receive], and it's the ability to work more closely with their engineering teams on solving the technical challenges at this leading edge of building agents," he said. *» Page 7*

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Merger

« Continued from page 1

coming up first, but it's the largest. Schulte signed a 15-year lease in New York in late 2014 for 283,894 square feet at 919 Third Avenue, while McDermott signed a 20-year lease for more than 100,000 square feet at One Vanderbilt Avenue in April 2018 and moved in by 2021. SL Green Realty is the landlord for both in New York.

"The idea is we want to be closer together," Coleman said. "But there are a number of ways to do that. There isn't any space available in either of our current buildings, so we can't just move hundreds of people in. That doesn't mean we won't move some people around. The more we are together, the better."

In addition to the real estate issue, Coleman said the firms are still working out exactly what the new leadership structure will look like. It's not clear yet the new roles and titles of all of Schulte's leaders at the combined firm, and a Schulte representative didn't return a message about it.

Coleman said there will be leadership representation from both firms, though who and where has yet to be fully fleshed out.

"The best firms have a light touch when it comes to attorney leadership and recognize that, the more your C-suite can do, they do it better," he said. "Adding more lawyers to a leadership structure does not necessarily make it better. That said, Schulte will have plenty of partners in the firm's new leadership structure."

The proposed deal would create a firm with a combined head count of more than 1,650 lawyers and a combined revenue of more than \$2.8 billion, creating possibly a new top 20 law firm in the Am Law 100.

The firms' leaders are working out the merger details primarily without the aid of outside consultants and bankers, Coleman said.

"I am sure we had some difficult times where a banker or a consultant would have helped, but

the feeling between our leadership and theirs is that the deal on paper is meaningless," Coleman said. "It is what happens afterwards that matters. I have to look these guys in the eye. Lawyers often get wrapped up in deals, and if I were to make a deal, I would need experts, bankers and consultants. However, we view it as building a larger, more exceptional institution of excellence in law. Nobody is trying to get leverage on anybody."

Coleman also addressed the partner departures that have occurred since the announcement, stating that, as far as he knew, none were directly related to the merger. (Just on Monday, the Kasowitz firm announced that it had hired a four-partner intellectual property team from Schulte Roth & Zabel in New York.)

"We really have had no departures that were related to the merger," Coleman speaking, speaking in an interview late last week. "Any departures either firm has seen are just normal attrition in Big Law."

He added that, once the merger was announced, the expected barrage of phone calls from recruiters came, but according to Coleman, they have had little to no effect in enticing people to leave.

"Recruiters use that as an opportunity to shake people loose, which is part of their business. If they are good at it, they try to create action," he quipped. "But nothing happened, which bodes well for the merger and how positive the partnership feels about it."

Coleman also said he believes the additional work between the two firms will enable both to retain most of their staff. "We believe there will be more work and more opportunities to shine for both staff and associates," he said. Those who believe the merger will work out well often point to similar profitability between the two firms, distinct practice areas where the firms are leaders and a lack of conflict of major clients. McDermott is known for its health care focus as well as

private equity and tax practices. Schulte's fund and private capital practices are some of the strongest in the industry.

Coleman said the firms' compatibility is less about the financial metrics and more about some other elements that might be harder to measure.

"Businesses have litigated multibillion-dollar mergers across various industries that looked great on paper and often failed," he said. "When talking about why this happens, the usual reason is cultural misalignment. You can't force chemistry. The success of this merger will hinge not on metrics, but will be based on mutual respect, empathy, adaptability and a shared vision for the future."

McDermott and Schulte had started talking by early Spring, they said. Their merger timetable, including from talks and partnership voting to closure, appears to be shorter than others.

Looking at other recent mergers of Am Law 200 firms, Troutman Pepper and Locke Lord formed on Jan. 1, 2025, about eight months after they confirmed they were talking and four months after partners voted. Leaders of Womble Bond Dickinson and Lewis Roca Rothgerber Christie also waited about four months after a partnership vote. Shearman & Sterling and Allen & Overy announced plans to merge in May 2023 and completed the merger in May 2024.

One legal industry observer noted the compressed timetable for a law firm merger doesn't usually happen because there is a need to come to a consensus on what the merger will look like—and that can take time. Still, a shorter timeline isn't a bad thing.

"It is great in some ways," the observer said. "Because there is some exposure during discussions where people leave. There is also a degree of fatigue that comes from the process, so, in a way, it is good that it is happening so quickly."

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Perspective



Pedro Hernandez, right, with his attorney, Harvey Fishbein, in 2012. The jury was aware of Hernandez's severe mental illness, his subjection to 24 hours of interrogation, and his vulnerability to the unsavory interrogation tactics.

The Case That Won't Go Away

BY BENNETT L. GERSHMAN

On the morning of May 25, 1979, 6-year-old Etan Patz left his lower Manhattan home to go to school. He never made it to school. And he was never seen or heard from again. For 46 years, the mysterious disappearance of this little boy has riveted the city and the nation.

Investigators concluded that Etan had been abducted and murdered. There were several suspects. Jose Ramos, the boyfriend of Patz's babysitter, who was convicted of child sexual abuse, made statements suggesting his involvement, but he was never charged.

Othniel Miller had a basement workshop near the boy's bus stop and was with him the evening before his disappearance. A scent dog alerted police to odors of human remains in Miller's basement, and traffic was rerouted in lower Manhattan to excavate the workshop, but the dig proved inconclusive.

In 2010, then-Manhattan District Attorney Cyrus Vance, based on a tip, reopened the case and Pedro Hernandez was taken into custody. Hernandez, who was 18 years old at the time of Etan's disappearance and worked in a neighborhood bodega, confessed that he accosted Etan outside the bodega, took him to the basement on the pretext of getting him a soda, strangled the little boy and threw his body into the garbage.

There was no physical evidence to corroborate his confession. And Hernandez had a history of severe mental impairment, including psychotic disorder, hallucinations, and a low IQ.

After being interrogated for over 24 hours by several detectives and an assistant district attorney, Hernandez confessed: "I did it," he said. He was indicted for murder and kidnapping and was tried in 2015, the evidence coming exclusively from his confessions. After nearly three weeks of deliberations, one juror refused to convict and a mistrial was declared.

Hernandez was re-tried the following year, and this time he was found guilty and sentenced to life imprisonment. The Appellate Division, First Department, affirmed his conviction and the New York Court of Appeals denied his leave application. But last Monday, the U.S. Court of Appeals for the Second Circuit granted Hernandez's habeas corpus petition, vacated his conviction, and ordered a new trial.

The court found that the trial judge, Manhattan Supreme Court Justice Maxwell Wiley, after the jury sent him a note that the jury was confused over how it should assess the admissibility of Hernandez's several confessions, responded with a terse and manifestly erroneous answer that seriously undermined the integrity of the verdict. This point needs further discussion. The confession issue is complicated, and the trial judge's erroneous response needs to be explained.

On May 23, 2012, around 8 a.m., the police executed a "tactical plan" to interrogate Hernandez. Five police cars pulled up outside Hernandez's home in New Jersey and

Hernandez was told that the police wanted to question him about a missing person case. He was taken to the Camden prosecutor's office where he was questioned by three detectives. In keeping with their "tactical plan," the detectives did not give Hernandez the *Miranda* warnings. They placed a poster of Patz in front of him and began asking questions about the case.

After almost seven hours of interrogation, Hernandez broke down and told the police he "did it." He said he saw the little boy outside the bodega, asked him if he wanted a soda, took Patz down to

the basement where he strangled him, then dumped his body in a garbage bag, placed the bag in a box, and left it in the trash area near the bodega. He didn't give a motive.

Immediately after obtaining Hernandez's confession, the detectives gave him the *Miranda* warnings and after prompting from one of the detectives, he agreed to answer questions. The detectives then told Hernandez to "tell us exactly what you just told us." Hernandez, in a videotaped statement, then repeated what he had already told the detectives. The detectives then drove Hernandez to the area in Manhattan's SoHo neighborhood where he was interrogated by a prosecutor from 2 a.m. to 7 a.m. In a videotaped statement, Hernandez admitted killing the boy although there were some discrepancies and inconsistencies from his earlier statements.

During its deliberations, the jury sent a note to the judge asking the judge to "explain" that if the jury finds that Hernandez's first confession, before he was given his *Miranda* rights, was not voluntary, whether the jury "must disregard the two later videotaped confessions." Earlier, in its main charge, the jury was instructed to assess the voluntariness of Hernandez's confessions.

The court found that the trial judge, Manhattan Supreme Court Justice Maxwell Wiley, after the jury sent him a note that the jury was confused over how it should assess the admissibility of Hernandez's several confessions, responded with a terse and manifestly erroneous answer that seriously undermined the integrity of the verdict. This point needs further discussion. The confession issue is complicated, and the trial judge's erroneous response needs to be explained.

The trial judge gave the jury no explanation—he simply answered their question with one word, "No," which the jury would naturally understand as an instruction that they didn't have to disregard the post-*Miranda* confessions even if they found the pre-*Miranda* confession involuntary. Obviously strug-

gling with the admissibility of the confessions, the jury deliberated seven more days before reaching its verdict.

But the judge's terse response was not only misleading but also disregarded constitutional law. (See *Missouri v. Seibert*, 542 U.S. 600 (2004).) As the U.S. Supreme Court noted in *Seibert*, when the police engage in the tactic of intentionally obtaining a confession prior to providing a *Miranda* warning—which renders the statements inadmissible—then giving the suspect *Miranda* warnings after he has already confessed and asking the suspect to repeat his confession, a suspect naturally will assume that since he has already

confessed, there is no reason not to repeat what he has already said. But unless the police take "curative measures" to ensure that a defendant understands the import and effect of the *Miranda* warnings, all the confessions are inadmissible.

So, the judge's answer to the jury's question should have been "Maybe," and then the judge should have given the jury a careful explanation about the import of the *Miranda* warnings, suggesting that this was merely a continuation of the earlier interrogation. Second, the police should have advised Hernandez that his first confession was inadmissible. They didn't do this and it's almost certain that Hernandez believed that since he had already confessed, there was no reason not to repeat it. Third, the police should not have directed Hernandez to tell us again exactly what you told us before.

The jury was aware of Hernandez's severe mental illness, his subjection to 24 hours of interrogation, and his vulnerability to the unsavory interrogation tactics. As the federal appeals court concluded, there is reasonable possibility that the judge's erroneous response to the jury's question corrupted the verdict.

It's not clear whether Manhattan District Attorney

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Reform

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Second, it said, "any expectation of profits that meme coin purchasers have is not derived from the efforts of others."

Rather, "the value of meme coins is derived from speculative trading and the collective sentiment of the market, like a collectible."

In addition, "the promoters of meme coins are not undertaking (or indicating an intention to undertake) managerial and entrepreneurial efforts from which purchasers could reasonably expect profit."

The staff statement did include several notes of caution, however.

First, it noted that the conclusions it set forth would "not extend to the offer and sale of meme coins that are inconsistent with the descriptions set forth [in the staff statement], or products that are labeled 'meme coins' in an effort to evade the application of the federal securities laws by disguising a product that otherwise would constitute a security" based on "the economic realities of the particular transaction."

In addition, the staff statement noted that even though the "offer and sale of meme coins may not be subject to the federal securities laws, fraudulent conduct related to the offer and sale of meme coins may be subject to enforcement action or prosecution."

Lastly, the staff statement noted that its views were "not dispositive of whether a specific meme coin itself is a security or whether it is offered and sold as part of an investment contract, which is a security," stating that "[a] definitive determination requires analyzing the specific facts relating to the meme coin and the manner in which it is offered and sold."

The staff statement did not arise in a vacuum. Its position on meme coins echoes statements that had been made a few weeks earlier by SEC Commissioner Hester Peirce in a Feb. 11, 2025 video interview on the "Bloomberg Crypto Show."

In that interview, Peirce explained that the SEC was framing its inquiry concerning meme coins by considering them together as a "category" of tokens rather than examining any specific, individual token in particular.

Under that perspective, she said, "many of the meme coins that are out there probably do not have a home in the SEC under our current set of regulations."

Peirce pointed out that Congress could act to modify the current regulations to bring meme coins within the reach of the SEC, but stated that as the law stands today, "many of those, I think, probably are not within our jurisdiction."

However, similar to the later staff statement, Peirce qualified her remarks by noting that "facts and circumstances matter" and "we always have to look at the facts and circumstances" when determining whether a transaction in a specific crypto asset labeled as a meme coin will be subject to SEC regulation.

Another SEC commissioner, Commissioner Caroline Crenshaw, though, did not share the same stance on meme coins as the staff and Peirce.

In her Feb. 27, 2025 "Response to Staff Statement on Meme Coins: What Does it Mean?," Crenshaw argued the staff had "advance[d] an incomplete, unsupported view of the law to suggest that an entire product category is outside the bounds of SEC jurisdiction."

Crenshaw first criticized the staff for failing to provide meaningful guidance on identifying "exactly what is a meme coin," other than "how a promoter chooses to label it."

She characterized the staff statement as referring merely in general terms to "an asset reflective of online or social trends, of speculative value, that tends to experience high volatility." But these, she asserted, "are near universal hallmarks of crypto assets."

She thus questioned what meaningful guidance the staff statement provided, "except perhaps as a

roadmap for crypto enterprises looking to evade oversight by labeling themselves as a meme coin." Crenshaw also disagreed with the staff's application of the *Howey* test.

Pointing to *Howey*'s intended flexibility "to meet [] countless and variable schemes," she contended that the staff statement, "rather than analyze the reasonable expectations of meme coin purchasers," instead "suggests promoters can get around *Howey* with disclaimers or other window dressing designed to downplay the significance of managerial efforts." She argued:

"Decades of controlling authority does not permit such easy avoidance of the federal securities laws. *Howey* demands a facts and circumstances analysis of the 'economic realities' of an offer or sale."

Crenshaw also took issue with the staff statement's depiction of "meme coins as cultural projects whose purpose is entertainment and social engagement."

Rather, she said, "[t]he reality is that meme coins, like any financial product, are issued to make money." She argued that under *Howey*'s "common enterprise" factor, "[t]he linked fortunes of purchasers and promoters—who will both make money as the coin value goes up—may itself satisfy *Howey*'s requirement."

Crenshaw's response similarly rejected how the staff statement had addressed *Howey*'s "efforts of others" prong, contending that "the reality is that trading and demand for meme coins do not exist in a vacuum."

She argued that the staff had understated the role of promoters, whom she observed "commonly structure offerings and impact market demand over time by limiting supply or ensuring scarcity," as well as sometimes by engaging in fraudulent practices.

She further argued that some promoters also claim to provide longer-term value, "including things like a 'massive ecosystem,' technological improvements, or AI elements."

Ultimately, Crenshaw underscored that "the individualized inquiry *Howey* requires simply cannot be reconciled with the staff's conclusion that offers and sales of a vaguely defined category, consisting of hundreds of unique crypto assets, are generally not securities."

She thus flatly declared the staff statement "not a reasoned interpretation of existing law," and dismissed it as "a broad statement of general principles that provide little clarity or predictability as to any given coin."

Whether or Not To Treat Protocol Staking Activities As the Offer and Sales Of "Securities"

A somewhat similar clash within the SEC arose a few months later in regard to "protocol staking." On May 29, 2025, the SEC Division of Corporation Finance staff issued a "Statement on Certain Protocol Staking Activities."

In this document, the staff took the view that certain activities in connection with protocol staking "do not involve the offer and sale of securities within the meaning of [the Securities or Exchange Acts]," and thus participants in such activities "do not need to register" those transactions with SEC, nor do they fall within one of the statutory exemptions for such registration in connection with those protocol staking activities.

Similar to its earlier meme coin analysis, the staff invoked the *Howey* test to reach these conclusions.

This staff statement addressed "networks that use proof-of-stake (PoS) as a consensus mechanism" to "verify network transactions and provide settlement assurances to users."

Proof-of-stake mechanisms involve "[p]ublic, permissionless networks" which "allow users to participate in the network's operation, including the validation of new transactions to the network in accordance with the network's consensus mechanism."

Its products and then points to the similarities of Aldi's product packaging.

Notably, none of the elements in its product packaging that Mondelez claims are distinctive appear to be functional elements but rather are in the nature of aesthetic design choices.

For example, with respect to its Oreo cookies, Mondelez points to its depiction of the cookie on the package (the "prominent cookie consisting of a white filling sandwiched between two black biscuits marked with a distinctive embossment of ridges forming a rim along the circumference, which is slightly tilted to the right"), the color scheme ("a predominantly blue background with a lighter blue halo around the cookies"), other

Staking of crypto assets is used, according to this staff statement, "to participate in and/or earned for participating in such network's consensus mechanism or otherwise used to maintain and/or earned for maintaining the technological operation and security of such network," thus enabling the network to validate network transactions involving its tokens.

As described by the staff statement, in order to participate in a staking network, a token owner must "stake" the network's token so that it is available "to be selected programmatically by the network's underlying software protocol to validate new blocks of data."

When an owner's token is "staked," the token is "locked-up" and cannot be transferred for a period of time."

During that time, if an owner's token is selected to provide validation services, the owner is rewarded with either newly minted tokens or a percentage of network transaction fees.

The staff statement noted that staking can take several forms: (1) "self staking," where individual token owners directly participate in the network by providing validation services themselves, (2) "self-custodial staking directly with a third party," where the owner

Concurrently with the issuance of this staff statement, Peirce released her own statement on May 29, 2025, "Providing Security is not a 'Security'—Division of Corporation Finance's Statement on Protocol Staking".

Peirce celebrated the staff's guidance as "welcome clarity" that would enable staking networks to achieve their goals of "encourag[ing] users to voluntarily coordinate and cooperate to secure the network," asserting that "uncertainty about regulatory views on staking discouraged Americans from [participating in staking networks] for fear of violating the securities laws."

New SEC Chairman Paul Atkins shortly thereafter joined Peirce in endorsing this staff statement. In his June 9, 2025 "Remarks at the Crypto Task Force Roundtable on Decentralized Finance", he charged that the prior administration had "discouraged Americans" from participating in staking networks "through lawsuits, speeches, regulation, and threatened regulatory action."

Atkins argued that the SEC should not "stifle innovation" with "century-old regulatory frameworks," but instead should promote block chain-enabled decentralization. He noted, though, that

Given these circumstances, it is not clear whether there is much constraint on the SEC's adopting new legal positions regarding crypto assets beyond simply the persuasiveness or not of the arguments it makes on the legal merits of these issues.

leverages a third-party provider to perform the validation, or (3) various "custodial arrangements," where a custodian stakes tokens belonging to the owner but which the custodian holds on the owner's behalf.

But none of these, said the staff statement, satisfied the *Howey* test's requirement that the activity involve a "reasonable expectation of profits to be derived from the entrepreneurial or managerial efforts of others."

A self-staker's rewards, the staff said, came from "merely engaging in an administrative or ministerial activity to secure the PoS Network and facilitate its operation," which it distinguished from "the efforts of others."

Self-custodial staking directly with a third party likewise was only "administrative or ministerial in nature, not entrepreneurial or managerial," according to the staff statement, because "the expected financial incentive is derived solely from such activity and not the success of the PoS Network or some other third party," and the third-party does not control the rewards earned.

So-called custodial arrangements were likewise "administrative or ministerial" in nature, with the custodian simply "acting as an agent in connection with staking the deposited [tokens] on behalf of the owner."

The staff statement also enumerated certain "ancillary services" related to staking in which it said that protocol stakers could engage (separately or together) without triggering *Howey* because these services were merely "facets of a general activity—protocol staking—that itself is not entrepreneurial or managerial in nature."

The staff statement identified such "ancillary services" as including "slashing coverage", "early unbonding", "alternate rewards payment schedules and amounts", and "aggregation of covered crypto assets".

This being said, the staff statement noted that it was addressing protocol staking only generally and not in all of its variations, and that it specifically did not address forms of staking "such as so-called 'liquid staking,' 'restaking' or 'liquid restaking.'"

Similar to the earlier staff statement on meme coins, this statement also included a disclaimer about the need to examine the specific facts of each particular case.

design elements ("a white milk splash design"), the font choices, the particular placement and colors of the logo on the package, and so on.

Mondelez then conducts a similar analysis of Aldi's sandwich cookie packaging, drawing attention to all the striking similarities. Mondelez does this with respect to each of the seven products in which Mondelez contends Aldi has infringed Mondelez's federal trade dress rights.

Mondelez also claims, in its second cause of action, that the trade dress for six of these seven products is "famous" within the meaning of Section 43(c) of the Lanham Act and that Aldi's conduct constitutes unlawful trademark dilution in violation thereunder.

The complaint also includes numerous examples of third parties selling competing products

by the staff statement were not mere "administrative or ministerial services."

Rather, she explained, in a number of cases such activities had been held to be "investment contracts because, as alleged, they involved entrepreneurial efforts."

In conclusion, Crenshaw stated:

"I continue to believe that these staff statements do more harm than good by purporting to carve out broad categories of crypto products without analyzing the realities of how they really work. These statements paint an incomplete picture that obfuscates, rather than clarifies, what the law is. Along the way, they minimize and often misstate the significant risks these products pose to investors and markets."

Similar Debate Over Staff Statement on Protocol Mining

There was a similar but less heated debate with Crenshaw in regard to an earlier March 20, 2025 "Statement on Certain Proof-of-Work Mining Activities" issued by the SEC Division of Corporation Finance staff.

Similar to the staff statement on protocol staking activities, this staff statement asserted that so-called "protocol miners," who earn rewards by providing validation services for transactions in crypto tokens that rely on "proof-of-work" consensus mechanisms, "do not [engage in] the offer and sale of securities" within the meaning of the federal securities laws and thus "do not need to register transactions" with the SEC.

The staff statement supported this conclusion by once again characterizing such activities as merely "administrative or ministerial" under similar *Howey* test reasoning.

Crenshaw criticized this statement in a March 20, 2025 response entitled "Crypto Mining Statement: The Flame in Plato's Cave."

She accused the staff statement of conveniently making a key factual assumption—"that miners choose to mine 'merely' to receive rewards in the form of crypto assets, not to profit from the managerial efforts of others"—that then preordained the desired outcome under the *Howey* test, which she dubbed "flawed logic."

Moreover, she said, because the statement "purports to address only 'PoW [Proof of Work] generally' and not 'all of PoW's variations or any specific PoW protocol,'" the net effect was to say that "this non-binding statement generally applies to mining. Except when it doesn't."

Lastly, she said, because this statement likewise concedes in its footnotes that definitive determinations would require a particularized analysis of "economic realities and real-world arrangements," the end result is that "the statement leaves us exactly where we started: with facts and circumstances application of *Howey*."

She concluded, "I hope that the staff's analysis may reflect what some wish the law to be, but it does not square with the court decisions on staking and the long-standing *Howey* precedent on which they are based. This is yet another example of the SEC's ongoing 'fake it till we make it' approach to crypto – taking action based on anticipation of future changes while ignoring existing law."

Her response critiqued not just the substance of the staff statement but also the process being followed by the staff and others at the SEC:

"Rather than initiate rulemaking or take other formal regulatory action, the Commission and the [SEC Crypto] Task Force have instead rolled out a flurry of staff statements, enforcement action dismissals, and roundtables."

These actions, while celebrated by industry, have not changed the law or set out a path to do so. Rather than promote clarity, this approach continues to sow uncertainty around what the law is and what parts of it the Commission is willing to enforce, which is bad for investors and the markets."

Crenshaw then proceeded

through her own *Howey* analysis to argue that the activities addressed

"the force of law" and needed to be supported by regulations based on existing SEC statutory authority.

Until such time as new digital assets legislation is passed, then, just how far can the SEC go in reforming the current environment? Given that a number of past legal arguments on crypto-related issues—including ones made by the SEC itself—have been held by a variety of courts to constitute proper application of existing law, must the SEC therefore continue to enforce those positions until such time as new laws are formally enacted or existing laws are formally amended by Congress?

The U.S. Supreme Court has never definitively ruled on the correctness of those past legal arguments.

Whatever momentum either side in those legal debates might claim to have, the fact remains that many such issues were until recently still percolating through district and appellate courts with varying degrees of success on both sides.

The U.S. Supreme Court in *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 95 (2015), unanimously rejected lower court decisions under the Administrative Procedure Act, 5 U.S.C. §551, et seq., that had required an agency to "use the APA's notice-and-comment procedures when it wishes to issue a new interpretation of a regulation that deviates significantly from one the agency has previously adopted."

In fact, during recent presidential administrations of both parties, there have been increasing numbers of instances where the Executive Branch or regulatory bodies suddenly announced upon a change of administration that they no longer adhered to prior positions they had taken regarding the interpretation or application of various laws or regulations.

Sometimes such shifts occurred even after the previous administration had filed a merits brief before the U.S. Supreme Court arguing the prior position.

Given these circumstances, it is not clear whether there is much constraint on the SEC's adopting new legal positions regarding crypto assets beyond simply the persuasiveness or not of the arguments it makes on the legal merits of these issues.

Do the Staff Statements Even Implement any Reform?

Perhaps most fundamentally, though, whether the staff statements are sound or misguided, is the SEC actually changing any law? Or is all this simply theatre for the investing public?

Atkins noted that staff statements have no binding force of law. The recent staff statements all concede (albeit in footnotes) that their general pronouncements do not supersede any analysis of the particular facts and circumstances of each individual situation.

Moreover, whatever fresh interpretations of existing congressional statutes or SEC rules the staff statements may now offer, recent Supreme Court decisions like *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), would seem to limit to what extent, if any, courts would be bound in particular lawsuits to abide by such interpretations.

Viewed in this light, the staff statements appear to be doing little more than expressing predictions (with which Crenshaw clearly disagrees) about what the proper legal outcome more likely than not will be in the wide range of cases involving meme coins, protocol staking and protocol mining.

While such views may affect in which areas the SEC will choose to devote its enforcement energies, they would seem to have little if any legal significance in terms of changing the outcome of particular litigated cases, such as those brought by private parties.

In short, if crypto reform is desired, staff statements—whether viewed as well-founded or misguided—seem unlikely to be a significant vehicle for achieving it. Those who seek to truly effect reform would be advised to look elsewhere to achieve their goals.

Wars

«Continued from page 3

infringement that its trade dress for Oreos, Wheat Thins, Nutter Butter, Chips Ahoy, Nilla Wafers, Ritz and Premium snacks is distinctive, non-functional, predates the look-alikes it alleges are sold by Aldi, and that Aldi's alleged look-alikes have caused and are likely to cause consumer confusion.

Mondelez's complaint includes pictures of its products alongside Aldi's, and the side-by-side comparisons are admittedly compelling.

Mondelez walks the court through the various features it claims are distinctive in the product packaging for each of

its products and then points to the similarities of Aldi's product packaging.

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Rule

«Continued from page 4

setting the commencement date as the valuation date for the husband's B-Units, and inviting the parties to object to her order within 30 days. Neither did, ostensibly because DRL §236(B)(1)(c) firmly establishes the commencement date as the date on which the creation of marital property ends. As a result, at trial, the only value offered for the husband's B-Units was the formulaic value calculated as of the date of commencement by the neutral forensic accountant appointed by the court at the parties' preliminary conference.

Unbeknownst to the wife, however, about a year after the action began, the Company had initiated a confidential plan to sell its billboard division. Based in large part on the post-commencement efforts of the husband and other key employees, the billboard division of the Company was eventually sold for nearly \$700 million two weeks after trial ended.

Upon learning of the sale, the wife moved to reopen the trial, alleging that the husband's strategic failure to apprise the court of the impending sale during his testimony at trial was duplicitous. Although the husband was not

legally required to affirmatively disclose the pending deal, the judge who had tried the case eventually granted the wife's motion, thereby allowing a second trial, which was held before a different judge.

This decision overturned the original valuation date order set at the preliminary conference, arguably in contravention of the "law of the case" doctrine, and, most importantly, the active-passive asset approach promulgated by the First Department in setting the valuation date for the husband's B-Units.

After the second trial, the court chose to adopt as controlling the sale date value of the B-Units, resulting in an award to the wife of an additional \$3 million more than what the date of commencement value would have garnered for her.

In upholding the lower court's decision to value the husband's B-Units as of the date of trial, which took place over two years after the divorce action began, the Second Department opined that it did not need nor did it require a specific reason from the lower court explaining why it valued the husband's business interest as of the date of trial rather than as of the date of commencement, despite the clearly active nature of the B-Units. It simply held that the lower court had "providently

exercised its discretion," citing to unspecified equitable considerations but offering little substantive explanation.

In an apparent effort to bolster the wisdom behind its departure from the First Department's active-passive valuation date approach, the *Massoni* decision relied on the Second Department's mantra that valuation date determinations should not be disturbed unless shown to be an improvident exercise of discretion.

This deviation from valuing active assets on the date of commencement should be the exception, not the rule.

It also recited the familiar language distinguishing between "active" and "passive" assets and vividly quoted from *Wegman* that these guideposts "should not be viewed as immutable rules." However, unlike *Wegman*, *Massoni* provided no direction whatsoever about when courts should adhere to these guideposts and when they should deviate from them. Instead, in affirming the lower court's valuation date decision, the Second Department arrived at a destination that is completely at odds with the First Department's decision in *Heine*, which involved a remarkably similar fact pattern.

The First Department decision in *Heine* applied the active-passive test with clarity: assets influenced by external market forces (passive) should generally be valued at trial; those affected

In *Heine*, like in *Massoni*, the husband helped engineer a major corporate and financially lucrative transaction post-commencement. Also, in both cases, the husband worked together with a small group of key employees to achieve significant post-commencement growth in the value of the husband's business interest.

In *Massoni*, the billboard business was strategically marketed and sold. In *Heine*, the company was transformed from a public

by the owner's efforts (active) should be valued at commencement. Adhering to that rule, the First Department concluded that post-commencement increases in value driven in part by the titled spouse's post-commencement work are not to be treated as marital property.

It is noteworthy to point out that the appellate panel which decided *Massoni* did not even mention *Heine* in its decision, even though its facts were strikingly similar and despite the fact that the holding in *Heine* was extensively argued by the husband at trial and on appeal as being dispositive of the parties' dispute. This omission is telling; it suggests that the Second Department could not reconcile its decision with established First Department precedent. Worse than that, *Massoni* errantly sends the wrong message to business-owning spouses, discouraging them from engaging in any value-enhancing business decisions until after the entry of a Judgment of Divorce to ensure they do not enrich the other spouse in the process.

In contrast, *Heine* properly aligns its holding with DRL §236(B)(1)(c), that officially marks the end of the parties' economic partnership upon commencement. Once the marriage ends legally, so too should the sharing of future

business growth generated by the titled spouse's solo efforts. However, judicial recognition should be given to unforeseeable events—like the pandemic, an emergent disability, or an abrupt regulatory change—that can dramatically affect a business's value post-commencement.

In those rare instances, the lower court should retain the discretion to revisit whether its selection of the commencement date value would result in an inequity. This deviation from valuing active assets on the date of commencement should be the exception, not the rule.

Adopting an immutable rule that requires that the court articulates a good reason for valuing an active marital asset on a date other than the commencement date would also eliminate inconsistent outcomes across judicial departments that result from subjective interpretations of what is or is not "provident."

Let's hope that if another *Massoni*-type case arises, and no compelling reason is offered to justify departing from the active-passive guidepost, the Second Department will follow the lead of *Heine* and leave *Massoni* behind. Courts should respect precedent—but they should also recognize when it is time to evolve.

Honigman

«Continued from page 5

from the firm's legal tech vendors.

"We felt that this was a better approach than trying to do a hackathon and trying to make a solution work [immediately]," Kapocius said. "It's thinking bigger picture of what somebody wants to accomplish, and then us, our AI team, executing on it."

The contest culminated this Tuesday with each team providing three- to five-minute pitch presentations to firm leadership, who evaluated entries on factors such as business impact, return on investment, feasibility, and compliance with ethical standards.

The winning entry came from the associates assigned to work with Honigman's intellectual property practice group, who created a document drafting workflow tailored to communicating with the Patent and Trademark Office (PTO) and writing progress reports for clients.

"Essentially, it was an AI-driven workflow that would help draft reports back to clients and responses to and from the United States PTO, trained on not only the attorney style preferences, but also our client preferences," Kapocius said.

"What really set it apart is that this particular team didn't just look at a technology solution," he added. "They looked at, 'what's the human capital implications of this particular solution? What do we need to do in terms of business process, reengineering, technology integration?'

Other notable entries included an internal experience management tool designed to predict future work based on ongoing legal matters, and a proposal for an AI assistant capable of real-time, multimodal content intake.

Mutual Benefits

Providing summer associates with training on generative AI tools, and having them compete in this sort of competition, presents advantages for both participants and the firm. For the AI taskforce, this includes the ability to source ideas for use cases from a fresh set of eyes.

"In the past, we've worked with individual practice areas or business support professionals, but the summer associates had no knowledge of how a law firm works," Kapocius said. "They were just looking at, 'here's the legal work I'm doing. Let's go ahead and try to find ways to do it.'

He added that the firm intends to implement at least part of all six proposed solutions in the near future. The firm is currently evaluating the business and technical requirements for implementing the workflows, and hopes to bring parts of them into use internally within a few weeks.

For the participants, the AI training and competition represented a chance to grow essential skills they may not receive through their law school classwork. Providing summer associates an intellectual foundation in generative AI and early access to the firm's tools is particularly important, as many come to the firm without deep experience using legal-specific AI tools.

"The level of AI expertise was not as high as we thought it would be ... coming into the law firm," Kapocius said. "I think we have an opportunity to better partner with law schools and with our vendors to introduce these tools earlier on, so that way, as the law students are graduating, their knowledge and expertise is much higher."

The end result, he said, should be enhanced skills for the associates, and a future class of first-years better equipped to leverage the firm's investments in AI.

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'substantial likelihood' of a 'substantial violation' of the Rules Governing Judicial Conduct, based on all surrounding circumstances known to the judge" (Opinion 20-201). As we have frequently emphasized, "mere rumor, gossip, innuendo, or other 'third hand' information, does not trigger a judge's disciplinary obligations" (Opinions 20-201; 16-110; 15-138/15-144/15-166). Based on the information provided, we cannot say that the judge has received information indicating a substantial likelihood that the judicial candidate committed any

professional misconduct. Accordingly, the judge need not report the judicial candidate. Instead, it is within the judge's sole discretion to determine whether or not the two prongs are met. If the judge so concludes, then/he must determine what action is appropriate under the circumstances (see Opinion 15-138/15-144/15-166).

.....

1. As the candidate is an attorney seeking judicial office, we assume the judge is considering whether to report him/her to the appropriate grievance committee (see 22 NYCR 1200, Rule 8.2[b]).

Officials

«Continued from page 2

Is Agency Independence Unconstitutional?

As Trump continues to fire purportedly "independent" agency officials across the government, the Supreme Court will likely have to decide soon the merits of whether these anti-removal statutes infringe on Trump's constitutional authority.

In *Boyle*, the court noted its emergency orders are "not conclusive as to the merits," allowing additional litigation in the lower courts on the fate of the independence of the CPSC, NLRB, MSPB, FTC and other federal agencies.

In the case of the CPSC, federal law establishes that commissioners can be removed by the president "for no other cause" than "neglect of duty or malfeasance in office."

The Trump administration, however, has maintained that the removal statute and others like it establishing other independent agencies violates the president's Article II constitutional authority

.....

"By reinstating three members to the five-member CPSC, the district court transferred control of the agency from President Trump to three Commissioners who had been appointed by President Biden," U.S. Solicitor General D. John Sauer wrote on Trump's behalf. "The reinstated Commissioners have acted quickly and aggressively to undo almost every action taken by the two Commissioners who have retained the President's trust."

The U.S. Department of Justice has pressed the Supreme Court to reconsider 90 years of precedent upholding the independence of federal agencies.

In its 1935 *Humphrey's Executor v. United States* decision, the high court famously defended removal protections for members of the FTC in a landmark case that paved the way for Congress, over the ensuing

decades, to create dozens of independent agencies whose members cannot, by law, be summarily fired by the president.

The Supreme Court held in *Humphrey's* that presidents lack the "illimitable power of removal" and that Congress can create agencies that operate "independently of executive control." The ruling was a unanimous victory for the estate of a former FTC commissioner fired by President Franklin Delano Roosevelt over the commissioner's hostility to the New Deal.

The administration has urged the court to take up its challenge to *Humphrey's Executor*, but the court has so far refused to do so.

Is Humphrey's Already Dead?

According to the Supreme Court's liberal wing, the court has already functionally eliminated *Humphrey's* as binding precedent with its continuous decisions allowing Trump to override statutory removal protections for independent agency officials.

"The majority, through its stays, has prevented Congress from prohibiting removals without cause," Justice Elena Kagan wrote in a dissent joined by Justices Sonia Sotomayor and Ketanji Brown Jackson to the court's *Boyle* order.

"On the Court's emergency docket—which means 'on a short fuse without benefit of full briefing and oral argument'—the majority has effectively expunged *Humphrey's* from the U.S. Reports," Kagan added.

Even Justice Brett Kavanaugh, who concurred with the majority's decision to allow the CPSC firings, has said the time has come to give a full airing to the issue on its merits.

"[F]urther percolation in the lower courts is not particularly useful because lower courts cannot alter or overrule this Court's precedents," Kavanaugh wrote.

"In that situation, the downsides of delay in definitively resolving the

status of the precedent sometimes tend to outweigh the benefits of further lower-court consideration."

According to Adler, of William & Mary, Kavanaugh apparently "does not have three colleagues who wish to reach this issue prior to having a lower court judgment to review, so we'll have to wait until one of the cases proceeds to that point."

In the meantime, it's unclear what remains, or will remain, of a system in which Congress has created dozens of independent, expert agencies, whose bipartisan members are intended to operate outside the direct influence of the president in power.

For more than a century, these entities have shaped daily American life in myriad ways. From the National Transportation Safety Board to the Federal Communications Commission, their regulations have set the rules of the road for the nation's economy, energy, telecommunications and transportation infrastructure, and much more.

Writing about one such agency—the FCC—Randolph May of the Free State Foundation has argued that eliminating for-cause removal protections would destroy the independence of the telecom regulator. "In a world in which commissioners may be dismissed at the will of a president, the notion of agency independence, as conventionally understood, no longer holds—and the original Progressive-era idea of a multimember bipartisan commission composed of 'experts' rendering decisions largely without consideration of politics is effectively demolished," May wrote.

As Adler said, "In terms of larger impacts, this could make it very difficult to maintain bipartisan agency boards and commissions, as Presidents could simply remove officials of the other party, though that will (in some cases) raise quorum issues, potentially rendering some agencies unable to act."

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Opinion: 25-50

«Continued from page 3

tion's email, notwithstanding the ban on personal solicitation of campaign contributions (see 22 NYCR 100.5[A][5]; Opinion 16-79). However, the judge has no direct personal knowledge of the circumstances, including the identity of the person who made the request.

Absent such direct personal knowledge, the judge has "wide discretion in making the threshold determination whether there is a

'substantial likelihood' of a 'substantial violation' of the Rules Governing Judicial Conduct, based on all surrounding circumstances known to the judge" (Opinion 20-201). As we have frequently emphasized, "mere rumor, gossip, innuendo, or other 'third hand' information, does not trigger a judge's disciplinary obligations" (Opinions 20-201; 16-110; 15-138/15-144/15-166). Based on the information provided, we cannot say that the judge has received information indicating a substantial likelihood that the judicial candidate committed any

professional misconduct. Accordingly, the judge need not report the judicial candidate. Instead, it is within the judge's sole discretion to determine whether or not the two prongs are met. If the judge so concludes, then/he must determine what action is appropriate under the circumstances (see Opinion 15-138/15-144/15-166).

.....

1. As the candidate is an attorney seeking judicial office, we assume the judge is considering whether to report him/her to the appropriate grievance committee (see 22 NYCR 1200, Rule 8.2[b]).

AI Blunders

«Continued from page 5

generated by AI and poorly verified. Lee's explanation? Her office doesn't usually call on AI to build cases but she'd need to run that by her clerk first, just to be sure.

5. ChatGPT Made Me Do It

Two New York lawyers were sanctioned for using fake ChatGPT-inspired research during a 2023 personal injury claim that offered up no less than six fictitious cases.

Daily columns in the Law Journal report developments in laws affecting medical malpractice, immigration, equal employment opportunity, pensions, personal-injury claims, communications and many other areas.

A Manhattan District Judge ordered lawyers Steven Schwartz, Peter LoDucca and their firm, Levidow, Levidow & Oberman, to each pay a \$5,000 fine, accusing counsel of acting in bad faith and making misleading statements. Levidow, Levidow & Oberman "respectfully" disagreed in a statement saying, "We made a good faith mistake in failing to believe that a piece of technology could be making up cases out of whole cloth." The moral of the story? When AI's the author, the judge may be your toughest editor.

6. ChatGPT Strikes Again

Mississippi's 400-lawyer firm Butler Snow found itself apologizing to U.S. District Judge Anna Manasco after the firm inadvertently included fictitious ChatGPT case citations in two court filings. Butler Snow partner Matthew Reeves said he regretted his "lapse in diligence and judgment" for failing to verify the filings. The firm was defending a former Alabama Department of Corrections Commissioner in an inmate's lawsuit. The firm, facing sanctions, ate humble pie in its May 19 response: "There are no excuses for counsel's behavior, only explanations."

7. Bard's Citation Slip

In 2023, Donald Trump's ex-lawyer Michael Cohen also found himself in a legal mess, this time courtesy of Google Bard AI. Cohen told a Manhattan federal court he'd unwittingly passed along fake case citations generated by AI, which his attorney then included—unchecked. The cases were in a motion seeking an early end to Cohen's supervised release after he was imprisoned for campaign

finance violations. Cohen said the citations came from his online research and he didn't expect his lawyer to "drop the cases wholesale" into his submission without confirming they existed.

8. K&L Gates' Hallucination

K&L Gates and Ellis George's AI hallucination case in May was nothing short of "collective debacle", according to a California judge. The legal brief contained bogus AI-generated citations in an insurance case, outraging the judge who noted approximately nine of the 27 legal citations in the 10-page brief were incorrect and at least two authorities cited didn't exist. The penalties were ordered jointly and severally against the firms and attorneys reflecting their shared institutional failure. The resulting fine? A sharp \$31,000.

9. Expert AI?

The Minnesota District Court case *Kohls v. Elison* involved "deepfakes" but the legal research left everyone questioning whether fact-checker was the real fake. The parties relied on expert evidence about AI but it transpired that one of the "experts" had used generative AI to draft his report, including citations of non-existent academic articles.

Court Calendars

First Department

APPELLATE DIVISION

The following cases have been scheduled for pre-argument conference on the dates and at the times indicated:

Renwick, P.J., Manzanek, Kapnick, Webber and Kern, JJ.

TUESDAY, AUG. 5

12 P.M.
652181/17 Olek, Inc. v. Merrick Real Estate

THURSDAY, AUG. 7

10 A.M.
155656/19 Schiff v. Intersystem S&S Corp.
490024 Castro v. Manhattan Parking Group

12 P.M.
35478/20 Fisher v. Triborough Bridge and Tunnel

FRIDAY, AUG. 8

10 A.M.
30138/18 Pillico v. Keap the Hope
1 P.M.

155527/24 Commonwealth Land Title v. Sack & Sack

MONDAY, AUG. 11

10 A.M.
651575/13 Becker v. Perla

12 P.M.

160122/22 L. M., an Infant v. Chelsea Piers
2 P.M.

154120/20 Welsh v. 12 East 86th St.

THURSDAY, AUG. 14

10 A.M.
814844/24 Munro v. Hempstead

MONDAY, AUG. 18

12 P.M.

155678/22 Marquez v. Animal Care and Control of NYC

APPELLATE TERM

60 Centre Street Room 401

10 A.M.

Commencing with the September 2025 Term, all oral arguments at the Appellate Term, First Department will be in person. Counsel and pro se litigants also have the option to submit.

New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term Part

Ex-Parte Motions Room 315, 9:30 A.M.

Special Term Proceedings Unsafe Buildings

Belleview Psychiatric Center Kirby Psychiatric Center Metropolitan Hospital Manhattan Psychiatric Center

Belleview Hospital

The following matters were assigned to the Justices named below. These actions were assigned as a result of initial notices of motion or notices of petition returnable in the court on the date indicated and the Request for Judicial Intervention forms that have been filed in the court with such initial activity in the case. All Justices, assigned parts and courtrooms are listed herein prior to the assignments of Justices for the specified actions. In addition, listed below is information on Judicial Hearing Officers, Mediation, and Special Referees.

IAS PARTS

1 Silvera: 300 (60 Centre)

2 Sattler: 212 (60 Centre)

3 Cohen, J.: 208 (60 Centre)

4 Kim: 308 (80 Centre)

5 King: 320 (80 Centre)

6 King: 351 (60 Centre)

7 Lebovits: 345 (60 Centre)

8 Kotler: 278 (80 Centre)

9 Capiti: 355 (60 Centre)

11 Frank: 412 (60 Centre)

12 Strotz: 328 (80 Centre)

13 Schumacher: 304 (71 Thomas)

14 Bluth: 432 (60 Centre)

15 Johnson: 116 (60 Centre)

17 Hager: 335 (71 Thomas)

19 Sokoloff: 540 (60 Centre)

20 Kaplan: 422 (60 Centre)

21 Tsai: 280 (80 Centre)

22 Chin: 136 (80 Centre)

23 Schumacher: 304 (71 Thomas)

24 Katz: 325 (60 Centre)

25 Marcus: 1254 (111 Centre)

26 James: T: 438 (60 Centre)

27 Dominguez: 289 (80 Centre)

28 Tingling: 543 (60 Centre)

29 Ramirez: 311 (71 Thomas)

30 McMahon: Virtual (60 Centre)

32 Kahn: 1127B (111 Centre)

33 Rosado: 442 (60 Centre)

34 Ramseur: 341 (60 Centre)

35 Perry-Bond: 684 (111 Centre)

36 Saunders: 205 (71 Thomas)

37 Engoron: 418 (60 Centre)

38 Crawford: 1166 (111 Centre)

39 Clynes: 232 (60 Centre)

41 Moyne: 327 (60 Centre)

42 Morales-Minera: 574 (111 Centre)

43 Reed: 222 (60 Centre)

44 Pearlman: 321 (60 Centre)

45 Patel: 428 (60 Centre)

46 Latin: 210 (71 Thomas)

47 Goetz: 1021 (111 Centre)

48 Maseley: 242 (60 Centre)

49 Chan: 252 (60 Centre)

50 Sweeting: 279 (80 Centre)

51 Headley: 122 (80 Centre)

52 Sharp: 1045 (111 Centre)

53 Borrok: 238 (60 Centre)

54 Scheeter: 228 (60 Centre)

55 d'Auguste: 103 (71 Thomas)

56 Kelle: 204 (71 Thomas)

57 Kraus: 218 (60 Centre)

58 Cohen, D.: 305 (71 Thomas)

60 Crane: 248 (60 Centre)

61 Bannon: 232 (60 Centre)

59 James, D.: 331 (60 Centre)

62 Chesler: 1127A (111 Centre)

65 Reo: 307 (80 Centre)

66 PMPKahn: 1127B (111 Centre)

67 MMSP-1: 1127B (111 Centre)

68 IDV Dawson: 1604 (100 Centre)

58 Cohen, D.: 305 (71 Thomas)
60 Crane: 248 (60 Centre)
61 Bannon: 232 (60 Centre)
59 James, D.: 331 (60 Centre)
62 Chesler: 1127A (111 Centre)
65 Reo: 307 (80 Centre)
66 PMPKahn: 1127B (111 Centre)
67 MMSP-1: 1127B (111 Centre)
68 IDV Dawson: 1604 (100 Centre)

PART 40TR JUDICIAL MEDIATION

On Rotating Schedule:
13 Silvera: 300 (60 Centre)
13 Adams 300 (60 Centre)

EARLY SETTLEMENT

ESC 1 Vigilante 106 (80 Centre)

ESC 2 Wilkenfeld 106 (80 Centre)

SPECIAL REFEREES

60 Centre Street

73R Santiago: Room 354

75R Burzio: Room 240

80R Edelman: Room 562

82R Wohl: Room 501B

83R Sambo: Room 528

84R Feinberg: Room 641

88R Lewis-Reisen: Room 324

JHO/SPECIAL REFEREES
80 Centre Street

81R Hewitt: Room 321

87R Burke: Room 238

89R Hoahng: Room 236

SPECIAL REFEREE

71 Thomas Street

Judicial Hearing Officers

Part 91 Hon. C. Ramos

Part 93 Hon. Marin

SUPREME COURT Motion Calendars

Room 130, 9:30 A.M.

60 Centre Street

SUPREME COURT Motion Dispositions from Room 130

60 Centre Street

Calendars in the Motion

Submission Part (Room 130)

show the index number and caption of each and the disposition thereof as marked on the Room

130 calendars. The calendars in use are a Paper Motions Calendar, E-Filed Motions Calendar, and APB (All Papers By) Calendar setting a date for submission of a missing stipulation or motion paper.

With respect to motions filed with Request for Judicial Intervention, counsel in e-filed cases will be notified by e-mail through NYSCFEP of the Justice to whom the case has been assigned. In paper cases, counsel should sign up for the E-Track service to receive e-mail notification of the assignment and other developments and schedules in their cases. Immediately following is a key that explains the markings used by the Clerk in Room 130.

Motion Calendar Key:
ADJ—Adjudged to date indicated in Submission Courtroom (Room 130).

ARG—Scheduled for argument and date indicated.

SUB (PT #)—Motion was submitted to noted.

WDN—Motion was withdrawn on calendar call.

SUB/D—Motion was submitted on default to part indicated.

APB (All Papers By)—This motion is adjourned to Room

119 on date indicated, only for submission of papers.

SUB 3—Adjudged to date indicated in Submission Court Room (Room 130) for affirmation or so ordered stipulation.

S—Stipulation.

C—Consent.

C MOTION—Adjudged to Commercial Motion Part Calendar.

FINAL—Adjournment date is final

60 CENTRE STREET

Submissions Part

TUESDAY, JULY 29

Submission

1 100663/25 Abdulrah v. Welltok

2 10073225 Chavez Chavez v. N.Y.C. Dept. of Health and Mental Hygiene

160725/24 Saracuse v. NYC Et Al
158690/16 Scarsella v. Pier 1
Imports (U.S.) Inc.
160095/18 Schurz v. Balestiere
190254/21 Sears v. Aero Int'l, Inc.
Et Al
950736/21 Shuler v. Riverside
Hawks A/VA Riverside Hawks
850476/24 Sig Cre 2023 Venture
LLC v. Uws 83 Hlgs. LLC Et Al
652858/25 Singer NY LLC D/b/a M.
Tucker v. Upper West Hosp/ity
950218/21 Stihm v. Archdiocese of
NY Et Al
155822/21 Skinner v. New Ig 79th
LLC Et Al
653094/25 Soleil Chartered Bank v.
Breton Equity Co. Corp Et Al
654036/25 Square Funding LLC v.
Magpies Farm LLC Et Al
150323/24 State Farm Fire &
Casualty Co. As Subrogee
of Teresa Lee v. New Line
Structures, Inc.
150477/25 State Nat. Ins. Co. v.
Gums
151129/21 Stevens v. Wheeler
152487/24 Storch v. Metro North
Commuter RR. D/b/a Metra Metro
North RR. Et Al
154671/25 Sumba Lucero v. 1165
Park Ave. Inc. Et Al
650350/24 Super G Const. Corp. v.
Adrian Yos LLC Et Al
152736/25 Supreme Co. I LLC v.
Malone
157949/20 Taina v. East 54th St.
Properties
805392/23 Tancredi v. Sottile &
Magna
153427/23 Tandy v. Jopal Bronx
650891/22 The Estate of Chung Li v.
Lee
451254/24 The Legal Aid Society v.
NYC Police Dept. Et Al
158084/25 The Legal Aid Society,
Inc. v. NYC
153561/25 Torres v. Zambrano
153204/24 Torres v. Sherman 25 LLC
656050/21 Unirea Shopping Centre
S.A. v. Adamescu
157162/23 Vazquez v. Ryder Truck
Rental Inc. Et Al
163023/15 Washington v. NYC
653506/25 Wesco Ins. Co. Inc./s/o
Freunds Sushi Grill Co. Inc v. NYCTA
653787/21 West Village Advisory v.
Red Mud Enterprises LLC
157174/25 West Village Rly.
Associates Lp v. NYS Div. of
Housing And Community
Renewal
651697/25 Workgenius Hldgs., Inc.
v. Zaslow
365114/25 Wu v. Quimby
162452/15 Wu v. NYCH&C And
155346/24 You v. Chh Rly. LLC Et Al

E-Filing Submission Part

Adjudoned for Working Copies Part

Part 1

Justice Adam Silvera
60 Centre Street
Phone 646-386-3722
Room 300

TUESDAY, JULY 29

153962/18 Lively v. NYCTA
151501/20 Marerro v. NYCTA
155628/17 Palmo-Martine v. NYCTA
452417/21 Tkach v. Mta Bus Co.

Part 2

Justice Lori S. Sattler
60 Centre Street
Phone 646-386-3852
Room 212

TUESDAY, JULY 29

657072/21 11450 B'way, LLC v.
American Pipe & Tank Lining
Co. Et Al
654790/20 American Transit Ins. v.
Chuchua-Lopez

154849/23 Arista Air Conditioning
Corp. v. Interior Mgt. I Inc. Et Al

655125/17 Contegiacomo And
Associates v. Lecom

655478/21 Cruz v. Nv Maint.
Services LLC Et Al

651379/18 Dx Int'l LLC v. Style-Lab
Experiment Inc. Et Al

155149/23 Granby's Funeral
Service, Inc. v. Seneca Ins. Co.,
Inc. Et Al

653632/23 Kanari v. 246 East 77th
St. Associates

651150/23 Kaplan v. Cpw62 5i Res
LLC

161022/22 Makarewicz Design
Ltd. D/b/a Mld Solutions v. Jdp
Mechanical, Inc. Et Al

653513/21 Patel v. R&R Const.

153908/22 The Murray Hill Terrace
Condominium v. 3rd & 36th LLC
Et Al

655860/20 Zara Ventures LLC v. Blue
Sky Equities L.L.C.

Motion

155149/23 Granby's Funeral
Service, Inc. v. Seneca Ins. Co.,
Inc. Et Al

651501/23 Kaplan v. Cpw62 5i Res
LLC

WEDNESDAY, JULY 30

653230/20 American Transit Ins. v.
Advanced Orthopedics Plc

156775/22 Grm Information Mgt.

Services, Inc. v. Phillips 35, Inc.

151185/22 Recruiter.Com Recruiter

Solutions Inc. v. Brkr Strategy

Group LLC

Motion

156775/22 Grm Information Mgt.

Services, Inc. v. Phillips 35, Inc.

Part 3

Justice Joel C. Cohen
60 Centre Street
Phone 646-386-3287
Room 208

TUESDAY, JULY 29

650841/14 Evupn Hldgs. LLC v.
Fryzman

654784/23 Greylag Goose Leasing

1410 Designated Activity Co. Et Al

v. Chubb European Group Se

Et Al

650799/24 Osakana v. Wegmans

Food Markets Inc. Et Al

654402/21 Park Royal 1 LLC Et Al v.

Wells Fargo

654403/24 Universal 13 Group v.

Lucky

654128/23 World Host Group Us Inc.

v. O'Cloud Ventures

Motion

650799/24 Osakana v. Wegmans

Food Markets Inc. Et Al

654403/24 Universal 13 Group v.

Lucky

WEDNESDAY, JULY 30

654475/21 Claudio Soifer, v. Sd

Second Ave. Member LLC

650989/23 S.I.S.K. Int'l LLC Et Al v.

Schuster

160497/17 J.T. Magen & Co. Inc. v.

Nissan North America, Inc.

657117/21 Nrs Flatiron LLC v.

Newmark & Co. Real Estate Inc.

Et Al

155851/23 Yh Lex Estates v. Hfz

Capital Group LLC Et Al

Motion

160497/17 J.T. Magen & Co. Inc. v.

Nissan North America, Inc.

657117/21 Nrs Flatiron LLC v.

Newmark & Co. Real Estate Inc.

Et Al

155851/23 Yh Lex Estates v. Hfz

Capital Group LLC Et Al

Part 6

Justice Kathy J. King
60 Centre Street

Phone 646-386-3312

Room 351

TUESDAY, JULY 29

805124/21 Ashenbrucker v. Levine

M.D. Et Al

150938/23 Backer v. Parsons

Court Calendars

COURT NOTES

Continued from page 9

lating eligible list. With respect to any candidate who applies for and is granted additional credit in any such examination as a disabled or nondisabled veteran, and for the limited purpose of granting such additional credit, the eligible list shall be deemed to be established on the date on which his or her name is added thereto.

Chief Judge of the State of New York

FIRST DEPARTMENT APPELLATE TERM

Filing Dates for the September Term

The September 2025 Term of the Court will begin on Sept. 2, 2025.

The last dates for filing for that term are as follows:

The Clerk's Return, Record on Appeal, Appendices, Notice of Argument and Appellant's Briefs must be filed on or before July 8, 2025.

Respondent's Briefs must be filed on or before July 31, 2025.

Reply Briefs, if any, must be filed on or before August 8, 2025.

Part 7

805154/22 Barr-Johnson v. Mount
Sinai Morningside Et Al
156197/25 Bui v. Kim M.D.
805285/24 Cheeks v. The Riverside
Premier Rehabilitation &
Healing Center Et Al
805088/21 Esquina v. Village Care
Rehab And Nursing Center
805414/19 George Chen v. Barakat
805076/17 Gurevich v. Cohen Md
805278/24 Ibadit v. Rotte Md
805294/20 Martinez v. NY
Presbyterian Hosp. Et Al
156996/23 McDermott Wark v. Scott
M.D.

805085/20 Rosen v. O'Connor

105497/05 Tobon v. Vangroningen

800004/24 Vizzelii v. NY Univ.

College of Denistry

805412/20 Westmoreland v. Badani

Motion

805124/21 Ashenbrucker v. Levine

M.D.

805085/20 Rosen v. O'Connor

105497/05 Tobon v. Vangroningen

800004/24 Vizzelii v. NY Univ.

College of Denistry

805412/20 Westmoreland v. Badani

WEDNESDAY, JULY 30

805204/21 Allakhverdiyeva v.

Tomasula

805256/20 Larry Pearson v. Yukubov

805376/24 Rocca v. Gomori M.D.

805392/23 Tancredi v. Sottile &

Magna

153427/23 Tandy v. Jopal Bronx

650891/22 The Estate of Chung Li v.

Lee

451254/24 The Legal Aid Society v.

NYC Police Dept. Et Al

158084/25 The Legal Aid Society,

Inc. v. NYC

153561/25 Torres v. Zambrano

153204/24 Torres v. Sherman 25 LLC

656050/21 Unirea Shopping Centre

S.A. v. Adamescu

157162/23 Vazquez v. Ryder Truck

Rental Inc. Et Al

163023/15 Washington v. NYC

653506/25 Wesco Ins. Co. Inc./s/o

Freunds Sushi Grill Co. Inc v. NYCTA

653787/21 West Village Advisory v.

Red Mud Enterprises LLC

15

653506/25 Wesco Ins. Co. Inc A/s/o Freuds Sushi Grill Inc v. NYCTA
Motion
365123/24 Cabrera v. Edward Kennedy Brooks

**Part 45
Commercial Div.**
Justice Anar Rathod Patel
60 Centre Street
Phone 646-386-3632
Room 428

TUESDAY, JULY 29

651637/24 Crep Dallas Hotel LLC v. Collier
65210/25 Logsdon v. Urban Green Mgt. LLC Et Al
652087/25 NYU Langone Hosps. v. EmblemHealth Plan Inc. Et Al
651314/24 Oberon Securities v. Glaam Co., Ltd.
651100/25 Oppenheimer & Co. Inc. v. Hong Kong Yui Jia Int'l Tech. Co., Ltd.
6597/63/24 Shenzhen Jinhongtai Equity Investment Fund Mgt. Co., Ltd. Et Al v. Dogness (int'l) Corp. Et Al
654073/25 Steffanci v. Dfz Trademark Hldgs. LLC Et Al
655708/24 U.S. Specialty Ins. Co. Et Al v. Cantor Fitzgerald

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655686/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.
154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.
452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al
157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.
654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 48
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156759/172138747 Ontario Inc. v. Lehman Brothers Hldgs., Inc.
WEDNESDAY, JULY 30
655017/24 Essex Global Trading, Inc. v. Yafa Jewelry Inc Et Al
65987/24 Patter Energy Group Lp v. Perillo
65189/23 Pine Valley Dev. Inc. v. Integra Hldgs. LLC Et Al
850013/24 Shanghai Commercial Bank Ltd. v. Chen Foundation, Inc. Et Al
652041/24 Shanghai Zhongda Wincome Co., Ltd. v. 250 W Investments Inc. Et Al

**Part 49
Commercial Div.**
Justice Margaret A. Chan
60 Centre Street
Phone 646-386-4033
Room 252

WEDNESDAY, JULY 30

653387/19 Cassaforte Ltd. v. Johnson
451426/20 Cassaforte Ltd. v. Pourtavouli
**Part 53
Commercial Div.**
Justice Andrew S. Borrok
60 Centre Street
Phone 646-386-3304
Room 238

TUESDAY, JULY 29

654488/22 Cyberbit, Inc. v. Cloud Range Cyber
652968/25 Electra Capital Pm Fund v. Tides on Valley View Partners LLC Et Al
151947/23H/Nou Courtland Bronx Ny v. Wener Engs.
651289/25 Ionic Ventures v. Vision Marine Technologies
652343/23 Kleinman v. Paper Ambition LLC Et Al

WEDNESDAY, JULY 30

651533/25 Alter Domus (us) LLC v. Lakeland Holdings
651533/25 Alter Domus (us) LLC v. Lakeland Hldgs.

654268/24 Clear Haven Investment Fund v. Zags Spv 1 LLC Et Al
653079/22 Elberg v. Int'l Bank of Chicago Et Al
654506/23 Related Fund Mgt. v. Franklin St. Ins. Services
654028/21 Travelers Casualty & Surety Co. v. Vale Canada Ltd. Et Al

**Part 54
Commercial Div.**
Justice Jennifer G. Schecter
60 Centre Street
Phone 646-386-3362
Room 228

TUESDAY, JULY 29

157361/25 Bifco v. Prelli
655780/23 Chan v. Ho
651435/25 Emusv. Inanthem Hp
653126/24 Evangelista v. Sanza

655003/19 Hall v. Middleton
65685/21 Shatz v. Chertok
65406/22 Sing For Service v. Allianza U.S., Inc., A California Corp. Et Al

650973/17 Capital Windup LLC v. Omanoff
WEDNESDAY, JULY 30

650342/24 Bank Hapoalim B.M. v. Monroe Capital Management Advisors
451120/22 Edgeware Ventures LLC v. Si Funding LLC Et Al
653012/19 Taxi Tours Inc. v. Go NY Tours, Inc.

Motion

157361/25 Bifco v. Prelli
65685/21 Shatz v. Chertok
65406/22 Sing For Service v. Allianza U.S., Inc., A California Corp. Et Al

650973/17 Capital Windup LLC v. Omanoff
WEDNESDAY, JULY 30

650342/24 Bank Hapoalim B.M. v. Monroe Capital Management Advisors
451120/22 Edgeware Ventures LLC v. Si Funding LLC Et Al
653012/19 Taxi Tours Inc. v. Go NY Tours, Inc.

Part 55

Justice Sabrina Kraus
60 Centre Street
Phone 646-636-3195
Room 218

TUESDAY, JULY 29

950039/19 Ark13 v. Archdiocese of NY
950079/19 Ark14 v. Archdiocese of NY
950040/19 Ark19 v. Archdiocese of NY
950036/19 Ark4 v. Archdiocese of NY
950051/19 Ark59 v. Archdiocese of NY
950017/19 Caramanico v. Archdiocese of NY

950821/21 Dietrich v. The Roman Catholic Archdiocese of NY Et Al
950431/20 Doe v. Archdiocese of NY Et Al
950432/20 Doe v. Archdiocese of NY Et Al
950433/20 Doe v. Archdiocese of NY Et Al
950158/21 Doe v. Archdiocese of NY Et Al
950061/20 E v. Rockefeller Univ.
450672/22 Gibbons v. NYC Et Al
154845/19 Gonzalez Verdugo Yancha v. 88 Wall St., LLC
950179/21 Guerrero v. The Roman Catholic Archdiocese of NY Et Al
950078/19 Mendoza v. The Roman Catholic Archdiocese of NY Et Al
950246/21 Ark13 v. Archdiocese of NY Et Al
161087/19 Rivera v. Ig Chelseia LLC
950617/21 Thomas v. Archdiocese of NY Et Al
161165/19 Vaughan v. Warman
950240/20 Zagaglia v. Our Lady of Mount Carmel Et Al

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951047/21 Barber v. Roman Catholic Archdiocese of NY Et Al
950300/21 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.
154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 49
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 48
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 49
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 48
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 49
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 48
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 49
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James Attorney General of The State of NY v. Tiktak Inc. Et Al

157341/15 Pepper v. Di Angelo
65087/23 Sabby Volatility Warrant Master Fund Ltd. v. Srivaru Hldg. Ltd.

654018/25 Scg Plaza Inc. Et Al v. Lee
655500/16 Stifastoff v. A&E Real Estate Hldgs.

**Part 48
Commercial Div.**
Justice Andrea Masley
60 Centre Street
Phone 646-386-3265
Room 242

TUESDAY, JULY 29

156568/24 Aurora Tourism Services LLC v. Go NY Tours, Inc. D/b/a Top View
65908/24 Electra Capital Pm Fund v. Cypress Station Two LLC Et Al
657782/19 Marc Electric v. Judlau Contracting, Inc.

154460/24 Ocrobank Hldgs. v. Tks Bldy. Center Hldg.

452749/24 People of The State of NY v. Letitia James

Court Calendars

850660/23 Citizens Bank Na v. Perkins
850032/22 Flushing Bank v. Cory Rty., Inc. Et Al
850288/24 Hilton Resorts Corp. v. Hurwitz
850150/24 J.P. Morgan Mortgage Acquisition Corp. v. Goldstein
850369/24 Jpmorgan Chase Bank v. Corona
850433/23 M&T Bank v. Kushner
850082/22 Morgan Stanley Private Bank v. Papageorgiou
850481/23 Nationalstar Mortgage LLC v. The Estate of Claudette R. Adams Et Al
850034/22 Newbank v. 43 Mott Rty. Owner LLC Et Al
850408/24 Newell LLC D/b/a Shelpoint Mortgage Servicing v. Maris
850222/23 Npl Fund LLC v. 324 East 14th St. LLC Et Al
154141/23 NYCTL 1998-2 Trust And The Bank of NY Mellon v. Ciao-Di Restaurant Corp. Et Al
152892/22 NYCTL 2019-A Trust And The Bank of NY Mellon v. McMahon
850087/23 Pv East 106th St. LLC v. 308-310 Rty.
850483/23 Sachem Capital Corp. v. Emrod Const. & Dev. Corp. Et Al
850649/23 Santander Bank v. Karahmuhoglu
850476/24 Sir Cre 2019 Venture LLC v. Uws 33 Hds. LLC Et Al
850425/24 Sfms Financial Strategic Investments III v. Mackell
850606/25 Town Point Mortgage Trust 2022-4 v. Miu
850122/23 U.S. Bank Nat. Assoc. v. Tabinia
850121/25 U.S. Bank Nat. Assoc. v. Chairman Jr.
850487/23 U.S. Bank Nat. Assoc. v. Zhang
850028/24 U.S. Bank Trust Co. v. Moran
850472/23 U.S. Bank Trust Nat. Assoc. v. Busi
850041/24 U.S. Bank Trust Nat. Assoc. v. Shen
850257/22 USALiance Fed. Credit Union By Merger With NY Metro Fed. Credit Union v. Unknown Heirs Of The Estate Of James McCaskill A/k/a James McCaskill Et Al
850439/24 Wells Fargo Bank v. Dunkley
850293/24 Wells Fargo Bank v. Safford
850243/17 Wells Fargo USA Hds., Inc. v. Rusa
850241/24 Wilmington Savings Fund Society v. Goldstein

Part 38

Justice Ashlee Crawford
111 Centre Street
Phone 646-386-3235
Room 1166

TUESDAY, JULY 29

651300/24 Abbott Resource Services Co. v. Moore St. Bldg. Corp. Et Al
651606/20 Soucycle Inc. Et Al v. Arch Specialty Ins. Co. Et Al
Motion

651300/24 Abbott Resource Services Co. v. Moore St. Bldg. Corp. Et Al

WEDNESDAY, JULY 30

651300/24 Abbott Resource Services Co. v. Moore St. Bldg. Corp. Et Al

TUESDAY, JULY 29

153014/21 Bryant v. Keita

WEDNESDAY, JULY 30

151938/25 Case v. Key Hotels

154023/24 Gaughan v. Barounis

150494/19 Isabel Alvarez v. NYC Et Al

154158/22 Napper v. NYC Et Al

154158/22 Torres v. NYC Et Al

Integrated Domestic Violence Part

Justice Tandra L. Dawson
100 Centre Street
Phone 646-386-3868
Room 1604

CRIMINAL TERM

Part Tap A

Justice Ariel D. Chesser
111 Centre Street
Phone 646-386-3274
Room 1127A

TUESDAY, JULY 29

153014/21 Bryant v. Keita

WEDNESDAY, JULY 30

151938/25 Case v. Key Hotels

154023/24 Gaughan v. Barounis

150494/19 Isabel Alvarez v. NYC Et Al

154158/22 Napper v. NYC Et Al

154158/22 Torres v. NYC Et Al

Part 85

Justice Hayes
Phone 646-386-4083
Fax 212-401-9113
111 Centre Street
Room 583, 9:30 A.M.

Part 92

Justice Mitchell
Phone 646-386-4092
Fax 212-295-4914
111 Centre Street
Room 1234, 9:30 A.M.

Part 99

Justice Burke
Phone 646-386-4099
Fax 212-401-9270
100 Centre Street
Room 1317, 9:30 A.M.

Part 5

Justice Hayes
Phone 646-386-4093
111 Centre Street
Room 1333, 9:30 A.M.

Part 93

Justice Scherzer
Phone 646-386-4093
100 Centre Street
Room 1333, 9:30 A.M.

Part 95

Justice D. Conisver
Phone 646-386-4095
Fax 212-401-9137
111 Centre Street
Room 1523, 9:30 A.M.

Part 92

Justice Mitchell
Phone 646-386-4092
Fax 212-295-4914
111 Centre Street
Room 1234, 9:30 A.M.

Part 99

Justice Burke
Phone 646-386-4099
Fax 212-401-9270
100 Centre Street
Room 1317, 9:30 A.M.

Part 22

Justice Mennin
Phone 646-386-4022
Fax 212-295-4890
111 Centre Street
Room 928, 9:30 A.M.

Part 23

Justice N. Ross
Phone 646-386-4023
Fax 212-295-4891
100 Centre Street
Room 1307, 9:30 A.M.

Part 31

Justice D. Kiesel
Phone 646-386-4031
Fax 212-401-9260
100 Centre Street
Room 1333, 9:30 A.M.

Part 32

Justice Carro
Phone 646-386-4032
Fax 212-401-9261
100 Centre Street
Room 1116, 9:30 A.M.

Part 41

Justice Dwyer
Phone 646-386-4041
Fax 212-401-9262
100 Centre Street
Room 1116, 9:30 A.M.

Part 42

Justice Emily Morales- Minerva
111 Centre Street
Phone 646-386-3237
Room 574

TUESDAY, JULY 29

655641/24 Awamer 57 Fee LLC v. Int'l Virtual Corp. Et Al
158943/24 Fincor Financial Warchouse v. One World Home Repair LLC Et Al

151265/25 Fox 153 v. High Grade Smoke & Cigar LLC Et Al

651395/25 Moonlite LLC v. Foresto

158596/24 State Farm Mutual Automobile Ins. Co. v. Smalls

153395/25 Super PC Systems Inc. v. Air 25 Mulberry St. LLC Et Al

WEDNESDAY, JULY 30

153115/24273-275 Grand St. Associates LLC v. Jmx Studio Corp.

453019/24 Abrams Fensterman v. To Quash Subpoena

155692/24 American Express Nat. Bank v. Portilla

659577/24 Ascensus Inc. v. Quedaza

654697/24 B.C.B.C. Tech Inc. v. 176 Pennington Owner LLC Et Al

151062/25 Blair-Joannou v. 12-14 East 64th Owners Corp. Et Al

654033/22 Brighten Builder LLC v. Ashru Int'l. Inc.

100356/25 Garnes v. NYC Dept. of Finance Adjudication Div.

652314/25 Itria Venture LLC v. R1 Solutions, Inc. Et Al

656620/26 Porsche Cars North America v. Jrm Const. Mgt.

656563/21 Zabit v. Brandometry

Motion

154735/25 Rohrbaugh v. 1120 Park Corp.

WEDNESDAY, JULY 30

652761/25 Country-Wide Ins. Co. v. Byron O. Taxi Inc.

650389/24 Kahlid & Krieger

Architects Planners Pmc v. Carlton Strategic Ventures LLC

650725/25 Integrated Computer Service, Inc. v. Dbcollaborative Corp.

152487/24 Storch v. Metro North Commuter RR. D/b/a Mta Metro North RR. Et Al

159304/24 Torres v. Sherman 25 LLC

Part 47

Justice Paul A. Goetz
111 Centre Street
Phone 646-386-3743
Room 1021

TUESDAY, JULY 29

152994/24 Connex One Inc. v. Green Tech Solar LLC

653578/24 Pmorgan Chase Bank v. Right Meets Left Design LLC

154735/25 Rohrbaugh v. 1120 Park Corp.

156563/25 Sanel v. Allstate Fire And Casualty Ins. Co.

Motion

154735/25 Rohrbaugh v. 1120 Park Corp.

WEDNESDAY, JULY 30

652761/25 Country-Wide Ins. Co. v. Byron O. Taxi Inc.

650389/24 Kahlid & Krieger

Architects Planners Pmc v. Carlton Strategic Ventures LLC

650725/25 Integrated Computer Service, Inc. v. Dbcollaborative Corp.

152487/24 Storch v. Metro North Commuter RR. D/b/a Mta Metro North RR. Et Al

159304/24 Torres v. Sherman 25 LLC

Part 52

Justice Drysdale
Phone 646-386-4056
111 Centre Street
Room 724, 9:30 A.M.

Part 53

Justice Rodney
Phone 646-386-4053
100 Centre Street
Room 1247, 9:30 A.M.

Part 54

Justice Antignani
Phone 646-386-4054
111 Centre Street
Room 621, 9:30 A.M.

Part 55

Justice Edwards
Phone 646-386-4051
Fax 212-401-9264
100 Centre Street
Room 1324, 9:30 A.M.

Part 56

Justice T. Farber
Phone 646-386-4052
Fax 212-401-9265
100 Centre Street
Room 763, 9:30 A.M.

Part 57

Justice M. J. Merchant
Phone 646-386-4059
Fax 212-295-4932
100 Centre Street
Room 1602, 9:30 A.M.

Part 58

Justice Clott
Phone 646-386-4061
Fax 212-401-9266
100 Centre Street
Room 1130, 9:30 A.M.

Part 59

Justice J. Merchan
Phone 646-386-4059
Fax 212-295-4932
100 Centre Street
Room 1602, 9:30 A.M.

Part 60

Justice Edwards
Phone 646-386-4051
Fax 212-401-9264
100 Centre Street
Room 1324, 9:30 A.M.

Part 61

511574/16 Xu v. Jiang
503172/23 Yadgarova v. Kasai
Kosher Hibachi Et Al

50244/23 Yanik Aly v. Beverly Hills
Apt. Corp.

521478/20 Yoon v. Batsivaris

WEDNESDAY, JULY 30

514544/22 De Los Santos v. 279
Schools Et Al

528590/23 Feldman Lumber - Us
Lbm v. 718 Capital Group

517443/20 Fine v. Posner

52985/22 King-Blake v. Lyft Inc. Et
Al

510814/25 Pena v. 20 Graham Plaza

511363/23 Simon v. St. Marks Mgt.

Llc Et Al

501991/23 Srour v. Mann

50396/21 Umoh v. Universal

Television LLC

53355/23 Wigder v. Goodman

**Commercial
Division
Part 10**

Justice Larry D. Martin

360 Adams Street

Phone 347-296-1634

Room 741

WEDNESDAY, JULY 30

512115/14 Hsbc Bank USA v.

Bartholomew

**Commercial
Division
Part 12**

Justice Reginald Boddie

360 Adams Street

Phone 347-401-9127-1594

Room 366

TUESDAY, JULY 29

514624/25131 Morgan Hldg. Corp.

v. Verizon NY Inc.

515687/242351 Bedford Hldg. v.

Flatbush Funding

501041/24 Attentive Home Care

Agency, Inc. v. Gogrichian

508760/25 Bank of America v.

Dagim Tahorim Co., Inc. Et Al

530939/24 Belton v. First Baptist

Church of Brownsdale, Inc.

505697/19 Disano Const. Co., Inc. v.

Deg Ny Inc.

509210/25 Faxa, Inc. v. Travelers

Casualty And Surety Co. of

America

519813/24 Finkelstein v. Keller

510914/16 Joseph v. Rassi

502527/15 NYC Const. v.

Morgenthaler Schwity, LLC

514981/24 Shanthi Ratty, LLC v. All Star 1

Llc Et Al

501280/21 Shouela v. Shouela

517590/20 War Road Music v. Ditto

530498/21 Zwebner v. Strulovitch

WEDNESDAY, JULY 30

503153/18 Mobitron Group Inc. v.

Brisa Builders Corp

**Med Mal
Trial Readiness
Part**

Justice Ellen M. Spodek

360 Adams Street

Phone 347-296-1620

Room 723

TUESDAY, JULY 29

508509/25 Burnett v. Bklyn.

Center For Rehabilitation And

Healthcare

522844/18 Diana Shamailev v.

Rabovetskaya

526168/19 Diana Shamailev v. NYU

School of Medicine Et Al

518733/22 Kamkins v. Puccia Md

517928/21 Mujaffar v. Defazio M.D.

509966/21 Samuels v. Crothall

Healthcare Inc.

WEDNESDAY, JULY 30

501765/18 Thomas-Purvis v.

Schulman And Schachne

**Med Mal
Early Settlement
Part 5**

320 Jay Street

Phone 347-296-1082

Courtroom 18.36

**Med Mal
Early Settlement
Part 6**

Justice Nedine D. Edwards

360 Adams Street

Phone 347-401-9799

Courtroom 775

TUESDAY, JULY 29

518309/21 Bailey v. Spf Fawn

Holdings

509109/22 Lermer-Zwick v. Brill Md

WEDNESDAY, JULY 30

514124/20 Chin v. Northwell Health,

Inc. Et Al

**Med Mal
Early Settlement
Part 7**

Justice Consuelo Mallafre

Melendez

360 Adams Street

Phone 347-401-9405

Courtroom 561

TUESDAY, JULY 29

504014/20 Minevich v. Bandari

524122/19 Sterlacci v. Mill Basin

Multi Medicine

WEDNESDAY, JULY 30

519976/24 Babich v. NYCH&HC

Corp. Et Al

506286/25 Blash v. Aspen Dental

Mgt. Inc. Et Al

531271/23 Bowers v. NYCH&HC

Corp. D/b/a Coneys Island Hosp.

506253/21 Franklin v. De Meo Dpm

501265/24 Hadira Abdullah-

Kasim As Administratrix v.

The Schulman And Schachne

Institute For Nursing And

Rehabilitation, Inc.

517180/24 Hains v. Greuner Md

513632/21 James v. NYCH&HC

Corp. Et Al

516255/20 Joel Roberts-Robles As

Administrator of The Estate of

Carrie Roberts v. NYCH&HC

Corp. D/b/a NYCH&HC/woodhull

501138/25 Kevin Dantzer v.

Wendler, Inc.

**Med Mal
Default Judgment
Motion Part**

360 Adams Street

Courtroom TBA

TUESDAY, JULY 29

524540/23 Libratty v. Girard-

Miller

514386/24569 St. Marks v. Greco

Roman Design Corp.

530222/24 Aligood v. Mohan 522

514635/24 American Transit Ins.

Co. v. 5 Borough Anesthesia

Rehabilitation, Inc.

517106/24 American Transit Ins.

Co. v. Active Physical Therapy

Services LLC Et Al

516463/24 American Transit Ins.

Co. v. Advantage Diagnostics

Clinical Laboratory

501794/24 American Transit Ins.

Co. v. Alliance Medical Goods

Services Et Al

**Default Judgment
Motion Part**

360 Adams Street

Courtroom TBA

TUESDAY, JULY 29

Motion

524540/23 Libratty v. Girard-

Miller

514386/24569 St. Marks v. Greco

Roman Design Corp.

530222/24 Aligood v. Mohan 522

514635/24 American Transit Ins.

Co. v. 5 Star Chiropractic

Services

517106/24 American Transit Ins.

Co. v. Active Physical Therapy

Services LLC Et Al

516463/24 American Transit Ins.

Co. v. Advantage Diagnostics

Clinical Laboratory

501794/24 American Transit Ins.

Co. v. Alliance Medical Goods

Services Et Al

**Default Judgment
Motion Part**

360 Adams Street

Courtroom TBA

TUESDAY, JULY 29

Motion

524540/23 Libratty v. Girard-

Miller

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Contact: Carol Robertson

Phone: 212.457.7850

Email: crobertson@alm.com

FOUNDATIONS

THE ANNUAL RETURN OF THE HERBERT AND DOROTHY KUNSTADT FOUNDATION, INC. For the 2024 year ended April 30, 2025 is available at its principal office located at 870 FIFTH AVE APT 14A, NEW YORK, NY 10065 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is HERBERT KUNSTADT.

12106 jy29

LIQUOR LICENSES

NOTICE IS HEREBY GIVEN that an On-Premise Restaurant Full Liquor License, NYS Application ID: NA-0340-25-122131 has been applied for by 520 Henny LLC d/b/a The Starling serving beer, wine, cider and liquor to be sold at retail for on-premises consumption in a restaurant with one additional bar, for the premises located at 520 8th Avenue New York NY 10018. 12307 jy29-Tu au5

NOTICE IS HEREBY GIVEN that an On-Premise Restaurant Full Liquor License, NYS Application ID: CL-25-102913-01 has been applied for by Boni Restaurant LLC serving beer, wine, cider and liquor to be sold at retail for on-premises consumption in a restaurant for the premises located at 238 Mott St Store 4 and 5 New York NY 10012-5761. 12308 jy29-Tu au5

NOTICE IS HEREBY GIVEN that an On-Premises Food & Beverage-Business Wine License, NYS Application ID NA-0267-25-221086 has been applied for by 470 Broome Cafe LLC d/b/a 470 Broome St to sell beer, wine and cider at retail in an on-premises Food & Beverage-Business-Wine establishment. For on-premise consumption under the ABC law at 55 1/2 Greene Street New York NY 10013-5309. 12309 jy29-Tu au5

LIMITED LIABILITY ENTITIES

JOSEPH PHAM, NURSE PRACTITIONER IN ACUTE CARE NY PLLC, Filed with SSNY on 05/07/2025. Office location: Nassau County. SSNY designated as agent for process and shall mail to: 46 BARNES ST, LONG BEACH, NY 11561. Purpose: NP IN ACUTE CARE 11092 jy1-Tu au5

TALK TIME SPEECH LANGUAGE PATHOLOGY PLLC, Filed with SSNY on 03/10/2025. Office location: Nassau County. SSNY designated as agent for process and shall mail to: 16 FOREST ROW, GREAT NECK, NY 11023. Purpose: SPEECH LANGUAGE PATHOLOGY 11094 jy1-Tu au5

AN Anesthesia PLLC, Art. of Org. filed w/ Sec of State NY (SSNY) 7/18/25. Office in Nassau Co. SSNY desig. agent of LLC upon whom process may be served & shall mail process to 811 Wilson St, Valley Stream, NY 11581. Purpose: Medicine. 12026 jy22-Tu au26

STILL WATERS NLP IN PSYCHIATRY PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 07/21/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to The PLLC, 838 Pepperidge Rd, Westbury, NY 11590. Purpose: To Practice The Profession Of Nurse Practitioner in Psychiatry. 12022 jy22-Tu au26

CARAVELLO MEDICAL WELLNESS NY PLLC Art. of Org. Filed Sec. of State of NY 7/16/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: The LLC, 1834 Doria Lane South, Bellmore, NY 11710, USA. Purpose: Profession of Medicine. 12127 jy29-Tu s2

EISENBERGER AND BINDIGER ORTHODONTICS AT LONG ISLAND, PLLC. Filed with SSNY on 02/19/2025. Office location: Nassau County. SSNY designated as agent for process and shall mail to: 230 HILTON AVE, STE. 116, HEMPSTEAD, NY 11550. Purpose: DENTISTRY 12335 jy29-Tu s2

LENA LI GUO, NURSE PRACTITIONER IN ADULT HEALTH PLLC, Filed with SSNY on 03/26/2025. Office location: Nassau County. SSNY designated as agent for process and shall mail to: 20 STRATHMORE RD, GREAT NECK, NY 11023. Purpose: NP IN ADULT HEALTH 12317 jy29-Tu s2

LIMITED LIABILITY ENTITIES

HIGH FIVE OCCUPATIONAL, PHYSICAL & SPEECH THERAPY PLLC, Filed with SSNY on 06/02/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 18 THE PROMENADE, GLEN HEAD, NY 11545. Purpose: Occupational Therapy, Physical Therapy, Speech Language Pathology 12322 jy29-Tu s2

LL INJURY LAW, PLLC, Filed with SSNY on 08/09/2024. Office location: New York County. SSNY designated as agent for process & shall mail to: 700 BROADWAY, FL 2, NEW YORK, NY 10003. Purpose: LAW 12311 jy29-Tu s2

REGIONAL PODIATRY CONSULTANT PLLC, Filed with SSNY on 05/28/2025. Office location: Nassau County. SSNY designated as agent for process & shall mail to: 299 PARK AVE 16TH FLR, NEW YORK, NY 10171. Purpose: Any Lawful 11678 jy15-Tu au19

AVIHIRD LLC, Filed with SSNY on 06/17/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 18 THE PROMENADE, GLEN HEAD, NY 11545. Purpose: Any Lawful 12336 jy29-Tu s2

NOTICE OF FORMATION OF THE TOWNSEND LAW FIRM, PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 5/27/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: any lawful act. 10235 Jy01-T Au05

NOTICE OF FORMATION OF WEST ATLANTIC LAW FIRM, PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 5/8/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 104 West 40th St, Ste 400, New York, NY 10018. Purpose: any lawful act. 9585 Jy01-T Au05

NOTICE OF FORMATION OF Upwards Mental Health Counseling NYC, PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 4/25/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 435 Central Park West, Apt 2, New York, NY 10025. Purpose: any lawful act. 11361 Jy08-T Au12

NOTICE OF FORMATION OF Manhattan Licensed Clinical Social Work PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 5/16/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 22 East 36th St, Apt 6A, New York, NY 10016. P/B/A: 280 Madison Ave, Ste 311, New York, NY 10016. Purpose: any lawful act. 11513 Jy15-Tu au19

NOTICE OF FORMATION OF SAIGAL PSYCHOLOGY PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 4/14/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to Mailbox 437, UPS Store, 108 1st Ave, New York, NY 10009. Purpose: any lawful act. 11515 Jy22-T Au26

NOTICE OF FORMATION OF THERA Rehab Physical and Occupational Therapy PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 6/20/2025. Office location: NY County. SSNY designated as agent for process and shall mail to: 351 WEST 17TH ST, NEW YORK, NY 10018. Purpose: Any Lawful 11980 Jy22-Tu au26

NOTICE OF FORMATION OF M&T HOSPITALITY GROUP LLC, Filed with SSNY on 01/28/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 351 WEST 17TH ST, NEW YORK, NY 10018. Purpose: Any Lawful 11990 Jy22-Tu au26

NOTICE OF FORMATION OF SAIGAL PSYCHOLOGY PLLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 4/14/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to Mailbox 437, UPS Store, 108 1st Ave, New York, NY 10009. Purpose: any lawful act. 11515 Jy15-Tu au19

NOTICE OF FORMATION OF BURNHAM & GOROKHOV, PLLC, Application for Authority filed with Secy. of State of NY (SSNY) on 6/2/2025. Office loc: NY County. PLLC Formed in VA on 11/14/2006. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 175 Washington, DC 20006. PLLC address in VA: 1765 Duke St, Alexandria, VA 22314. Cert. of PLLC filed with Secy. of State of VA loc: 1300 E Main St, Richmond, VA 23219. Purpose: any lawful act or activity. 12278 Jy29-T S02

NOTICE OF FORMATION OF NABIL ALIFFI LLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 6/25/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 60 E 8 St, #14N, New York, NY 10003. Purpose: any lawful act. 12280 Jy29-T S02

NOTICE OF FORMATION OF SAMAGINATION ARTISTRY LLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 9/16/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 228 Park Ave S, #515693, New York, NY 10003. R/A: US Corp. Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 6244 Jy29-T S02

LIMITED LIABILITY ENTITIES

LP Equity Holdings LLC, Art. of Org. filed with the SSNY on 06/24/2025. Office: New York County. SSNY designated as agent for the LLC upon whom process against it may be served, SSNY shall mail to: 4 CRICKET LN, GREAT NECK, NY 11024. Purpose: Any Lawful 11093 Jy15-Tu au5

EMOR EQUITY LLC, Filed with SSNY on 06/13/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 4 CRICKET LN, GREAT NECK, NY 11024. Purpose: Any Lawful 11093 Jy15-Tu au5

GV118 HOLDING LLC, Filed with SSNY on 05/23/2025. Office: New York County. SSNY designated as agent for process & shall mail to: C/O COHEN & FRANKEL, LLP, 11 EAST 44TH ST, #1800, NEW YORK, NY 10017. Purpose: Any Lawful 11991 Jy22-Tu au26

FRESHISNOW, LLC, Art. of Org. filed with SSNY 10-25-2023. Office Location: NY County. SSNY designated as agent of the LLC for service of process. SSNY shall mail a copy of any process to, c/o Leech, Tishman, Robinson Brog PLLC, Attn: Leonard B. Nathanson, Esq., 875 Third Ave., 9th Fl., NY, NY 10022. Purpose: Any Lawful 11090 Jy1-Tu au5

MPAD 4 LLC, Filed with SSNY on 05/02/2025. Office: New York County. SSNY designated as agent for process & shall mail to: C/O COHEN & FRANKEL, LLP, 11 EAST 44TH ST, #1800, NEW YORK, NY 10017. Purpose: Any Lawful 11993 Jy1-Tu au5

13HEMLOCKROAD, LLC, Filed with SSNY on 05/15/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 288 TITICUS RD, NORTH SALEM, NY 10560. Purpose: Any Lawful 11677 Jy15-Tu au19

NOTICE OF FORMATION OF PODIATRY CONSULTANT PLLC, Filed with SSNY on 05/28/2025. Office location: Nassau County. SSNY designated as agent for process & shall mail to: 299 PARK AVE 16TH FLR, NEW YORK, NY 10171. Purpose: Any Lawful 11678 Jy15-Tu au19

DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11679 Jy15-Tu au19

MUNTER KOENIG STRATEGY GROUP LLC filed Arts. of Org. with the Secy. of State of NY (SSNY) on 5/2/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail to: The LLC, 519 East 72nd Street, Ste 103, NY, NY 10021. Purpose: Any Lawful 11681 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11682 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11683 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11684 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11685 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11686 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11687 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11688 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11689 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11690 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11691 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11692 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11693 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11694 Jy15-Tu au19

NOTICE OF FORMATION OF DAPXT, LLC, Arts. of Org. filed with the SSNY on 06/26/2025. Office: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1350 Ave of The Americas, Fl 2 #1068, New York, NY 10019. Purpose: Any Lawful 11695 Jy15-Tu au19

SUMMONS

SUPPLEMENTAL SUMMONS WITH NOTICE

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF RICHMOND, NYCL 1998-2 TRUST AND THE BANK OF NEW YORK MELLON, AS COLLATERAL AGENT AND CUSTODIAN Plaintiffs, v. The heirs-at-law, next of kin, distributees, executors, administrators, assignees, lienors, creditors, successors-in-interest and generally all persons having or claiming under, by or through MORRIS SERCARZ, by purchase, inheritance, lien or otherwise of any right, title or interest in and to the premises described in the complaint herein, and all the creditors thereof, and the respective wives, or widows of his, if any, all of whose names and addresses are unknown to Plaintiffs. The heirs-at-law, next of kin, distributees, executors, administrators, assignees, lienors, creditors, successors-in-interest and generally all persons having or claiming under, by or through AIDA LIBERSON AKA AIDA LIBERSON SERCARZ, by purchase, inheritance, lien or otherwise of any right, title or interest in and to the premises described in the complaint herein, and all the creditors thereof, and the respective husbands, or widows of hers, if any, all of whose names and addresses are unknown to Plaintiffs. The heirs-at-law, next of kin, distributees, executors, administrators, assignees, lienors, creditors, successors-in-interest and generally all persons having or claiming under, by or through JOEL SERCARZ; LISA KERN; SARAYANA CELADA a/k/a SARAYANA SERCARZ; and JOHN DOE #1 through "JOHN DOE #100, the names of the last 100 defendants being fictitious, the true names of said defendants being unknown to plaintiffs, it being intended to designate fee owners, tenants or occupants of the liened premises and/or persons or parties having or claiming an interest in or lien upon the liened premises, if the aforesaid individual defendants are living, and if any or all of said individual defendants be dead, their heirs at law, next of kin, distributees, executors, administrators, trustees, committees, devisees, legatees, and the assignees, lienors, creditors and successors in interest of them, and generally all persons having or claiming under, by, through, or against the said defendants named as a class, of any right, title or interest in or lien upon the premises described in the complaint herein, Defendants. Date Filed: Index No.: 150982/2024 Tax Parcel Address: Lippett Avenue, Staten Island, New York, Borough: Staten Island Block: 6402 Lot: 15 Building Class: V0 Vacant Land Residential. Tax Lien Servicer: MTAG Services, LLC Tax Lien Servicer Phone #: (800) 750-9210 TO THE ABOVE NAMED DEFENDANTS: YOU ARE HEREBY SUMMONED to answer the amended complaint in the above-entitled foreclosure action, and to serve a copy of your answer on Plaintiffs' attorney within thirty (30) days after the service of this summons, exclusive of the day of service or within thirty (30) days after completion of service where service is made in any other manner than by personal service within the State. The United States of America, if designated as a defendant in this action, may answer or appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the amended complaint. Richmond County is designated as the place of trial. The basis of venue is the location of the subject premises. Dated: June 27, 2025 TO THE ABOVE NAMED DEFENDANTS: The foregoing summons is served upon you by publication, pursuant to an Order of Honorable Wayne M. Ozzie, a Justice of the Supreme Court, dated June 12, 2025, and filed with supporting papers in the Richmond County Clerk's Office. The object of the above action is to foreclose a right or rights of redemption which the Defendants may claim to certain real property in connection with the foreclosure of certain real property tax liens covering the property known as Lippett Avenue, Staten Island, New York, bearing tax map designation Block: 6402, Lot: 15 ("Tax Parcel"). The relief sought is the sale of the Tax Parcel at public auction in satisfaction of the tax liens. In case of your failure to appear, judgment may be taken against you in the sum of \$17,756.10, together with interest, costs, disbursements and attorneys' fees of this action, and directing the public sale of the Tax Parcel. Dated: June 27, 2025 PHILLIPS LYTHE LLP By: /s/ Anthony J. Iacchetta Attorneys for Plaintiffs, 100 South Clinton Avenue, Suite 2900, Rochester, NY 14604 Telephone No. (585) 758-2110 1188 188-Tu jy29

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of RIMAYA WOOSTER LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/21/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 11288 11289 Jul29 tu Sept2

NOTICE OF FORMATION of ULTRA WORLD PODCAST LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/17/25. Office location: NY County. Princ. of office of LLC: 49 W. 27th St., 9th Fl., NY, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 12266 12267 Jul29 tu Sept2

NOTICE OF FORMATION of WIMBLEDON DW LLC Filed with SSNY on 07/15/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 27 FLORAI PKWY, FLORAL PARK, NY 11001. Purpose: Any lawful activity. 12015 12016 jy22-Tu au26

NOTICE OF FORMATION of AUHOF ADVISORY LLC Art. of Org. Filed Sec. of State of NY 7/22/2025. Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc. to: Philipp Schnabl, 110 Bleeker Street, Apt 25A, New York, NY 10012, USA. Purpose: Any lawful purpose. 10881 10882 jy01-T Au05

NOTICE OF FORMATION of PENINSULA PROPERTIES LLC Art. of Org. Filed Sec. of State of NY 7/22/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process may be served & shall mail proc. to: 227 East 235 Street, Bronx, NY 10470, USA. Purpose: Any lawful purpose. 12298 12299 jy29-Tu au2

NOTICE OF FORMATION of N of JEB Creations LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 3/24/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served & shall mail proc. to: 732 COMMERCE ST, THORNWOOD, NY 10594. Purpose: Any lawful activity. 11081 11082 jy29-Tu au2

NOTICE OF FORMATION of Uwabedile Brands LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 3/12/2025. Office location: BX County. SSNY designated as agent upon whom process may be served & shall mail copy of process against LLC to: 1230 Lexington Ave, Flr 2, #1379 New York, NY 10028. Purpose: Any lawful act. 10881 10882 jy01-T Au05

NOTICE OF FORMATION of N of Design by KMM LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/12/2025. Office location: NY County. SSNY designated as agent upon whom process may be served & shall mail proc. to: 90 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: Any lawful activities. 11083 11084 jy1-Tu au5

NOTICE OF FORMATION of N of Design by KMM LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/12/2025. Office location: NY County. SSNY designated as agent upon whom process may be served & shall mail proc. to: 90 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: Any lawful activities. 11083 11084 jy1-Tu au5

NOTICE OF FORMATION of PENSILVA PROPERTIES LLC Art. of Org. Filed Sec. of State of NY 7/22/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process may be served & shall mail proc. to: 227 East 235 Street, Bronx, NY 10470, USA. Purpose: Any lawful purpose. 11086 11087 jy1-Tu au5

NOTICE OF FORMATION of N of Two Dragons Productions LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 06/17/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: Any lawful activities. 11088 11089 jy22-Tu au26

NOTICE OF FORMATION of 2500 BOSTON ROAD LLC Filed with SSNY on 07/23/2025. Office: Bronx County. SSNY designated as agent for process & shall mail to: 732 COMMERCE ST, THORNWOOD, NY 10594. Purpose: Any lawful activity. 11081 11082 jy1-Tu au5

NOTICE OF FORMATION of N of Atelier Ote HOME LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 4/25/2025. Office location: NY County. SSNY designated as agent upon whom process may be served & shall mail copy of process against LLC to: 237 East 20 St. Ste 4AB, New York, NY 10003. R/A: US Corp. Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: Any lawful act. 11141 11142 jy08-T Au12

NOTICE OF FORMATION of N of Leslie M. Faerstein LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/20/2025. Office location: NY County. SSNY designated as agent upon whom process may be served & shall mail copy of process against LLC to: 228 Park Ave S #365018, New York, NY 10003. R/A: US Corp. Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: Any lawful act. 11143 11144 jy08-T Au12

NOTICE OF FORMATION of N of Leslie M. Faerstein LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/20/2025. Office location: NY County. SSNY designated as agent upon whom process may be served & shall mail copy of process against LLC to: 228 Park Ave S #365018, New York, NY 10003. R/A: US Corp. Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: Any lawful act. 11145 11146 jy15-T Au19

NOTICE OF FORMATION of N of 385 BLANK PAGE LLC Arts. of Org filed with SSNY on 04/02/2025. Office: New York Co. SSNY designated as agent for process and shall mail copy to LLC at 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 10749 10750 jy24-T Jy29

NOTICE OF FORMATION of N of FEC REPLACEMENT DEVELOPER, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/22/25. Office location: NY County. Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 8 Colony Street Hicksville, NY 11801. Purpose: Any lawful act. 12292 12293 Jul29 tu Sept2

NOTICE OF FORMATION of N of AHK CONSULTING GROUP LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/23/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 302 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 4115 51st St, A23, Woodside, NY 11377. Purpose: any lawful act. 11662 11663 jy15-T Au19

NOTICE OF FORMATION of N of BENDICION BAKERY LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/23/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 4115 51st St, A23, Woodside, NY 11377. Purpose: any lawful act. 11662 11663 jy15-T Au19

NOTICE OF FORMATION of N of MONK HOOPER LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 6/23/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 3002 BK, NY 11228. Purpose: any lawful act. 11482 11483 jy15-T Au19

NOTICE OF FORMATION of N of PRESENT DAY DEVELOPMENT LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 1/22/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 307 W 38th St, 16th Floor PMB 334, New York, NY 10018. Purpose: any lawful act. 11473 11474 jy15-T Au19

NOTICE OF FORMATION of N of MADDY GREEN ASSOCIATES LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 7/1/25. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to: 5 E. 22nd St., 16th, NY, NY 10010. Purpose: any lawful act. 11696 11697 jy15-Tu au19

NOTICE OF FORMATION of N of CAPT NY LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 06/12/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: The Company, 35 Fox Run, Roslyn Hts., NY 11577, Attn: Dana Kossoff. Purpose: any lawful activity. 12286 12287 Jul29 tu Sept2

NOTICE OF FORMATION of N of RBFI, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/22/25. Office location: NY County. Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity. 12286 12287 Jul29 tu Sept2

NOTICE OF FORMATION of N of RBF1, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/22/25. Office location: NY County. Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity. 12286 12287 Jul29 tu Sept2

NOTICE OF FORMATION of N of MODISH PURSUIT LLC Arts. of Org filed with Secy. of State of NY (SSNY) on 2/24/2025. Office location: BX County. SSNY designated as agent upon whom process & shall mail copy of process against LLC to: 3300 Bailey Ave, Apt 2, Bronx, NY 10463. Purpose: any lawful act. 10799 10800 jy1-Tu au5

NOTICE OF FORMATION of N of EKOKO PAULINE SKIN LLC. Filed with SSNY on 05/22/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 1224 PACIFIC ST, APT #1B, BROOKLYN, NY 11216. Purpose: Any lawful act. 11186 11187 jy22-T Au26

NOTICE OF FORMATION of N of RBF1, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/22/25. Office location: NY County. Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity. 11186 11187 jy1-Tu au5

LIMITED LIABILITY ENTITIES

Rechler Football Holdings LLC filed w/ SSNY 7/18/25. Off. in Nassau Co. Process served to SSNY - desig. as agt. of LLC & mailed to the LLC, 85 S. Service Rd, Plainview, NY 11803. Any lawful purpose. 12088 Jul29 tu Sept2

THE SPARKLE EDIT LLC Filed with SSNY on 06/20/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 27 FLORAI PKWY, FLORAL PARK, NY 11001. Purpose: Any lawful activity. 11084 11085 jy1-Tu au5

WIMBLEDON DW LLC Filed with SSNY on 07/15/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 20 WIMBLEDON DR, ROSLYN, NY 11576. Purpose: Any lawful activity. 12015 12016 jy22-Tu au26

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: THE LLC, 425 NORTHERN BLVD., GREAT NECK, NY 11021. Purpose: any lawful purpose. 11098 11099 jy1-Tu au5

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: any lawful activities. 11098 11099 jy1-Tu au5

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: any lawful activities. 11098 11099 jy1-Tu au5

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: any lawful activities. 11098 11099 jy1-Tu au5

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: any lawful activities. 11098 11099 jy1-Tu au5

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: any lawful activities. 11098 11099 jy1-Tu au5

NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/28/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Angelo Rizzo, Esq., Barshtay, Rizzo & Lopez, PLLC, 445 Broadlawn Rd., Ste. CL18, Melville, NY 11747. Purpose: any lawful activities. 11098 11099 jy1-Tu au5

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NOTICE OF FORMATION of N of RIZZO RESTORATION LLC Arts. of Org. filed with Secy.