

## IN BRIEF

### 2nd Circuit Upholds Transfer of ICE-Detained Tufts Student to Vermont

Twenty-four hours after hearing oral arguments in the case, the U.S. Court of Appeals for the Second Circuit on Wednesday upheld an order requiring a Tufts University student detained by immigration authorities in Louisiana to be transferred to custody in Vermont for removal proceedings.

The Second Circuit said the federal trial court in Vermont is likely the proper venue to consider Rumeysa Ozturk's claim that she was arrested based only on a pro-Palestine op-ed she wrote. The appeals court noted the post-doctoral student was in Vermont and her immediate custodian was unknown when her lawyers filed her habeas petition in Massachusetts.

The U.S. Department of Justice contended that an "unknown custodian" exception to the requirement that petitioners name their immediate custodian did not apply in Ozturk's case because her whereabouts were not a "prolonged secret." But the Second Circuit rejected that argument.

"The government cites no statute or case law for this extraordinary proposition, the practical effect of which would be that for some unspecified period of time after detention—seemingly however long the government chooses to take in transporting a detainee between states or between facilities—a detainee would be unable to file a habeas petition at all, anywhere," Judge Barrington Parker wrote for the court. "Such a rule finds no support in the law and is contrary to longstanding tradition."

Ozturk, who expressed support for Palestine in a student newspaper op-ed, was taken by ICE while walking in a suburb outside of Boston on March 25. The government transported her to Vermont by car and then put her on a plane to Louisiana the following day.

ICE did not disclose where

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Ozturk was until nearly 24 hours after her arrest and after her lawyers filed their habeas corpus petition in Massachusetts, which had been her last known location.

"Any confusion about where habeas jurisdiction resides arises from the government's conduct during the twenty-four hours following Ozturk's arrest," wrote Parker, joined by Judges Susan Carney and Alison Nathan.

The DOJ had argued at a hearing Tuesday that the Immigration and Nationality Act precludes judicial review over the decision where to detain a non-citizen pending removal proceedings. That determination is left to the homeland security secretary, the department said in vain.

"These arguments are unlikely to succeed in no small part because our analysis is guided by longstanding principles of statutory interpretation requiring Congress to speak clearly and specifically when it wishes to deprive the federal courts of jurisdiction," Parker wrote. "Repeatedly, including in the INA context, the Supreme Court has declared that we should 'take account . . . of the presumption favoring interpretations of statutes [to] allow judicial review . . . absent clear statement."

The Second Circuit ordered that Ozturk be transferred to an ICE in the District of Vermont no later than May 14.

The Second Circuit appeal is *Ozturk v. Hyde*, No. 25-1019.

—Avalon Zoppo

### Deal Watch: A 'Resurgence' In the SPAC Market

The past week was light in mega M&A deals, with only a few deals over \$1 billion announced. IPOs have remained muted over the last several weeks, and debt offerings over \$500 million also appeared to slow down this month.

Meanwhile, the SPAC market has seen a surge. Remember SPACs? The going public vehicle, which has been around since the 1980s, saw an 18-month boom in 2020 through the beginning of 2022, sparking something of a bubble.

In the ensuing years, that bubble receded. Sometimes, a SPAC or two would

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## DECISIONS OF INTEREST

### Court of Claims

**CIVIL RIGHTS: Motion to dismiss partially granted in case concerning arrest by state trooper.** *Omphalus v. State of New York*, Court of Claims, New York.

### First Department

**REAL ESTATE LAW: Default judgment granted in foreclosure action.** *Wells Fargo Bank, N.A. v. 20 W. 37 Realty, L.L.C.*, Supreme Court, New York.

**LANDLORD-TENANT LAW: Court dismisses follow up action deeming the case would be prejudicial and confusing.** *562 West 174th Equities v. Mednik*, Civil Court, New York.

**FAMILY LAW: Prior decision upheld; court not inconvenient for matrimonial action.** *R.S.P.S. v. J.S.C.M.*, Supreme Court, Bronx.

### Second Department

**REAL ESTATE LAW: Summary judgment granted in case concerning title of land.** *350 Oxford Street Inc. v. Old Republic National Title Insurance Company Minnesota*, Supreme Court, Kings.

**LANDLORD-TENANT LAW: Court restores possession of apartment to**

tenant.

*New York City Housing Authority v. Ingram*, Civil Court, Kings.

### U.S. Courts

**CONSTITUTIONAL LAW: Plaintiff states claim for a constitutional taking; new York law affords him no remedy.** *Sikorsky v. City of Newburgh*, New York, 2d Cir.

**DISCOVERY: Court grants antitrust litigation plaintiffs supplemental discovery on future damages.** *Iowa Pub. Employees' Ret. Sys. v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, SDNY.

**CONTRACTUAL DISPUTES: Court grants plaintiff summary judgment over breaches of financing agreements.** *Northrock Mgmt. LLC v. Cohen*, SDNY.

**JUDGES: Vacatur of recused judge's rulings is proper in putative class action against Peloton.** *Passman v. Peloton Interactive Inc.*, SDNY.

**LEGAL MALPRACTICE: Parties cannot override usual rule that vicarious liability is joint, several liability.** *Applestein v. Kleinhandler*, EDNY.

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## 'The US Is the Client': Legal Experts Refute DOJ Statements On Representing Trump

BY EMILY SAUL

U.S. ATTORNEY General Pam Bondi has likened President Donald Trump to a client, calling Department of Justice attorneys "his lawyers." Interim U.S. attorney for the District of Columbia, Ed Martin, has also referred to DOJ attorneys as "President Trump's lawyers."



U.S. Attorney General Pam Bondi likened President Donald Trump to a client, calling DOJ attorneys "his lawyers."

The comments have sparked criticism for their fundamental misunderstanding of the relationship between the president and the DOJ, as two parts of the executive branch.

So who or what is the client of the DOJ? It's absolutely not the president, legal experts say.

"The universal understanding is that the United States is the client, not the president," said professor Bruce Green, the Louis Stein Chair at Fordham Law School where he directs the Louis Stein Center for Law and Ethics. "I think there is a debate about who gets to make decisions for the client, for the United States," Green added. "But nobody thinks the president is the client of the Justice Department."

The relationship is admittedly unique. As Green put it, there is no "flesh-and-blood client"—the United States is a sovereign and is unable to speak for itself.

"The prosecutor is, in effect, the client and the lawyer for the client, because there's no one else to go to," explained Stephen Gillers, Elihu Root Professor of Law Emeritus at New York University.

The interests of the United States, the client, are interpreted by people, such as individual U.S. attorneys and the attorney general. The president of the United States establishes priorities, which are followed by the administration, including its prosecutors.

That individual prosecutor, observers agreed, has the authority to make a decision on behalf of the public.

But a prosecutor maintains an obligation to "do justice" on behalf of that public, noted Rebecca Roiphe, Joseph Solo-



The deal comes 13 years after attorney Anthony DiPietro began representing patients of Robert Hadden, an OB-GYN at Columbia University Medical Center and New York-Presbyterian Hospital.

## Columbia Abuse Cases Settled for \$750M; Survivors Praised For Stepping Forward

BY ALYSSA AQUINO

COLUMBIA University will pay hundreds of women \$750 million to resolve claims that it enabled their abuser, the former OB-GYN Robert Hadden, to assault patients under the guise of providing medical treatment. Here, their attorney, Anthony DiPietro,

talks about how he got the deal. DiPietro announced the settlement on Monday, saying the deal would resolve 576 cases that he had lodged against the university in the Manhattan state court.

The deal comes 13 years after DiPietro first began representing former patients of Robert Hadden, an OB-GYN who practiced at the Columbia University

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Jeh Johnson's exit plan announcement comes less than two months after Paul Weiss struck a deal with President Donald Trump to rescind an executive order against the firm.

## Paul Weiss Partner Jeh Johnson Plans Exit

BY PATRICK SMITH

PROMINENT litigation partner Jeh Johnson is planning to retire from Paul, Weiss, Rifkind, Wharton & Garrison this summer and will serve as co-chair of Columbia University's board of trustees, the school said this week.

The announcement comes less than two months after Paul Weiss struck a deal with President Donald Trump to rescind an executive order against the firm. The deal included "a number of policy changes to promote equality, justice, and the principles," the White House said on March 21, including \$40 million in pro bono work toward specific causes.

Johnson served in the Obama administration as general counsel of the Defense Department from 2009-2012 and Secretary of Homeland Security from 2013-2017. Earlier in his career, he was

general counsel of the Air Force Department and an assistant U.S. Attorney for the Southern District of New York.

Since returning to Paul Weiss in 2017, Johnson has been co-chair of the firm's cybersecurity and data protection practice and has advised high-tech companies, private equity firms and government contractors on cybersecurity, national security, data privacy, government relations, crisis management, high-stakes litigation and regulatory matters.

The Columbia announcement said he will retire from the firm effective June 30, 2025.

"Columbia is in my blood-stream," he said in a statement. "Four generations of my family have degrees from Columbia University. As co-chair of the Board of Trustees, I will work to preserve and promote the greatness and values of our University and will be committed to the wel-

## Former State Bar President Who Brought 'Controversial' Suit Against Government Dies at 85

BY BRIAN LEE

FUNERAL services were held Tuesday at the Plaza Jewish Community Chapel in Manhattan for Joshua Pruzansky, a "dynamic" former president of New York's largest bar, who once sued former Attorney General Janet Reno.

Pruzansky, president of the New York State Bar Association from



Joshua Pruzansky was a child of immigrants who came to America, escaping brutal antisemitism.

1997-1998, practiced general law on Long Island for more than 50 years. He died on May 2 at age 85.

Pruzansky ran a general practice focused on elder law, estate planning, and real estate transactions, "the kind of old-school

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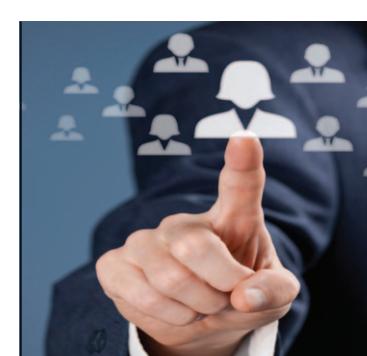
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#### » Court Calendars

Civil and Supreme Court calendars for New York and surrounding counties are now available weeks in advance at [nylj.com](http://nylj.com). Search cases by county, index, judge or party name. Important Part information, including addresses, phone numbers and courtrooms are updated daily. Only at [nylj.com](http://nylj.com).

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## DOJ, FTC Push Agencies to Identify, Rescind Anticompetitive Regulations

BY DAN NOVAK

WASHINGTON, D.C.

THE LEADERS of the Federal Trade Commission and the U.S. Department of Justice's Antitrust Division on Monday requested that federal agency heads identify anticompetitive regulations to target for elimination.

In a joint letter, FTC Chair Andrew Ferguson and Assistant U.S. Attorney General Gail Slater directed agencies to review regulations for anticompetitive effects, such as those that foster monopolies, build unnecessary barriers for new market participants and limit competition.

The letter follows President Donald Trump's April 9 executive order calling on federal agencies to repeal regulations that reduce competition, entrepreneurship

and innovation. The DOJ created an Anticompetitive Regulations Task Force in late March, as well.

"Anticompetitive federal regulations harm ordinary Americans in many ways," Ferguson and Slater wrote in the letter.

"They lead to higher prices, lower quality goods and services, less innovation, and fewer opportunities to earn a living," the officials added. "The rescission or modification of anticompetitive federal regulations is essential to achieving the economic growth envisioned by President Trump."

The government's leading antitrust enforcers said agencies should focus on removing regulations that harm consumers in health care, energy, technology, agriculture, transportation and government procurement, as well as in other industries. The agencies should submit a list of those



Assistant U.S. Attorney General Gail Slater, left, who heads the Justice Department's Antitrust Division, and Andrew Ferguson, right, chair of the Federal Trade Commission.

regulations to the DOJ and FTC by June 18, the letter stated.

The DOJ has long stated a desire to eliminate regulations that hinder

competition in both Republican and Democratic administrations. The DOJ task force formalizes the department's prior efforts to eliminate anticompetitive regulations and assist agencies in doing so, said Makan Delrahim, who served as assistant U.S. attorney general in charge of the Antitrust Division during the first Trump administration. "There's not one formal way of looking at new rules, even old rules, for purely their competitive effect," said Delrahim, now a partner at Latham & Watkins. "But they can be pernicious."

The FTC and DOJ can assist other agencies rescinding anticompetitive regulations by providing expertise, helping modify or change existing rules and submitting comments, Delrahim added.

"I see this as a pretty bipartisan effort to use the laws to root out anticompetitive regulation," he said.

Part of the DOJ's role is to promote competition in American markets and the department will provide substantive analysis of any rule's competitive effects based on antitrust law and principles, said former DOJ antitrust attorney Ann O'Brien.

The task force, which is inviting the public to submit anticompetitive regulations for review, is a good chance for industry to have their voice be heard by regulators, O'Brien added.

"I'm always looking for opportunities for clients that I advise to engage with government in an area where they think it's anti-competitive," said O'Brien, a partner at Sheppard, Mullin, Richter & Hampton. "I think it's good to be able to do that."

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## Zuckerberg's Internal Emails May Doom Meta's Bench Trial Defense, Experts Say

BY SULAIMAN ABDUR-RAHMAN

WASHINGTON, D.C.

INTERNAL communications from Meta Platforms Inc. CEO Mark Zuckerberg may hurt the company's ability to fight off Federal Trade Commission antitrust claims in court, according to legal observers of the *FTC v. Meta* bench trial.

"The evidence has grown stronger throughout the trial," said Slade Bond, public policy and legislative affairs chair at Cuneo Gilbert & LaDuka. "We are seeing, day after day, fresh new evidence building on the case."

U.S. District Chief Judge James E. Boasberg of the District of Columbia has heard live testimony from multiple witnesses since the trial began April 14, including Zuckerberg and former Meta executive Sheryl Sandberg.

The FTC alleges Meta maintained an unlawful monopoly in social networking services through its 2012 acquisition of Instagram and its 2014 acquisition of WhatsApp.



Mark Zuckerberg, CEO of Meta, testifies before the Senate Judiciary Committee during a hearing titled "Big Tech and the Online Child Sexual Exploitation Crisis," in January 2024.

Meta denies the allegations, arguing its acquisitions of complementary apps benefited consumers and that the Menlo Park, California-based company does not have monopoly power in the com-

petitive social networking services market.

Zuckerberg's internal emails contemplating a breakup of Instagram, testimony of TikTok not viewing Meta as a direct com-

petitor and other revelations "completely undercut" Meta's affirmative defenses, said Bond, a former U.S. Department of Justice principal deputy assistant attorney general and former chief counsel of the antitrust subcommittee in the U.S. House of Representatives.

Boasberg "was very critical of Meta's argument that it basically competes with anyone who has Meta's functionality," Bond added. "I think Instagram is a clear-cut candidate for a breakup."

"The FTC's case has gained momentum, and it now has a better than 50-50 chance of winning," Susman Godfrey partner Barry Barnett said Monday. "For two main reasons, Mark Zuckerberg's testimony likely hurt Meta's defense more than it helped. In the first place, any judge hearing the case would worry about a \$1.5 trillion global enterprise that has direct access to 3.35 billion daily users. The worry would heighten if its power lay in the hands of a single person—a

40-year-old college dropout, say. Seeing that person in the witness chair would give that concern a physical presence."

"Nor did [the] substance and manner of Zuckerberg's testimony seem to reassure Chief Judge Boasberg," Barnett added. "On the crucial question—whether Meta/Facebook bought WhatsApp and Instagram so it could keep users despite giving them worse service—Zuckerberg had to fight too many of his own emails and lost credibility as he did so."

The FTC filed a notice Monday asking Boasberg to admit 15 expert reports into evidence.

"Courts presiding over complex antitrust bench trials routinely cite and rely on expert reports," counsel for the FTC wrote in the notice. "Courts may admit expert reports—even when they contain otherwise inadmissible evidence, like hearsay—where the Court sits as the finder of fact. Where there is no jury, there is no risk of tainting the trial by exposing a jury to unreliable evidence."

Counsel for Meta filed an opposition brief arguing the expert reports are 2,900 pages of "classic inadmissible hearsay" that would "unfairly prejudice Meta."

"If the FTC's expert reports are evidence, then the FTC can use them during post-trial briefing to backfill expert testimony with opinions and supporting materials the expert did not introduce or rely on at trial—and therefore were not subject to Meta's cross examination," Mark C. Hansen of Kellogg, Hansen, Todd, Figel & Hampton said.

The FTC as of Tuesday has not ruled on whether to admit or exclude the FTC's expert reports.

The trial is expected to conclude in July, and Boasberg later in the year may issue a ruling on whether Meta violated Section 2 of the Sherman Act.

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## Build and Invest—Not 'Churn and Burn'—Are the Professional Development Keys To Outperforming the Market

BY AMANDA O'BRIEN

AS SURGING revenue and profits amplify a compensation arms race and an ever-present war for talent within the legal industry, firms in the Second Hundred are leveraging culture and professional development in competing with larger ones.

Specifically, law firm leaders emphasized the importance of professional development as a means of recruiting and retaining talent.

Meanwhile, as the market changes rapidly, professional development programs are evolving, with programming increasingly directed toward ultimately enhancing the client experience.

"The adage holds true—firms must learn faster than their clients," observed Clinton Gary, CEO of legal industry consulting firm CREDO. "Firms that have better professional development will more likely deliver greater value, better service, and be positioned to deliver more services, moving them into [a] trusted advisory position."

Marcie Borgal Shunk, president and founder of The Tilt Institute in Houston, also described the importance of keeping up with broader changes to how legal services are delivered, and the impact of this transformation on professional development.

"Historically, we were able to learn and master each piece of information that would serve us well for years or even decades, but because things are changing so much more rapidly than ever before, we don't need to master what we know, we need to master how to learn things every day," she



Marcie Borgal Shunk, The Tilt Institute



Joseph Hanna, Goldberg Segalla

said. "It's a different skillset, and it's driving professional development."

For firm leaders, meanwhile, recruitment and retention is front of mind when it comes to professional development.

"The reason why this is important is that it's always infinitely easier to help someone who's already here improve rather than churn and burn like some of the bigger firms do," said Jennifer Martinez, chief diversity, equity and inclusion officer at Second Hundred firm Hanson Bridgett.

"We make investments in people the same way as we invest in real estate and technology."

Joseph Hanna, hiring partner and diversity task force chair at Second Hundred firm Goldberg Segalla, arrived at a similar conclusion.

"As a recruiting strategy, when I make an offer for the firm, I want the attorney to be here [for] the rest of their career. We want to roll out the red carpet and invest in our lawyers, and that commitment has certainly helped in our retention," Hanna said. "We have our highest attorney count that we've ever had. We're focusing on growth and this professional development piece of the bigger picture."

And with that retention comes enhanced profitability, Shunk observed.

"Retention is less tangible, but

there is a cost if you are losing people on a regular basis. Retention helps drive the bottom line and increase the financial performance of the firm, and those investments [in professional development] translate into more financially successful law firms," she said.

### Technology and AI

Generative AI took the legal world by storm in 2024, and while the predicted revolution has yet to fully take hold, Second Hundred firm leaders are not only offering training on generative AI in response to attorney demand, they are also using the technology themselves to innovate on professional development.

Professional development leaders at Hanson Bridgett, Goldberg Segalla, and Lowenstein Sandler all noted increased demand from attorneys for training on how to use AI, as did Gary at Credo.

Lowenstein, however, has gone a step further, infusing a range of its professional development efforts with technology.

"In terms of all the things we do, these days we're thinking about how we're out in front in innovative thinking and behavior—growth mindsets are really important, and so is habit development," said Patti Scott, director of professional development at the

Second Hundred firm. "These days we know the current professional has to have an authentic and active personality, especially with AI, and they need to combine new habits with using the tools."

According to Scott, the firm has been using AI to help associates "conquer the blank page" when it comes to writing up their self-assessments for reviews; partners have also been using AI to help summarize assessments in preparation to write a final review.

"We have such high participation in the performance review process, it can be difficult for partners to synthesize so many voices. AI can take this lengthy draft review and help summarize it into an impactful career," Scott said.

In addition to adopting a "robust, multilayered training program" for both attorneys and the firm's business support group to use Microsoft CoPilot, the firm has also incorporated technology in day-to-day feedback processes.

"Last year into this year, we piloted a real-time feedback process...[that] gives associates the ability to solicit performance feedback real time through a tool," Scott said. Associates can send a form with five standard questions to a supervisor after completing a piece of work. The pilot program confirmed that the feedback form could be filled out in less than 10 minutes, preventing feedback from going stale, and allows attorneys to get feedback before it comes time for individual reviews, Scott said.

The firm has also employed technology in its work-allocation process. Through a program called LS Assign, Lowenstein keeps track of assignments and hours, which Scott noted helps optimize

the firm's attorney utilization. "We want to look at work assignment and be able to tell a story about what it gets [attorneys] access to," Scott said. "Are they getting runways for mentorship, networking, brand development in the organization? Are they getting exposure to other associates, mid-level associates, partners, people in their practice group and other practice groups, and are more people getting eyes on their work?"

### Making a Rainmaker

Personnel at firms noted the importance of business development, marketing, and basic, hard legal skills in their professional development programs.

While hard skill training has remained fairly consistent for some time now, Shunk explained, power dynamics have shifted towards talent, who seek a different type of structure than the traditional apprenticeship model in which young lawyers would be trained one on one by a partner.

As such, Shunk said, firms have shifted towards more programmatic training on "soft skills," including business development and networking.

Teaching attorneys how to network was one new branch of programming highlighted by Hanna at Goldberg Segalla; Lowenstein Sandler's work allocation program ensures attorneys aren't falling through the cracks and are learning to network with partners internally; and Hanson Bridgett's Martinez noted it takes an individualized approach, helping attorneys interested in becoming subject matter and thought leadership experts, as well as in-person "connectors."

Gary and Shunk also noted the rise in demand for leadership-focused training, to help attorneys learn how to navigate managing a team and providing effective feedback to their reports. For example,

Hanson Bridgett's academies train first-years in hard legal skills, mid-levels on business development and other soft leadership skills, and senior associates on the business operations of the firm in preparation for becoming partner.

But not everyone at a law firm wants to be a partner in the traditional sense, Shunk noted, which is driving change in professional development offerings.

"Several years ago, talent began saying, 'We want to do things differently, we don't want the life of a traditional partner, we want more flexibility, we want to work from home, we don't want to work the same number of hours, and perhaps we want partnership tracks that don't look the same,'" Shunk said. "And all of those things put pressure on firms to do things differently."

And with those new paths for attorneys, Gary said, comes an increased need for transparency.

"If firms are going to define alternative paths, then they need to define the map to provide the attorney clarity of responsibilities to get from point A (existing title) to point B (the title or responsibility the attorney wants to get to, and the title the firm needs) and what the firm will do to help them on that journey," Gary explained. "Paths are not about profitability but maximizing talent—success and fulfillment—which maximizes effort, leading to better retention."

### 'Profit-Sharing Partner'

In response to those generational differences and uncertainties, Second Hundred firms are embracing both clarity and flexibility, with one firm even offering a third kind of partnership track to help cultivate the next generation of talent.

Armstrong Teasdale, No. 172 in this year's revenue rankings, has developed a third kind of partnership tier. Responding to

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## Expert Analysis

## FAMILY AND THE LAW

Interim Property Distributions  
In Matrimonial Actions

Domestic Relations Law §234 deals with property determinations before or after final judgment in certain matrimonial actions.

It provides, in relevant part, that in any action for divorce, for a separation, for an annulment or to declare the nullity of a void marriage, the court may (1) determine any question as to the title to property arising between the parties; and (2) make such direction, between the parties, concerning the possession of property as in the court's discretion justice requires, having regard to the circumstances of the case and of the respective parties.

Under Domestic Relations Law §234 the determination regarding title to property or direction concerning possession of property may be made in the final judgment or by one or more orders made before or after final judgment, or by both order or orders and final judgment.

In contrast, Domestic Relations Law §236(B)(5)(a) deals with property determinations and distributions in the final judgment in an action where all or part of the relief granted is divorce, the dissolution, annulment, or declaration of the nullity of a marriage, and in proceedings to obtain a distribution of marital property following a foreign judgment of divorce.

It provides that except where the parties have provided in an agreement for the disposition of their property pursuant to Domestic Relations Law §236(B)(3), the court, shall determine the respective rights of the parties in their separate or marital property, and shall provide for the disposition thereof in the final judgment.

JOEL R. BRANDES practices matrimonial law in New York City concentrating on appeals. He is the author of the twelve-volume treatise, *Law and the Family New York, 2024-2025 Edition, and Law and the Family New York Forms, 2024 Edition* (five volumes), both published by Thomson Reuters, and the *New York Matrimonial Trial Handbook, 2d Edition* (Bookbaby, 2024).



By  
Joel R.  
Brandes

Separate property shall remain such. Marital property shall be distributed equitably between the parties, considering the circumstances of the case and of the respective parties.

In the absence of a final judgment of divorce, the court is without the authority to make property dispositions under Domestic Relations Law §236(B)(5). (*Brevilus v. Brevilus*, 41 A.D.3d 630, 839 N.Y.S.2d 157 (2d Dep't 2007)).

Unlike jointly owned property or property held as tenants in common property held as tenants by entireties is not subject to partition except by mutual consent to become effective only upon dissolution of the marriage.

In addition, Domestic Relations Law §236(B)(5)(f), provides that, in addition to making determinations and distributions of separate and marital property as set forth in Domestic Relations Law §236(B)(5), "the court may make such order regarding the use and occupancy of the marital home and its household effects as provided in" Domestic Relations Law §234, "without regard to the form of ownership of such property."

Domestic Relations Law §236(B)(5)(f) makes it clear that the court may award a spouse use and occupancy of the marital home and its household effects in divorce actions, even though title to the home remains solely in the name of the other spouse.

The Supreme Court lacks authority under Domestic Relations Law §234 to determine a question as

to the title of property arising between the parties unless there is a valid dispute between them to the title of the property.

Nothing in Domestic Relations Law §234 allows the court to transfer to one spouse property belonging solely to the other. (*Dolphus v. Dolphus*, 39 A.D.2d 829, 332 N.Y.S.2d 974 (4th Dep't 1972); *McGuigan v. McGuigan*, 46 A.D.2d 665, 359 N.Y.S.2d 842 (2d Dep't 1974)).

Determinations as to title under Domestic Relations Law §234 are not discretionary but are governed by the rules of property law, because Domestic Relations Law §234 was a procedural change, not a change of substantive property law or as to the applicable criteria for determining ownership. (*Baum v. Baum*, 72 A.D.2d 781, 421 N.Y.S.2d 601 (2d Dep't 1979)).

"[T]he determination of title questions [is] to be controlled by principles of property law." (*Kahn v. Kahn*, 43 N.Y.2d 203, 401 N.Y.S.2d 47, 371 N.E.2d 809 (1977)).

The legislative history of Domestic Relations Law §234 clearly indicates that the legislature did not intend to alter existing substantive property law principles in enacting this section. Its essential purpose was procedural: to permit a court in a marital action to resolve disputes involving possession and title to property arising as an incident to the marital action. (*Kahn v. Kahn*, 43 N.Y.2d 203, 401 N.Y.S.2d 47 (1977)).

Where appropriate, the court may exclude one spouse pendente lite from the property owned solely by the other or award exclusive occupancy of a jointly owned home after trial, because this is a direction "concerning the possession" of the property within the wording of the statute. (*Watkins v. Watkins*, 19 A.D.2d 872, 244 N.Y.S.2d 86 (1st Dep't 1963); *Schwartzman v. Schwartzman*, 62 A.D.2d 988, 403 N.Y.S.2d 317 (2d Dep't 1978); *Kaplan v. Kaplan*, 66 A.D.2d 834, 411 N.Y.S.2d 406 (2d Dep't 1978)).

A tenancy by the entirety is a form of real property ownership available only to parties married at the time of the conveyance. As tenants by the entirety, » Page 8

and ownership of priority issues in the marketplace.

#### Pathways for Integration Success Using Media Relations

While every law firm has its own distinct culture and process for lateral partner integration, all firms can swiftly involve new members in their media relations efforts.

Given today's faster-than-ever news cycles and the media's constant need for informed sources for insights and analysis, robust and sustained engagement with reporters can produce meaningful media coverage quickly.

With this in mind, there are several practical steps a firm can take to help pave the pathway for effective lateral integration into the firm's media relations program.

Create a website bio that is succinct but contains specifics: Attorney bios are often the most visited pages on a law firm's website. These pages are not only visited by clients and new business prospects, but by partners within the law firm seeking to learn more about their partners. Specific areas of expertise should be highlighted, as well as representative matters, and, as appropriate, noteworthy elements of personal and professional histories. When possible, avoid large blocks of text, and instead consider the use of bullet points for clarity, impact and pithy delivery.

In addition, regularly update attorney bios to showcase recent successes and awards, as well as thought leadership demonstrated by articles and participation in noteworthy events, conferences and other forums.

Schedule intake sessions with the firm's communications team, including the external PR agency. Intake sessions, which can be conducted very efficiently (often in a half-hour or less) allow the communications team to learn a new lateral partner's specific perspectives and priorities.

By arming the communications professionals with information and insights that can be immediately leveraged with the media, new lateral partners can be "put into play" right away.

» Page 9

## LAW FIRM MANAGEMENT

## Accelerating New Lateral Partners' Integration Using Media Relations



By  
Jordan  
Friedman

And  
Ivette  
Delgado

Lateral lawyer moves hit a five-year high in 2024, with no sign of slowing down this year. A law firm that immediately integrates a lateral into the firm's strategic communications program will see benefits that include quickly establishing the lawyer's thought leadership in priority areas, as well as the direct generation of new business development opportunities.

Just this month we saw a meaningful cross-selling opportunity arise as a result of a law firm's media relations program. A new lateral partner at a national law firm was preparing for a media interview we coordinated with a reporter at a priority trade publication.

As part of his preparation, he consulted with a client for perspectives. During the conversation, his client told him about four specific services he needed. Coincidentally, the law firm represents another client that provides those services, creating an opportunity for the new hire to connect and engage with the colleague that represents the service provider.

This is a perfect example of the kind of collaboration law firms are looking for from the lateral hires they bring on, and the law firm's quick integration of the new partner into its media relations efforts can be credited for enabling this connection.

#### Facilitating the Transition from the Public Sector To Private Practice

Attorneys transitioning from the public sector bring invaluable experience to law firms. But new

JORDAN FRIEDMAN and IVETTE DELGADO are vice presidents at Infinite, a public relations firm that focuses on achieving communications success for law and professional services firms.

For external communications, media coverage secured for laterals can be leveraged internally at firms to ensure that partners throughout the firm are aware of their focus areas, so that laterals can be plugged into priority efforts to serve clients or pursue development opportunities.

For external communications, media coverage can be leveraged to highlight a lateral's strengths in areas of key importance to the firm, allowing the firm to take command

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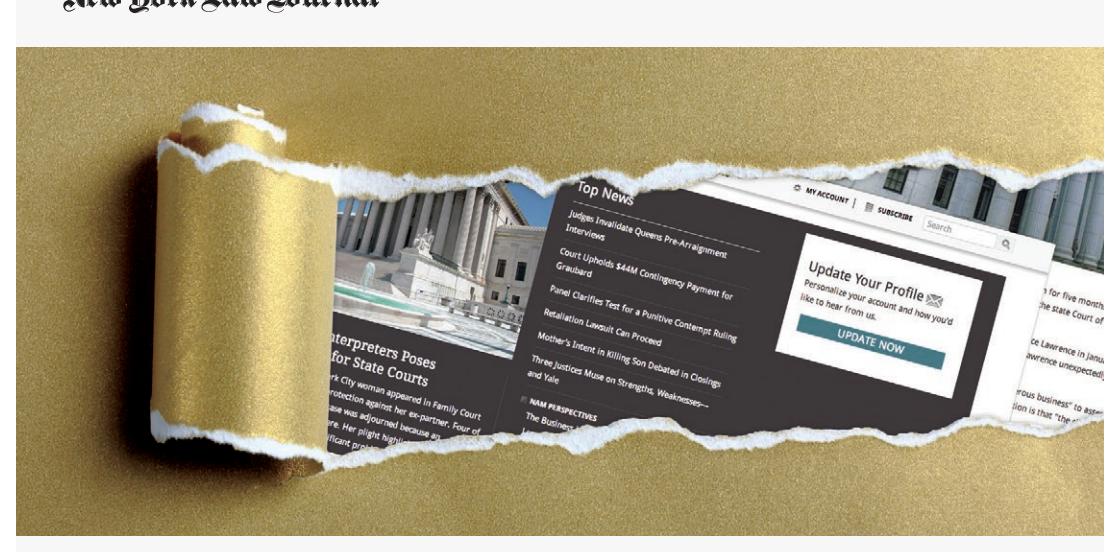
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## IN BRIEF

« *Continued from page 1*  
hit in a week, other times, there would be weeks in a row without a new SPAC.

This was not one of those weeks. In the vehicles' strongest showing since early 2022, there were eight new SPACs from April 28 through May 5. Of those eight, four were done by one duo from one firm.

Ellenoff Grossman & Schole partners Douglas Ellenoff and Stuart Neuhauser worked a full 50% of the SPACs this past week, on its busiest week in years.

Ellenoff told Law.com that the increase in the SPAC market "can be attributed to several factors."

The number of listed SPACs (that have already completed their IPOs and are in search mode for their DeSPAC partners) has declined substantially over the last few years, while "the number of more mature private companies seeking to go public (and recognize that the IPO market is shut) has increased a lot and overall valuations are much more favorable for these discussions to be productive and proceed," Ellenoff said in an email.

"In a related development, the amount of capital willing to support these transactions has dramatically increased as well," he added.

Unlike the surge from 2020 into early 2022, where the market eventually became saturated and some of those SPACs were left waiting for a partner, Ellenoff says this iteration, thus far, is well within the normal bounds for sustainability.

"Yes, while we are ahead of SPAC industry numbers in a standard year (prior to 2021-2023), we are well within the number of publicly-traded SPACs that can transact with private companies looking for liquidity in the public markets," he wrote. "The macrodynamic factors are all pointing positively for the moment."

Ellenoff also said that the use of the SPAC vehicle, aided by the idea that "there needs to be an alternative means of going public other than IPOs and direct listings," even in the face of some regulatory efforts to "disadvantage" SPACs, is a testament to its viability in the market.

"Today's resurgence is confirmation that despite those (regulatory) roadblocks, SPACs serve a necessary and important mechanism to go public and access U.S. markets."

Welcome back, SPACs.

### Deals on the Radar

The information regarding the deals below was derived exclusively from Law.com Radar.

Merck KGaA, a science and technology company, has agreed to acquire SpringWorks Therapeutics, a commercial-stage biopharmaceutical company focused on severe rare diseases and cancer, for approximately \$3.9 billion. Sullivan & Cromwell advised Merck, which is based in Darmstadt, Germany. Goodwin Procter advised Stamford, Connecticut-based SpringWorks. Centerview Partners and Goldman Sachs & Co., which acted as joint financial advisors to SpringWorks, were advised by a Skadden, Arps, Slate, Meagher & Flom team including Graham Robinson and Christopher Barlow.

Novartis AG will acquire Regulus, a biopharmaceutical company focused on the discovery and development of innovative

medicines targeting microRNAs, for an initial payment of \$7 per share in cash at closing, or up to \$1.7 billion. Novartis, which is based in Basel, Switzerland, was advised by Covington & Burling partners Catherine Dargan and Michael Riella. Regulus, which is based in Carlsbad, California, was advised by a Latham & Watkins team led by partners Charles Ruck and Daniel Rees.

Sabre Corp., a technology provider to the global travel industry, has agreed to sell its Hospitality Solutions business to TPG for \$1.1 billion in cash. Sabre was advised by a Haynes and Boone team led by partner Dan Malone and associate Joshua Reisman. TPG was counseled by Davis Polk & Wardwell.

### SPACs:

Churchill Capital Corp X, a blank-check company founded by former Citi executive Michael Klein, registered with the SEC on April 28 for a \$300 million IPO. The New York-based company, which has applied to list its shares on the Nasdaq, was advised by Ellenoff Grossman & Schole partners Douglas Ellenoff and Stuart Neuhauser. The underwriters, led by BTIG LLC, were represented by White & Case partners Daniel Nussen and Joel Rubinstein.

Wen Acquisition Corp., a blank-check company targeting the fintech sector, filed with the SEC on April 30 to raise up to \$261 million in an initial public offering. The SPAC, which has applied to list its shares on the Nasdaq, was advised by Ellenoff Grossman & Schole partners Douglas Ellenoff and Stuart Neuhauser. Underwriter Cantor Fitzgerald Co. was advised by DLA Piper partner Stephen Alicanti.

Inflection Point Acquisition Corp. III, a blank-check company, registered with the SEC on April 29 for a \$253 million IPO. Underwriter and sole book-running manager Cantor Fitzgerald & Co. was represented by a DLA Piper team led by partner Stephen Alicanti. Counsel information for the SPAC was not immediately available.

MSM Frontier Capital Acquisition Corp., a blank-check company targeting African energy and cement companies, filed with the SEC on April 30 to raise up to \$225 million in an initial public offering. The SPAC, which has applied to list its shares on the Nasdaq, was advised by Greenberg Traurig partners Alan Annex, Tricia Branker and Jason Simon. Underwriter Cohen & Company was advised by Loeb & Loeb partners Mitchell Nussbaum and Andrei Sirabionian.

Kochav Defense Acquisition Corp., a blank-check company targeting the defense and aerospace industries, filed with the SEC on April 25 for a \$220 million IPO. The SPAC, which has applied to list its shares on the Nasdaq, was advised by Ellenoff Grossman & Schole partners Douglas Ellenoff and Stuart Neuhauser. The underwriters, led by SPAC Advisory Partners, were represented by Loeb & Loeb partners David Levine and Mitchell Nussbaum.

ProCap Acquisition Corp., a blank-check company led by the founder of investment firm Professional Capital Management, filed with the SEC to raise up to \$200 million in an initial public offering. The SPAC, which

has applied to list its shares on the Nasdaq, is advised by Reed Smith partners Anne Peetz and Lynwood Reinhardt. Lead underwriter BTIG is represented by Kirkland & Ellis partner Christopher Nagler.

Columbus Circle Capital Corp I, a blank check backed by Cohen & Co., registered with the SEC on April 25 for a \$200 million IPO. The New York-based company, which has applied to list its shares on the Nasdaq, was advised by Ellenoff Grossman & Schole partners Douglas Ellenoff and Stuart Neuhauser. The underwriters, led by Cohen & Co., were represented by Loeb & Loeb partners David Levine and Mitchell Nussbaum.

Wintergreen Acquisition Corp., a blank-check company targeting the TMT industry in Asia, filed with the SEC on April 28 for a \$50 million IPO. The SPAC, which has applied to list its shares on the Nasdaq, was advised by Concord & Sage partner Qin Li. The underwriters, led by D. Boral Capital, were represented by Robinson & Cole partner Er Zhou.

### IPOs:

The Growhub Limited, a Singapore-based AgriTech firm, filed with the SEC on May 2 to raise up to \$20.3 million in an initial public offering. Growhub, which has applied to list its shares on the Nasdaq under the ticker 'TGHL,' was advised by Loeb & Loeb partner Lawrence Venick. Underwriter Alexander Capital, which is based in Red Bank, New Jersey, was advised by Akerman partners Christine Russo and Mark Y. Liu.

### Debt Offerings:

Alphabet was counseled by Davis Polk & Wardwell in a debt issuance worth \$5 billion. The investment-grade notes were issued in four tranches. The Davis Polk team included partners Alan F. Denenberg and Frank Azzopardi.

Chiyoda, Japan-based Sumitomo Mitsui Trust Bank was counseled by Davis Polk & Wardwell in a debt offering worth \$2.5 billion. The Davis Polk team included partner Christopher Kodama.

Fried, Frank, Harris, Shriver & Jacobson counseled the lead underwriters in connection with Procter & Gamble's debt offering of \$1.25 billion. Underwriters, which included Citigroup, Morgan Stanley and Goldman Sachs, were advised by a Fried Frank team led by partners Andrew Barkan and Daniel Bursky.

Banco de Credito del Peru was counseled by Davis Polk & Wardwell in a debt offering worth \$750 million. The Davis Polk team included partners Manuel Garcia-Diaz and Michael Mollerius.

D.R. Horton was counseled by Gibson, Dunn & Crutcher in a debt issuance valued at \$500 million. The notes come due 2030. Cahill Gordon & Reindel advised underwriters BofA Securities, Mizuho Securities USA, U.S. Bank and Wells Fargo Securities.

Latham & Watkins advised Jefferson Capital Holdings, a purchaser and servicer of consumer charged-off and insolvency receivables, in a debt offering worth \$500 million. The notes come due in 2030. The Latham team was led by partners Marc Jaffe and Erika Weinberg.

—Patrick Smith

you follow policy priorities defined by the elected official, and you follow the Department of Justice guidelines and traditions."

The attorney general is hemmed in by a number of checks and balances: criminal law, legal ethical considerations, rules of professional conduct and the penalties of disbarment, civil liability or criminal prosecution.

The candidate is also nominated, vetted prior to taking the role, to ensure they're fit and have the knowledge and experience to follow the law and the Constitution. And a lawyer owes a duty to the courts that license them, as well as their client.

"They're surrounded by other prosecutors who have taken oaths," Green illustrated. "They have the risk that if they act in their own interest and not in the public interest, they can be disbarred. They could be impeached. Their reputation could be ruined."

"At the end of the day, somebody has to have decision-making authority," he added. "There are processes in place to incentivize those people to make disinterested decisions."

It's not an exact science, Roiphe said.

"It's a way of approaching a case that ensures that, as best we can, we achieve uncontroversial goals, like treating like cases alike and not putting innocent

people in prison," she stated.

Norms, Gillers highlighted, are important to maintaining and ensuring the public maintains trust that the prosecutor is conducting themselves appropriately.

Historically, the relationship between the president and the attorney general or the Justice Department has been an arm's-length one, in which the president exercises "a narrow scope of authority" over the DOJ, Gillers said.

"Once we establish that separation, we can have confidence that decisions of DOJ are made for legal reasons and that discretion is exercised for legal reasons only and not political reasons," Gillers said. "If law alone determines the decisions of the Department of Justice, we can have greater confidence that those decisions will be the same from administration to administration."

"We're testing that theory now," he added.

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## Outside Counsel

# You Are the Product— But Do You Own the Data?



By  
Milton  
Springut

And  
Jermaine A.  
Brookshire, Jr.

When Jessie downloaded a fitness app to track her daily runs, little did she realize that she was creating valuable data points that would be aggregated, analyzed, and sold to advertisers.

Though she inputted her heart rate, routes, and personal health information, does Jessie actually own this data? Can she demand its deletion or prevent its sale? These questions highlight the growing tension between personal data and property rights in the digital age.

### The Data Ownership Dilemma

In today's digital economy, personal data has become an incredibly valuable commodity—there are companies that profit from this information—and the question remains: do you actually own your own data?

This distinction matters. When you post on social media, track your fitness on an app, or simply browse websites, you generate data that companies collect, analyze, and monetize. The average American's personal data is estimated to be worth as high as \$500 - \$7,000 annually to data brokers and technology companies. Without established ownership rights, individuals have limited control over how this information is used or who profits from it.

### The Legal Framework: Can Data Be Property?

#### What Does "Data Ownership" Actually Mean?

According to the United States Office of Research Integrity, at least as it pertains to research, "[d]ata ownership refers to both the possession of and responsibility for information. Ownership implies power as well as control. The control of information includes not just the ability to access, create, modify, package, derive benefit from, sell or remove data, but also the right to assign these access privileges to others."

MILTON SPRINGUT is a partner at Herrick, Feinstein in its litigation department and intellectual property and technology group. JERMAINE A. BROOKSHIRE, JR. is an associate at the firm.

However, the question persists as to whether the personal data that you submit for public consumption is something over which you can claim legal ownership—and, further, whether you can exclude others (such as popular social media platforms) from profiting from, or using such data without your consent?

In today's digital economy, personal data has become an incredibly valuable commodity—there are companies that profit from this information—and the question remains: do you actually own your own data?

### What Does "Data Ownership" Actually Mean?

Americans are afforded certain inalienable rights (i.e., freedom of speech, rights to due process, and equal protection under the law), and while privacy is implied in our constitutional framework, our legal system has struggled to clearly define data ownership rights in the digital age.

This gap is not surprising. Concerns about data protection emerged alongside the rise of internet technologies, which were not contemplated when our fundamental human rights frameworks were established. This has created a legal gray area where many argue that the right to privacy in the digital age should be treated as a specific legal right to be defined and regulated, rather than assumed to be covered by existing fundamental rights principles.

A salient case which deals with common law conversion and whether it applies to intangibles is *Kremen v. Cohen*, 337 F.3d 1024, 1029-30 (9th Cir. 2003) (California conversion law). To make out a claim for conversion, one must show a property interest in the thing converted. *Id.*

Property is a broad concept that includes every intangible benefit and prerogative susceptible of possession or disposition....We apply a three-part test to determine whether a property right exists: "First, there must be an interest capable of precise definition; second, it must be capable of exclusive possession or control; and third, the putative owner must have established a legitimate claim to exclusivity." *Id.*

Application of this test suggests that a set of personal data can, indeed, be a form of personal property:

(a) *it can be defined precisely*—the data points for certain types of information (name, address, credit card number, heart rate, etc.), or more precisely, the association of particular data points (average heart rate) with particular identifying information (name), and their inclusion in a set of data about the person;

(c) *it is based on a legitimate claim to exclusivity*—for instance, where the data pertains to a particular person and the person creates a data set about themselves by inputting their data into an app where it was stored in a database and associated with their identity then the data set was created through the efforts of the person over a period of time.

### Legislative Approach To Data Rights

Support for treating data as property can be found in the California Consumer Privacy Act of 2018 (the "CCPA"), » Page 6

## Bar President

« *Continued from page 1*

small firm practice for rubber meets the road issues of the average person," said his close friend, Michael Miller, who was also a former NYSBA president who received mentoring from Pruzansky.

Pruzansky also held a term as president of the Suffolk County Bar Association.

Hank Greenberg, a Greenberg Traurig shareholder and yet another former NYSBA president, called Pruzansky "a model of courageous, principled and independent bar leadership."

Miller remembered how Pruzansky led the state bar in bringing suit against the federal government, specifically Reno, regarding a portion of the Health Insurance Affordability Act.

At issue was the government's desire to criminalize the practice of advising clients on how to lawfully dispose of assets to qualify for Medicaid.

"I remember it vividly because this is an area of my practice," Miller said. "He called it the 'Granny's Advisor Goes to Jail Act.' It was very controversial at the bar; suing the federal government was no small matter."

Miller said Pruzansky saw it as a right-to-counsel issue, and that he found it perfectly lawful for attorneys, as well as accountants, social workers and financial planners, to advise elderly clients in this way.

## Johnson

« *Continued from page 1*  
fare and safety of all our students. I am retiring from Paul Weiss and intend to devote significant time and energy to Columbia."

"Paul Weiss has been my private law practice home off and on for over 40 years," he added. "I will miss my colleagues there and appreciate the loyalty and support they have shown me over the years."

In a statement, Paul Weiss chair Brad Karp noted that Johnson initially joined the law firm more than four decades ago and has left the firm four previous times for government service.

"Jeh has had a long, storied career, both in private practice and public service....I am incredibly grateful to have been partners with Jeh throughout my career

As a result of the litigation, a preliminary injunction was granted to the bar, Miller said, and a settlement continues to be honored where the government agreed not to prosecute or attempt enforcement.

Miller said Pruzansky was a child of immigrants who came to America, escaping brutal antisemitism.

Miller remembered how Pruzansky liked to share that he once asked his grandmother, who had seven children, how nine people could live in a tiny three-room apartment on the Lower East Side of Manhattan. He said she told him, "It was easy. We took in boarders."

"He insisted that was a true story," Miller said with a laugh. "I thought that was wonderful."

Pruzansky helped establish a bar committee on disaster response, as he was deeply committed to pro bono efforts, according to Miller.

When TWA Flight 800 crashed into the Atlantic Ocean near the coast of Long Island in 1996, resulting in the deaths of 230 people, Pruzansky developed, coordinated and personally worked on a pro bono project to assist families of victims about their rights to obtain counsel, and other related matters. It served as a model for subsequent efforts for pro bono responses to disasters such as 9/11 and the COVID-19 pandemic, Miller said.

Pruzansky also advocated "vociferously" for improving fees for 18-b assigned counsel, and he revitalized a state bar committee

# Corporate Update

## For Ambitious In-House Lawyers, Path To GC Seat No Longer A Straight Line

BY TRUDY KNOCKLESS

FOR years, the path for reaching the general counsel seat was predictable: Start in Big Law, transition in-house and climb steadily within a legal department.

But today's GCs aren't just legal authorities—they're strategists, trusted advisers and cultural leaders. That evolution is opening new doors for in-house lawyers, but it's also raising the bar for what the job demands—leadership, visibility and



Jasmine Singh, general counsel of Ironclad

the ability to navigate business, social and political complexity with confidence.

"It's not just legal and regulatory," said Richard Parr, who's been a legal chief for various companies for nearly two decades and currently is GC of the optometry practice network AEG Vision. "It's reputational issues, public policy, economic policy, culture, geopolitical concerns. You have to play across a much broader field."

This expectation of breadth—expert lawyers with the smarts and social intelligence to advise the board on a geopolitical conflict one day and win the trust of a business unit leader disdainful of attorneys the next—has elevated the stature and influence of the GC in the C-suite.

### High-Stakes Decision

But it's also made finding GC candidates who bring the whole package extraordinarily difficult.

As veteran recruiter John Gilmore, managing partner of the legal recruiting firm Barker Gilmore, put it, "Over the last five or six years, it's gone from, 'I need someone with a great resume' to 'I need someone who can dazzle us with their interpersonal skills and leadership ability.'"

Companies' fear of getting the hire wrong is palpable. It's a big reason that more companies are requiring GC candidates to go through

» Page 8

## Nvidia GC's Pay Soars 75%, as Comp Committee Ups Pay Scale for Top Brass

BY CHRIS O'MALLEY

WHEN Timothy Teter left Cooley to become general counsel of the chip designer Nvidia eight years ago, many people outside tech had never heard of it. Today, it's leading the AI revolution.

And Teter's faith in the future of the Santa Clara, California-based company is paying off royally, with his compensation in the 2025 fiscal year, which ended Jan. 26, totaling \$19.2 million.

That's a jump of about 75% from the \$11.0 million Teter earned the year before, according to the company's proxy statement filed late Thursday with the Securities and Exchange Commission.



Nvidia headquarters in Santa Clara, Calif.

Teter, whose salary was \$844,087, received \$17.8 million in stock awards. That's \$8.2 million more in stock than he received the year before, accounting for his sharp rise in pay.

The shares vest over several years, meaning the ultimate return for Teter depends on the stock's long-term performance. But if the stock maintains a fraction of the momentum it's had in recent years, he'll make a fortune. Nvidia's five-year return was nearly 1,500%, and the company now ranks as the world's third-most-valuable company.

Teter's big boost in 2025 pay stems from the fact that the compensation committee's "decided that increases to each (named executive officer's) total target pay were appropriate in light of

» Page 6

## CORPORATE SECURITIES

## Activist Proxy Contests: An Evaluation

By John C. Coffee



**H**ere is a small mystery (or, at least, a riddle). Corporate CEOs are sleeping poorly at night because five hedge funds, which have largely replaced the hostile takeovers of earlier generations.

The number of such engagements continues to rise (and Barclays finds the last three years—2022 to 2024—have been the "busiest three year period for activists on record"). Typically, these "engagements" will seek to add outside directors, nominated by the activist hedge fund, to the corporate board.

In 2024, 160 different investors launched campaigns, and this number included 45 first-time activists. That rookies are rushing into this field means that many small profits in activism. But should they?

Clearly, activists can succeed. In 2024, 119 board seats were won globally by activists (either by way of settlement or a proxy contest), and some 27 CEOs resigned at companies targeted by activists (also a new record).

Given that the latest research shows that the percentage of stock in U.S. public corporations owned by institutions is now 73.7% (with insiders and affiliates owning only 5.2%), there might seem to be little that target management could do to hold off a well-organized engagement by an experienced activist. Not only are retail shareholders largely irrelevant, but the concentration of ownership has increased even more.

Today, the top three institutional shareholders own over 20% of the shares of the typical U.S. public

Professor JOHN C. COFFEE is the Adolf A. Berle Professor of Law at Columbia University Law School and Director of its Center on Corporate Governance.

corporation (on a value-weighted basis), and the top twenty-five institutions hold approximately 50%. This enhanced concentration implies that activist investors may need to assemble only a small number of supporters to win a proxy contest. This may seem to suggest that activists are in the saddle and cannot be easily resisted.

But the foregoing summary considers only some of the evidence. On the other side of the ledger, the rate of success for activists in contested proxy contests is quite low. Why? The basic answer has to be that institutional investors are not monolithic.

Different categories of institutions have different aims, and each markets themselves to different constituencies. This column will in particular contrast the position of activists hedge funds with that of highly diversified index funds (as typified by the Big Three—Black Rock, Vanguard, and State Street).

No suggestion is made that they have any animosity for each other (and even index funds will sometimes vote to oust a failing management), but the Big Three and other indexed investors tend to require clear evidence of managerial failure before they will do so. The burden is very much on the activists to make that showing.

### How the Adversaries Stack Up.

**A. The Activist's Perspective.** Activists wishing to lead an engagement have three built-in advantages: First, they can provide their allies with a material non-public information that they can lawfully trade on.

Specifically, an activist insurgent knows that if it files a Schedule 13D or 13G, announcing that will soon launch (or even just consider launching

ing) a proxy contest seeking to place some new directors on a target's board, this public announcement will typically produce a 6% to 7% increase in the target's stock price, net of the market, on the day it is filed with the SEC.

That is a predictable one day reaction, and those who learn of it in advance and trade on it will make an extraordinary short-term profit. And it is basically legal (absent special facts) because no fiduciary duty is breached (because the activist holds no office at the target).

The lure of such a profit may enable the activist insurgent to assemble a "wolf pack" that will support it. This can mean the 5% shareholder who files this Schedule 13D may head a larger, but informal, group that could own as much as another 5% to 10% (for, conceivably, a total of 15%). Put simply,

Negotiations will be in private, and a proxy contest will only occur if no settlement can be struck.

life is good for institutions that have friends alerting it to such an engagement.

The insurgent next needs to achieve some settlement with the target, but it does not need to obtain control, and it may even settle for fairly illusory relief. Negotiations will be in private, and a proxy contest will only occur if no settlement can be struck.

Typically, one or two new directors will go on the board, but it is uncommon that a new majority will control the board.

Promises to consider spin-offs of subsidiaries and other structural changes may be made by the target, but the relief so negotiated may

prove more symbolic than real. So long as the stock market reaction is positive (even if only slightly), the activist can claim a victory and is positioned to undertake further engagements.

Target management is likely to be far more risk averse than the hostile activist. The target's management cannot afford to lose a proxy contest, because a loss would show its lack of support among its own shareholders (and may even attract third party bidders).

Knowing this, an activist with even a weak case may be able to extract some benefit (possibly, more symbolic than real). One such benefit that it can demand is that the target reimburse it for its litigation and proxy costs (which can easily come to several million).

Yes, there is a basic conflict of interest here, as target management

may be using corporate funds (i.e., shareholders' money) to buy peace that protects management's jobs.

Thus, from an ex ante perspective, the activist knows that its expenses have at least a good chance of being reimbursed, even if the case it makes for change is weak. For target management, reimbursement of expenses costs it virtually nothing (because they are paying with the shareholders' money).

To be sure, not all activists are seeking a cheap settlement and some (for example, Elliott Investment Management) are well-heeled, aggressive, and want control. But, at the start of an engagement, one cannot foretell the outcome,

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## Kohl's Fires CEO For Undisclosed Deal With Vendor

BY CHRIS O'MALLEY

IN a stunning ethical and corporate governance crisis, retailer Kohl's said Thursday that it has fired its brand-new CEO, Ashley Buchanan, after learning he steered businesses to a vendor with whom he had a personal relationship.

It now wants Buchanan to fork over \$2.5 million from a \$3.75 signing bonus.

Menomonee Falls, Wisconsin-based Kohl's announced in November that it was hiring Buchanan, and his first day was Jan. 15. Buchanan came



Ashley Buchanan came to Kohl's from Michaels, where he'd been CEO since 2020.

from the arts-and-craft supplies retailer Michaels, where he'd been CEO since 2020. He'd previously held leadership roles at Sam's and Walmart.

Kohl's said its board fired Buchanan "for cause" following an investigation by outside counsel and the board's audit committee. That designation means that he will forfeit \$17 million in stock grants he received as "recruitment awards" as well as two-thirds of a signing bonus, the company said. His employment agreement required him to stay 12 months to receive the full \$3.75 million, with the repayment reduced by \$312,500 for every month he worked.

"Mr Buchanan had directed that the company conduct business with a vendor founded by an individual with whom Mr Buchanan has a personal relationship on highly unusual terms favorable to the vendor," Kohl's stated in a filing with the Securities and Exchange Commission.

As part of that deal, "he also caused the company to enter into a multi-million dollar consulting agreement wherein the same individual was a part of the consulting team," the company added.

In addition, Buchanan failed to disclose the relationship per the company's code of ethics.

The company provided no further details on Buchanan's unauthorized business relationship.

Buchanan did not respond to a request for comment from Law.com.

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# EBay CLO Who Left Last Year Received \$6.5 Million in Severance

BY GREG ANDREWS

EBAY paid Marie Oh Huber \$6.5 million in severance when she departed as chief legal officer last June, the company said in a new regulatory filing.

Huber and eBay have not shed light on the reasons for her exit. But the filing says the money was owed under the terms of Huber's offer letter when she took the reins of the e-commerce platform in 2015.

That letter says Huber would be entitled to severance under just two scenarios: the company terminated her without cause or she resigned for "good reason," such as a material reduction in pay or authority.

The filing says Huber's "employment terminated," a sentence structure that doesn't make clear who pulled the trigger. But Huber would not have been entitled to severance if she left on her own, unless she was able to make the case her role had diminished.

Huber announced her departure plans in March 2024, just two months after eBay agreed to pay \$3 million to settle felony cyberstalking charges stemming from a scandal she was not implicated in but that occurred during her tenure.

Under the San Jose, California-based company's settlement with the Department of Justice, eBay admitted that its employees in 2019 sent live spiders and cockroaches to harass and punish a Massachusetts couple whose online newsletter, EcommerceBytes, was upsetting top executives with negative coverage.

The DOJ probe netted convictions of seven eBay workers and



Since leaving eBay, Marie Oh Huber has been teaching at Stanford Law School. CHRIS WILLIAMS/ALM

contractors. Receiving the most severe sentence was the ringleader, James Baugh, eBay's former senior director of safety and security, who in 2022 was sentenced to five years in prison.

The SEC filing said Huber received severance as a lump-sum cash payment. The payout included two years of her \$675,000 salary, plus the value of stock and option awards that were scheduled to vest within 12 months.

Beyond her severance, Huber received \$90,865 for accrued but unused paid time off.

Ebay CEO Jamie Iannone—who assumed the role in 2020, months after the company put a stop to the EcommerceBytes harassment campaign—didn't reference the scandal when he highlighted Huber's impending exit in a March 2024 blog post.

In the post, he said "thank you" to Huber and said he "has appreci-

ated Marie's close partnership, and deep commitment to our sellers, buyers, and employees. She's been an integral member of my leadership team since the beginning, and her thoughtfulness and optimism will be missed."

Last September, the company hired Samantha Wellington as chief legal officer. She joined eBay from Dublin, California-based payroll administrator TriNet Group, where she was executive vice president of business affairs and chief legal officer.

Today, Huber, 63, is a lecturer at Stanford Law School and a fellow at the university's Rock Center for Corporate Governance, a joint initiative of the law school and graduate school of business. She is also a director of Portland General Electric, a role she's held since 2019.

@ Greg Andrews can be reached at [gandrews@alm.com](mailto:gandrews@alm.com).

## Judicial Ethics

Opinions From the Advisory Committee on Judicial Ethics

The Advisory Committee on Judicial Ethics responds to written inquiries from New York state's approximately 3,600 judges and justices, as well as hundreds of judicial hearing officers, support magistrates, court attorney-referees, and judicial candidates (both judges and non-judges seeking election to judicial office). The committee interprets the Rules Governing Judicial Conduct (22 NYCRR Part 100) and, to the extent applicable, the Code of Judicial Conduct. The committee consists of 28 current and retired judges, and is co-chaired by the Honorable Debra L. Givens, an acting justice of the supreme court in Erie County, and the Honorable Lillian Wan, an associate justice of the appellate division, second department.

Opinion: 24-197

**Digest:** Where a judge's minor child is participating in a Girl Scout cookie sale fund-raiser:

(1) The judge may personally solicit cookie orders from family members, but must otherwise leave any such solicitations to the child;

(2) Door-to-door sales: The judge may accompany his/her child while the child solicits cookie sales door-to-door, and may help the child complete the cookie order sheet;

(3) Booth sales: The judge may assist the troop in planning and set up of cookie sale booths;

(4) Web sales: The judge may assist his/her child in setting up the child's web-based cookie sale page, but may not personally share the link with non-family members;

(5) Deliveries: The judge may accompany his/her child to deliver cookie orders to customers;

(6) The judge may record cookie orders solicited by troop members into an online ordering system and accept funds solicited and collected by troop members from their cookie sales for deposit into the troop's bank account;

(7) The judge may assist the troop in all aspects of organizing and logistics to donate and ship unsold boxes of cookies overseas.

**Rules:** 22 NYCRR 100.2; 100.2(A); 100.4(C)(3)(b)(i), (iv); Opinions 24-120; 23-230; 23-140; 23-114; 23-91; 22-15(B); 21-73; 18-44(B); 17-55; 16-153; 14-08; 13-38; 10-157; 10-137; 10-22; 09-28; 07-178; 07-17; 98-15.

**Opinion:** The inquiring judge is a co-leader of a local Girl Scout troop whose members, including the judge's child, are in elementary school. The troop's sole fundraising activity is selling Girl Scout cookies for a few months each year. The judge asks several ques-

### (b) Friends, Neighbors, and Others

The rule prohibiting a judge from personally participating in soliciting funds or other fundraising activities (see 22 NYCRR 100.2; 100.2(A)) is not lessened where friends, neighbors, teachers, or other non-family members are concerned. We have advised that a judge, as a parent, may accompany his/her minor child as the child knocks on neighbors' doors and makes calls to family friends to request pledges for a charitable school walk-a-thon (see Opinion 16-153).

We explained that while the judge may be present to supervise, the child must be allowed to speak for him/herself, and therefore the judge "must not supplement or clarify the child's own explanations of the fund-raising event" (id.).

Here, too, the inquiring judge may be present with his/her child to supervise as the child goes door-to-door speaking to friends, neighbors, teachers, previous customers, and others about Girl Scout cookies, but the judge must leave the actual solicitation to his/her child, without additional commentary. (As explained in more detail in the next section, the judge may also help the child complete his/her cookie order sheet when accompanying the child door-to-door.)

### 2. Helping Child Complete Order Sheet, Set Up Booths, and Presence at Booths

The judge asks if he/she may: (a) help his/her child complete the cookie order sheet, including helping the child record people's names and other contact information on the order sheet; (b) help the troop and the judge's co-leader schedule, order cookies, and set up cookie booth(s) where the troop will sell cookies; and (c) be present at the booth to supervise the troop while they interact with potential customers.

In assisting a not-for-profit organization in planning fund-raising (22 NYCRR 100.4(C)(3)(b)(i)), a judge may participate in certain behind-the-scenes activities for a fund-raising event, "as long as the judge does not personally participate in the solicitation or collection of funds or other fund-raising activities that occur during the event" (Opinion 10-22 [allowing judge to assist with general setup, food preparation, and cleanup at fire department fund-raiser]; see also Opinions 24-120 [advising judge may bake and decorate baked goods, set up bake sale and clean up after, but may not participate in selling food at event]; 18-44(B) [prohibiting judge from selling

## Data

«Continued from page 4

Cal. Civil Code 1798.100, *et seq.* The CCPA (which went into effect in January 2020), grants individuals the right to require businesses that collect their personal data the right to control that data—including the right to require deletion of that data, and/or to bar sale of the data to third parties. *See Id.* at 1798.105, 1798.120.

Notably, the CCPA contains a comprehensive definition of personal information: "information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household," and then goes on to list twelve (12) categories of such personal information. Cal. Civ. Code §1798.140(v).

### Case Law: Evolution of Data as Property

While *Kremen* suggests a path forward for treating data as property, subsequent cases show the limitations of applying that logic to all digital assets. In the 2024 case, *Best Carpet Values, Inc. v. Google, LLC*, 90 F.4th 962 (9th Cir. 2024), the Ninth Circuit decided against extending *Kremen* "to protect as chattel the copies of websites displayed on a user's screen," because the plaintiffs did not allege a cognizable property interest in the website copies nor did they allege a possessory interest sufficient to give rise to a trespass to chattels claim. *Id.* at 968.

*Best Carpet* is to be distinguished from *Kremen* because the above mentioned three prong test was not satisfied in *Best Carpet*. Moreover, in *Kremen*, the Ninth Circuit determined that California's conversion law applied to an internet domain name, rather than to the website itself or other intangible assets associated with the website.

A few cases have held that there is no property interest in personal data. *See Low v. LinkedIn Corp.*, 900 F.Supp.2d 1010 (N.D. Cal. 2012) and *In re iPhone Application Litig.*, 844 F.Supp.2d 1040 (N.D. Cal. 2012), but these cases have little analysis and seem to rely on older cases. Making the

negative impact on this notion even more tenuous is that the two older cases cited in *iPhone* do not even discuss *Kremen*, and in fact deal with a different issue. *See Thompson v. Home Depot, Inc.*, 2007 U.S. Dist. LEXIS 68918 (S.D. Cal. 2007) and *In re Facebook Privacy Litig.*, 791 F. Supp. 2d 705 (N.D. Cal. 2011).

Those two cases dealt with a claim under California's unfair competition law, Bus. & Prof. Code 17200, and the requirement that the plaintiff "suffered

The average American's personal data is estimated to be worth as high as \$500 - \$7,000 annually to data brokers and technology companies. Without established ownership rights, individuals have limited control over how this information is used or who profits from it.

injury in fact and...lost money or property as a result of the unfair competition." Both held that merely providing personal information, without more, does not establish a loss of property. Thus, while courts have been reluctant to recognize a loss of property under unfair competition law claims in the absence of economic harm, this should not foreclose the broader inquiry into whether personal data itself is property—especially when it generates commercial value for others.

These cases are

## Off the Front / Judicial Ethics Opinions

### Abuse

« *Continued from page 1*  
Medical Center and the Columbia-affiliated New York-Presbyterian Hospital for decades.

In total, DiPietro has filed more than 800 cases against Columbia for hundreds of women, for whom he has obtained a collective \$1 billion, as well as agreements from Columbia to enact new policies to protect their patients, such as allowing chaperoning nurses to anonymously report a doctor, and to publicly notify patients of a chaperone policy.

"If any credit is due in these cases, it's due to the patients who have been willing to come forward and tell their stories and hold these institutions accountable, because without them, I'm convinced Hadden would still be there, doing this to other patients," DiPietro said.

When reached for comment late Tuesday, a Columbia representative noted that the university had commissioned an external review, set up a survivors' settlement fund and revamped its patient safety policies to address Hadden's abuse.

"We deeply regret the pain that his patients suffered, and this settlement is another step forward in our ongoing work and commitment to repair harm and support survivors. We commend the survivors for their bravery in coming forward," the representative said in a statement.

For DiPietro, the cases began in 2012, when he received a phone call from a woman who was 7 months pregnant with her first child, and said she had been abused by her OB-GYN. DiPietro met with the

woman, later revealed to be Evelyn Yang, and took on her case.

He admittedly hadn't known how he was going to handle the claim. Until then, he had primarily taken on wrongful death or birth injury cases. Moreover, it was 2012, before the #MeToo Movement and before the prosecution of Larry Nassar, the physician who abused his position as the team doctor of the U.S. women's national gymnastics team to assault young athletes.

"I didn't know what to do, but I had to do something," DiPietro said.

That something was a civil case, which DiPietro followed up with more civil cases as more women came forward.

As they progressed, the Manhattan District Attorney's Office investigated Hadden, eventually filing a criminal case in 2016. However, the prosecution resulted in a plea deal that had Hadden surrender his medical license, but he avoided jail completely. Critical of that deal, victims publicly came forward, including Yang, whose interview with CNN came as her husband, Andrew, was running for president.

The public testimonies drew the attention of the U.S. Attorney's Office for the Southern District of New York, which filed new criminal charges against the doctor in 2020 that eventually landed him a 20-year prison sentence. But the public testimonies also convinced other women to reach out to DiPietro, including a woman who had moved to Utah and said she had a letter from Columbia's former Chair of Obstetrics and Gynecology apologizing for Hadden's assault during an appointment in the 1990s.

"That changed everything, because Columbia had been denying that they had any knowledge of this, and then that letter surfaced," said DiPietro.

By 2022, DiPietro was able to reach settlements with Columbia for the first batch of cases, the ones he began filing in 2012. Another group of cases was settled in 2023. The most recent settlement closes out the last of DiPietro's cases over Hadden, he said.

Though the litigation moved quickly over the past few years, DiPietro stressed the slow pace at the beginning.

"Columbia stands alone among institutions that not only cover up sexual exploitation and abuse and are absolutely terrible with how it treats survivors who come forward and report about it," he said.

He pointed to similar cases against the University of Southern California and the University of California, Los Angeles over their employment of George Tyndall and James Heaps, gynecologists who had similarly been charged with assaulting their patients.

"All of those cases were filed and resolved in a relatively short amount of time, compared to how long Columbia has fought the victims and survivors who came forward in these cases," DiPietro said.

DiPietro, however, is not yet done with Columbia. The attorney is currently representing over 400 men and boys who say they were abused by Darius Paduch, a former urologist at New York-Presbyterian Hospital. In November, Paduch was sentenced to life in jail for sexually abusing patients from 2007 to 2019.

④ Alyssa Aquino can be reached at [aaquino@alm.com](mailto:aaquino@alm.com).

### Opinion: 24-197

« *Continued from page 6*

items at concession stand, but allowing participation in food prep and other behind-scenes activities]; 17-55 [permitting judge may to use skills as logistics expert to plan and manage supplies or donations and to purchase items with donated debit card]; 14-08 [allowing judge to participate in radio station's fund-raiser placing labels on forms and inputting data into computer]; 09-28 [permitting judge to assist a police sports team with logistics of event to raise funds for charitable organization]; 07-17 [advising judge may serve on planning committee for charity's fund-raising walk and perform tasks to set up].

Thus, the judge may help his/her child complete the cookie order sheet, including helping the child record people's names and other contact information on the order sheet, and may also help the troop and the judge's co-leader schedule, order cookies, and set up cookie booth(s) where the troop will sell cookies.

However, a judge may not "serve at any booth where fund-raising is taking place" (Opinion 98-15; see also Opinion 23-230 [prohibiting judge from personally volunteering at not-for-profit organization's exhibit booth, where recruitment occurring]). As we have previously explained, "it would be difficult, if not impossible, to avoid the perception that the prestige of judicial office is being used" for solicitation (Opinion 10-137).

For this reason, the inquiring judge may not be present at the booth to supervise the troop while they interact with potential customers. In our view, the judge's presence at a fund-raising booth is substantially different from accompanying his/her minor child while the child engages in door-to-door solicitations (cf. Opinion 16-153).

#### 3. Setting Up and Sharing Child's Cookie Sale Webpage

The judge asks if he/she may assist his/her child in setting up a web-based sale page, by helping the child type a short bio and a statement about him/herself and what the child hopes to learn and earn by selling cookies. The judge also asks if he/she may share the judge's child's webpage, either by e-mail or text message, to family members and friends who do not live locally.

As noted above, a judge "may assist with general setup, food preparation, and cleanup" during a not-for-profit organization's fund-raising dinner, "as long as the judge does not personally participate in the solicitation or collection of funds or other fund-raising activities that occur during the event" (Opinion 10-22).

Therefore, the inquiring judge may assist his/her child in setting up a webpage by helping the child type a bio and personal statement.

Nonetheless, we have said that a judge may not promote the products or services of any organization (see Opinion 21-73), and thus, a judge "must not post, forward or distribute fund-raising

solicitations or invitations to fundraisers, even if the judge would be sharing a link rather than personally collecting the funds" (Opinion 23-114). As it relates to a judge's family members, we have said a judge may "create an online fund-raising tool and distribute the link to the judge's own family members" (Opinion 22-15[B]).

We cautioned that "the judge must not share the link with non-family member contacts, even if the judge would not make any comment and would not follow up with the recipient" (id.; see e.g. Opinion 23-140 [barring judge from sharing links for not-for-profit fund-raisers]).

Here, likewise, the inquiring judge may share his/her child's webpage soliciting cookie sales with family members but may not share such webpage with friends and other non-family members.

#### 4. Delivering Cookie Orders

The judge asks if he/she may accompany his/her child for cookie order deliveries and whether the judge may deliver cookies to customers when the child is not present.

Just as the judge may accompany his/her minor child when the child solicits cookie sales, we conclude that the judge may accompany the child to deliver the cookies that were previously sold (cf. Opinion 16-153). We note that a judge accompanying his/her child to deliver Girl Scout cookies, which have been previously paid for, is likely to be seen as fulfilling parental responsibilities to protect and guide the child, rather than as engaging in impermissible fund-raising activities.

Conversely, we have said a judge should not deliver complimentary tee shirts to sponsors after an organization's fund-raising event "because this would create an appearance that the judge has impermissibly participated in personally raising funds" (Opinion 09-28). We conclude that a judge delivering cookies to customers when the child is not present will likewise create an appearance of personal participation in fund-raising.

Thus, the inquiring judge may accompany his/her child to deliver cookie orders but may not undertake such delivery to friends, neighbors, or other non-family members in the child's absence.

#### 5. Collecting Monies for Cookie Orders

The judge asks if he/she may collect monies solicited and collected by troop members for cookie orders to be deposited into the troop bank account, held in the name of the troop.

Clearly the judge may not personally collect cookie sale proceeds directly from customers (see e.g. Opinions 24-120 [prohibiting judge from collecting or purchasing pre-paid tickets for children's rides at fund-raising fair]; 23-140 [advising judge may not "collect or accept money either before or during" fund-raising event]; 18-44[B] [barring judge's personal participation in collection of funds at not-for-profit organization's concession

stand during sporting event]; 10-22 [advising judge may not participate in collection of funds at volunteer fire department's annual fundraiser]).

Here, in contrast, we understand the judge proposes a role that is more analogous to serving as the troop's treasurer, by accepting monies that have already been paid to troop members for deposit into the troop's bank account. In our view, such activity does not create an appearance of impermissible participation in fund-raising (cf. Opinion 23-91).

Accordingly, we conclude the judge may accept funds solicited and collected by troop members from their cookie sales for deposit into the troop's bank account.

#### 6. Recording Cookie Orders in Online System

The judge asks if he/she may record the troop's cookie orders into the "Girl Scout/Little Brownie Baker" online ordering system.

We see no reason to preclude the judge from engaging in this behind-the-scenes data entry task in support of the troop's fund-raiser (see Opinion 14-08 [permitting judge to place labels on forms and input data into computer for radio station's fund-raising drive]).

Accordingly, the judge may record the troop's cookie orders into the "Girl Scout/Little Brownie Baker" online ordering system, provided the activity does not require the judge to contact customers regarding the information received on their orders.

#### 7. Coordinating a Cookie Drop

Finally, the judge asks if he/she may help "coordinate Operation Cookie Drop, where the local Girl Scout troops physically donate unsold boxes of cookies to be shipped to Armed Service members overseas." The judge indicates that "coordination would include lining up vehicles, helping remove cookie boxes from cars, stacking, organizing and taking inventory."

A judge may assist a civic organization "by packing food donations and loading them into a truck for storage prior to distribution to needy families" and distributing the donated items (Opinion 10-157). A judge may also "use his/her skills as a logistics expert to plan and to manage supplies or donations as they are received" (Opinion 17-55).

Applying these principles, we conclude that the judge may assist the troop in all aspects of organizing and logistics to donate and ship unsold boxes of cookies overseas and therefore may help coordinate Operation Cookie Drop.

#### DECISIONS WANTED!

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##### Brooklyn Women's Bar Association Foundation (CLE)

Women, Their Health & the Law

*Who do doctors really treat when women are patients? Our panel of experts will discuss the profound impact this question has on women's healthcare today.*

6 p.m. - 8:30 p.m.

1.5 CLE credits (pending)

Location: Brooklyn Bar Association, 123 Remsen Street, Brooklyn

Registration: <https://www.bwbafoundation.org/bwba-events.htm>

#### THURSDAY, MAY 8

##### New York City Bar (CLE)

Fundamentals of Federal Criminal Practice, Part 2

Time Day 2: 1 p.m. - 4 p.m.

3 CLE Credits

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Contact: Customer Relations Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

The Past, Present, and (Possible) Future of Mass Arbitration

6 p.m. - 7:30 p.m.

CLE credits: 1.5

In-Person Registration Link: <https://services.nycbar.org/EventDetail?EventKey=ppp050825&mcode=NYLJ>

Location: 42 West 44th Street, New York

Contact: Customer Relations Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

#### NYC Bar (Non CLE)

##### Owning Your Development & Maximizing the Junior Attorney Experience

12:30 pm - 1:45 pm

Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=CM051425&mcode=NYLJ>

Location: Zoom

Contact: Customer Relations Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

The 2025 Milton Handler Lecture on Antitrust

6:30 pm - 7:45 pm

In-Person Registration Link: <https://services.nycbar.org/EventDetail?EventKey=CMTE051425&mcode=NYLJ>

Location: 42 West 44th Street, New York

Contact: Customer Relations Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

#### NYC Bar (CLE)

##### The Art of Mindful Eating

12:30 pm - 1:30 pm

Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=MWB050825&mcode=NYLJ>

Location: Zoom

Contact: Customer Relations Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

Lawyers Connect First Thursday: Live Band Group Sing

6:30 pm - 8:30 pm

In-Person Registration Link: <https://services.nycbar.org/EventDetail?EventKey=LCGS050825&mcode=NYLJ>

Location: 42 West 44th Street, New York

Contact: Customer Relations Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

#### FRIDAY, MAY 9

##### NYC Bar (Non CLE)

##### Mindfulness Break

1:15 pm - 1:35 pm

Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=MWB050925&mcode=NYLJ>

Location: Zoom

## Expert Analysis / Corporate Update

### Actions

«Continued from page 3

both spouses enjoy an equal right to possession of and profits yielded by the property (*Neilitz v. Neilitz*, 307 N.Y. 882, 122 N.E.2d 924 (1954)).

Each tenant may sell, mortgage, or otherwise encumber his or her rights in the property, subject to the continuing rights of the other (*V.R.W. Inc. v. Klein*, 68 N.Y.2d 560, 565, 510 N.Y.S.2d 848 (1986)).

When a husband and wife take title to real property a tenancy by the entirety comes into being; and upon the death of one, the surviving spouse takes the entire estate. (*Steltz v. Shreck*, 128 N.Y. 263, 28 N.E. 510 (1891); *In re Klatz's Estate*, 216 N.Y. 83, 110 N.E. 181 (1915); *Yax v. Yax*, 240 N.Y. 590, 148 N.E. 717 (1925)).

Neither spouse can dispose of any part of the estate to affect the right of survivorship of the other, or make contracts which bind the other, incur expenses for work not essential to preserve the premises, lease the premises to affect the right of the other's possession or subject the property to right of way easements. (*Baker v. Westfall*, 30 Misc. 2d 946, 219 N.Y.S.2d 328 (County Ct. 1961); *Adams v. Holt*, 141 A.D.2d 481, 529 N.Y.S.2d 110 (2d Dep't 1988)).

Although either spouse may mortgage or convey his/her own interest in the property the act will not impair the non-consenting spouse's survivorship interest. (*Wurz v. Wurz*, 27 Abb. N. Cas. 58, 15 N.Y.S. 720 (Sup 1891); *Saxon v. Saxon*, 46 Misc. 202, 93 N.Y.S. 191 (Sup 1905)).

Unlike jointly owned property or property held as tenants in common property held as tenants by entireties is not subject to partition except by mutual consent to become effective only upon dissolution of the marriage.

Compulsory partition is not available to a tenant by the entirety. (*Stewart v. Stewart*, 208 Misc. 795, 144 N.Y.S.2d 637 (Sup 1955)). Once the legal relationship between husband and wife is judicially altered through divorce, annulment, or legal separation, the tenancy by the entirety converts to a tenancy in common (*Kahn v. Kahn*, 43 N.Y.2d, supra, at 207, 401 N.Y.S.2d 47, 371 N.E.2d 809; *Goldman v. Goldman*, 95 N.Y.2d 120, 122, 711 N.Y.S.2d 128, 130 (2000)).

In *Kahn v. Kahn*, (43 N.Y.2d 203, 401 N.Y.S.2d 47 (1977)) the Court of Appeals addressed the issue of whether, in a matrimonial action that was commenced before the enactment of the Equitable Distribution Law, the court may order the sale of real property held by the parties as tenants by the entirety, even though the marital relationship has not been legally altered.

The Court of Appeals observed that Section 234 of the Domestic Relations Law was derived from Section 1164-a of the Civil Practice Act (L.1953, ch. 698). Unlike the present section, section 1164-a applied only in an action for a separation and made no reference to title questions.

Its sole purpose was to allow a court to decide in the marital action the right of possession of real property held by the husband and wife as tenants by the entirety. Recognizing that a judgment of separation does not dissolve the marriage and terminate a tenancy by the entirety, the legislature sought to prevent any injustice which might arise as a result of a spouse's continued rights as a tenant by the entirety notwithstanding a judicial decree of separation.

For example, a tenant by the entirety may sell, mortgage, or lease his interest in the property without the consent of the other tenant. The legislature feared the obvious harm that could be

caused by a vindictive spouse who transferred or encumbered his interest in the property in an attempt to harass the other spouse. It held that absent such a decree, a tenancy by the entirety is not terminated.

Since section 234 was intended only as a procedural device to permit a court in a marital action to determine questions of possession and title arising within that action, and was not intended to alter existing substantive property

... " (Domestic Relations Law §236 (B)(5)(a-c)).

Under the Kahn rule, the Supreme Court may not, absent an agreement by the parties, order the sale or disposition of the marital home owned as tenants by the entities or any other marital asset, pendentile, for any reason.

And where a judgment of divorce is granted under the irretrievable breakdown grounds in Domestic Relations Law §170(7) no judgment of divorce may be granted unless

Under the Kahn rule, the Supreme Court may not, absent an agreement by the parties, order the sale or disposition of the marital home owned as tenants by the entities or any other marital asset, pendentile, for any reason.

law principles, it held that unless a court alters the legal relationship of husband and wife by granting a divorce, an annulment, a separation or by declaring a void marriage a nullity, it has no authority to order the sale of a marital home owned by the parties as tenants by the entirety.

The rationale of the Kahn decision was that such property could not be sold without a judgment altering the marriage relationship and changing the tenancy by the entirety, which can not be partitioned, into a tenancy in common, which could be ordered partitioned.

In actions under the Equitable Distribution Law, the Supreme Court may not determine the rights of the parties in their separate or marital property and provide for the disposition thereof in the final judgment unless "... all or part of the relief granted is divorce, or the dissolution, annulment or declaration of the nullity of a marriage..." or a proceeding "... to obtain a distribution of marital property following a foreign judgment of divorce

and until the economic issues of equitable distribution of marital property, the payment or waiver of spousal support, the payment of child support, the payment of counsel and experts' fees and expenses as well as the custody and visitation with the infant children of the marriage have been resolved by the parties, or determined by the court and incorporated into the judgment of divorce.

In *Jancu v. Jancu*, (174 A.D.2d 428, 571 N.Y.S.2d 456 (1st Dep't 1991)), the First Department reversed a pendentile order directing the sale of the parties' two houses in New Jersey. The order contravened the rule that the courts do not have the authority to direct the pendentile sale of property owned by parties as tenants by the entirety absent a judgment of divorce, separation, or annulment.

In *Fox v. Fox*, (309 A.D.2d 1056, 765 N.Y.S.2d 906 (3d Dep't 2003)), the Third Department held it is settled that "absent the termination of the marital relationship by judgment of divorce, amendment,

separation or declaration of nullity, courts do not have the authority to direct, pendentile, the sale of property owned by the parties as tenants by the entirety."

In *Delvito v. Delvito*, (6 A.D.3d 487, 775 N.Y.S.2d 71 (2d Dep't 2004)), the Second Department stated that "It is settled that courts have no authority to order the sale of property held by tenants by the entirety without the parties' consent, unless the legal relationship of husband and wife is first altered through judicial intervention."

It agreed with the wife's contention that the record did not establish that she consented to a sale of the marital residence while the matrimonial action was pending. (To the same effect see *Adamo v. Adamo*, 18 A.D.3d 407, 794 N.Y.S.2d 413 (2d Dep't 2005); *Buddle v. Buddle*, 53 A.D.3d 745, 861 N.Y.S.2d 193 (3d Dep't 2008); *Moran v. Moran*, 77 A.D.3d 443, 908 N.Y.S.2d 661 (1st Dep't 2010); *Tagliani v. Garcia*, 200 A.D.3d 44, 157 N.Y.S.3d 7 (1st Dep't 2021)).

In *FR. v. AR.*, (85 Misc.3d 1257(A), 2025 WL 1143279, unreported disposition (Sup. Ct., 2025)) the court discussed the Kahn decision at length, although the parties did not hold title as tenants by the entirety.

The parties were married in 2007. The plaintiff commenced an action for a divorce on May 11, 2023. Title to the marital residence was acquired after their marriage and before the commencement of the action for divorce and was held solely in the name of the plaintiff.

After the plaintiff commenced the divorce action, he ceased paying the mortgage on the marital residence. The bank then commenced a foreclosure action on March 28, 2024. The Supreme Court granted the defendant's pendentile application to sell the marital residence.

In this action, title to the marital residence was held solely by the plaintiff - it was not held as

tenants by the entirety. Here, the court did not alter a tenancy by the entirety without altering the status of the parties as husband and wife, because there was no tenancy by the entirety in the residence to alter.

### Conclusion

In *FR. v. AR. supra*, the court observed that some Supreme Court cases ordered that the marital residence held as tenants by the entirety be sold pendentile based upon equitable principles. There, the Supreme Court found that a line of authority, post Kahn, established exceptions to *Kahn v. Kahn*.

It cited *St. Angelo v. St. Angelo*, (130 Misc 2d 583 (Sup.Ct., 1985)) where the marital residence appeared to be in imminent danger of foreclosure; *D.R.D. v. J.D.D.*, (74 Misc 3d 237 (Sup.Ct., 2021)) where the court held that the wife was using the husband's equity as an interest-free loan; *J.H. v. C.H.*, (2024 NY Misc. Lexis 919 at \*3), where foreclosure proceedings were pending; and *Lidsky v. Lidsky*, (134 Misc. 2d 511, 511 N.Y.S.2d 765 (Sup 1986)), where the court held that it had the power to act under Domestic Relations Law §234 to direct the wife to execute documents necessary to secure refinancing of the loan on the marital premises, and that her failure to act would be a wasteful dissipation of assets.

None of the Supreme Court cases that direct the sale of a marital residence held as tenants by the entirety pendentile, based upon "equitable principles", address the underlying rationale of *Kahn v. Kahn*.

That is, property held as tenants by the entirety can not be sold without a judgment altering the marriage relationship and changing the tenancy by the entirety, which can not be partitioned, into a tenancy in common, which can be ordered partitioned.

### Proxy

«Continued from page 5

and if obstacles arise, the activist can settle for a somewhat illusory settlement.

Decades ago, Carl Icahn perfected these techniques, and with each transaction, he became more powerful. To sum up, inside information, expense reimbursement, and the greater risk aversion of target management likely tilt the outcome of activist engagements, but still activists regularly lose.

**B. The Process of Engagement.** Let's start with an easily documented generalization: activists typically seek to resolve an "engagement" through private negotiations, not a proxy contest. Of course, this may partly reflect that proxy contests are costly, much more so than negotiations.

But this cost explanation cannot explain activists' dismal record when they undertake a proxy contest. For example, a comprehensive study by Nickolay Gantchev covering proxy contests between 2000 and 2007 found that activists succeeded in only 29% of their proxy campaigns. See Nickolay Gantchev, The Costs of Shareholder Activism: Evidence from a Sequential Decision Model, 107 J. Fin. Econ. 610, at 620 at table 3.

This is not recent data, but, in 2024, Barclays found that activists undertook just ten proxy contests and secured board representation in only three (or 30%)—and they won only six out of 38 seats being contested. So far in 2025, Barclays more recently reports that activists have started two proxy contests against target corporations, winning one and losing the other

(despite the activists obtaining support of both I.S.S. and Glass Lewis).

This pattern seems to have persisted. Of course, these low rates could change, but they certainly help explain why activists prefer private negotiations to proxy contests. Not only are negotiations cheaper, but activists seem to do better negotiating with a risk-averse management than trying to convince often skeptical shareholders.

But why are target shareholders seemingly so skeptical of activists? Little doubt exists that most target corporations have lagged behind their peers in performance. Hence, one would expect shareholders to favor the activists.

Now, we come to the heart of the matter, and we must note that there are multiple subcategories of institutional investors. In particular, critical differences distinguish activist investors (mainly hedge funds) from indexed investors (which are dominated by the Big Three).

#### C. Activists Versus the Indexed.

**1. Activist Funds.** The appearance and growth of activist hedge funds in the late 1980s probably was a consequence of judicial acceptance of the poison pill (which also occurred in that decade). Because the poison pill effectively blocked hostile takeovers, the only viable route in response to the pill was to pressure the target by seeking seats on its board.

Delaware courts would not tolerate much interference with the shareholders' right to vote. Still, the activist hedge fund had to learn new skills. The traditional hedge fund simply sought through in-

depth research to identify overvalued or undervalued firms (and sell short the former and buy the latter).

But the activist hedge fund had to act as a turnaround specialist. It also needed to achieve some degree of control (or at least influence) over the target to be able to implement its agenda.

The shift from takeovers to proxy contest implied that much smaller financial institutions could run such a campaign, because they

i. They are huge with Black Rock having, as of late 2024, \$11.6 trillion in "aum"; Vanguard, \$10.4 trillion, and State Street, \$4.7 trillion—or an aggregate of \$26.7 trillion in aum. To draw the obvious comparison, the fifty largest activist funds are estimated to have \$156 billion in aum, while the Big Three alone hold over \$26 trillion—a hundred to one ratio. Collectively, index funds are

estimated to hold over 33% of all U.S. public stocks. This ensures that virtually any activist engagement with a public corporation will involve the Big Three as major shareholders in the target;

ii. Index funds are passive and resist becoming involved in operational or governance issues (but they do vote, as the SEC requires them to use their voting power). This passivity largely follows from their size. Vanguard informs me that it currently holds over 13,000 stocks (globally), including over 5,000 U.S. issuers. No one can closely monitor that large a portfolio;

iii. While hedge funds charge high fees (with the standard formula being 20% of earnings and 2% of assets under management), index funds compete on the basis of price and hence economize on costs.

Although the Big Three and other indexed investors have no motivation to solicit others to oppose the activist's proposals, this role can be left to target management.

did not need to be able to acquire the target, but only to form a coalition among its dissatisfied shareholders sufficient to change corporate policies (and possibly to oust the incumbent management).

In fact, the typical activist hedge fund is not anywhere near the size of a large bank or underwriter. Only Elliott Investment Management (with \$72.7 billion in "assets under management" (or "aum") as of the end of 2024) is of the size that it could regularly be a bidder in traditional takeover battles.

To illustrate, the 10th largest activist fund (Sachsen Head Capital Management) has regulatory "aum" of only \$3.3 billion. Given its smaller size, the activist fund's real task is coalition formation, and not have more than a dozen activist firms have economic clout at present.

**2. Index Funds.** The Big Three and the other highly diversified asset managers are virtually the opposite of activist funds in structure and strategy:

Ironclad, left law altogether at one point in her career after realizing litigation wasn't the right fit.

"I moved to Las Vegas and became a fitness instructor," she said during a recent webinar on women in legal leadership. "Eventually I came back to law—transactional this time—and it was the first time I felt like I belonged."

Her story, though unconventional, highlights a point many GCs, recruiters and executive coaches make: Self-awareness and adaptability are just as important as technical skill.

"We're seeing more companies reward people who take on stretch assignments, who show up in times of crisis and who demonstrate they can lead," Gilmore of Barker Gilmore said. "There's no one path, but there are patterns: visibility, versatility and the ability to earn trust."

Gilmore recalled a recent conversation with an in-house lawyer who'd just been hired as GC after successfully handling a high-stakes litigation matter. "He wasn't next in line on paper," he said. "But the board saw him in action. They watched how he handled pressure and said, 'That's our person.'"

That kind of real-time credibility—built through experience rather than title—is increasingly

what distinguishes GC candidates in competitive searches. And it's not just about visibility during a crisis.

Recruiters are also looking for signs of boardroom readiness, strategic thinking and business fluency.

"You need to demonstrate strong business acumen," said Heather Fine, a legal recruiter at Major, Lindsey & Africa. "That means stepping outside of legal—working cross-functionally, leading through influence, gaining exposure to the board and C-suite."

Fine said she often coaches mid-level in-house lawyers to seek out global or business-side roles—not because it fast-tracks them but because it sets them apart. "Leadership, communication and judgment are what make people GCs. Legal skills are assumed. They're called stakes," she added.

That's a message Susan Hackett, the recently retired CEO of the in-house consultancy Legal Executive Leadership, has been delivering for years.

"You need to be seen as the person who can be trusted in a storm," she said. "That means developing judgment, building a network of champions and getting in the room when decisions are made—even if you're not the one talking."

But getting that experience requires more than good timing—it takes initiative.

"You have to take on work that broadens your lens. If you can't get a role in public policy or sustainability, join a project," Parr said. "Go to Capitol Hill for a lobbying day. Volunteer for cross-functional teams. You need to be the person who understands more than just the legal question on the table."

Jason Winnill, managing partner at Argopoint, a consultancy for legal departments, said companies are looking for GCs who are broad thinkers and can craft pragmatic solutions. "The general counsel is now expected to be the connective tissue between legal risk and business opportunity. It's not just about protecting the company—it's about enabling it to move faster, smarter and more confidently. The best GCs operate with the mindset of a CEO—just one with a law degree," Winnill said.

"There's no magic formula for becoming a GC anymore," added Gilmore. "I've seen people take all kinds of routes—compliance, corporate secretary, even a stint as CHRO. What matters most is stepping out of your comfort zone and into roles that give you visibility to the executive team and board."

Hackett added: "The value of the lawyer has grown. That means the skills you need to have have grown. But if you can be the calm in the storm—the one who sees the big picture and moves the conversation forward—that's what makes you a general counsel," Hackett said.

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**Letters Welcome**  
The Law Journal welcomes letters from its readers for publication. They must contain the names and addresses of correspondents. Letters should be of reasonable length and submitted with the understanding that all correspondence is subject to the

## Disciplinary Proceeding

### Matter of Aaron Etra, an attorney

Motion No. 2025-01069

### Appellate Division, First Department

Manzanet-Daniels, J.P., Kern, Kennedy, Friedman, Pitt-Burke, JJ.

Decided: May 1, 2025

Jorge Dopico, Chief Attorney, Attorney Grievance Committee, New York (Louis J. Bala, of counsel), for petitioner

Respondent, pro se.

*Per curiam*—Respondent Aaron Etra was admitted to the practice of law in the State of New York by the First Judicial Department on March 28, 1966. At all times relevant herein, he maintained a

registered business address in the First Judicial Department.

By unpublished order dated October 25, 2024, this Court found respondent guilty of professional misconduct in violation of the Rules of Professional Conduct (22 NYCRR 1200.00) rules 8.4(d) (conduct prejudicial to the administration of justice) and 8.4(h) (other conduct that adversely reflects on fitness as a lawyer) and appointed a referee to conduct a sanction hearing.

By motion dated February 21, 2025, the Attorney Grievance Committee (AGC) seeks an order pursuant to the Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.14(b), immediately suspending respondent from the practice of law. The AGC maintains that respondent, who is 83 years old, suffers from medical infirmities that render him presently unable to defend himself at the sanction hearing or to otherwise practice law. In support of its motion, the AGC submitted an affirmation

from respondent detailing his health issues and consenting to a suspension on medical grounds, and letters from two of respondent's physicians, corroborating respondent's medical conditions. Respondent has not opposed the motion.

As the AGC has presented sufficient medical evidence of respondent's incapacity to practice law, immediate suspension is warranted pursuant to 22 NYCRR 1240.14(b) and this Court's precedent (see *Matter of Schneider*, — AD3d —, 2025 NY Slip Op 01047 [1st Dept 2025]; *Matter of Olive*, 216 AD3d 59 [1st Dept 2023]; *Matter of Roussin*, 208 AD3d 174 [1st Dept 2022]).

Accordingly, the AGC's motion should be granted, and respondent suspended from the practice of law in the State of New York pursuant to 22 NYCRR 1240.14(b), effective immediately, and any disciplinary investigation or proceedings against respondent are stayed until further order of this Court.

All concur.

Also noted increased candor among its newest generation of talent, finding many more attorneys in the firm more willing to discuss alternate career paths, such as moving in-house or seeking out a role as a federal prosecutor.

"What has changed [over the years] is attorneys' willingness at the partner level and associate level to talk about different career paths that might not necessarily mean partnership in the firm," Scott observed, noting that the firm actively takes steps to help its attorneys progress to positions even outside of the firm, including helping them secure secondments with clients.

"They might be more willing to discuss going in-house...People are sharing that they have other career plans earlier on, so we can help do these things," Scott said. "We've seen such a dramatic change in trust."

Meanwhile, Scott and her colleagues at Lowenstein Sandler have

profits of the firm with a small bit of equity."

"The main benefit of this is that if you want to see what it's like to be an owner, you're going to get a piece of the action and a piece of the upside of the firm, independent of the salary you're getting or bonuses otherwise," Engel continued. "A great majority of those jumping in are younger partners...It's giving them a little taste [of equity]. If they qualify for full equity, some can't wait for that, but there's a bit of reticence you're seeing among transient income partners."

The firm also added a new role, "Chief of Legal Talent and Practice Management," in August 2024, which Engel said was entirely focused on professional development, practice growth, and recruitment.

"The only thing we are is our talent," Engel acknowledged.

Meanwhile, Scott and her colleagues at Lowenstein Sandler have

also noted increased candor among its newest generation of talent, finding many more attorneys in the firm more willing to discuss alternate career paths, such as moving in-house or seeking out a role as a federal prosecutor.

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Aircraft

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# Court Calendars

## COURT NOTES

### NEW NOTE!

### U.S. DISTRICT COURT

#### Southern District

##### Court Seeks Candidates for Criminal Justice Act Panel

The United States District Court for the Southern District of New York is seeking applicants for the SDNY Criminal Justice Act (CJA) Panel. Applications are available on the court's website at <https://www.nysd.uscourts.gov/forms/cja-panel-membership-application>.

The CJA Panel is comprised of private attorneys who are authorized to serve as appointed defense counsel pursuant to 18 U.S.C. § 3006A. To qualify for a position on the CJA Panel, attorneys must be members in good standing of the bar of the Southern District and have proven experience and competency in the field of federal criminal defense work.

Applications will be reviewed by a committee of attorneys that will forward its recommendations to the Southern District Board of Judges' Defender Services Committee. The Court is committed to increasing the diversity of the applicant pool and encourages qualified female and minority lawyers to apply for positions.

Candidates can apply to be a member of the Foley Square Panel or the White Plains Panel or both. CJA Panel attorneys commit to being "on duty" one day every four to six months if a member of the Foley Square panel and approximately one day every month if on the White Plains panel. On that "duty day," CJA attorneys represent clients when the Federal Defender has a conflict; the hours of duty are from 9:00 a.m. until the closing of the Magistrate Judge's Office, which is sometimes after 5:00 p.m. CJA Panel members serve a three-year term and are reimbursed at the rate of \$175/hour for in-court and out-of-court time.

"We are fortunate to have such talented and skilled attorneys dedicated to providing indigent defendants with the representation to which they are constitutionally entitled," said United States District Judge Vernon Broderick who is Chair of the Southern District's Defender Services Committee.

Southern District Chief Judge Laura Taylor Swain said, "Our exemplary panel of CJA lawyers provides representation that is both excellent and essential. Panel attorneys ensure the protection of defendants' constitutional rights and uphold the Rule of Law. We look forward to being able to invite additional outstanding practitioners to join them in this important work."

Attorneys can also apply for membership on panels that represent defendants in capital cases and in non-trial work, primarily habeas corpus proceedings. In addition, the Southern District also sponsors a mentoring program that helps identify and prepare experienced state court practitioners for appointment to the Panel. While the mentorship program is aimed at increasing the diversity of the Panel, the program is open to all. Contact Peter Quijano at 212-686-0666 or Anthony Ricco at 212-791-3919 for more information on the mentorship program.

### U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

##### Court Seeks Applications for Federal Public Defender For the Northern District of New York

##### Application Deadline is May 16

The United States Court of Appeals for the Second Circuit invites applications from qualified candidates for the position of Federal Public Defender for the Northern District of New York. The term of office is four years, with potential for appointment to successive terms. The current authorized annual salary is \$195,200.

The Federal Public Defender, functioning under the authority of 18 U.S.C. § 3006A(g)(2)(A) and the Criminal Justice Act Plan for the Northern District of New York, provides criminal defense services to individuals unable to afford counsel. The Office of the Federal Public Defender for the Northern District of New York has offices in Albany and Syracuse. The Federal Public Defender supervises a staff of assistant federal defenders, federal capital appellate resource counsel, investigators, paralegals, a mitigation specialist, and support personnel.

The website for the office is: Office of the Public Defender Northern District of New York.

Applicants must satisfy the following conditions:

(1) be a member in good standing in the bar of the state in which the candidate is admitted to practice;

(2) have a minimum of five years criminal practice experience, preferably with significant federal criminal trial experience, which demonstrates an ability to provide zealous representation of consistently high quality to criminal defendants;

(3) possess the ability to effectively administer the office, including the following management areas:

- Budget, procurement, and travel
- Human resources
- Space, facilities, and property;

(4) have a reputation for integrity; and

(5) demonstrate a commitment to the representation of those unable to afford counsel.

As the chief executive of the Office of the Federal Public Defender, the Federal Public Defender holds ultimate responsibility for the administration of the Office. The Office serves as a resource center for all practicing federal defense attorneys in the District, providing regularly scheduled training programs as well as advice and counsel when needed. The Federal

Att. Rhy. Corp. Et Al  
656079/18 Board of Mgrs. of The St. v. Jmz Consultants, Inc. D/b/a 451025/25 Bohlen v. Salomon 161369/23 Brennan Center For Justice At NY Univ. School of Law v. NYC Police Dept. 850613/23 Brick Capital LLC v. Nid Properties, Inc. Et Al 950049/21 Brr v. Police Athletic League, Inc. 15732/22 Alegre v. NYC 655644/24 Alvarado v. Rezora LLC Et Al 157417/22 Barber v. Loreal USA, Inc. Et Al 159701/24 Barber v. Loreal USA, Inc. Et Al 805138/24 Bates v. Mount Sinai Hosp. Et Al 653288/24 Bellwod NY Inc. v. 119 Ave. A Rhy. Corp. Et Al 656079/18 Board of Mgrs. of The St. v. Jmz Consultants, Inc. D/b/a 451025/25 Bohlen v. Salomon 161369/23 Brennan Center For Justice At NY Univ. School of Law v. NYC Police Dept. 850613/23 Brick Capital LLC v. Nid Properties, Inc. Et Al 950049/21 Brr v. Police Athletic League, Inc. 15732/22 Alegre v. NYC 655644/24 Alvarado v. Rezora LLC Et Al 157417/22 Barber v. Loreal USA, Inc. Et Al 159701/24 Barber v. Loreal USA, Inc. Et Al 805138/24 Bates v. Mount Sinai Hosp. 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159921/20A & L Gaudio Rly. Inc. v. Nathan Francis Murley A/k/a 150952/20 Diaz v. Rg3 Rly. Corp 850385/24 Hilton Resorts Corp. v. Whelan 151634/21M13 & M15 Hldgs. v. Athanson

**FRIDAY, MAY 9**

152496/20 Ctr Fuentes v. 65 Franklin LLC 655006/22 Patterson Belknap Webb & Tyler Llp v. Hoganwilling

**Part 15**

Justice Jeanine R. Johnson 60 Centre Street Phone 646-386-4462 Room 116

**THURSDAY, MAY 8**

365343/20 Lavitt v. Perlman 365807/23 Whelan v. Whelan

**Part 17**

Justice Shlomo S. Hagler 60 Centre Street Phone 646-386-3283 Courtroom 335

**THURSDAY, MAY 8**

156419/20 Gabriele v. Boyarsky 157599/21 Jean v. 4181 B'way, LLC Et Al 15985/22 Jean v. Stellar Mgt. Et Al 159338/18 Jordan v. Con Ed Co. 150913/20 Ye v. Sze

**FRIDAY, MAY 9**

150751/20 Amon v. 96th St. Lofts LLC 162594/19 Fontanez v. NYCHA 157038/20 Melching v. First Lexington Corp.

151274/20 Pittman v. Yantiss Motion

150751/20 Amon v. 96th St. Lofts LLC 151274/20 Pittman v. Yantiss

**Part 19**

Justice Lisa A. Sokoloff 60 Centre Street Phone 646-386-3979 Room 540

**Part 20 ADR**

Justice Deborah A. Kaplan 60 Centre Street Phone 646-386-3300 Courtroom 422

**Part 24 Matrimonial Part**

Justice Michael L. Katz 60 Centre Street Phone 646-386-3285 Courtroom 325

**THURSDAY, MAY 8**

161270/24 Abiah v. Boafao 320567/21 Boafao/Abiah v. Abiah—9:30 A.M.

321168/23 Rossi v. Barron Motion

161270/24 Abiah v. Boafao

**FRIDAY, MAY 9**

320085/23 Guarini v. Guarini lv 308345/18 Zisman v. Levy Motion

308345/18 Zisman v. Levy

**Part 26**

Justice Ta-Tanisha D. James 60 Centre Street Phone 646-386-4462 Room 438

**THURSDAY, MAY 8**

365577/22 Haffey v. Haffey 304827/18 Tsang v. Ng

**FRIDAY, MAY 9**

365050/24 Familiant v. Familiant

**Part 28**

Justice Aija Tingling 60 Centre Street Phone 646-386-4372 Room 543

**THURSDAY, MAY 8**

365294/24 Engel v. Engel 365306/24 Fata v. Duncan III 365538/23 Lee v. Verovic

365132/24 Neumann v. Neumann 321028/24 Osorio v. De Jesus Motion

365306/24 Fata v. Duncan III 321028/24 Osorio v. De Jesus

**FRIDAY, MAY 9**

365100/24 Steiner v. Steiner

321967/24 Tsuari v. Miller

**Part 30V**

Justice Judith N. McMahon 60 Centre Street 646-386-3275

**THURSDAY, MAY 8**

805278/20 Bui v. Reisacher 805226/20 Dico v. Tornambe 805024/21 Genet v. NY And Presbyterian Hosp. Et Al

800094/11 Hurt v. Gambrell 80374/22 Kelly Eng v. NYU Langone Medical Center Et Al

805156/19 Kimmelman And v. Smith

805250/20 Lara v. Mount Sinai Hosp.

**Part 33**

Justice Mary V. Rosado 60 Centre Street Phone 646-386-3894 Room 442

**THURSDAY, MAY 8**

161588/24 Distefano v. Studio Fuda LLC 157599/16 Focacci v. One East River Pl. Rly.

152374/24 Kuvshynov v. Fox News Network

161082/22 Maldonado v. Cm & Associates Contracting Inc. Et Al

153678/23 Rodriguez v. The Langston Condominium Et Al

157481/22 Shin v. 157 Suffolk St. Jv LLC

**FRIDAY, MAY 9**

159701/24 Barber v. Loral USA, Inc. Et Al

650388/24 Bellwood NY Inc. v. 119 Ave. A Rly. Corp. Et Al

152296/25 Boral Capital LLC v. Current Group Inc.

151068/25 Delaney Suffolk Associates LLC v. Alsaidi

659884/24 Duff v. Royer Cooper Cohen Braunfeld LLC Et Al

650706/25 Genius Plumbing And Heating LLC v. Jonis-145 E 35th St. LLC

161655/24 Ginsburg & Misk Llp v. Eshaghpour

158244/24 Leonard v. Gc Shl LLC Et Al

151826/22 Teperman v. 1411 Ic-Sic Prop. LLC

**Part 34**

Justice Dakota D. Rameur 60 Centre Street Phone 646-386-4370 Room 341

**THURSDAY, MAY 8**

450504/16 Comm'r's. Of The State v. Greystone Mgt. Solutions

150278/23 Knight v. East Pub Inc. Et Al

153115/23 Rv. v. Transit Wireless LLC Et Al

**FRIDAY, MAY 9**

158746/23 Cahn v. Chapter

151516/23 Jimenez v. Summit Security Services, Inc. Et Al

156177/21 Noel v. 336 E 95th Rly. LLC Et Al

151934/23 Pollack v. Kling Phd

**Part 37 IAS Part**

**City Cases**  
Justice Arthur F. Engoron 60 Centre Street 646-386-3222 Room 418

**THURSDAY, MAY 8**

451461/24 NYC v. The Harford Co. Corp. Et Al 15825/23 Delacruz v. NYCH&HC Corp. Et Al

154663/22 Jean Charles v. West 146th St. L. P. Et Al 80209/16 Lee v. Nejat

80520/20 Lee v. NY NYCH&HC Corp. Et Al

80508/22 Lin v. NYCH&HC Corp.

156353/22 Mt. Hawley Ins. Co. v. Pathward Consulting, Inc.

154053/23 Nationwide General Ins. Co. As Subrogee of Mari Matsu and Simon Colley v. Systems 2000 Plumbing Services

156493/23 New My Management LLC v. Williamson Trust

154391/22 Otero v. Amsterdam Nursing Home Corp.

150599/22 Pildain Millan v. Flintlock Const. Services

156844/17 Quasar Rly. Partners v. R. Kenyatta Punter

80508/22 Lee v. NY NYCH&HC Corp.

150516/22 Taylor v. NYCH&HC Corp.

157015/24 Wong v. McGowen

**FRIDAY, MAY 9**

15826/21 Aig Prop. Casualty Co. v. G.A. Fleet Associates, Inc. Et Al 651150/24 Certain Underwriters At Lloyd's v. Basit Corp. Et Al

450721/21 NYC v. Hwang

**Motion**

450721/21 NYC v. Hwang

**Part 43**

Justice Robert R. Reed 60 Centre Street Phone 646-386-3238 Room 222

**THURSDAY, MAY 8**

156951/20 Arad 2 Lic v. Hamo

65192/18 Azur Ld. v. Barokas

156176/24 Chaparral Investments v. Rubenstein

156171/25 Charan Capital Markets v. Data Vault Hldgs., Inc.

156980/24 Coburn Analytics, Inc. Et Al

156535/20 Elhanani v. Kuzine

156225/19 Hennawi Partners (bvi) Ltd. And Park St. (gg) Ltd. v. Deloitte Transactions And Business Analytics Llp

156129/25 Laddar Cre Finance Reit Inc. v. Gindi

156435/22 Terra Driggs v. Bernstein

**Motion**

156516/24 Chaparral Investments v. Rubenstein

156171/25 Charan Capital Markets v. Data Vault Hldgs., Inc.

156980/24 Coburn Analytics, Inc. Et Al

156535/20 Elhanani v. Kuzine

156225/19 Hennawi Partners (bvi) Ltd. And Park St. (gg) Ltd. v. Deloitte Transactions And Business Analytics Llp

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**FRIDAY, MAY 9**

156516/24 Chaparral Investments v. Rubenstein

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156980/24 Coburn Analytics, Inc. Et Al

156535/20 Elhanani v. Kuzine

156225/19 Hennawi Partners (bvi) Ltd. And Park St. (gg) Ltd. v. Deloitte Transactions And Business Analytics Llp

156129/25 Laddar Cre Finance Reit Inc. v. Gindi

**Part 44**

Justice Jeffrey H. Pearlman 60 Centre Street Phone 646-366-3370 Room 321

**THURSDAY, MAY 8**

36552/24 Abogunrin v. Abiba

65193/23 Chatelain v. Chatelain

32169/24 Garcia Espositio v. Esposito

31225/15 Gordon v. Gordon

65305/22 Hessler v. Hessler

65373/20 Magnan v. Metz

32087/24 Samematsu v. Suerro

15690/24 Mateo v. Mateo

**Motion**

36508/22 Scaglia v. Haart

32169/24 Garcia Espositio v. Esposito

31225/15 Gordon v. Gordon

6530

190346/17 Nankervis v. A.O. Smith Water Prods. Co.  
190278/23 Ringelberg v. Air & Liquid Systems Corp. Et Al  
190107/23 Ripp v. Abb. Inc.  
Individually And As Successor in Interest To It Circuit Breakers, Inc Et Al

**FRIDAY, MAY 9**

190036/18 Avakian v. Aerco International  
190218/18 Bondi v. Amchem Prods., Inc.  
190083/21 Richard Barthelmes And Virginia Barthelmes v. A.O. Smith Water Prods. Co., Et Al  
190022/18 Romano v. A.O. Smith Water Prods. Co  
190283/24 Vargas v. Conopco, Inc., A Subsidiary of Unilever U.S., Inc. And D/b/a Unilever Home & Personal Care USA, Sued Individually And As Successor-in-Interest To Chesebrough Manufacturing Co. A/k/a Chesebrough-Ponds A/k/a Chesebrough-Pond's USA Co. Et Al  
190360/18 Waldron v. A.O. Smith Water Prods. Co  
190147/18 Wendy Facas v. Air & Liquid Systems

**Part 29**

Justice Leticia M. Ramirez  
71 Thomas Street  
Phone 646-386-3016  
Room 311

**FRIDAY, MAY 9**

154842/23 Armijos v. Ai 229 West 43rd Street Property Owner

**Part 36**

Justice Verma L. Saunders  
71 Thomas Street  
Phone 646-386-3733  
Room 205

**FRIDAY, MAY 9**

159253/19 Halim v. Battery Wave

**Part 46**

Justice Richard Latin  
71 Thomas Street  
Phone 646-386-3279  
Room 210

**THURSDAY, MAY 8**

158817/23 C. v. Rama African Hair Braiding—2:15 P.M.  
150404/23 Rashidi v. Gid Dev. Group Et Al—11 A.M.

**FRIDAY, MAY 9**

160787/22 1576 Finest Deli Corp. v. Kookmin Best Ins. Co., Ltd (us Branch) Et Al—11 A.M.  
156319/22 Jacobus v. Hollister Co Et Al 11:30 A.M.

154618/20 Manko v. City Univ. of New

151379/22 Napoli v. 50 Hymc Owner—10:30 A.M.

153523/21 Singh v. 735 Ave. of The Americas LLC Et Al—12 Noon

**Part 55**

Justice James D'Auguste  
71 Thomas Street  
Phone 646-386-3289  
Room 103

**THURSDAY, MAY 8**

100444/25 Deloach v. Assurant  
100357/25 Marino v. Board of Education of The City School Dist. of NYC

101393/24 Moncon v. NYC Nypd  
153364/24 Oleske v. Nys Dept. of Law Et Al

**FRIDAY, MAY 9**

155177/22 West 20 LLC v. Safe Drive Systems, Inc.  
655877/24 Acac 555 Grand Concourse LLC Et Al

158518/20 American Express Nat. Bank v. Miller

159252/24 Chulco v. 10 West 57th St. Rty. LLC

952291/23 Doe v. Affleck

153098/24 Kayan v. Maric Plumbing & Heating, Inc. Et Al

157297/24 Nagler v. 22579 Owners Corp. Et Al

110961/20 Sun Shan Lee Rty. v. Sapphire Estate

453018/24 NYC v. The Land And Bldg. Known As 45 West 28th St.

156833/24 Tsylbukin v. Midsummer Theatricals LLC Et Al

100433/25 Weaver v. The NYCHA

**Motion**

952291/23 Doe v. Affleck

453018/24 NYC v. The Land And Bldg. Known As 45 West 28th St.

**Part 58**

Justice David B. Cohen  
71 Thomas Street  
Phone 646-636-3347  
Room 305

**FRIDAY, MAY 9**

151769/24 Dubose v. Good News Rty. Inc.  
654525/16 Gelwan v. Deratofia

151657/20 NY Marine And General v. NY Firetech Inc

158711/23 Ortiz v. Akam Living Services, Inc.

151532/25 Ragunathan v. Savino & Smollar P.C. Et Al

**Part 56**

Justice John J. Kelley  
71 Thomas Street  
Phone 646-386-5281  
Room 204

**THURSDAY, MAY 8**

452939/21 Bivona v. Gupta  
805054/24 Grant v. NY Presbyterian Hosp. Et Al

805384/21 Rudansky v. City Md Et Al

**FRIDAY, MAY 9**

805441/23 Anderson v. Hudson Pointe At Riverdale Center For Nursing And Rehab Et Al

805138/24 Bates v. Mount Sinai Hosp. Et Al

805015/24 Santiago v. Hudson Hill Center For Rehabilitation And Nursing Et Al

**111 CENTRE STREET**

Part 25  
Guardianship  
Justice Ilana J. Marcus  
111 Centre Street  
Phone 646-386-5675  
Room 1254

**Part 35**

Justice Phaedra F. Perry  
111 Centre Street  
Phone 646-386-3016  
Room 684

**THURSDAY, MAY 8**

651935/24 Enero v. 135-137 West 115th St. Housing Dev. Fund Corp.

**FRIDAY, MAY 9**

652032/25 62nd St. Dev. LLC v. Johnson

653283/24 American Transit Ins. Co. v. Acosta - Ovalle

452634/20 Dept. of Environmental Protection of The NYC Water Board v. Board of Mgrs. of The Crossings Condominium Et Al

157555/23 Fine Craftsman Group v. Dwyer

161377/24 In The Matter of The Trust Created by Howard Alan Wolfson v. Wolfson

**Part 31**

Justice Kathleen C. Waterman-Marshall  
111 Centre Street  
Phone 646-386-4296  
Room 623

**THURSDAY, MAY 8**

650963/24 American Express Travel Related Services Co., Inc. v. Talento Mgt. Group, Inc. Et Al  
152123/25 Chesterfield Faring v. Cronin

652199/21 Estjon v. Blackboard Ins. Co.

156011/21 Frink-Hamlett Legal Solutions, Inc. v. Tellock

154419/24 Guaraca Saquissili v. 164 4 LLC Et Al

158117/24 Murphy Marshall v. Acp Parent LLC

151308/25 West 92nd St. Associates LLC v. Lozovsky

**FRIDAY, MAY 9**

158366/20 Cuesta v. Inwood Heights, Inc.

161853/23 Emmanuel v. Beldock Levine & Hoffman Llp Et Al

160867/23 Haggerty v. NYC Et Al

154012/21 Hecht v. Brandt

151463/25 Holmes v. NYC Et Al

153740/24 In The Matter of The Application of Hunter Severini v. NYC Et Al

101116/24 Molina v. NYC Dept. of Health And Mental Hygiene

153010/23 Rosa v. Archdiocese of NY v. A/v/a Roman Catholic Archdiocese of NY Et Al

150984/24 U.S. Bank Nat. Assoc. v. Garbarini & Scher

**Motion**

365107/19 Anonymous v. Meirowitz

**32 Mortgage Foreclosure Part**

Justice Francis A. Kahn, III  
111 Centre Street  
Phone 646-386-5607  
Room 1127B

**THURSDAY, MAY 8**

850142/25 West Partners LLC v. Our Children's Foundation, Inc. Et Al

850299/24 Deutsch v. 215 West 138th St. LLC Et Al

150358/24 Hilton Resorts Corp. v. Whelan

150505/23 McLP Asset Co., Inc. v. Deluca

150678/23 Sbt Advantage Bank v. Ma

150294/24 Silverman v. 215 West 138th St. LLC Et Al

150117/24 Tuebor Reit Sub LLC v. 2338 Second Ave. Mazal LLC Et Al

150001/23 U.S. Bank v. Buco

150106/24 Wells Fargo Bank v. 11 West 3rd St. Owner LLC

**FRIDAY, MAY 9**

150124/23 Brick Air Capital LLC v. Nld Properties, Inc. Et Al

150009/21 Ev4 Assets LLC v. 219 Aves NYC LLC A/k/a

150501/24 Ipmorgan Chase Bank v. Segal

150131/24 Psi Funding, Inc. v. Itay Kahri LLC Et Al

**Part 38**

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

**THURSDAY, MAY 8**

650077/19 Follett Time Devices, Inc. v. Gracie Corp.

156324/23 Hangman NYC LLC v. Malin

158816/23 Markovic v. Sarpal

**Motion**

653224/23 Hangman NYC LLC v. Malin

158816/23 Markovic v. Sarpal

**FRIDAY, MAY 9**

151781/25 Fogcex 218 West 147th Street v. The Tax Comm. of NYC Et Al

652627/24 Mepl Capital Hdg's, II v. Arclight Films Int'l Pty Ltd.

651020/21 Structure Tone LLC, Successor To Merger To Structure Tone, Inc. v. Utica Nat. Ins. Co. of Texas

**Part 42**

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

**THURSDAY, MAY 8**

650759/23 1571-1573 Third Ave. LLC v. Tapp Upper East LLC Et Al

655181/24 Celtic Services NYC Inc. v. Seigel

160234/21 Ortiz v. NYCHA Et Al

159540/23 Palma-Castro v. Madison Plaza Apt. Corp. Et Al

153223/23 Sarasota Dev. Co., LLC Et Al v. The Board of Mgrs. of The 58-60 Reade St. Condominium Et Al

150855/22 Stoddart v. Dynamic Us Inc.

**FRIDAY, MAY 9**

153787/25 Bleeker Prop. Owner LLC v. Figaro NYC LLC

655644/24 Alvarado v. Rezidor LLC Et Al

155441/22 Colon v. Chesapeake Owners Corp. Et Al

161327/24 Gomez v. 235 West 107th St. Housing Dev. Fund Corp. Et Al

151034/25 In Re Matter of Offit Kurman PA. v. To Enforce Cplr 3119

150982/24 Leschavey v. Hesco Energy Hdg's.

652042/25 Tontec Int'l. v. Ddc Enterprise Ltd.



## TUESDAY, MAY 13

10 A.M.  
Court To Be Held in Brooklyn, NY  
Connolly, J.P., Christopher, Voutsinas and Hom, JJ.  
25/0523 Matter of Stora v. New York City Board of Elections (K)  
22/02307 People v. Emanuel, Joshua (W)  
23/01257 Matter of W. (Anonymous), Viris (K)  
24/02117 Matter of Royal v. Royal (K)  
24/08872 Tuala v. Empire Developers & Restoration Corp. (K)  
23/01036 Meraj v. Walgreens Co. (K)  
24/05506 Matter of Sawwan v. Farhoud (K)  
24/09034 Sanchez v. Uher Technologies, Inc. (K)  
24/02195 Mullins v. Sharma (S)  
24/05096 Sharma v. Mullins (S)  
24/04037 Matter of Halpern v. White (S)  
24/0399 Palm Avenue Hialeah Trust v. 2166 Dean LLC (Q)  
24/03111 Deutsche Bank National Trust Company v. Benson (W)  
24/05785 Deutsche Bank National Trust Company v. Benson (W)  
24/02309 Ficalora v. Almeida (K)  
24/02360 Weaver v. Krakowik (K)  
24/02366 Weaver v. Krakowik (K)  
23/07309 U.S. Bank National Association v. Williams (P)  
23/1483 U.S. Bank National Association v. Williams (P)  
21/04814 Matter of Fleischer v. Friedman (Q)  
24/06847 Stein v. Stein (S)  
24/09437 Matter of Seven, Inc. v. Town of Oyster Bay (N)  
24/04476 Matter of Bates, Deceased (P)  
23/0580 25-01 Newkirk Avenue, LLC v. Everest National Insurance Company (K)

## THURSDAY, MAY 15

10 A.M.  
Court To Be Held in Brooklyn, NY  
Duffy, J.P., Ford, Landicino and Ventura, JJ.  
24/0410 People v. Gioia, Holden (P)  
23/0221 People v. Thompson, Aaron (K)  
23/02513 People v. Babatunde, Olajinka (K)  
21/03706 Plaide v. 455 Bainbridge Street, LLC (K)  
21/09114 Finn v. Piesco (RO)  
24/10234 Abogage v. Abogage (S)  
23/08573 Matter of Group, Inc. BFI, Inc. v. STP Brokerage, Inc. (S)  
24/09920 Granovskaya v. 24 Hour Fitness USA Inc. (K)  
24/06779 Khostayev v. Edelstein (K)  
24/06531 Red Target, LLC v. Kun Resources (S)

## TUESDAY, MAY 20

10 A.M.  
Court To Be Held in Brooklyn, NY  
Dillon, J.P., Christopher, Wan and Hom, JJ.  
22/09667 People v. Jones, Rayvon (K)  
22/09668 People v. Jones, Rayvon (K)  
22/09100 People v. Martinez, Ramon (N)  
24/03323 Matter of Roman v. Deceus (Q)  
24/05437 Matter of Langenhanh v. Langenhanh (S)  
23/1115 US Bank National Association v. Stuart (Q)  
24/09472 Hello Beautiful Salons, Inc. v. Dimoplon (K)  
24/12060 Hello Beautiful Salons, Inc. v. Dimoplon (K)  
24/04564 Matter of Chinese Christ Gospel Church v. OATH (Q)  
24/01751 Matter of Oglesby, deceased (Q)  
24/0387 Matter of Oglesby, Deceased (Q)  
24/06532 Cortez v. Kapoor (K)  
24/04725 Kedex Properties LLC v. Trisura Specialty Insurance Company (Q)  
22/04262 Mitchell v. City of New York (Q)  
22/07586 Tootsie Realty Inc. v. Klein (K)  
23/1265 Siltz v. Golub Corporation (O)  
24/01726 U.S. Bank National Association v. Warner 26 Inc. (N)  
22/01270 Town of Blooming Grove v. Simon (RO)  
24/02731 HSBC v. St. Hilaire (K)  
23/09108 Romano v. Welshbach Electric Corp. (K)  
24/05644 Abiev v. Struett (K)  
24/02849 Friedman v. MTGLQ Investors LP (K)

## WEDNESDAY, MAY 21

10 A.M.  
Court To Be Held in Brooklyn, NY

Duffy, J.P., Ford, Landicino and Ventura, JJ.

24/0410 People v. Gioia, Holden (P)

23/0221 People v. Thompson, Aaron (K)

23/02513 People v. Babatunde, Olajinka (K)

21/03706 Plaide v. 455 Bainbridge Street, LLC (K)

21/09114 Finn v. Piesco (RO)

24/10234 Abogage v. Abogage (S)

23/08573 Matter of Group, Inc. BFI, Inc. v. STP Brokerage, Inc. (S)

24/09920 Granovskaya v. 24 Hour Fitness USA Inc. (K)

24/06779 Khostayev v. Edelstein (K)

24/06531 Red Target, LLC v. Kun Resources (S)

## APPELLATE TERM

2ND, 11TH and 13TH JUDICIAL DISTRICT

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BROOKLYN, NY

Day Calendar

WEDNESDAY, MAY 21

9:30 A.M.

Mundy, J.P., Buggs, Quiñones, JJ.

22/00258 People v. Adonis Medrano

22/0738 People v. Benjamin Rosario

22/01047 People v. Joseph Gallinaro

24/0385955 Seneca, LLC v. Kings Juice Bar, Inc.

24/04800 Medtech Medical Supply, Inc. aao Mary George v. Liberty Mutual Insurance Company

24/06111 Jules F. Parisien, aao Brandy Dinnal v. Permanent General Assurance Corp.

24/09946 Burke 2 Physical Therapy, P.C., aao Torres, Ruben v. State Farm Mutual Automobile Insurance Company

24/098455 Seneca, LLC v. Kings Juice Bar, Inc.

24/09948241 Royalty v. Goderdzishvili

24/0395245 Simon v. Edward Dozier

24/0628324 Strand Hill Associates v. Rothman

24/023824 Thomas v. The Williamsburg Hotel Bk LLC

24/05989251 Tukudav v. Matone

24/05293524 Rezavashvili v. Darling Ingredients Inc.

24/0189124 Royalty v. Goderdzishvili

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24/023824 Thomas v. The

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Phone: 212.457.7850

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### LICQUOR LICENSES

**N**OTICE IS HEREBY given that a license, number pending, for beer, wine, and liquor has been applied for by BANJARA INC. to sell beer, wine, and liquor at retail in a restaurant under the Alcoholic Beverage Control Law at 390 N Wantagh Ave, Bethpage, NY 11714 County of Nassau for on-premises consumption. Banjara, Inc. 390 N Wantagh Ave Bethpage, NY 11714 8102 my1-Th my8

**N**OTICE IS HEREBY given that an On-Premise Catering Establishment Full Liquor License Application ID NA-0524-25-07236 has been applied for by Compass Group USA, Inc and Thompson Hospitality Services, LLC serving beer, wine, cider and liquor to be sold at retail for on-premises consumption in a catering establishment for the premises located at 270 Park Ave, 13th Floor NY NY 10017. 8168 my1-Th my8

**N**OTICE IS HEREBY given that an On-Premise Restaurant Full Liquor License, NYS Application ID: NA 0340-25-110739 has been applied for by 30 W 26th Street OP CO LLC serving beer, wine, cider and liquor to be sold at retail for on-premises consumption in a restaurant, for the premises located at 30 West 26th Street New York NY 10010. 8166 my1-Th my8

**N**OTICE IS HEREBY given that an On-Premise Restaurant Full Liquor License, NYS Application ID: CL-25-101513-01 has been applied for by Tartinery W3 LLC serving beer, wine, cider and liquor to be sold at retail for on-premises consumption in a restaurant, for the premises located at 78 W 3RD St New York NY 10012. 8169 my1-Th my8

**N**OTICE IS HEREBY given that an On-Premises Tavern Full Liquor License, Application ID: CL-25-25-101753-02 has been applied for by GH on the Park LLC & 54 West 40th Realty LLC, as Co-Licenses serving beer, wine, cider and liquor to be sold at retail for on-premises consumption in a tavern for the premises located at 54 West 40th Street New York NY 10018. 8164 my1-Th my8

### LIMITED LIABILITY ENTITIES

**C**HANGING THE NARRATIVE MENTAL HEALTH COUNSELING, PLLC Art of Org filed with the SSNY on 04/10/2025. Office: New York County. SSNY is designated as the agent of the LLC for service of process. Any legal documents served to the LLC through SSNY will be forwarded to LEGALCORP SOLUTIONS, LLC 11 BROADWAY SUITE 615, NEW YORK, NY 10004. Purpose: Any lawful purpose. 7871 My01 Th J05

**N**OTICE OF FORMATION of Harrigan Medical PLLC, Arts of Org filed with Secy. of State of NY (SSNY) on 3/13/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 261 West 112th St. 3C, New York, NY 10026. Purpose: any lawful act. 7843 A24 Th My29

### LIMITED LIABILITY ENTITIES

**N**OTICE OF QUALIFICATION of AEP ENGINEERING LIMITED LIABILITY COMPANY. Application for authority filed with Secretary of State of NY (SSNY) on 11/21/2024. Office loc: NY County, LLC formed in NJ on 10/22/2013. SSNY designated as agent upon whom process may be served and mailed to 26 Mountain Way, West Orange, NJ 07052. Cert. of LLC filed with NJ Dept of the Treasury, DORES, 33 W State St., #5th Fl., Trenton, NJ 08608. Purpose: Any lawful activity. 8592 A17 Th My22

### LIMITED LIABILITY ENTITIES

3137 BROADWAY LLC. Filed with SSNY on 03/21/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 3137 BROADWAY, NEW YORK, NY 10027. Purpose: Any lawful 7839 8553 my8

### FOUNDATIONS

**T**HE ANNUAL RETURN OF THE APFELBAUM FAMILY FOUNDATION for the calendar year December 31, 2024 is available at the office of McLaughlin & Stern LLP at 260 Madison Avenue, New York, NY 10016, (212) 448-1100, for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is William Apfelbaum. 8576 my8

**T**HE ANNUAL RETURN OF THE JOSHUA L. MAILMAN CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 812 5th Ave New York, NY 10065 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is JOSHUA MAILMAN. 8572 my8

**T**HE ANNUAL RETURN OF THE YASEEN FOUNDATION. For the calendar year ended 12/31/2024 is available at its principal office located at 812 5th Ave New York, NY 10065 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Janet Yaseen. 8592 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8584 my8

**T**HE ANNUAL RETURN OF THE JOSEPH J. GRANO JR. SCHOLARSHIP & FOUNDATION. For the calendar year ended December 31, 2024 is available at its principal office located at 1083 Park Ave #14C, New York, NY 10129 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is JOSEPH J. GRANO JR. 8570 my8

**T**HE ANNUAL RETURN OF THE LAWRENCE RUBEN FOUNDATION. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is LAWRENCE RUBEN. 8581 my8

**T**HE ANNUAL RETURN OF THE PARENTING DEVELOPMENT RESOURCE, INC. For the calendar year ended December 31, 2024 is available at its principal office located at 1083 Park Ave #14C, New York, NY 10129 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is PARENTING DEVELOPMENT RESOURCE, INC. 8582 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8583 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8584 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8585 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8586 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8587 my8

**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAMFORD, CT 06901 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is RICHARD RUBEN. 8588 my8

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**T**HE ANNUAL RETURN OF THE RUBEN FAMILY CHARITABLE TRUST. For the calendar year ended December 31, 2024 is available at its principal office located at 600 WASHINGTON BLVD STAM

**SALES****NOTICE OF SALE**

**S**UPREME COURT BRONX COUNTY BAYVIEW LOAN SERVICING, LLC, Plaintiff against JODI CUOMO, et al Defendants (s) Attorney for Plaintiff(s) Fein Such & Crane, LLP, 28 East Main Street, Suite 1800, Rochester, NY 14614. Pursuant to a Judgment of Foreclosure and Sale entered June 21, 2017, I will sell at public auction to the highest bidder at the Bronx County Courthouse, Courtroom 711 at 851 Grand Concourse, Bronx, New York on May 19, 2025 at 2:15 PM. Premises known as 3186 Amper Avenue, Bronx, NY 10465. Block 5412 Lot 85. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough and County of Bronx, City and State of New York. Approximate Amount of Judgment is \$166,501.56 plus interest, fees, and costs. Premises will be sold subject to provisions of filed Judgment Index No 35404/2014E. The foreclosure sale will be conducted in accordance with 12th Judicial District's Covid-19 Policies and the Bronx County foreclosure auction rules. The Referee shall enforce any rules in place regarding facial coverings and social distancing. Michael Aspinwall, Esq., Referee File # NSRNY007 7085 a17-Th my8

**SALES****NOTICE OF SALE**

**S**UPREME COURT COUNTY OF KINGS Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1, Plaintiff AGAINST Aixa Muir, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered August 25, 2010 I, the undersigned Referee, will sell at public auction at the Kings County Supreme Court, 360 Adams Street, Room 224, Brooklyn, NY 11201 on May 15, 2025 at 2:30PM, premises known as 1192 Bushwick Avenue, Brooklyn, NY 11221. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 3380 Lot 39. Approximate amount of judgment \$632,451.09 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 11797/2008. Mark A. Longo, Esq., Referee LOGS Legal Group LLP f/k/a Shapiro, DiCaro, Barak, LLC Attorneys (s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: March 13, 2025 84965 7068 a17-Th my5

**NOTICE OF SALE**

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**NOTICE OF SALE**

**S**UPREME COURT COUNTY OF KINGS HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**NOTICE OF SALE**

**S**UPREME COURT COUNTY OF BRONX, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR PLAZA RTL TRUST, Plaintiff, vs. BARKEK PROJECT LLC, ET AL, Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly entered on April 4, 2025, I, the undersigned Referee will sell at public auction at Courtroom 607 of the Bronx County Courthouse, Bronx County, 851 Grand Concourse, Bronx, NY 10451 on June 9, 2025, at 2:15 PM, premises known as 2506, 2514, 2516, 2518, 2520 BARKER AVENUE, BRONX, NY 10467. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Bronx, County of Bronx and State of New York, Block: 4228, Lot: 10, 13, 14, 14 & 15. Approximate amount of judgment is \$5,541,267.40 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 80979/2021E. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, the Mortgagee's attorney, or the Referee. STEPHEN B. KAUFMAN, Esq., Referee Roach & Lin, P.C., 6851 Jericho Turnpike, Suite 185, Syosset, New York 11791, Attorneys for Plaintiff. Firm File No. 211476-1 8048 my1-Th my22

**NOTICE OF SALE**

**S**UPREME COURT BRONX COUNTY JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff(s) against NINA VAZQUEZ, et al, Defendant(s) Attorney for Plaintiff(s) Fein Such & Crane, LLP, 28 East Main Street, Suite 1800, Rochester, NY 14614. Pursuant to a Judgment of Foreclosure and Sale entered September 27, 2019, I will sell at public auction at the Bronx County Courthouse, Courtroom 711 at 851 Grand Concourse, Bronx, New York on June 9, 2025 at 2:15 PM. Premises known as 2086-2088 Bathgate Avenue, Bronx, NY 10457. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Bronx, County of Bronx, City and State of New York. Approximate amount of judgment is \$1,125,086.83 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 806204/2021E. Jeffrey E. Dinowitz, Esq., Referee Friedman Vartolo LLP, 85 Broad Street, Suite 501, New York, New York 10004, Attorneys for Plaintiff. Firm File No. 201287-2 8048 my1-Th my22

**NOTICE OF SALE**

**S**UPREME COURT BRONX COUNTY JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff(s) against NINA VAZQUEZ, et al, Defendant(s) Attorney for Plaintiff(s) Fein Such & Crane, LLP, 28 East Main Street, Suite 1800, Rochester, NY 14614. Pursuant to a Judgment of Foreclosure and Sale entered September 27, 2019, I will sell at public auction at the Bronx County Courthouse, Courtroom 711 at 851 Grand Concourse, Bronx, New York on June 9, 2025 at 2:15 PM. Premises known as 2086-2088 Bathgate Avenue, Bronx, NY 10457. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Bronx, County of Bronx, City and State of New York. Approximate amount of judgment is \$1,125,086.83 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 806204/2021E. Jeffrey E. Dinowitz, Esq., Referee Friedman Vartolo LLP, 85 Broad Street, Suite 501, New York, New York 10004, Attorneys for Plaintiff. Firm File No. 201287-2 8048 my1-Th my22

**NOTICE OF SALE**

**S**UPREME COURT BRONX COUNTY JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff(s) against NINA VAZQUEZ, et al, Defendant(s) Attorney for Plaintiff(s) Fein Such & Crane, LLP, 28 East Main Street, Suite 1800, Rochester, NY 14614. Pursuant to a Judgment of Foreclosure and Sale entered September 27, 2019, I will sell at public auction at the Bronx County Courthouse, Courtroom 711 at 851 Grand Concourse, Bronx, New York on June 9, 2025 at 2:15 PM. Premises known as 2086-2088 Bathgate Avenue, Bronx, NY 10457. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Bronx, County of Bronx, City and State of New York. Approximate amount of judgment is \$1,125,086.83 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 806204/2021E. Jeffrey E. Dinowitz, Esq., Referee Friedman Vartolo LLP, 85 Broad Street, Suite 501, New York, New York 10004, Attorneys for Plaintiff. Firm File No. 201287-2 8048 my1-Th my22

**NOTICE OF SALE**

**S**UPREME COURT CHLOE'S CAR, LLC, Plaintiff(s) against NINA VAZQUEZ, et al, Defendant(s) Attorney for Plaintiff(s) Fein Such & Crane, LLP, 28 East Main Street, Suite 1800, Rochester, NY 14614. Pursuant to a Judgment of Foreclosure and Sale entered September 27, 2019, I will sell at public auction at the Bronx County Courthouse, Courtroom 711 at 851 Grand Concourse, Bronx, New York on June 9, 2025 at 2:15 PM. Premises known as 2086-2088 Bathgate Avenue, Bronx, NY 10457. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Bronx, County of Bronx, City and State of New York. Approximate amount of judgment is \$1,125,086.83 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 806204/2021E. Jeffrey E. Dinowitz, Esq., Referee Friedman Vartolo LLP, 85 Broad Street, Suite 501, New York, New York 10004, Attorneys for Plaintiff. Firm File No. 201287-2 8048 my1-Th my22

**NOTICE OF FORMATION**

**N**OTICE OF FORMATION of Galactic Brands NY, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 02/18/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Will Burrell, c/o National Realty, 225 Liberty Street, 31st Floor, New York, NY 10281. Purpose: any lawful activities. 7856 a24-Th my29

**N**OTICE OF FORMATION of Galactic Brands NY, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 02/18/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Will Burrell, c/o National Realty, 225 Liberty Street, 31st Floor, New York, NY 10281. Purpose: any lawful activities. 7856 a24-Th my29

**NOTICE OF FORMATION**

See Decisions of Interest only at NYLJ.COM

**LIMITED LIABILITY ENTITIES****NOTICE OF SALE**

**S**UPREME COURT COUNTY OF KINGS Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1, Plaintiff AGAINST Aixa Muir, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered August 25, 2010 I, the undersigned Referee, will sell at public auction at the Kings County Supreme Court, 360 Adams Street, Room 224, Brooklyn, NY 11201 on May 15, 2025 at 2:30PM, premises known as 1192 Bushwick Avenue, Brooklyn, NY 11221. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 3380 Lot 39. Approximate amount of judgment \$632,451.09 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 11797/2008. Mark A. Longo, Esq., Referee LOGS Legal Group LLP f/k/a Shapiro, DiCaro, Barak, LLC Attorneys (s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: March 13, 2025 84965 7068 a17-Th my5

**NOTICE OF SALE**

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5

**S**UPREME COURT COUNTY OF KINGS HSCB Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MLMI Series, 2006-AF2, Plaintiff AGAINST Roy S. Whitelock, et al, Defendants (s) Pursuant to a Judgment of Foreclosure and Sale duly entered September 25, 2009, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, Room 224, 360 Adams Street, Brooklyn, New York 11201 on May 22, 2025 at 2:30 PM, premises known as 1778 Dean Street, Brooklyn, NY 11223. All that certain plot, piece or parcel of land, with the buildings and improvements erected, situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block 1349, Lot 26. Approximate amount of judgment \$632,121.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 16517/2007. For sale information, please visit Auction.com or call (800) 230-2322. Jeffrey R. Miller, Esq., Referee Frenkel, Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-051150-7371 a24-Th my5