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IN BRIEF

Brooklyn DA Eric Gonzalez Announces New Leadership In Investigations Division

Brooklyn District Attorney Eric Gonzalez on Monday announced three new leadership appointments within his Office's Investigations Division.

Laura Neubauer will now lead the Organized Crime and Racketeering Bureau, Adam Libove will head the Public Integrity Bureau, and Frank Longobardi is now chief of the Frauds Bureau, Gonzalez said in a memo to staff.

"I have every confidence that these bureaus will continue to do outstanding work with Laura, Adam and Frank at the helm," the DA wrote.

Neubauer began her legal career at the King's County District Attorney's Office in 1989, where she remained for 12 years as an assistant DA. She then joined the U.S. Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training and served in Macedonia and in Bosnia and Herzegovina. While abroad, she worked on legislative reform, led the development of local organized crime task forces and later served as Head of Rule of Law Special Projects for the Office of the High Representative. Neubauer received the U.S. Department of State Meritorious Honor Award for her work.

She returned to the Brooklyn DA's office in 2006 and spent six years in the Rackets Bureau before she was appointed chief of Human Trafficking. She returned in 2015 to the DOJ to again work in Bosnia and Herzegovina.

Neubauer rejoined the Brooklyn DA in 2017 and became chief of the Public Integrity Bureau in 2019.

Libove joined the office in 2015 and most recently served as the deputy chief of the Public Integrity Bureau.

Before becoming a Brooklyn prosecutor, Libove worked at the City Department of Investigation as counsel to the Inspectors General for the Departments of Correction and Probation and as Director of the Marshals Bureau. He began his legal career as a commercial litigator at Troutman Sanders

He is also an adjunct professor at Fordham Law School's Program on Corporate Ethics and Compliance and serves on the Appellate Division, First Department's Committee on Character and Fitness.

Longobardi most recently served as chief of the Construction Crimes and Labor Fraud Unit and as special counsel to the Real Estate Fraud Unit.

He joined the Brooklyn DA's Office in 2020, following stints at Fidelity National Financial and First American Financial.

Prior to that work, Longobardi was an assistant DA in Queens, where he worked in various bureaus including Public Integrity, Narcotics Investigation and Economic and Environmental Crimes.

—Emily Saul

SPECIAL REPORT »9-14

USDA's New 'Product of USA' Rule Demands Careful Recordkeeping

The U.S. Department of Agriculture's new rule restricting "Product of USA" claims for beef, poultry and egg products, which took effect on Jan. 1, requires companies to exercise new care not only in the claims they make about their products but in detailed supporting documentation, attorneys say.

Previously, regulated products could be sold with voluntary "Product of USA" claims if only the final processing took place in the United States. Under the new rule, the claim can only be used if the product derives from an animal that was born, raised, slaughtered and processed in the United States.

For multi-ingredient products, most other ingredients—excluding spices and flavorings—must also be of U.S. origin.

The rule extends to products depicting an Ameri- » Page 4

NY's AVOID Act Will Force Immediate Identification of Third-Party Defendants »2

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INSIDE LAW JOURNAL

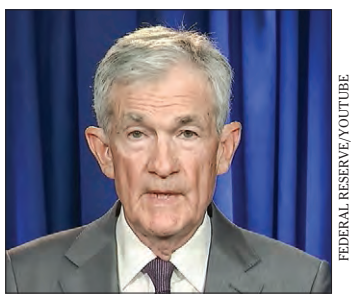
See page 2 for complete Inside lineup.

'Attempt at Coercion'? Federal Reserve Chair Jerome Powell Faces Criminal Probe

BY SULAIMAN ABDUR-RAHMAN

THE U.S. Department of Justice has launched a criminal perjury investigation targeting Federal Reserve Chair Jerome Powell for statements he made to Congress last summer, Powell confirmed Sunday night.

"The threat of criminal charges is a consequence of the Federal Reserve setting interest rates based on our best assessment of what will serve the public, rather than following the preferences of the President," Powell said in a rare video statement.



FEDERAL RESERVE/YOUTUBE

Jerome Powell has reportedly retained Williams & Connolly as outside legal counsel.

"This is about whether the Fed will be able to continue to set interest rates based on evidence and economic conditions—or whether instead monetary policy will be directed by political pressure or intimidation," Powell added.

President Donald Trump is a major advocate for lower interest rates and has long criticized Powell's leadership over monetary policy decisions.

Powell, who has served as chair of the Board of Governors of the Federal Reserve System since Trump appointed him in February 2018, said he remains focused on his duties.

"Public service sometimes requires standing firm in the face of threats," Powell said in his statement. "I will continue to do the job the Senate confirmed me to do, with integrity and a commitment to serving the American people."

The Justice Department served the Federal Reserve with grand jury subpoenas Jan. 9 as DOJ attorneys investigate whether Powell lied to the Senate Banking » Page 4

NEW YORK SENATE PHOTO VIA WIKIMEDIA COMMONS

New York State Sen. **Luis R. Sepúlveda**, D-Bronx, becomes the first Latino to lead the powerful Judiciary Committee.

'A Steady Hand': NY Democratic Majority Leader Appoints Sen. Luis Sepúlveda as New Judiciary Chair

BY BRIAN LEE

NEW YORK Sen. Luis R. Sepúlveda, an attorney with a record of advocating for progressive reforms, has been tapped as chairman of the upper legislative chamber's Judiciary Committee, becoming the first Latino to lead the powerful body, the Democratic majority announced Monday.

Sepúlveda, who hails from the Bronx, will lead the committee that vets and acts on judicial nominations, proposed laws concerning the state court system, civil and criminal procedures, constitutional issues, and access to justice.

As chair of the Senate Judiciary Committee, Sepúlveda said he will prioritize equity in the courts, efficiency in judicial processes, and continued efforts to ensure New York's justice system is responsive and reflective of the diversity and needs of its residents.

Senate Majority Leader Andrea Stewart-Cousins, D-Yonkers, made the appointment.

"Sen. Sepúlveda brings a steady hand, deep legal understanding, and a strong commitment to transparency that will be critical as the committee » Page 4

COURTESY PHOTO

GAGE SKIDMORE/WIKIPEDIA

Defense counsel **Barry Pollack**, left, who appeared at arraignment, says Maduro has not retained **Bruce Fein**. Fein, a former Justice Department lawyer, says he made his appearance based on information from "individuals credibly situated within President Maduro's inner circle or family."

Who Is Representing Nicolás Maduro? Lawyers Spar Over Their Role in Case

BY ALYSSA AQUINO

THE DEFENSE for ousted Venezuelan leader Nicolás Maduro has become a contested matter, after Maduro's attorney, Barry Pollack, informed the court that a Reagan-era federal official filed an appearance on Maduro's behalf—despite, according to Pollack, never having spoken with Maduro.

In a motion to strike Bruce Fein's appearance in the high-profile case, Barry Pollack—the defense attorney who appeared beside Maduro during his Monday arraignment—argued that Maduro has not retained Fein.

"On January 8, 2026, I was able to have a legal call with Mr. Maduro. I confirmed with Mr. Maduro that he does not know Mr. Fein and has not communicated with Mr. Fein, much less retained him, authorized him to enter an appearance, or otherwise hold himself out as representing Mr. Maduro," Pollack » Page 4

Jenner & Block, Legal Aid: NY State Detention Centers Allegedly Subject Youth to Prolonged Solitary Confinement

BY BRIAN LEE

AT FIVE New York detention centers, youth are allegedly forced into prolonged solitary confinement, and to use trash bins or buckets as toilets, a Big Law firm, teamed with the nation's oldest and largest nonprofit legal organization, said in a federal class action,

Jenner & Block and the Legal Aid Society on Thursday filed the suit in Manhattan federal court accusing the New York State Office of Children and Family Services of frequently locking youth in the five secure placement facilities alone in small, barren cells for up to 24 hours a day—at times for weeks or months—without access to mandated education, programming, recreation or adequate hygiene.

It details the experi- » Page 4

No 'Crime of Violence?': Attorneys Argue Over Statute Forming Basis for Death Penalty in Mangione Case

BY EMILY SAUL

DEFENSE attorneys for Luigi Mangione, accused in the killing of a health insurance company CEO, faced off with federal prosecutors on Friday as they work to dismiss the death-eligible charges leveled against their client.

Across three hours, lawyers for both sides argued whether or not the statute under which Mangione is charged requires a crime of violence; a necessary predicate for prosecutors to seek his death under counts three and four of the indictment. » Page 2

CURTIS MEANS/DAILYMAIL/BLOOMBERG

Luigi Mangione, center, was charged in December 2024 with interstate stalking resulting in death and firearm-related murder, a death-eligible offense.

New York Law Journal Inside

Online

Court Calendars

Civil and Supreme Court calendars for New York and surrounding counties are now **available weeks in advance** at 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.**

Online

Today's Tip

View the special sections online and download today's paper at the Law Journal Download Center. **Only at nylj.com.**

Online

More **Technology** columns are archived at **nylj.com**.

Online

At the Capital

Whether it's articles on rulings from the New York **Court of Appeals** or the Appellate Division, **Third Department**, to news about a new statute or budget battle, read the Law Journal's comprehensive coverage of the Capital by Albany correspondent Brian Lee at **nylj.com.**

Securities Filings Down, Settlement Values Up at End of 2025, Report Says

BY ELLEN BARDASH

WHILE U.S. companies saw a decline in securities fraud class action exposure in the second half of 2025, settlement values for securities cases are on the rise, a new report from Securities Analytics Research stated.

In the fourth quarter of 2025, SAR reported, U.S.-listed companies faced $105.7 billion in securities fraud class action exposure, a 47.6% decrease from the previous quarter. SAR attributes the decline to a drop in securities filings and fewer corporate disclosures alleged to show fraud.

"Despite the decline in filing frequency and a lower count of alleged fraud-revealing corporate disclosures in 4Q, market capitalization losses per Rule 10b-5 claim and alleged stock drop remained relatively stable," SAR senior vice president Stephen Sigrist said.

Despite the recorded decrease in exposure, the average settlement reached in a securities fraud case in the second half of the year—$45 million—was more than double the average recorded in the first half of the year.

Among 20 securities fraud class actions settled in the second half of 2025, SAR reported, shareholders earned a total of $856 million.

"Investor plaintiffs spent greater effort doubling private securities fraud litigation settlements during the second half of the year than filing new lawsuits," said Nessim Mezrahi, SAR's CEO and cofounder.

Pomerantz was reported to have been lead or colead counsel on 45 securities class actions in the past seven years, more than any other firm. It was followed by Robbins Geller Rudman & Dowd and The Rosen Law Firm, which were lead or colead 42 and 40 times in that period, respectively.

Also in the past seven years, Robbins Geller obtained the highest total settlement value for plaintiffs settling 10b-5 claims, with a total of just under $2.9 billion. The firm with the highest average settlement amount obtained in that same period was Bernstein Litowitz Berger & Grossmann, with an average settlement of $94.1 million.

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Is Alston & Bird Still Open to a Merger After Cadwalader Joined With Another Firm?

BY THOMAS SPIGOLON

ALSTON & Bird entered 2026 after showing it is among Big Law firms open to a merger of equals that would be transformational, if the conditions were right.

Now, some industry observers are wondering what's next for the Atlanta-founded, Am Law 100 firm in terms of growth after some believe it rejected—rather than was rejected—a potential merger with Wall Street's oldest adviser to financial institutions.

Alston & Bird reportedly was in a "rolling group" of three firms at any given time in late 2025 that was courting Cadwalader Wickersham & Taft before Cadwalader and Hogan Lovells announced in mid-December they planned to merge.

Industry insiders speculated that Atlanta-founded Alston did not see the value in joining a firm that had suffered head count and practice area declines throughout 2025—and appeared not to be a cultural fit.

"It was a matter of Alston saying, 'Thank you but we will pass,'" one industry consultant said. "And culturally Cadwalader is a very different firm in the way they operate."

JOHN DISNEY/ALM

Alston & Bird offices in Atlanta

Cadwalader appeared to be close to Alston based on 2024 financial metrics but its fortunes declined with the loss of about 116 lawyers throughout 2025, including many in profitable practice areas while leaving it with lower value practices like fund finance and commercial mortgage-backed securities, insiders said.

Alston, meanwhile, has grown its revenue 14% annually and its overall head count 20% since 2020 while steadily growing its New York office to almost 200 lawyers—mostly in finance. Last year, the firm's revenue per lawyer increased 11% to $1.424 million while its profits per partner grew 25.6% to $4.086 million.

Alston & Bird did not immediately respond to a request for comment.

Next Moves

Longtime industry recruiter, Macrae partner Jon Truster, noted Alston had grown in New York to almost 200 lawyers. He said "the right large group of lawyers would be very appealing to Alston and any other firm in New York of that size."

"The firm's fine," Truster said. "I don't view this as the firm being jilted or left at the altar or anything like that."

Another veteran legal recruiter, Steve Stone of Stone Search Partners in Atlanta, predicted Alston & Bird will approach any potential large combination "like any prudent firm" and "remain opportunistic while protecting its culture and long-term identity as a firm with deep Atlanta roots."

"Alston's market strength allows it to be selective rather than reactive as it evaluates growth opportunities," he said.

He added he expected Alston "to continue growing in the disciplined manner it always has by adding individuals and groups when there is a clear strategic fit."

Truster noted Alston's appeal to laterals is it is "well-run" with "flexibility to pay partners if they want to and if they need to."

"They have a lot of strong and interesting practices representing a wide variety of entities—banks, private equity funds, corporate—where they've got top practitioners in multiple offices in New York, Charlotte, D.C.," Truster said.

"And they have a lot to offer," he said. "I think their success in hiring laterals in the past year shows that."

Another longtime legal industry consultant, who has worked with lawyers at both Alston & Bird and Cadwalader, noted Alston "has great numbers and a strong New York presence but it does not have the clout or gravitas on Wall Street that Cadwalader did at its height."

"I suspect there is still an appetite for that level of M&A experience and prestige, and Alston leadership may yet be looking for a combination at that level," he said, speaking anonymously to preserve relationships with attorneys at the firms. "That said, they are certainly doing just fine without it."

"Looked Past the Trees For the Forest"

The consultant added that Cadwalader's recent misfortunes may have contributed to the merger failing, but "obviously Hogan Lovells looked past the trees for the forest."

The merger plan has been called the largest law firm combination in history and will create Hogan Lovells Cadwalader as the world's fifth-largest firm based on combined annual revenues of more than $3.6 billion the firms reported in 2024. The two firms' partners still must approve the tie-up, with voting planned for the spring of this year and the launch of the new firm on July 1.

Cadwalader reportedly began seeking merger partners in recent months after seeing over 100 lawyers depart to other firms like Orrick Herrington & Sutcliffe and Proskauer Rose in key financial markets throughout 2025. Firm leaders noted it hired 93 lawyers during the same time period.

In early October, Orrick added a 37-lawyer team from Cadwalader in London, New York, Charlotte and Washington, D.C., ranked as the No. 1 collateralized loan obligation (CLO) arranger counsel by volume in the U.K. and No. 2 in the U.S., according to the firm.

At the same time, Proskauer Rose announced it was set to open in Charlotte—where Cadwalader had operated since the 1990s—with a four-partner leverage finance team the firm called the "premier" bank-facing leverage finance team in the market.

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Cravath Chair of Investigations Decamps to Paul Hastings To Cochair Litigation Practice

BY PATRICK SMITH

JOHN Buretta, the chair of Cravath, Swaine & Moore's investigations and regulatory enforcement practice, has left to cochair Paul Hastings' litigation department. Buretta, based in New York, will cochair the litigation practice with Kwame Manley, who is based in Washington, D.C., Paul Hastings said Monday.

"Thinking about litigation overall, particularly in the last few years when capital markets have been slower and corporate work up and down, it has been a revenue driver for top firms," Sherrese Smith, global managing partner of Paul Hastings, said in an interview.

"For us, it is important to continue to scale what is already a global and elite litigation practice," she added. "Someone like John, from Cravath, who has complex litigation experience combined with government and regulatory investigations experience, is the complete package."

COURTESY PHOTO

John Buretta, partner with Paul Hastings

Buretta, who began his legal career at Cravath and had moved from the firm to public service and back twice, is the fourth partner to announce an exit from the storied Wall Street firm in 2026.

In an interview, he said making a move to Paul Hastings was both a reflection of how he wanted his practice to expand as well as his attraction to the firm's growth.

"I think there is a clear strategic approach to the firm's ability to attract elite talent like a magnet," Buretta said. "They have strong growth across a lot of practices, and I like the geographic reach of the firm. Together, that added up to Paul Hastings being the right choice."

Buretta, viewed by many as one of the top litigators of his generation, works advises clients in litigation, securities litigation, internal investigations, regulatory enforcement, intellectual property disputes, compliance, shareholder demands and civil proceedings, the firm said.

Buretta began his career at Cravath as an associate in 1996, clerked for U.S. District Judge Peter Leisure in the Southern District of New York, returned to Cravath for three more years as an associate and then practiced as a prosecutor in the Eastern District of New York and the Justice Department. He has been a partner at Cravath since 2013.

During his public service, Buretta served as a prosecutor in EDNY for a decade before moving to the DOJ's Criminal Division, where he rose to become principal deputy assistant attorney general and chief of staff during the Obama administration.

Buretta said that, in addition to what he sees will be a lot of antitrust work in the coming year, he also pointed to Paul Hastings' growth in M&A work.

"M&A can occasionally lead to disputes and litigation, and I anticipate that as Paul Hastings has grown and developed top-tier talent in the M&A space, you will see that kind of activity here as well," he said.

Beyond Buretta, other Cravath partners who left this year include tax partner Andrew Davis, who joined Paul Hastings last week, while national security partner Benjamin Joseloff left for Davis, Polk & Wardwell last Monday. The head of the firm's D.C. office, Jelena McWilliams, left the firm to serve as president of corporate and external affairs.

A spokesperson for Cravath said the firm "wishes John well in his future endeavors."

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Mangione

« Continued from page 1

Mangione, 27, was charged in December 2024 with interstate stalking resulting in death and murder through use of a firearm, a death-eligible count. The stalking charges were brought under 18 U.S. Code § 2261A.

His attorneys say the stalking charges brought as predicate crimes in the case don't qualify as crimes of violence, and therefore cannot underpin the capital charges of murder through use of a firearm. Should Garnett agree and dismiss those counts, prosecutors will be barred from seeking Mangione's death at trial.

Paresh Patel, a federal defender from Washington D.C. who is considered an expert on the stalking statute, appeared pro hac vice for Mangione on Friday. Patel told the court that, not only are the subsections of the law indivisible, they are not categorically crimes of violence because they can be violated through reckless conduct or threatened self-harm.

Patel offered this hypothetical: a drug-addicted individual travels across state lines to visit a sibling, from whom he intends to solicit money to support his addiction. The two go on a hike, during which the individual begins to badger his sister into giving him money as she stands near a cliff edge. The sister accidentally falls off the cliff during that conversation and dies.

In that hypothetical incident, the brother may have committed interstate stalking under the statute but not crimes of violence under Borden v. United States, because the brother had no subjective intent to harm or threaten to harm the victim, Patel said.

Assistant U.S. attorney Jun Xiang disputed that interpretation. A defendant need not subjectively intend to inflict or threaten violence to fall within the elements clause, he told the court.

Garnett thanked both sides and reserved decision on Friday, but indicated she attended to issue a written ruling ahead of another conference in the case scheduled for Jan. 30.

Earlier in the hearing, Garnett said she was hesitant to set a trial date due to the litigation required should the case remain capital. She noted the parties would need less time to prepare for trial if she were to dismiss counts three and four.

She suggested jury selection could begin in September, with the trial itself beginning in December or January of 2027. The parties agreed to adjourn those dates if necessary.

Mangione is also facing charges for Thompson's murder in Manhattan state court, though a trial date has not yet been set in that case.

His Friday appearances follows a three-week hearing in state court as his defense team fights to exclude evidence found in his backpack following his arrest, including a notebook and a firearm. Manhattan Supreme Court Justice Gregory Carro, who is presiding over the state court case, has not yet issued a ruling.

Garnett on Friday said she was disinclined to grant the defense team's request in the federal case to exclude the contents of the backpack.

His lawyers contend the arresting officers in Altoona, Pennsylvania had no right to search his backpack without a warrant.

"I don't think it's really disputed that if you're arrested in a public place, the police are supposed to safeguard your personal property," she told the defense.

She has not yet ruled on the suppression motions.

UnitedHealthcare CEO Brian Thompson, 50, was fatally shot in midtown Manhattan in December 2024 as he walked to his company's investor conference.

Mangione was arrested five days later at a McDonald's in Pennsylvania, where he is also facing weapons possession charges.

He has pleaded not guilty.

Mangione is represented in his federal case by Karen Freidman Agnifilo, Marc Agnifilo and Jacob Kaplan of Agnifilo Intrater, and Avi Moskowitz, Eyelan Schulman and Christopher Neff of Moskowitz Colson Ginsberg & Schulman.

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Expert Analysis

LITIGATION

The Power of Arbitration Clauses and 'Terms of Service'

"How can we reduce our litigation costs and close claims earlier?"

This is a common and entirely justifiable inquiry we receive from clients on a regular basis. It is terrific to settle a claim for well under its potential value due to victories within the litigation itself, but this often comes after months and years and tens of thousands of dollars at the least. Clients understandably want to further reduce costs—after all, while spending $75,000 to settle a case for $100,000, if you could have resolved it for $125,000 before litigation. Early resolution is the financially savvy strategy and a better result. The question is how?

Arbitrations are generally far more cost-effective than in-court litigation. Pre-empting a case entirely with Terms of Service Agreements to preclude claims is even better. These clauses need to be crafted shrewdly and logically—none of our clients want the public relations kerfuffle that arose when Disney sought to use the arbitration clause in its streaming service to prelude a wrongful-death litigation. But in a world where brokered services, whether it be for freight and shipping or commercial transportation, are more ubiquitous than ever, these clauses can help insulate our clients from claims and litigations that are unrelated to our clients' actual conduct.

This issue was considered last month by the Eastern District of Pennsylvania in a decision that considered whether such agreements in a contract could be enforced after the specific performance that was the subject of the contract was already concluded—the court decided that the answer was "yes." In *Rideway Express, Inc. v. Hawkeye Transp. Servs., Inc.*, 2025 U.S. Dist. LEXIS 199918 (E.D. Pa. Oct. 9, 2025), the court addressed a dispute that arose following the conclusion of a Broker-Carrier Agreement (Agreement) between

By **Steven Saal**

Rideway and *Hawkeye* (*HTS*). *HTS* had enlisted *Rideway* to broker the shipment and, after the shipment was completed, accused Rideway—erroneously, according to Rideway—of double-brokering the trip and publicly posting the same on two platforms used by logistics companies.

Rideway provided documentation that the accusation was unfounded and demanded that *HTS* take down the comment. *Rideway* ultimately filed suit and the operative amended complaint maintained the tort defamation and disparagement claims as well as false advertising under the Langham Act. *HTS* moved to dismiss, asserting the court lacked jurisdiction pursuant to the arbitration provision of the Agreement.

> But in a world where brokered services, whether it be for freight and shipping or commercial transportation, are more ubiquitous than ever, these clauses can help insulate our clients from claims and litigations that are unrelated to our clients' actual conduct.

HTS contended that, even though the alleged 'defamatory' conduct occurred after conclusion of the Agreement, the claims were still subject to the arbitration since the claims derive from conduct under the Agreement. *HTS* further argued that the action violated the venue provision of the Agreement and that *Rideway* failed to state a cause of action. *Rideway* contended that, since they withdrew the breach of contract, the remaining claims were not subject to the specific terms of the Agreement. The court ultimately agreed with *HTS*.

The court focused specifically on the underlying "valid agreement" to arbitrate. There was nothing in the record that would serve to invalidate the agreement and the court relied on clear precedent that, with regard to "arbitration provision[s] cover[ing] 'a dispute arising out of this Agreement'... [o]ur courts consider such language expansive and inclusive of a broad range of disputes—even those that arise from the agreement's 'demise.'" The court repeated the Third Circuit's clear directive that "allegedly defamatory statements made after the termination of an agreement fall under the arbitration provision contained within that agreement." The holding here reaffirmed the strength of these arbitration provisions.

Although *Rideway Express* focused on a full contractual agreement, the New York State Court of Appeals, for example, has already confirmed the effect of these clauses in 'click through' Terms of Service Agreements that people are presented with every day. Last year, in *Wu v. Uber Tech., Inc.*, 2024 Ny Slip Op 05869 (2024), New York's highest court affirmed lower court rulings validating the 'clickwrap process' Uber used to create a valid arbitration agreement.

This strategy requires diligence. These agreements must meet standards relative to required review, acknowledgment of the terms, sending out full copies of the terms to the agreeing party, etc. A quick hit, you clicked it, and agreed that the apparatus will invite more judicial scrutiny. But a comprehensive "clickwrap" mechanism utilized by Uber and discussed in the *Wu* case can serve as a model for strategies that can insulate large transportation and logistics companies from an onslaught of litigation costs. If these tools are skillfully-utilized, it could be a strategy to save exponentially on future litigation and claim costs.

STEVEN SAAL *is a partner at Lucosky Brookman.*

DEFAMATION

NY's Anti-SLAPP Law: Unnecessary Chill on Free Petition Rights

It is well established that the First Amendment's right to petition clause affords constitutional protection to the bringing of lawsuits, even those that lose, so long as not frivolous. But in recent years many states, including New York, have imposed a high price on the exercise of that constitutional right. Thus, in 2020, New York significantly revised its anti-SLAPP Act (Civil Rights Law §§70-a and 76-a)to vastly expand the scope of cases which fall within its purview. The purpose of the bill was described in the bill jacket as to "protect citizens' from *frivolous* litigation."

In practice, the amendments have *not* been confined to frivolous lawsuits and have often had the effect of stifling defamation lawsuits-even if brought in good faith to redress significant reputational harm. The statute makes life difficult for defamation plaintiffs through its combination of (1) heightened, evidence-based dismissal rules applied *before* discovery,(2) a heightened fault standard,(3) an automatic stay of most discovery once a defendant files an anti-SLAPP motion to dismiss, and (4) mandatory fee-shifting when a plaintiff cannot meet the statute's "substantial basis" threshold. The result: plaintiffs with colorable, good-faith claims face a Hobson's choice—abandon the suit or risk a costly, early, evidence-driven showdown they may be unable to win without discovery.

New York's anti-SLAPP Act applies to actions "involving public petition and participation." Prior to the 2020 amendments, only a limited number of cases were so classified. But following the amendments, the definition of "public petition and participation" was broadened to encompass all communications made "in connection with an interest of public interest," which courts were directed

By **Alan S. Lewis** And **Madelyn K. White**

to construe broadly. *See* N.Y. Civ. Rights Law §76-a. Suddenly, almost all defamation lawsuits– even those brought by individuals against large media conglomerates–fall within the anti-SLAPP Act's onerous grasp.

Most importantly, the statute creates a special early dismissal mechanism through CPLR 3211(g) where a plaintiff must show that the claim has a "substantial basis in law." In *Reeves v. Associated Newspapers, Ltd.*, 228 A.D.3d 75 (1st Dep't 2024), the First Department interpreted the statutory requirement as requiring a plaintiff to present "such relevant *proof* as a reasonable mind may accept as adequate to support a conclusion or ultimate fact." Importantly, the anti-SLAPP Act also requires a plaintiff to show that the statements were published with actual malice—the highest fault burden applicable to a defamation claim. *See* N.Y. Civ. Rights law §76-a(2). These burdens are summary judgment like in nature, but unlike all other litigants facing such a standard to survive dismissal, a plaintiff in a defamation case must typically make his evidentiary showing *without* discovery, because discovery is stayed pursuant to the anti-SLAPP legislation.

> Instead, courts automatically award fees and costs whenever a defamation plaintiff loses a motion to dismiss, even when not finding that the case was brought or pursued in bad faith.

Crucially, if a plaintiff cannot meet this heightened standard—that the claim has a "substantial basis"—the defendant who prevails is entitled to reasonable costs and attorneys' fees. N.Y. Civ. Rights Law §70-a. The fee shifting called for under the anti-SLAPP Act is not merely remedial. The bill jacket justified the amendment changing fee shifting from discretionary to mandatory as requiring "an award of costs and fees, but only if the court [finds] that the case has been initiated or pursued in bad faith."

However, this is not what courts have done. Instead, courts automatically award fees and costs whenever a defamation plaintiff loses a motion to dismiss, even when not finding that the case was brought or pursued in bad faith. Accordingly, a plaintiff, despite having a good faith belief in their cause of action, could be liable for hundreds of thousands of dollars if they are unable to come up with evidence of the defendant's state of mind prior to discovery. Thus, while the sponsor of the amendments in the State Senate, Brad Hoylman-Sigal, wrote that the proposed amendments would "not discourage meritorious litigation," that prediction seems at best questionable.

Consider what this means in practice: a hypothetical individual plaintiff can and does prove that a media conglomerate acted negligently and irresponsibly by publishing false claims about him that savaged his reputation. However, because the plaintiff is not provided with the discovery he would need to prove that the negligent conglomerate also acted with actual malice, the individual will not only suffer the dismissal of his lawsuit but will also be ordered to pay the legal fees charged by the media company's expensive lawyers.

As a result, corporate defendants have every incentive to litigate aggressively on a motion to dismiss. This dynamic heavily favors institutional defendants with the sophistication and resources to mount a full-fledged, aggressive, motion to dismiss as compared to individual plaintiffs » Page 6

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Off the Front

Sepúlveda

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continues its work this legislative session," she said in a statement. "I am confident that under his leadership, the Judiciary Committee will continue to set a high standard for fairness and transparency. I congratulate Sen. Sepúlveda on this well-deserved appointment and look forward to working with him as he leads the committee."

"I am immensely proud to be the first Latino appointed to chair this committee and deeply grateful to Majority Leader Stewart-Cousins for entrusting me with this responsibility," he said. "Throughout my career as both a practicing attorney and legislator, I have worked tirelessly to make the courts accessible and equitable for everyone. In this new capacity, I will continue carrying that mission forward."

Sepúlveda described himself as a staunch advocate for diversity on the judicial bench.

He has been credited for overseeing historic criminal justice reforms that ended cash bail for eligible offenses, early discovery, and speedy trial.

During Sepúlveda's time as a former assemblymember, he advocated for Raise the Age legislation that prevents 16- and 17-year-olds from being charged as adults, and which may be a debated topic during this year's legislative session.

As Senate Judiciary chair, he succeeds Brad Hoylman-Sigal, a Rhodes Scholar who left the legislature to become Manhattan borough president. Hoylman-Sigal was also known for leading progressive legislation, including his sponsorship of the Child Victims Act.

Hoylman-Sigal had served as judiciary chairman since January 2019, when the Democratic Party gained control of the legislature.

At the tail end of 2022, into the following year, Hoylman-Sigal and Sepúlveda differed on the Senate's rejection of Gov. Kathy Hochul's nomination of Justice Hector LaSalle for chief judge of the Court of Appeals, the state's highest court.

While Hoylman-Sigal was among a group of Democratic lawmakers who declined to advance LaSalle, he remarked at the time that it was "yet another example of how Latinos continuously get shafted."

Sepúlveda graduated from Hofstra University's Maurice A. Deane School of Law and began his legal career at a midsize Long Island law firm. He eventually launched a law practice in the Bronx. He was elected to the Assembly in November 2012. He has been serving in the Senate since April 2018.

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Powell

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Committee last June when he testified about an ongoing project to renovate historic Federal Reserve office buildings, Powell confirmed Sunday.

Powell has retained Williams & Connolly as outside legal counsel, according to the Wall Street Journal.

Law.com and the National Law Journal could not independently verify the WSJ report.

Williams & Connolly's chief marketing officer said the firm cannot confirm or deny which clients it represents when reached Monday via telephone.

The Fed also declined to comment on the investigation.

"[T]hanks for contacting us but we do not have anything to share at the moment," a Fed spokesperson said Monday via email.

Trump, in his second term, has attempted to assert more control over the Federal Reserve.

The U.S. Supreme Court last fall allowed Federal Reserve Governor Lisa Cook to remain on the historically independent U.S. central bank as U.S. Solicitor General D. John Sauer challenges a preliminary injunction that prevents Trump from firing Cook.

Cook, an appointee of former President Joe Biden, denies the Trump administration's allegations accusing her of mortgage fraud.

Members of Congress, including some Republicans, have expressed deep concerns with the Justice Department targeting Powell before his term as chair ends in May.

"After speaking with Chair Powell this morning, it's clear the administration's investigation is nothing more than an attempt at coercion," U.S. Sen. Lisa Murkowski, R-Alaska, said in a statement released Monday.

"If the Department of Justice believes an investigation into Chair Powell is warranted based on project cost overruns—which are not unusual—then Congress needs to investigate the Department of Justice," Murkowski said.

"The stakes are too high to look the other way: if the Federal Reserve loses its independence, the stability of our markets and the broader economy will suffer," Murkowski added. "My colleague, Senator [Thom] Tillis [R-North Carolina], is right in blocking any Federal Reserve nominees until this is resolved."

Powell rejected the Justice Department's stated purpose for serving the Fed with subpoenas.

"This new threat is not about my testimony last June or about the renovation of the Federal Reserve buildings," Powell said in his statement. "It is not about Congress's oversight role; the Fed, through testimony and other public disclosures, made every effort to keep Congress informed about the renovation project. Those are pretexts."

Barbara McQuade, a former U.S. attorney for the Eastern District of Michigan appointed by former President Barack Obama, agreed with Powell's opinion on the criminal probe.

"It's hard to see Trump DOJ investigation of Powell as anything other than a pretext to intimidate the Fed and control interest rates," McQuade, a University of Michigan Law School professor, wrote in a Bluesky social media post Sunday.

"The uncertainty, chaos, and threat to independence created by the Trump administration's repeated attacks on the Federal Reserve are deeply harmful to financial markets, the broader economy, and the living standards of American families," Jared Bernstein, former Biden administration chair of the Council of Economic Advisers, said Monday in a statement.

"History is littered with examples of how politicizing monetary policy injects risk, volatility, and spiking inflation into economies that have followed this path," added Bernstein, a senior fellow at the Center for American Progress.

U.S. Senate Democratic Whip Dick Durbin, D-Illinois, ranking member of the Senate Judiciary Committee, slammed the Justice Department for launching the Powell probe.

"The Fed is an independent body—and that drives President Trump crazy," Durbin said Monday in a statement. "He wants to weaponize every tool of government against perceived opponents of his unpopular agenda, and his lackeys at the Department of Justice unabashedly embrace and execute his worst instincts."

A federal judge last November dismissed criminal charges against New York Attorney General Letitia James and former FBI Director James Comey.

DOJ attorneys have filed appeals asking the U.S. Court of Appeals for the Fourth Circuit to revive Comey's perjury case and James' mortgage fraud case.

Another Trump adversary, John Bolton, remains under federal prosecution in Maryland federal court and has pleaded not guilty to all charges alleging he mishandled classified records.

Spokespersons for the Justice Department and U.S. Attorney Jeanine Pirro of the District of Columbia did not immediately respond to requests for comment.

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Detention

« Continued from page 1

ences of four plaintiffs—ages 16 to 20—who report weeks-long confinement, denial of schooling, limited or no bathroom access and deteriorating mental health, including suicide watch.

Although New York prohibits solitary confinement of youth in adult jails, the lawsuit argues OCFS continues the practice under coded designations such as "group confinement," "special programs," "room confinement" or "modified programming."

The secure placement facilities are meant to serve as rehab and treatment facilities where youth are placed after they are found to have committed an offense in New York's family courts or criminal court youth parts, sentenced to a term of incarceration.

OCFS regulations refer to the spaces as "rooms," but they are "functionally indistinguishable" from prison cells, the lawsuit alleges, while noting that toilet restrictions are so severe that youth are often forced to defecate and urinate in buckets and bottles.

The claim, which says Black and Brown children are disproportionately harmed by the practice, alleges OFCS imposes solitary confinement as a way to operate with "dangerously low" staffing levels.

OCFS's commissioner and deputy commissioner were sued in their official capacities.

The lawsuit seeks declaratory and injunctive relief, and alleges violations of the Eighth and Fourteenth Amendments and the American Disabilities Act.

In a statement, a spokesperson for OCFS said: "We are aware of the lawsuit filed by the Legal Aid Society, which challenges certain juvenile justice protocols. The complaint will be thoroughly examined and we will respond through the appropriate legal process."

The spokesperson added, "OCFS does not endorse or condone the use of isolation for punishment. We have clear protocols that are designed to ensure the safety of youth, and staff, while incorporating trauma-informed and mental health–responsive practices. We will continue to work diligently to ensure the safety and well-being of all those under care of our facilities."

Statements from Jenner & Block and the Legal Aid Society emphasize severe psychological and developmental damage caused by extreme isolation and calls for immediate reforms.

"The devastating and permanent harm inflicted on young people through solitary confinement demands immediate legal intervention to force systemic change in how our state treats its most vulnerable youth," Jenner Block partner Jeremy Creelan said. "It is a privilege to partner with The Legal Aid Society on this civil rights class action, because no one should be forced to endure conditions that violate their fundamental rights and humanity."

"OFCS," added Dawne Mitchell, chief attorney of the LAS's Juvenile Rights Practice, "must immediately put an end to these barbaric, unlawful and inhumane practices and ensure these young New Yorkers are provided appropriate care, including basic hygiene, education and rehabilitation services."

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Maduro

« Continued from page 1

wrote in a declaration submitted on Thursday.

In a Friday response, Fein urged the overseeing judge, U.S. District Judge Alvin Hellerstein, to stay the motion to strike and instead hold an in-camera inquiry to ask Maduro who he wants on his defense team.

Such a hearing would "definitively ascertain President Maduro's representation wishes," Fein said.

Fein served as associate deputy attorney general during the Reagan administration and has since built a career as a legal commentator. He represented Lonnie Snowden, the father of whistleblower, Edward Snowden. Snowden and Fein reportedly split ways in 2013.

Fein said he entered his appearance in good faith "based upon information received from individuals credibly situated within President Maduro's inner circle or family indicating that President Maduro had expressed a desire for Counsel's assistance in this matter."

Fein did not immediately respond to questions on who these individuals are, how they communicated with him, or what they said.

In his response to the motion to strike, Fein appeared to chalk up the confusion to a miscommunication that arose out of the extraordinary circumstances surrounding Maduro's case.

Maduro and his wife, Cilia Flores, were seized on Jan. 3 by U.S. military forces in Caracas, Venezuela. They have since been held in the Metropolitan Detention Center in Brooklyn, New York.

The circumstances are "fraught with the potential for misunderstandings or miscommunications," Fein said.

The request was pending as of publication.

Pollack didn't respond to a request for comment.

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Outside Counsel

Legal Fees Applications in Family Court Support Cases

By **Sondra Mendelson-Toscano**

Litigants have a right to retain counsel of their choosing for the filing of petitions and motions, appearances in court, and to represent them at trial. When parties hire an attorney for a matter, more often than not, they do so with a hope or expectation that they will be reimbursed by their adversary. To that end, parties to court cases often file legal fees motions. As a Support Magistrate in Family Court, I receive those applications on a fairly regular basis.

The American rule is that litigants are ordinarily required to pay for their own legal expenses, to which New York State adheres. For that reason, in support matters, filing to recover counsel fees does not guarantee success except in limited circumstances. Where a respondent is found to have willfully failed to pay support, a support magistrate must order the respondent to pay for the cost of the petitioner's legal fees. N.Y. Fam. Ct. Act §§438(b), 454(3).

Morever, where there exists terms within parties' divorce stipulations that govern repayment of attorney fees in court actions, Support Magistrates must honor those. And, of course, where parties agree as part of a settlement that one party will pay for the other party's legal fees, Support Magistrates endorse such a resolution.

In all other instances involving attorney fees applications, I, like the rest of my Support Magistrate counterparts, am required to follow New York State Family Court Act §438(a).

Under Family Court Act §438(a), attorney fees may be awarded at any stage of the proceedings. Counsel fees awards are discretionary, *Lucana v. Lawton*, 233 A.D.3d 783 (2d Dept. 2024), and must be based upon the totality of the circumstances, including the equities and circumstances of the case. *Bonnano v. Bonnano*, 222 A.D.3d 863 (2d Dept. 2023).

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Support Magistrates are not permitted to make determinations solely upon who prevailed and who lost. *Yu Wei v. Mathews*, 165 A.D.3d 957 (2d Dept. 2018). Unlike matrimonial actions in which the less monied spouse is entitled to a presumption in favor of an attorney fees award, D.R.L. §237(a); *Marchese v. Marchese*, 185 A.D.3d 571 (2d Dept. 2020), in support matters, the parties' ability to pay is only one factor of many which must be considered. *Lugo v. Torres*, 174 A.D.3d 594 (2d Dept. 2019).

> If an attorney fees application is within a support magistrate's discretion and an attorney has complied with procedure, when is an award granted?

Other factors include the merits of the parties' positions, the complexity of the issues in the case, the nature and extent of legal services rendered and the reasonableness of counsel's performance and fees. *Roberts v. Roberts*, 176A.D.3d 1226 (2d Dept. 2019).

Support Magistrates must also take into account whether one party delayed the proceedings, or engaged in unnecessary litigation by failing to comply with discovery and other court orders. *Black v. Black*, 140 A.D.3d 816 (2d Dept. 2016); *Weiss v. Rosenthal*, 135 A.D.3d 780 (2d Dept. 2016). Legal fees awards are upheld where there exists a sound and substantial basis for such determinations in the record. *Lucana v. Lawton*, 233 A.D.3d 783 (2d Dept. 2024).

There are procedural bars which prevent a support magistrate from granting a legal fees motion. Counsel fees applications must be timely filed or they will be denied. *Costigan v. Renner*, 160 A.D.3d 845 (2d Dept. 2018). Proof of the parties' current financial circumstances must accompany the motion or reimbursement for fees will not be granted. *Lerner v. Lerner*, 168 A.D.3d 736 (2d Dept. 2019).

Attorney fees applications in child support cases must make a *prima facie* showing of substantial compliance with court rules 22 NYCRR §§1400.1, 1400.2 and 1400.3. Those court rules dictate that attorneys must provide their clients with a written retainer agreement, a statement of their client's rights and responsibilities, and written, itemized invoices at least every sixty days.

Failure to submit evidence of compliance within the moving papers precludes a legal fees award. *Spataro v. Spataro*, 211 A.D.3d 1069 (2d Dept. 2022). Invoices submitted with a counsel fees motion must contain detailed entries substantiating time expenditures for relevant work and may not be intermingled with those regarding a companion matter. This is so because a support magistrate has no authority to order counsel fees for matters before other jurists even where there are connected proceedings in the same courthouse. The exception is where a jurist transfers the issue of counsel fees. *Duff v. Gregory*, 135 A.D.3d 754 (2d Dept. 2016).

So, if an attorney fees application is within a support magistrate's discretion and an attorney has complied with procedure, when is an award granted? That is to say, for a support magistrate who has considered all of the relevant factors within the totality of the circumstances, including the equities and circumstances of the case, what tips the scales in favor of an order for counsel fees?

Although there is no hard and fast rule, in speaking with my colleagues, there are circumstances under which attorney fees awards seem more warranted. Examples are: (1) obstructionist behavior by counsel or a litigant; (2) conspicuous delay either with or without an ultimate withdrawal; (3) protracted proceedings where a case was ripe for resolution; » Page 7

IN BRIEF

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can flag, state flag or a geographic representation of the United States or a state without any further qualifying statements. While companies may still make qualified claims about products of only partial U.S. origin, they must be detailed—for example, "sliced and packaged in USA" rather than simply "manufactured" or "processed."

The rule came partly in response to comments urging the USDA to follow the lead of the Federal Trade Commission, which in 2021 passed a rule limiting "Made in USA" labels on most products. Proponents argue that the rule aligns claims with what consumers reasonably believe when they read a label.

"Overall, this rule marks a pretty big shift," said Julia Ensor, who led the drafting of the FTC rule during her 15-year tenure with the agency and now is counsel at Reed Smith.

The immediate challenge for companies is to make sure that any "Product of USA" claims comply with the new rule, which may mean that they can no longer make claims that they could make in the past.

"The number one thing to remember about these U.S. origin claims is that they're voluntary," said Frankfurt Kurnit Klein & Selz partner Holly Melton. "If you don't have a very robust substantiation file that shows the animal was born here, was raised here, was slaughtered here, was processed here, then I would not make that claim."

Substantiating documentation will be crucial. The USDA recently issued guidance saying companies will have only 24 hours to provide that documentation if requested before a product could be deemed noncompliant. Ensor said that if they haven't already, companies should do an immediate audit to ensure that they can produce that information.

The required documentation is extensive, including a written description of the controls used in every step of production for each ingredient, and a signed and dated document describing how the product is prepared.

"They're signaling that they're going to be very strict about substantiation requirements," Melton said.

Ensor also said companies should keep in mind the risk that they will need to change a product's manufacturing process on short notice, for reasons outside their control, which could render documentation inaccurate.

"You need to make sure that that's updated," she said.

Companies will also need to make sure that their products are regulated by the USDA and not by the FTC, whose 2021 rule limits "Made in USA" claims to products that are "all or virtually all" made domestically. Unlike the USDA, the FTC makes no exception for flavorings and spices.

Finally, the new rule could affect the kinds of claims companies have been allowed in the past to make under state endorsement programs, such as "Virginia's Finest" or "Go Texan," according to a recent client alert from Hogan Lovells partner Brian Eyink.

The USDA has made clear that it does not exempt products from making such claims if they do not otherwise comply with the federal rule, though state endorsement claims may still be made if they do not include a "Product of USA" claim or a flag or geographic representation of the state.

—Brendan Pierson

Judge Orders HHS To Restore Funding for Children's Health Programs As Lawsuit Continues

A federal judge has ordered the Trump administration to restore nearly $12 million in funding to the American Academy of Pediatrics, including money for rural health care and the early identification of disabilities in young children.

U.S. District Judge Beryl Howell in Washington, D.C., awarded the preliminary injunction late Sunday, siding with AAP in saying evidence showed the U.S. Department of Health and Human Services likely had a "retaliatory motive" when it terminated grants to the pediatric group in December.

"This is not a case about whether AAP or HHS is right or even has the better position on vaccinations and gender-affirming care for children, or any other public health policy," Howell wrote in her decision. "This is a case about whether the federal government has exercised power in a manner designed to chill public health policy debate by retaliating against a leading and generally trusted pediatrician member professional organization focused on improving the health of children."

The seven grants terminated in December supported numerous public health programs, including efforts to prevent sudden unexpected infant death, strengthen pediatric care in rural communities and support teens facing substance use and mental health challenges.

AAP alleged the cuts were made in retaliation for the group speaking out against the Trump administration's positions and actions. HHS said in letters to AAP that the grants were cut because they no longer aligned with the department's priorities. The department has denied AAP's allegations of retaliation.

AAP has been vocal about its support for pediatric vaccines and has publicly opposed HHS positions. Health Secretary Robert F. Kennedy Jr. — who helped lead the anti-vaccine movement for years — has made sweeping changes to childhood vaccine recommendations. Last year, the pediatrics group released its own recommendations on COVID-19 vaccines, which substantially diverged from the government's guidance.

The group also supports access to gender-affirming care and has publicly criticized HHS positions on the topic, saying it opposes what it calls the government's infringements on the doctor-patient relationship.

Explaining her decision, Howell said that AAP had shown it would likely suffer irreparable harm from the cuts. She also said the group had shown the public interest was in its favor in allowing the programs to continue as the lawsuit plays out.

Skye Perryman, president and CEO of Democracy Forward, which is representing AAP in the lawsuit, said the ruling shows that "no administration gets to silence doctors, undermine public health, or put kids at risk, and we will not stop fighting until this unlawful retaliation is fully ended."

A spokesperson for HHS and attorneys representing the department declined comment.

—The Associated Press

Technology Today

RISK AND COMPLIANCE

NY's AVOID Act Will Force Immediate Identification of Third-Party Defendants

By **Jason Kosek**

On Dec. 19, 2025, Governor Kathy Hochul signed the Avoiding Vexatious Overuse of Impleading to Delay (AVOID) Act into law. Gone are the days when defendants can stall injury matters by adding third-party defendants after the close of discovery, but before the note of issue is filed. The AVOID act will have a significant impact on construction injury cases and potentially construction defect cases.

The AVOID Act fundamentally restructures defense strategy by forcing immediate identification of third-party defendants. Effective April 18, 2026 (120 days from the signing of the AVOID Act), newly amended CPLR Section 1007 establishes rigid deadlines for filing third-party actions, altering procedural practice in New York civil litigation. This means attorneys can no longer adopt a wait-and-see approach to impleader. Instead, they must conduct comprehensive indemnification analysis, insurance investigation, and liability assessment within days of filing an answer. The safest course may be blanket impleader of all potentially liable parties. In labor law litigation, this could mean naming every subcontractor who set foot on the project site, regardless of their apparent connection to the alleged injury.

ADOBE STOCKS

Deterring Defendants' Delay

Many defense lawyers in construction litigation use delay as a bargaining chip to extract favorable settlements. Belated third-party practice has long been a key tool in this strategy. When an injured worker sues an owner or general contractor for Labor Law violations, direct action against the worker's employer is typically barred unless Workers' Compensation Law Section 11 is satisfied.

However, the employer's contract with the owner or general contractor usually requires contractual indemnification and mandates that the owner or general contractor be named as an additional insured under the employer's insurance policies. The owner or general contractor's counsel eventually brings contribution, common law indemnification, and contractual indemnification claims against the employer.

Under longstanding New York precedent, these claims are not ripe until the underlying action is resolved. See *McDermott v. City of New York,* 50 N.Y.2d 211 (1980) (claims for indemnification and contribution do not accrue until the party seeking indemnification or contribution has been compelled to pay, either by judgment or settlement); and *Small v. Yonkers Contr. Inc.,* 242 AD2d 378 (2d Dept 1997) (common law indemnification claims require actual loss or payment before they ripen). Because ripeness doctrine precluded early adjudication of these claims, parties historically felt no urgency to assert them.

> The owner or general contractor's counsel eventually brings contribution, common law indemnification, and contractual indemnification claims against the employer.

The AVOID Act upends this calculus entirely. Owners and general contractors must now commence third-party actions within 60 days of filing their answer, forcing them to bring unripe claims or forfeit impleader rights. This will spawn a wave of premature motions to dismiss on ripeness grounds. While such motions will likely fail due to unresolved factual questions requiring discovery, they will achieve the very delay the Act purports to eliminate.

Potential Silver Lining

Early joinder of all potentially liable parties may accelerate resolution. When employers and their insurance companies must meaningfully participate in discovery from the outset, rather than lurking on the sidelines until trial, settlement dynamics shift. Multiple parties with exposure may be more willing to contribute to global resolution, potentially leading to earlier settlements than the current system produces.

Courts might apply similar reasoning to prevent defendants from using late third-party practice as a delay tactic in property damage cases, even without the AVOID Act's specific application. Judges have inherent authority to manage their dockets and prevent gamesmanship.

An Escalating Time Crunch

The AVOID Act establishes a two-tiered framework for third-party practice. Contract-based third-party claims must be filed within 60 days of the defendant's answer to the main complaint. Non-contractual claims, including contribution and common law indemnification, trigger a separate 60-day period » Page 7

JASON KOSEK *is a shareholder at Anderson Kill P.C.*

Sirion Announces Majority Investment From Private Equity Firm Haveli

BY ALEEZA FURMAN

CONTRACT lifecycle management (CLM) provider Sirion announced Thursday that Austin-based private equity firm Haveli Investments LP agreed to make a majority investment in the company. Sirion did not disclose the financial terms of the transaction, which is expected to close in the first quarter of 2026.

A spokesperson for Sirion said the company will continue to operate independently, maintaining the same management team and customer-facing organization.

According to a press release, Sirion intends to use the funding to grow its product innovation and global reach. The company currently operates 10 offices across the U.S., Canada, the U.K., France, Germany, India, South Africa and Singapore.

Ajay Agrawal, founder and CEO of Sirion, said in a statement that the investment will help the company accelerate its vision to create "a purpose-built AI foundation that brings intelligence, structure and automation to contracting at enterprise scale."

Sumit Pande, senior managing director at Haveli, said in a statement that the investment firm viewed Sirion as "one of the best examples we have seen of a system-of-record software company combining proprietary small-language models with frontier LLMs and creating next-gen agentic AI workflows."

He added, "As AI becomes increasingly central to how enterprises operate, we see strong structural tailwinds for AI-first platforms that sit at the core of business workflows, and we look forward to partnering with Ajay and the entire Sirion team on the company's next phase of growth."

Sirion recently turned profitable after growing an average of 40% annually over the past five years, according to the release. The investment news follows several months after an October announcement from Sirion that it launched an agentic AI-powered CLM platform.

The company has grown through several acquisitions over the years, including acquisitions of intelligent document processing platform Eigen Technologies in 2024 and contract automation platform Zendoc in 2022.

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Onerous Bill Offers Early Sign That AI Developers Will Face Massive Litigation Risks

BY BRENDAN PIERSON

CONGRESS is considering a bill that would classify artificial intelligence systems as "products" for purposes of products liability law could point to significant litigation risk for AI developers, even though some lawyers say it is unlikely to pass in its current form.

The Aligning Incentives for Leadership, Excellence and Advancement in Development, or AI LEAD Act, introduced by Republican Sen. Josh Hawley and Democratic Sen. Dick Durbin in September, would allow consumers and state attorneys general to bring federal lawsuits against developers or deployers of AI systems for causing harm to consumers.

The law would apply to any software that uses machine learning to help make decisions, whether a standalone product like a chatbot or a component that is part of a larger system, and would allow claims for negligent design, negligent failure to warn, breach of express warranty, and strict liability.

The proposal came after numerous state law product liability lawsuits alleging that AI chatbots caused mental health problems in teens, including, in some cases, suicides. Character.AI and Google this month agreed to settle a lawsuit brought by a family alleging that their son committed suicide as a result of interacting with a chatbot. Terms of the deal were not public.

Other cases remain pending against OpenAI, the company behind ChatGPT. So far, none of the lawsuits have been adjudicated in court. The AI LEAD Act's text includes findings that AI products have already caused harm to users.

"Building a federal framework on such 'findings,' without established liability, illustrates how current sentiment could shape future law—even if this bill never becomes one," Reed Smith attorneys wrote in a recent client alert.

The Reed Smith attorneys noted that creating a federal products liability law, rather than leaving it to common law and state claims, would be essentially unprecedented. They also said the approach introduces new kinds of injuries that are not yet clearly defined, including "financial or reputational injury" and "distortion of a person's behavior that would be highly offensive to a reasonable person."

"That expansion raises more questions than answers," they wrote.

Kevin DeBre, a partner at Stubbs Alderton & Markiles, said that in some ways the law would bring "clarity" to an area where plaintiffs, so far, have relied on comparisons with older kinds of products.

"It's expedient in that it enables claimants to not go through the process of drawing analogies from existing case law," he said.

Still, he agreed that the law would leave many issues for courts to interpret. He said there was not yet a standard of care for develop- » Page 6

As Grok Deepfakes Draw International Scrutiny, Legal Fallout in The US Could Be Scant

BY ELLA SHERMAN

OVER the last few days, generative artificial intelligence platform Grok, built on Elon Musk's AI startup xAI and featured in xAI subsidiary social media platform X, generated sexually explicit deepfakes of women and minors at the request of X users.

The deepfakes have drawn scrutiny from regulators across the globe, but they also raise questions about the effectiveness of U.S. policy on AI generated nonconsensual intimate imagery (NCII) and child sexual abuse material (CSAM).

COURTESY PHOTO

Riana Pfefferkorn

In response to the deepfakes, in an X post last week, Elon Musk said, "Anyone using Grok to make illegal content will suffer the same consequences as if they upload illegal content," but has not elaborated on said "consequences."

Stanford Institute for Human-Centered Artificial Intelligence (HAI) policy fellow Riana Pfefferkorn told Legaltech News that Grok's creation of explicit deepfakes suggest a surprising lack of internal governance for a widely known platform like X. "It seemed like if you are just like a big general corporate mainstream AI company, you will behave like a big mainstream corporation in terms of your legal risk aversion in terms of the external stuff [like] 'Oh yeah, of course we welcome common-sense regulation,'" she said. "You will be afraid of the optics and the bad PR and potential negative business impact of being seen as this go-to, one-stop shop for horrifying imagery ... and take measures against it."

Developers have generally supported other gen AI safety regulations like the RAISE Act, which was signed in December by New York Gov. Kathy Hochul, to maintain trust among consumers and investors.

Regulators from countries including France, India and Malaysia are applying pressure on Musk. French authorities will be investigating the proliferation of Grok's deepfakes after lawmakers » Page 7

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AI Developers

« Continued from page 5

ing AI products, meaning it would be up to courts to articulate one and determine when a company had fallen short.

Even if the AI LEAD Act does not become law, lawyers warned that providers of AI products should expect increasing scrutiny and potentially litigation. In a client alert last fall, shortly after the AI LEAD Act was introduced, Crowell & Moring urged companies to undertake a thorough review of AI products.

"Developers and deployers should calibrate their chatbots and customer service agents to recognize language containing intimations of suicide, self-harm or violence to others and ensure the chatbots or agents do not encourage individuals to harm themselves or others," they wrote.

DeBre noted that AI companies already engage in so-called "red teaming" exercises, in which they push systems to see how they could be misused or generate unwanted results. But, he said, developers cannot necessarily predict all of the ways users will engage with AI, and "just the fact that you go through a red teaming exercise doesn't insulate a developer from liability."

"I'm a little concerned that this is going to open up a new industry for plaintiffs' lawyers, and maybe that's the way our system works," he said.

Calendar of Events

TUESDAY, JAN. 13

NY City Bar (Non CLE)

Bar@theBar
6 p.m. - 7:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=BAR011326&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

Real Estate M&A and REIT Transactions 2026
9 a.m. – 5 p.m.
https://www.pli.edu/programs/real-estate-ma-and-reit-transactions/

WEDNESDAY, JAN. 14

Federal Bar Council

Antitrust in Healthcare: Can the Antitrust Laws Be Used to Help Control Healthcare Costs?
5:30 p.m. – 7 p.m.; Live Webinar
1.5 CLE ceridts
https://fbc.users.membersuite.com/events/a5720928-0078-cc90-5872-0b4902a346e2/details

NY City Bar (CLE)

Understanding and Leveraging Neurodiversity in the Legal Profession
9 a.m. - 10:45 a.m.; 2 CLE credits
Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB011426&mcode=NYLJ
Location: Zoom

NY City Bar (Non CLE)

Small Law Firm Luncheon: Cybersecurity Without the Jargon: A Practical Guide for Solo and Small Firms to Safeguard Client Trust in the Digital Age
12 p.m. - 2 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=SLF011426&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

Intellectual Property Rights Enforcement 2026
9 a.m. – 5 p.m.
https://www.pli.edu/programs/intellectual-property-rights-enforcement/

FRIDAY, JAN. 16

Practising Law Institute

Securities Law and Practice 2026: How the SEC Works
9 a.m. – 1:45 p.m.
https://www.pli.edu/programs/securities-law-and-practice/

WEDNESDAY, JAN. 21

NY City Bar (Non CLE)

Thinking of Going Solo: Lessons, Challenges, and Tips from Lawyers Who Went Solo
Program: 6 p.m. - 7:30 p.m.; Reception: 7:30 p.m. - 8:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=SLF012126&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

Fundamentals of Broker-Dealer Regulation 2026
9 a.m. – 5 p.m.
https://www.pli.edu/programs/fundamentals-of-broker-dealer-regulation/

Ethics for Government Lawyers 2026
2:30 p.m. – 4:40 p.m.
https://www.pli.edu/programs/ethics-for-government-lawyers/

THURSDAY, JAN. 22

NY City Bar (Non CLE)

Small Firm Chats – Stay Connected with Your Peers and Us!
12 p.m. - 12:45 p.m.
Registration Link: https://services.nycbar.org/EventDetail?EventKey=SLFC012226&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Understanding Chronic Absenteeism and School Avoidance: Law, Policy & Practice in Public Schools
6 p.m. - 7:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=EDU012226&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Mental Health Reform at a Crossroads
6 p.m. - 7:30 p.m.
Registration Link: https://services.nycbar.org/EventDetail?EventKey=MHL012226&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

THURSDAY, JAN 22 FRIDAY, JAN. 23

Practising Law Institute

Artificial Intelligence Law 2026
8:30 a.m. – 5:15 p.m. (Day 1)
8:30 a.m. – 4:30 p.m. (Day 2)
https://www.pli.edu/programs/artificial-intelligence-law/

MONDAY, JAN. 26

Practising Law Institute

Recent Developments in Distressed Debt, Restructurings, and Workouts 2026
9 a.m. – 4:35 p.m.
https://www.pli.edu/programs/recent-developments-in-distressed-debt-restructurings-and-workouts/

Wage & Hour Litigation and Compliance 2026
9 a.m. – 5 p.m.
https://www.pli.edu/programs/wage--hour-litigation-and-compliance/

MONDAY, JAN. 26- TUESDAY, JAN. 27

NY City Bar (CLE)

16-Hour Bridge-the-Gap: Practical Skills, Ethics & More…
Time Day 1: 9:00 am – 5 p.m. (Virtual)
Time Day 2: 9:00 am – 5 p.m. (In-Person)
CLE credits both days: 16
Day 1 CLE credits: 8
Day 2 CLE credits: 8
Both Days Registration Link: https://services.nycbar.org/EventDetail?EventKey=BTG262725&mcode=NYLJ
Day 1 Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB012626&mcode=NYLJ
Day 2 In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=BTG012726&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

TUESDAY, JAN. 27

NY City Bar (Non CLE)

From Dred Scott, the 14th Amendment, to the Wong Kim Ark's Journey Toward Citizenship
Program: 6:30 p.m. - 8:30 p.m.; Reception: 5:30 p.m. - 6:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=EAFF012726&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, JAN. 28

NY City Bar (Non CLE)

A Day in the Life of an In-House Counsel
12:30 p.m. - 2 p.m.
Registration Link: https://services.nycbar.org/EventDetail?EventKey=NLI012826&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Coloring Outside the Law
The Full Spectrum of Tech Law—Pixels, Privacy and Progress
6 p.m. – 7 p.m.
Registration Link: https://services.nycbar.org/EventDetail?EventKey=DEI012826&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

Bridge-the-Gap I: Ethics and Skills for Newly Admitted New York Attorneys 2026
8:45 a.m. – 5:45 p.m.
https://www.pli.edu/programs/bridge-the-gap-i-ethics-and-skills-for-newly-admitted-new-york-attorneys/

THURSDAY, JAN. 29

NY City Bar (CLE)

CLE Title: Artificial Intelligence and Federal Courts: What Lawyers Need to Know
11 a.m. – 2 p.m.
CLE Credits: TBD
Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB012926&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

Private Fund Regulatory Developments and Compliance Challenges 2026
1 p.m. – 5 p.m.
https://www.pli.edu/programs/private-fund-regulatory-developments-and-compliance-challenges/

FRIDAY, JAN. 30

Practising Law Institute

Addressing Domestic Violence 2026: Representation in a Complex Custody Case
1:30 p.m. – 5 p.m.
https://www.pli.edu/programs/domestic-violence/

TUESDAY, FEB. 10

New York Women's Bar Association

NYWBA Elder Law and Disabilities Committee Lunch and Learn
1 p.m.; On Zoom
Bring your questions for City Council Member Crystal Hudson, who in February 2025 introduced a resolution to call upon the State Legislature to introduce and pass legislation to create a statewide public guardianship system.
RSVP to elderlawchairs@nywba.org

WEDNESDAY, MARCH 4

New York County Lawyers Association

2026 Annual Gala Honoring the Judiciary at the Pierre Hotel.
6 p.m.; In-Person

Petition

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who lack comparable resources. For a smaller plaintiff, the potential ramifications of losing an anti-SLAPP Act motion to dismiss and thus being responsible for hundreds of thousands of dollars in legal fees could be truly existential. Thus, while the New York State Bar Committee on Media Law wrote a letter in support of the bill claiming that it would provide "critical protection from powerful individuals who file baseless claims," and that it would "ensure a level playing field between the powerful and powerless by requiring SLAPP plaintiffs to cover defendant's legal expenses in the event of a dismissal," it completely ignored that many defamation claims are brought by private individuals without significant resources against large media entities.

By attempting to "level" the playing field to give all defendants an advantage, the New York anti-SLAPP Act has tilted the balance in favor of large institutional defendants as against private individuals who seek only to restore their good reputations. Another consequence of the amendments is that defamation plaintiffs who have the ability to have their cases heard in federal rather than state court now make that choice, given that under the *Erie* doctrine, the onerous procedural aspects of New York's legislation are likely to be unenforceable in federal court.

> Defamation law has always attempted to balance two critical components of the First Amendment: a plaintiff's right to petition the court for redress and a defendant's right to free speech.

Defamation law has always attempted to balance two critical components of the First Amendment: a plaintiff's right to petition the court for redress and a defendant's right to free speech. However, by tilting the scales so heavily in favor of defendants, on both the burden to survive a motion to dismiss and the penalty for a plaintiff who is unable to do so, New York's amended anti-SLAPP risks weeding out all but the most ironclad defamation suits, while everyday people and smaller entities find the courthouse effectively doors closed to them.

Thus, while the 2020 amendments to New York's anti-SLAPP Act might have been intended to prevent frivolous lawsuits, the broad application of the Act, coupled with its heightened fault requirement, evidentiary burden on a pre-discovery motion to dismiss, and the mandatory fee shifting that it provides for have created a situation which could deter most defamation lawsuits regardless of underlying merit.

Outside Counsel / Technology Today

Legal Fees

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(4) refusal to withdraw an obvious meritless action, or one brought in the wrong forum or without complying with a condition precedent; (5) continuing to litigate despite failing to cure an insufficient petition after being given an opportunity to do so; (6) an enforcement settlement in which the payor pays what is owed to avoid trial and a possible willful finding, but the payee was forced to file and hire counsel to collect; (7) failure to comply with compulsory financial disclosure/evasiveness about finances throughout proceedings; (8) failure to produce discovery documents within a party's custody and control; and, (9) a party's testimonial evidence replete with inconsistencies and outright lies borne out by documentary evidence. The theme to these examples is one party's actions causing another party to incur unnecessary legal fees.

Although utilized less often, some attorneys file to recoup attorney fees in support actions under the theory that an adversary engaged in frivolous conduct. 22 N.Y.C.R.R. §130-1.1. As with §438(a) determinations, §130-1.1 decisions are left to a court's sound discretion. *Hossain v. Hossain*, 2025 N.Y. App. Div. LEXIS 6750 (2025). The analysis is different for §130-1.1 applications and, in support actions, the procedure is slightly more complicated.

A support magistrate must find that the alleged conduct is completely without merit in law or undertaken primarily to delay litigation or harass or maliciously injure another, or asserts materially false factual statements. *Whelan v. Busiello*, 219 A.D.3d 778 (2d Dept. 2023).

> Although there is no hard and fast rule…there are circumstances under which attorney fees awards seem more warranted.

In determining whether conduct is frivolous, a support magistrate must consider, *inter alia*, the circumstances under which the conduct took place, including the time available for investigating the conduct's legal or factual basis, and whether such conduct was continued where its lack of legal or factual basis was, or should have been, apparent, or was brought to the party's or their counsel's attention. *Sottilaire v. Fahner*, 160 A.D.3d 967 (2d Dept. 2018).

The final decision does not rest with the Support Magistrate. The matter must be referred to a Family Court Judge for confirmation and imposition of any costs or sanctions. 22 N.Y.C.R.R. §130-1.4.

A Support Magistrate who recommends costs or sanctions must issue a written decision setting forth the frivolous conduct upon which the disposition is based, the reasons for such determination, and the reasons why such recommended costs or sanctions are appropriate. 22 N.Y.C.R.R. §130-1.2; *Breslaw v. Breslaw*, 209 A.D.2d 662 (2d Dept. 1994).

Lawyers expend extraordinary effort towards their clients' representation. Settling or trying a support matter can be lengthy where cases are complex with multiple issues in dispute and/or vexing mathematical computations to be calculated. Even less complicated support actions take time and endeavor. All matters require a wealth of knowledge and experience, and skillful litigation techniques.

Clients pay handsomely for their attorneys' expertise and resources devoted to their cases. Absent specific statutory or contractual authority, support parties will typically bear the cost of their legal action. Prior to making a motion for counsel fees in support cases, attorneys must earnestly balance the risks versus likelihood of reward; in other words, the time and cost to prepare and file a legal fees motion with the chances of recoupment of their client's funds. Sometimes it pays off.

Deepfakes

« Continued from page 5

filed reports with the prosecutor's office, according to Politico. After receiving public complaints regarding Grok's deepfakes, the Malaysian Communications and Multimedia Commission said Saturday that it will investigate them and urged platforms to adhere to Malaysian online safety standards.

Consequences in the U.S.

Meanwhile, it is unclear what, if any, regulatory action the deepfakes could spur in the United States, given the country's current legal landscape surrounding AI.

The federal Take It Down Act—which requires a platform to take down nonconsensual nude imagery, whether real or deepfake, within 48 hours of it being reported—does not come into effect until May.

Loyola Law School, Los Angeles associate professor Rebecca Delfino said that although the act could eventually be effective, several provisions of the law also refer to the violator as a "publisher," and X or its lawyers could "make an argument that that's not what they're doing. They're providing a tool, they're not publishing, they're not distributing the bad actor."

She said X and its lawyers could call for the investigation of users that requested these deepfakes, but doing so would be a hefty undertaking.

Another potential shield for X is Section 230 of the Communications Decency Act of 1996, which protects online platforms from liability for content posted by third parties. Whether or not Section 230 covers gen AI systems has emerged as a legal gray area, and it remains to be seen how it would apply where AI-generated deepfakes are concerned.

Delfino said that Section 230's gen AI coverage is up in the air because the bulk of the interpretation around it happened before gen AI came into the picture when "a lot of the cases or earlier cases where the world of technology wasn't as complicated as it is now."

U.S. Sen. Ron Wyden, D-Oregon, a Section 230 framer, took to Bluesky to say he believes Section 230 will not protect Musk or X, and said, "states should step in to hold Musk and X accountable," adding that the federal government does not have the capacity to regulate them at this time as it deals with the Epstein Files.

The senator told Gizmodo that creating sexualized images of children is illegal under longstanding laws and just because it is made by an AI chatbot doesn't mean Grok gets any protection.

"AI chatbots are not protected by Section 230 for content they generate, and companies should be held fully responsible for the criminal and harmful results of that content," he asserted.

Pfefferkorn said the U.S. Department of Justice could bring charges against Musk or his company immediately if they can find imagery that meets the federal definition of what is still called child pornography under federal law.

But this is unlikely to happen, she added, as "historically, there has not really been much DOJ enforcement with respect to criminal legal violations by users or by platforms against platforms themselves, ... [and] so many federal investigators and prosecutors have been taken off of their main jobs, including child safety, and put on immigration enforcement."

Pfefferkorn also noted that gen AI companies and developers could argue that a clearer industry standard must be established to prevent their output of NCII and CSAM.

"People who work in AI companies are afraid of legal liability for trying to red team test their models for their CSAM generation capacity because technically that could be seen as knowingly trying to produce and then if you succeed, possess CSAM, and so they don't want the risk," she said.

Delfino says federal lawmakers putting the onus on state governing bodies to decide what to do with Musk and Grok makes her nervous.

"Most states have AI laws around deepfakes now, not all, but a lot of them do, and they do it in different ways, but the will to make this a platform issue—there's not going to be a lot of states that are going to want to do it—maybe California, maybe New York, states that have more laws and feel more empowered to do that," she said. "It's really sad to me where your ability to be protected with respect to something like this is dependent on where you live."

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AVOID Act

« Continued from page 5

running from the date the defendant discovers potential third-party liability, meaning defendants must be aware of all parties who are present on construction projects in order to ensure that every possible third party is named in a litigation.

The statute creates a cascading timeline for successive rounds of impleader. When a third-party defendant answers, the clock starts for the next level: 45 days to bring a second-tier third-party action, 30 days for a third-tier action, and just 20 days for any subsequent impleader. Each deadline runs from service of the immediately preceding third-party answer, creating an escalating time crunch as the chain of liability extends downstream.

> Multiple parties with exposure may be more willing to contribute to global resolution, potentially leading to earlier settlements than the current system produces.

This new timeline will streamline matters in the long run but will slow down cases when they are first filed. As noted above, there will be more motions to dismiss, which stay matters while the motions are being resolved. SEE CPLR 3214.

The AVOID Act strictly limits extensions and late filings. Courts may grant extensions up to 30 days, but no third-party complaint may be filed more than 12 months after the defendant's answer without both court approval and the plaintiff's written consent. Additionally, no third-party practice is permitted once the Note of Issue has been filed. Any third-party complaint filed post-Note of Issue faces mandatory severance or dismissal without prejudice. This is not a significant change from standard practice regarding third party complaints filed after the note of issue. Courts generally do not permit third party practice to slow down a plaintiff's opportunity to recover. (Vincent C. Alexander, Practice Commentaries, McKinney's Cons Laws of NY, CPLR 1010 [internal quotation marks omitted]).

The sole exception for the AVOID Act is when a defendant or third-party defendant seeks to file and proceed with a third-party summons and complaint against an employer of the plaintiff in the event that either: 1. the defendant or third-party defendant is seeking contribution or indemnification for a grave injury as such term is defined in §11 of the workers' compensation law, or 2. the identity of such employer had not been known to the defendant or third-party defendant or otherwise identified until such time periods have expired. In either instance, the defendant or third-party defendant shall proceed with the filing and serving of a summons and complaint within one hundred twenty days after the later of either event. An action in violation of this subdivision shall not be allowed to proceed without written consent of both the plaintiff and the court. CPLR 1007

Once a court severs a third-party action from the main proceeding, motions to consolidate are prohibited.

Defendants must now act with unprecedented speed to identify potentially liable third parties, whether liability arises from contract or common law indemnification. Construction companies should work with counsel to create and maintain a comprehensive database tracking all parties owing contractual indemnification to contractors, owners, or developers. This advance preparation is essential to meeting the Act's compressed timelines for impleader.

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: 25-112

Digest: On the facts presented, it is within the administrative judge's discretion to determine whether a treatment court judge's actions constitute a "substantial violation" of the Rules Governing Judicial Conduct and, if so, what action is appropriate under the circumstances.

Rules: Judiciary Law § 212(2)(l)(iv); 22 NYCRR 100.2; 100.2(A); 100.3(B)(6); 100.3(D)(1); Opinions 24-117; 23-62/23-63/23-111; 21-02; 18-66; 18-45; 08-198.

Opinion: An administrative judge observed a court session in which a treatment court judge (Judge B) remanded two treatment court participants into custody without defense counsel or a prosecutor present. In each instance, Judge B "sua sponte decided on the sanction to be imposed for certain behaviors and immediately remanded the defendant." The first defendant/participant had tested positive for illegal substances but "disagreed with the test result." The participant repeatedly denied consumption of "anything which could have caused . . . a positive test" and said that their attorney instructed them to "just be honest with the court" about this. Judge B remanded the participant for one week for "dishonesty." The second defendant/participant "admitted to associating with someone whom they had been directed to avoid" and "appeared remorseful." With no colloquy as to whether the attorney had been advised of the behavior or the potential adverse consequences, Judge B remanded the participant.

When the inquiring judge questioned the remands, Judge B insisted it was routinely permissible under the treatment court contract because the participants waived their right to counsel and were aware that these behaviors could result in remand. The inquiring judge disagreed and advised Judge B about Opinion 24-117, in which we addressed whether a judge may conduct treatment court proceedings in the absence of a prosecutor and/or defense counsel. As summarized in the digest (id.):

> Provided no adverse action is contemplated against the treatment participant and both the prosecutor and defense counsel are given notice and a reasonable opportunity to participate, a judge may conduct treatment court sessions with only the participant present. When engaging in discussions with a treatment court participant in the absence of counsel, the judge may discuss the participant's progress and other matters pertaining to treatment court, without discussing the underlying criminal case. If the judge believes that matters raised in these discussions could potentially trigger adverse consequences, the judge should ensure that defense counsel is present before addressing them.

Here, unlike in Opinion 24-117, we have details about the treatment court contract executed by the participants and their counsel. As with many such contracts, it contains provisions such as waiver of the participant's right to a speedy trial, consent to random drug testing, and consent to ex parte communication between the participant, the judge, court staff, and treatment providers. However, these participants also executed a lengthy ex parte communication waiver which includes the following language (emphasis added):

> I understand that I do have a right to have my attorney present at all court appearances and treatment court staffing (and it is in fact expected by the Court). However, should my attorney not appear at any or all scheduled dates, it will be deemed to be a waiver of my right, and I consent to the proceedings continuing in their absence. There is no need for a separate waiver each time my attorney chooses not to appear. If at any time I wish to have my attorney present, or change my attorney of record, I will notify the Court immediately. I also understand that incarceration may be considered until such time as my attorney may appear.

We understand from the inquiring judge that, while there is currently no standard statewide treatment court contract, the language we have placed in bold above is highly unusual.

The inquiring judge has already counseled Judge B and provided a copy of Opinion 24-117 to Judge B's supervising judge, but asks if it is necessary to take any further action with respect to Judge B.

A judge must always avoid even the appearance of impropriety (see 22 NYCRR 100.2) and must always act to promote public confidence in the judiciary's integrity and impartiality (see 22 NYCRR 100.2[A]). A judge must "accord to every person who has a legal interest in a proceeding . . . the right to be heard according to law" (22 NYCRR 100.3[B][6]). If a judge receives information indicating a "substantial likelihood" that another judge has committed a "substantial violation" of the Rules Governing Judicial Conduct such judge must take "appropriate action" (22 NYCRR 100.3[D][1]).

Applicable Standard

The novel threshold question presented here is whether the inquiring judge's personal observation of Judge B's apparent non-compliance with one of our opinions — combined with Judge B's response which essentially admitted similar conduct on numerous other occasions — automatically satisfies the two-prong test and obviates any further need for analysis.

While it is not determinative, we note that we have not required "automatic" reporting of an attorney for non-compliance with a bar association ethics opinion. Rather, where a judge is aware that an attorney "does not comply with" a bar association ethics opinion "concerning attorney conflicts of interest," we advised that the judge "must determine" if the two-prong test is met (Opinion 08-198). Only if the judge concludes the two-prong test is satisfied is there a requirement to take "appropriate action" (id.).

Unlike bar association opinions, our advisory opinions are not merely "persuasive and helpful to courts in their reasoning and analysis" (id.); they have a special status under Judiciary Law § 212(2)(l)(iv):

> Actions of any judge or justice of the uniform [sic] court system taken in accordance with findings or recommendations contained in an advisory opinion issued by the panel shall be presumed proper for the purposes of any subsequent investigation by the state commission on judicial conduct.

Still, the fact that compliance with our written opinions warrants a statutory presumption of proper conduct does not necessarily mean that every instance of apparent non-compliance automatically warrants a disciplinary investigation. Instead, a judge who learns of another judge's apparent non-compliance with one of our advisory opinions should apply the usual two-prong test under Section 100.3(D)(1). We thus turn to Opinion 18-66 (citations omitted) for a quick summary of the applicable principles:

> A judge is not required to conduct an investigation of alleged misconduct and, therefore, may discharge his/her disciplinary responsibilities based on facts already known to the judge without further inquiry. In general, the Committee has advised that the judge who has firsthand knowledge of all the facts and persons involved in a particular situation is in the best position to determine whether there is a "substantial likelihood" that another judge has committed a "substantial violation" of the Rules. If the judge concludes that either of these two elements is missing, the judge need not take any action. If a judge concludes that there is a "substantial likelihood" that another judge has engaged in a "substantial violation" of the Rules, the action the judge must take will depend on the nature of the misconduct. For example, if the misconduct is so serious that it calls into question a judge's fitness to continue in office, the judge must report the conduct to the appropriate disciplinary authority. By contrast, if the misconduct, although substantial, does not reach that level of seriousness, the judge has the discretion to take some other, less severe action than reporting the conduct to a disciplinary authority.

Analysis

Here, the "substantial likelihood" prong is clearly met, as the inquiring judge has direct personal knowledge of the alleged misconduct, both through personal observation and from Judge B's admissions.

It is the "substantial violation" prong which gives us pause. As noted above, unlike in Opinion 24-117, we have specific details about the unusual contract provision which is in effect in Judge B's treatment court. Specifically, as part of their consent to ex parte communication, those defendant/participants expressly agree that "incarceration may be considered" in defense counsel's absence. In our view, that provision renders the propriety of Judge B's conduct largely a legal question. As previously noted, we "cannot address legal questions, such as whether or when a right to counsel may attach or be waived in the treatment court context" (Opinion 24-117). We likewise cannot resolve any disputes about the proper effect or interpretation of this contractual provision or otherwise comment on "conflicting legal determinations" (Opinion 18-45). Indeed, as a general matter, "a judge who acts in reliance on a good-faith legal interpretation necessarily acts ethically, even if the judge's legal interpretation is later determined to be incorrect" (Opinion 21-02).

Under these circumstances, we must leave it to the sole discretion of the inquiring administrative judge as to whether the "substantial violation" prong is met and, if so, what action is appropriate under the circumstances. Thus, our advice in Opinion 23-62/23-63/23-111 applies here with only minor alterations:

> If the administrative judge concludes [the substantial violation prong] is not met, the judge need not take any action pursuant to Section 100.3(D)(1) on these facts.
>
> However, if the administrative judge concludes the two-prong test is satisfied, he/she must take appropriate action. We note that the inquiring judge has a wide range of discretionary administrative tools at their disposal which may help minimize any appearance of impropriety, including (without limitation) counseling Judge B . . . . Moreover, in determining what action is appropriate under the circumstances, the judge may consider Judge B's motivations and receptiveness to guidance about their ethical responsibilities going forward.
>
> Of course, if the inquiring judge concludes that there is a substantial likelihood that Judge B has engaged in a "substantial violation" of the Rules, and that the misconduct is so egregious that it seriously calls into question Judge B's fitness to continue in office, then the inquiring judge must report the conduct to the Commission on Judicial Conduct. On the facts presented, this and all other determinations concerning Judge B's conduct are left to the discretion of the inquiring administrative judge.

To avoid any possible doubt, we further note that, even if the inquiring judge concludes that the two-prong test is met and "appropriate action" is required, it is still within his/her discretion to determine that the steps he/she has already taken — counseling Judge B and providing a copy of Opinion 24-117 — are sufficient under the circumstances.

DECISIONS WANTED!

The editors of the New York Law Journal are eager to publish court rulings of interest to the bench and bar. Submissions must include a sentence or two on why the decision would be of significance to our readers. Also include contact information for each party's attorneys. E-mail decisions to decisions@alm.com.

Court Calendars

First Department

APPELLATE DIVISION

CALENDAR FOR THE JANUARY TERM

TUESDAY, JAN. 13

2 P.M.

25/589 People v. Latrese Carr
25/2334 Lending Assets v. Gerbi
24/5407 G./E., Children
24/6937 Ochoa v. C.I. Lobster Corp.
25/2597 Padilla v. 76 Eleventh Avenue
24/3058 64 West 10th St. v. L-Ray, LLC
24/5503 People v. Joseph Campbell
24/940 People v. Jonathan Rodriguez
24/4680 Gad v. CCC NFP
22/3476 People v. Omari Brown
24/5714 Simeone v. City of NY
25/1379 Shanklin v. Wilhelmina Models, Inc.
24/4338 Flores v. NYC Health & Hospitals
25/2172 Coronel v. Marcal Contracting Co.
20/3818 People v. Jalen Doctor
25/110 Gans v. Leech Tishman Fuscaldo & Lampl
25/3702 Goss-Lawson v. Matco Service Corporation
25/1032 Borrero v. NYC Department Social Services
24/927 People v. Mitchell Thompson
25/184N US Bank National v. Brown

WEDNESDAY, JAN. 14

2 P.M.

20/1116 People v. Christian Cruz
25/996 513 West 26th v. George Billis Galleries
24/6697 B., Children
25/2399 Deutsche Bank National v. Washington
24/6200 Borukhov v. Roth & Khalife LLP
24/6486 Siguencia v. The Hudson Companies
24/4020 People v. Roberson Ortiz
23/3139 People v. Jermaine Jacobs
24/1177 Adago v. Sy
24/5569 Park Row 23 v. Jiha
25/3038(2) CS Leveraged Loan v. Bank of America
25/2195 NYC Transit Authority v. Local 100 TWU
25/2524 Application for Warrant to search premises at Art Institute of Chicago
24/5758 A1 Specialized v. James River Insurance
24/3645 Brito v. City of NY
21/4557 People v. Esteban Dejesus
25/2153 Rigaud v. 509 W 34
25/3153 Fisher v. Hudson Hall LLC
23/4784 People v. Jose Santos
25/559N Berk v. Riverbay

THURSDAY, JAN. 15

2 P.M.

21/3608 People v. Stephen Jackson
24/6960 Khusenov v. Tursunova
25/3865 C., Kevon
25/2511 Medina v. Delta Air Lines
24/5263(3) AMK Capital v. Cifre Realty
24/2293(3) AMK Capital v. Cifre Realty
24/497 People v. Paulino Camacho
22/2681 People v. Tyrone Brown
25/192 Spence v. Brosnan Risk Consultants
25/1942 Venegas v. CPC Norfolk Senior
25/122 Gordon v. Triumph Construction
24/553 People v. Ivan Rodriguez
25/660 Wheeler v. Linden Plaza Preservation
25/1947 Altidor v. Medical Knowledge Group
21/3194 People v. Markiem Black
25/3953(2) Wilson v. Archdiocese of NY
25/4031 Arizzo v. Ethicon, Inc.
24/4649 Golden Ox Realty v. Board of Managers
18/2529 People v. Jennifer Berry
24/6475N Unitrin Safeguard v. Della-Noce

TUESDAY, JAN. 20

2 P.M.

22/1871 People v. Jose Almodovar
24/6443 Hes v. Zirkin
25/3350 C./V., Children
24/6151 Contreras v. City of NY
24/5118 Anderson v. AAC Cross County Mall
21/3854 People v. Michael Ortiz
24/6067 People v. Roniel Dotel
25/813 Priority Management v. Deutsch
24/5765(2) DLJ Mortgage Capital v. Adler
24/4036 NYS Unified Court Sys v NYS Public Empl Relations Bd
24/3697 H., Children
24/6530 Itzhak v. Briarwood Insurance
24/2372 People v. Dominique Johnson
19/3815 People v. Zephaniah Hulcome
25/4283 Panstar Realty v. NY Teachers Housing
22/4126 People v. Shayron Porter
24/7699 Brenes v. City of NY
25/1283(1) Carvello v. Warner Music Group
25/1516(1) Carvello v. Warner Music Group
24/7612 People v. Michael Worrell
25/2927 Board of Managers v. 56th and Park
23/1934 People v. Jordan Williams
25/1712N Perrotte v. Bloomberg L.P.

WEDNESDAY, JAN. 21

2 P.M.

24/4874 People v. Tranell Smalls
24/7241(3) People of State NY v. VDARE Foundation
25/1410 G., Neida v. Jonathan E.
25/2905 Perdomo v. 361 East Realty
25/1941 Rivera v. Masola
21/4670 People v. Juan Garcia
24/3398 People v. Gerard Hines
25/2464 Carnegie House v. NYS Division of Housing
25/2119 New Gold Equities v. AmGuard Insurance
25/5347 DKC Group Holdings v. Reece, Inc.
22/5097 People v. Elias Ramos
25/1228 W., Faith
24/2979(2) Jones Law Firm v. J Synergy
20/1212 People v. Paris Roberts
25/26 O'Hagan v. Robertson
22/3041(1) People v. Daevon Jones
24/6273 Georgia Malone & Co. v. E & M Associates
24/5316(5) Georgia Malone & Co. v. E & M Associates
24/3727 People v. Javien Mazyck
25/2242(2) State of NY v. JPMorgan Chase
24/5287 HSBC Mortgage Corporation v. Lau
23/5813 People v. Derek Johnson
25/4792N Chelsea v. Tekiner

THURSDAY, JAN. 22

2 P.M.

24/6240 People v. Louis McDonald
24/6046 Askins v. Santos
25/3050 H., Bianca v. Bobby H.
25/6839 Gulati v. Gulati
24/3592 Country-Wide Insurance v. National Idemnity
24/555 People v. Luz Hernandez
23/3631 People v. Michael Ortiz
24/6261 Scanlon v. South Street Seaport
24/7814 Reeves v. Foundation for the Child Victims
25/2496 Certain Underwriters at Lloyd's v. Southwest Marine
25/1223 W., Jeremiah
22/527 People v. Mustafa Barry
24/7660(2) Tender Touch v. Tnuzeg LLC
24/7716 Sanogo v. Giacomini
25/4506 415 East 12th Street v. Duran
23/5811 People v. Michael Cortes
24/6503 Anthem Healthchoice v. Campion
25/3450 Bren-el Realty v. Planetarium Travels
24/6360 Goldman v. Icaro Media
24/4665 People v. Steve Darbasie
24/6946(1) People v. Edwardo Rosario
23/303(1) People v. Edwardo Rosario
25/1482N Sekosan v. Bronx Women's Medical Pavilion

TUESDAY, JAN. 27

2 P.M.

24/6990 People v. Elvin Pacha (aka Elvin Fernandez)
23/6718 Stuyvesant Town v. NYS Division of Housing
24/6724(2) M.G., Children
24/4256(2) Carreno v. Chelsea Leaf
24/371 Cooke v. Jean-Baptiste
24/5489 People v. Jordan W. Hernandez
18/1757(1) People v. Anonymous
24/7412 Board of Managers v. 90 William St. Dev.
23/1039 People v. Joseph Garrett
24/6929 Kinsey v. Almazan
24/3198 T., Raudy v. Alejandro E.
24/3080 Paitchell v. Goldman
22/3528 People v. Mohamed Qatabi
25/5029(1) Sinckler v. Mohammed
25/4758(1) Sinckler v. Mohammed
25/174 Torres v. 40 East End Ave. Associates
21/444 People v. Angel Nieves
24/5434 Cummings v. City of NY
24/7221(2) AG1 Doe v. Morris
24/3842(1) People v. Naquon Brockington
24/419 People v. Kelvin Valdez
25/3586(1) Ma v. Wang
25/436(1)NMa v. Wang

WEDNESDAY, JAN. 28

2 P.M.

18/1902 People v. Francisco De La Rosa
24/4467 Wah Win Group v. 979 Second Avenue
24/7845 V., Shelby v. Joshua K.
24/2969(2) People of State of NY v. Richmond Capital
25/685 Roque v. 240 Lincoln
24/5627 People v. Christopher Twilley
24/6436 Lyons v. Sigma Management
24/5035 People v. Manuel Vega
19/3571 People v. Ronny Rocha
25/1385(2) Pokoik v. Norsel Realties
25/919 B., Daryl v. Sophia P.
24/5932 People v. Jamal Brown
24/1643 Markman v. NY-Presbyterian
22/1505 People v. Antoine Gee
25/2827 Alvarado v. Local 1549 - N.Y.C.
25/3326 Frey v. Itzkowitz
25/3486(3) Menkes v. Beth Abraham Health
25/5014(3) Menkes v. Beth Abraham Health
25/1478(3) Menkes v. Mount Sinai Health System
24/6239 People v. Zion Holley
23/3068 People v. Derric McArn
25/2077N Penske v. National Holding Corp.
25/403N Santacruz v. 58 Gerry St.

THURSDAY, JAN. 29

2 P.M.

23/5807 People v. Marlon Cruz
24/6679 Cui v. City of NY
24/50 N., Naomi
24/5234 Peerenboom v. Marvel Entertainment
24/5719 Mosley v. RCPI Landmark Properties
25/840 Lava Media v. Hart
17/2061(1) People v. Lonzell Green
22/3048(1) People v. Lonzell Green
25/1400 Ellen's Stardust v. Sturm
25/1750 Thor 138 N. v. Goldberg Weprin Finkel
25/890 W., Macfadden
24/3107 Butler v. Marco Realty
25/4593 Rubin v. Kahlon
24/4192(3) Fernandez v. SUB 412
22/5744 People v. Gregory Darby
23/414 People v. William Bunce
25/5032 Day v. Plumber's Shop & Associates
24/7239(2) City of NY v. Way.com
18/366 People v. Rene Rodriguez
25/5804 NYCTL 2019-A Trust v. 196 East 7th Street
19/3548 People v. Clinton Benjamin
23/703 People v. Samuel Whatts
24/3494N S. M., an Infant v. City of NY

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

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

TUESDAY, JAN. 13

9 A.M.

813241/23 Garland v. Pena

MONDAY, JAN. 26

9 A.M.

32904/20 McFayden v. Mercado

WEDNESDAY, JAN. 28

10 A.M.

655517/18 Padia v. Toha

2 P.M.

651086/24 Tsui v. Kaufman

THURSDAY, JAN. 29

10 A.M.

659317/24 Sotheby's International v. Waterbury

MONDAY, FEB. 2

10 A.M.

654519/24 Worldwide Credit Co. v. Kirk

COURT NOTES

MAYOR'S ADVISORY COMMITTEE ON THE JUDICIARY

Committee To Hold Hearing on Fitness of Judicial Candidates

Date of Hearing: Jan. 13

A public hearing will be held by the Mayor's Advisory Committee on the Judiciary on Tuesday, Jan. 13, 2026 at 1 pm at the Office of Administrative Trials and Hearings, 100 Church Street, 12th Floor, New York, for the purpose of receiving information from any person concerning the fitness of the following candidates who are nominees for appointment by the Honorable Zohran K. Mamdani, mayor of the City of New York, as judges of the Interim Civil Court:

Natalie Barros
Andres Casas
Cary Fischer

A concise written signed statement of any information or testimony intended for presentation at the hearing must be received no later than 10a.m. on Monday, Jan. 12, 2026 at the Mayor's Advisory Committee on the Judiciary, Attention: Ayanna Sorett, Executive Director, via Email: judiciary@cityhall.nyc.gov.

If any person submitting a written statement elects not to testify at the public hearing, the Committee will determine whether to make the statement public unless the statement specifies that it be held in confidence by the Committee. The Committee will nevertheless present a copy of each written statement to the candidate in advance of the hearing.

NEW YORK STATE COURT OF APPEALS

Court To Hear Arguments in the Bronx in March

The Court will be hearing argument away from Court of Appeals Hall in Albany for its upcoming March 2026 Session.

On March 10, 11 and 12, the Court will hear argument at the Bronx Hall of Justice, 265 East 161 Street, Bronx, New York. Arguments will commence at 9:30AM. A live webcast of the argument may be accessed through the Court of Appeals website.

*****

Deadline for Amicus Curiae Motions: February 2026 and March 2026 Sessions

The Court has calendared the appeals in *People v. Gaffney* (Luke J.) (APL 2025-00077), *People v. Curry* (Eugene) (APL 2025-00076), and *People v. Billups* (Ricky) (APL 2025-00108) for argument during its February 2026 Session. The Court has set a special deadline for motions seeking to participate as amicus curiae in these appeals. Motions for permission to file a brief amicus curiae in these appeals must be served no later than December 22, 2025 and noticed for a return date no later than January 5, 2026.

The Court has calendared the appeal in *Matter of Bi-Coastal Properties v. Soliman* (APL 2025-00136) for argument during its March 2026 Session. The Court has set a special deadline for motions seeking to participate as amicus curiae in this appeal. Motions for permission to file a brief amicus curiae in the Matter of Bi-Coastal Properties appeal must be served no later than January 27, 2026 and noticed for a return date no later than February 9, 2026.

Questions may be directed to the Clerk's Office at (518) 455-7705.

New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term Part

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

Special Term Proceedings
Unsafe Buildings
Bellevue Psychiatric Center
Kirby Psychiatric Center
Metropolitan Hospital
Manhattan Psychiatric Center
Bellevue Hospital

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

IAS PARTS

1 Silvera: 300 (60 Centre)
2 Sattler: 212 (60 Centre)
3 Cohen, J.: 208 (60 Centre)
4 Kim: 308 (80 Centre)
5 Kingo: 320 (80 Centre)
6 King: 351 (60 Centre)
7 Lebovits: 345 (60 Centre)
8 Kotler: 278 (80 Centre)
9 Capitti: 355 (60 Centre)
11 Frank: 412 (60 Centre)
12 Stroth: 328 (80 Centre)
13 Schumacher 304 (71 Thomas)
14 Bluth: 432 (60 Centre)
15 Johnson: 116 (60 Centre)
17 Hagler: 335 (60 Centre)
18 Tisch: 104 (71 Thomas)
19 Sokoloff: 540 (60 Centre)
20 Kaplan: 422 (60Centre)
21 Tsai: 280 (80 Centre)
22 Chin: 136 (80 Centre)
23 Schumacher 304 (71 Thomas)
24 Katz: 325 (60 Centre)
25 Marcus: 1254 (111 Centre)
26 James, T.: 438 (60 Centre)
27 Dominguez: 289 (80 Centre)
28 Tingling: 543 (60 Centre)
29 Ramirez: 311 (71 Thomas)
30 McMahon: Virtual (60 Centre)
32 Kahn: 1127B (111 Centre)
33 Rosado: 442 (60 Centre)
34 Ramseur: 341 (60 Centre)
35 Perry-Bond: 684 (111 Centre)
36 Saunders: 205 (71 Thomas)
37 Engoron: 418 (60 Centre)
38 Crawford: 1166 (111 Centre)
39 Clynes: 232 (60 Centre)
41 Moyne: 327 (80 Centre)
42 Morales-Minera: 574 (111 Centre)
43 Reed: 222 (60 Centre)
44 Pearlman: 321 (60 Centre)
45 Patel: 428 (60 Centre)
46 Latin: 210 (71 Thomas)
47 Goetz: 1021 (111 Centre)
48 Masley: 242 (60 Centre)
49 Chan: 252 (60 Centre)
50 Sweeting: 279 (80 Centre)
51 Headley: 122 (80 Centre)
52 Sharp: 1045 (111 Centre)
53 Borrok: 238 (60 Centre)
54 Schecter: 228 (60 Centre)
55 d'Auguste: 103 (71 Thomas)
56 Kelley: 204 (71 Thomas)
57 Kraus: 218 (60 Centre)
58 Cohen, D.: 305 (71 Thomas)
60 Crane: 248 (60 Centre)
61 Bannon: 232 (60 Centre)
59 James, D.: 331 (60 Centre)
62 Chesler: 1127A (111 Centre)
65 Reo: 307 (80 Centre)
MFPKahn: 1127B (111 Centre)
MMSP-1: 1127B (111 Centre)
IDV Dawson: 1604 (100 Centre)

PART 40TR JUDICIAL MEDIATION

On Rotating Schedule:

13 Silvera: 300 (60 Centre)
13 Adams 300 (60 Centre)

EARLY SETTLEMENT

ESC 1 Vigilante 106(80 Centre)
ESC 2 Wilkenfeld 106 (80 Centre)

SPECIAL REFEREES 60 Centre Street

73R Santiago: Room 354
75R Burzio: Room 240
80R Edelman: Room 562
82R Wohl: Room 501B
83R Sambuco: Room 528
84R Feinberg: Room 641
88R Lewis-Reisen: Room 324

JHO/SPECIAL REFEREES 80 Centre Street

81R Hewitt: Room 321
87R Burke: Room 238
89R Hoahng: Room 236

SPECIAL REFEREE 71 Thomas Street

Judicial Hearing Officers

Part 91 Hon. C. Ramos
Part 93 Hon. Marin

Supreme Court Motion Calendars Room 130, 9:30 A.M. 60 Centre Street

Supreme Court Motion Dispositions from Room 130 60 Centre Street

Calendars in the Motion Submission Part (Room 130) show the index number and caption of each and the disposition thereof as marked on the Room 130 calendars. The calendars in use are a Paper Motions Calendar, E-Filed Motions Calendar, and APB (All Papers By)Calendar setting a date for submission of a missing stipulation or motion paper. With respect to motions filed with Request for Judicial Intervention, counsel in e-filed cases will be notified by e-mail through NYSCEF of the Justice to whom the case has been assigned. In paper cases, counsel should sign up for the E-Track service to receive e-mail notification of the assignment and other developments and schedules in their cases. Immediately following is a key that explains the markings used by the Clerk in Room 130.

Motion Calendar Key:

ADJ—Adjourned to date indicated in Submission Courtroom (Room 130).
ARG—Scheduled for argument for date and part indicated.
SUB (PT #)—Motion was submitted to part noted.
WDN—Motion was withdrawn on calendar call.
SUB/DEF—Motion was submitted on default to part indicated.
APB (All Papers By)—This motion is adjourned to Room 119 on date indicated, only for submission of papers.
SUBM 3—Adjourned to date indicated in Submission Court Room (Room 130) for affirmation or so ordered stipulation.
S—Stipulation.
C—Consent.
C MOTION—Adjourned to Commercial Motion Part Calendar.
FINAL—Adjournment date is final

60 CENTRE STREET

Submissions Part

TUESDAY, JAN. 13

Submission

1 101182/25 Abreu v. Dept. of Health - Vital Statistic in NYC
2 100838/25 Dilisio v. State of NY Div. of Housing And Community Renewal
3 100720/25 Lugo v. 2600 7th Ave. Rlty. LLC Et Al
4 101389/24 Scott v. A&H Security Services

WEDNESDAY, JAN. 14

Submission

1 500065/25 Desir v. Jp Morgan Chase
2 100883/25 Smith v. Dept of Finance
3 100909/25 Soares v. Legal Aid Society

THURSDAY, JAN. 15

Submission

1 101218/25 Cusack v. Global Esl Academy
2 101303/25 Lewis v. NYC Dept. of Social Services
3 100837/23 Ramos v. The Arker Companies LLC

Paperless Judge Part

TUESDAY, JAN. 13

650447/22 45 Nostrand LLC v. Strongin
150054/22 8904 5th Ave LLC v. Mj Engineering & Design LLC Et Al
655622/25 Akf Inc. v. Div. Arms
655964/25 Akf Inc. v. Lopez Pool Plastering LLC Et Al
655504/25 Alpi U.S.A., Inc. Et Al v. Cool Living Oy Et Al
156024/24 American Express Travel Related Services Co. v. Aesthetics Bimedical, Inc. D/b/a Aesthetics Biomed
655495/25 Arena Vantage Spv v. Actionable Process LLC Et Al
655885/25 Arepiii Mvts v. Nonghyup Bank
805146/20 Auguste v. Steinberger
160418/25 Blackmar v. Skaar
158286/19 Board of Mgrs. of v. Penn
656533/23 Board of Mgrs. of The 100 West 93 Condomimium on Behalf of Its Unit Owners v. 660 Columbus Retail Owner LLC
154836/24 Board of Mgrs. of The Belaire Condominium v. Jesionowska
164963/25 Boor v. Gordon Security Corp.
654564/23 Catlin Specialty Ins. Co. v. Elton Owner III LLC Et Al
654339/22 Chef Michael Barton Restaurant v. Knapp
654293/23 Cheng v. 50 Lex Dev. LLC Et Al
159112/25 Chowdhury v. NYCH&HC Corp. Et Al
158799/23 Chubb Nat. Insurnace Co. A/s/o Brian Long v. Abc Corp.
651916/20 Cm Rlty. Hldgs. Corp. v. Dac Hldgs. LLC
190174/24 Deiters v. 3m Co. Et Al
805325/23 Diane Davenport As Guardian of The Person And Prop. of Evelyn Ledyard v. Lumibao Md
805095/22 Diaz-Lopez v. Del Vecchio
161898/25 Dickerson v. Nat. Hockey League Et Al
157058/23 Diehl And Diehl Corp. v. Shorty's Clinton LLC Et Al
651434/21 Dragonetti Brothers Landscaping Nursery & Florist Inc. v. NYC
850131/25 Eastern Garnet Hldgs. v. 475 Wash Owner LLC Et Al
850131/15 Elizon Master Participation Trust I v. Ali
653221/24 Enterprise v. Shvo
153608/23 Ferreira Lima v. Pavarini McGovern
156513/25 Fitzmaurice v. NYC Et Al
152068/22 Fraundorfer v. Con Ed Co. of New York, Inc. Et Al
153706/24 Fulton St. Rlty. Venture LLC v. Alghazali
653955/23 Gker Ltd. v. Clarkson Bu LLC Et Al
657177/21 Goldberg v. Klein
153761/22 Goldberg-Zoino Associates of NY v. Persian Congregation of Flatbush
164725/25 Goodman v. The Board of Mgrs. of The Residential Section of 685 Fifth Ave. Condominium Et
651701/23 Greenland Asset Mgt. Corp. v. Microcloud Hologram, Inc. F/k/a And As Successor-In-Interest To Golden Path Acquisition Corp. Et Al
652944/25 Gruber v. Reif
850354/23 Hc Suites Owners Assoc., Inc. v. Patel
656027/25 Hellas Gallery v. Tobey
653697/24 Hofstra Univ. Et Al v. United Educators
654168/25 Imperial Finance Corp. v. Ije Merchant Prods. Group, Inc. Dba Ije Merchant Prods. Group, Et Al
654405/25 Imperial Finance Corp. v. Jason E. Miller Cpa Dba Jason E. Miller Cpa Et Al
654198/25 Imperial Finance Corp. v. New Statford Restaurant Inc. Dba Ten Degrees Bar Et Al
654568/25 Imperial Finance Corp. v. Wireless on 72nd Inc. Dba Wireless on 72nd Et Al
659337/25 Irem Kara Kara Ticaret v. Lechery Inc.
805305/18 Jamie Allon As Executor of v. Smith
452679/24 Jara v. Melmel LLC Et Al
650531/24 Joseph Straus D/b/a Rialto Mgt. Corp. v. Westchester Surplus Lines Ins. Co. Et Al
805290/20 Judith Suncar As v. Hernandez
154990/23 Kim v. Neo Taxi Corp. Et Al
850124/22 L&L Caital Partners LLC v. 194 Orchard Group
153291/21 Lamonica v. Lendlease (us) Const. Lmb, Inc. Et Al
159646/18 Lynch v. NYC
159139/21 Macdonald v. NYC Et Al
656235/25 Mbs Real Estate Group LLC v. Makkos
190022/24 McCurry v. 3m Co. Et Al
653983/25 Meyerson v. Ozer
151190/24 Midtown Hotel v. 522 W. 38th St. LLC
155423/24 Morel v. The NYCTA Et Al
656446/25 Mt. Hawley Ins. Co. v. Spring Mountain Vineyard, Inc. Et Al
452369/25 NYCHA v. Wastetech Solutions LLC
157811/24 Oliver v. Jewish Home Lifecare D/b/a The New Jewish Home
659256/25 Outlaw v. Brookfield Prop. Mgrs. Et Al
161697/25 Owen v. Manhattan B'way. Prop. Corp. Et Al
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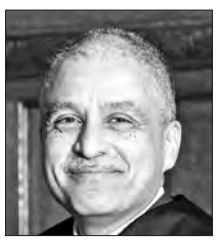
NYSBA Annual Meeting

January 13-16 | New York Hilton Midtown

Early to the Party



Rowan Wilson
Chief Judge
State of New York

What we celebrate on the 250th anniversary of the Declaration of Independence is war. We commemorate the start of a physical war with England, yes, but more importantly a war of ideas: the Declaration's fundamental precept that governments "derive their just powers from the consent of the governed," not the divine right of kings. But it was not war, physical or ideological, that established a "government of the people, by the people and for the people." For our nation, the 250th celebration should be 2039, commemorating the first day of government under the United States Constitution or, for those especially eager for a fête, 2031—250 years from the date the Articles of Confederation were ratified.

New Yorkers, though, have no reason to wait until 2031 or 2039 to celebrate the semiquincentennial of the establishment of a democratic government. Instead, let's use 2026 to prepare for 2027—the 250th birthday of New York State's first Constitution—which created a democratic government that preceded the United States, and which, through hundreds of amendments over the past quarter millennium, has provided, and continues to provide, greater rights and protections than its federal counterpart. Now that's something to celebrate!

The Adoption of the First New York State Constitution

On July 9, 1776, delegates convened at a courthouse in White Plains "to institute and establish such a government as they shall deem best calculated to secure the rights, liberties and happiness of the good people of this colony…" The delegates served not only as a constitutional convention but also as a wartime legislature. As they gathered, the Revolutionary War was being fought in southern New York, and the delegates were forced to retreat from White Plains to Fishkill to Kingston to evade the British, ultimately producing a Constitution that had been, as the scholar Peter Galie has written, "created in an atmosphere charged with gunpowder."

Nine months later, on April 20, 1777, 33 of 34 delegates present voted to adopt the Constitution. Its 7,000 words animated principles that influenced the federal Constitution, framed a decade later. The 1777 Constitution established a bicameral legislature, composed of an assembly and a senate; executive power vested in a Governor with a three-year term of office; and a single court: the Court for the Trial of Impeachments and the Correction of Errors. It also established a Council of Revision, which reviewed bills passed by the Legislature and had the power to veto them, and a Council of Appointment, which had the power to appoint state and local officials whose roles were not filled by election. Both Councils included the Governor but were also made up of other elected officials—a design choice made by former colonists seeking to cast off the tyrannical power wielded by the British crown.

Amending the New York State Constitution

Since 1777, New York replaced its Constitution three times, in 1821, 1846, and 1894. The 1894 Constitution remains in place today, though it was substantially revised in 1938 and has been amended over 200 times! That our current State Constitution has been amended quite frequently, whereas the U.S. Constitution has been amended only a few dozen times, highlights the meaningfully distinct structural and democratic tensions under which the two documents operate.

The processes by which the U.S. Constitution can be amended are, by design, both

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ADOBE STOCK

Celebrating 'Workable' State Governments

Joseph Zayas
Chief Administrative Judge
New York State
Unified Court System

Year 2026 marks the 250th anniversary of America's Declaration of Independence from Great Britain and the start of the American Revolution. What the Founding generation achieved, after a long, bloody war, was radical. As Abraham Lincoln stated at Gettysburg, 87 years later, the Founders "brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."

This significant milestone in our Nation's history, coming at a time when our institutions and values are facing many grave challenges, is cause for reflection. America, ever since the Declaration, has been more than a nation; it has served as an idea that has inspired democratic movements around the world. We have, to be sure, never been a perfect nation. Very far from it. But, over the course of generations, Americans have aspired to make the lofty ideals laid out in the

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Broad Stripes, Bright Stars: The Why & How

Norman St. George
First Deputy
Chief Administrative Judge
New York State Unified Court System

As the United States of America approaches the 250th anniversary of the Declaration of Independence—a significant quarter-millennium milestone—it is fitting to reflect on the founding document that not only established our freedom and independence, but further declared the purpose of our liberation: to proclaim that all people are created equal and are endowed with unalienable rights, which include life, liberty and the pursuit of happiness and that those governed have the right to abolish a destructive government and form a new one. This monumental document was forceful enough to enshrine a vision that continues to guide our nation today.

Recognition and celebration of the Declaration of Independence persists because it is a defining characteristic of American democracy. It paved the way for the United States Constitution, the supreme law of our land, which allocated powers among branches and levels

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Bending the Arc Toward Justice

Dianne T. Renwick
Presiding Justice
Appellate Division,
First Department

This year, we celebrate the 250th anniversary of the founding of the United States of America. The former colonies came together as a nation inspired by the principles expressed in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." These core principles were expounded in the preamble of the U.S. Constitution, which, among other things, set forth, "to form a more perfect Union, establish Justice, … promote the general Welfare, and secure the Blessings of Liberty" for the citizens of a burgeoning nation.

Realizing these inspirational goals has certainly been a work in progress for our country. However, as Martin Luther King Jr. wisely stated, echoing abolitionist Theodore Parker, "The arc of the moral universe is long, but it bends toward justice."

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Honoring Our Agrarian Roots

Elizabeth A. Garry
Presiding Justice
Appellate Division,
Third Department

As we reach our nation's 250th anniversary, it is fitting to honor and celebrate our agrarian roots. Regions now long populated and urban were, at the time of our founding, either rural or in a more natural state, supporting the generations of native peoples who lived in closer proximity to the land and its rhythms than most of us can either experience, or perhaps even imagine, today. Our nation's founders recognized the virtue and value of rural life. Thomas Jefferson wrote: "Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness." A famous quote attributed to George Washington is: "I had rather be on my farm than be emperor of the world."

Despite ongoing urbanization since our founding, millions of our fellow citizens currently live in rural communities; over 4 million here in New York, according to the Rural Housing Coalition. Many rural commu-

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'The Time Is Always Ripe to Do Right'

Gerald J. Whalen
Presiding Justice
Appellate Division,
Fourth Department

When drafting the Constitution, the Founders recognized that our new country would combine diverse cultures, ideas and beliefs. The colonists came from all over the globe and brought with them experiences, good and bad, with different rules of law and governance, including dictatorships. The Founders nonetheless saw the strength in this disparity and had an idea, a hope of what we were to become if they could harness the passion that had originally united us during the revolution and translate that passion into something more stable, well-structured but no less inspiring. They understood that the Constitution would need to deliver on multiple levels: it needed to provide both a practical, workable structure for governance as well as a unified, aspirational ideal. A nation cannot stand on bricks and black letter law alone, it requires a compelling and inspiring foundation to bind our new nation for future generations.

And we have such a foundation. The aspirational

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Inside

NYSBA Kicks Off Year Long Celebration of 150th Anniversary

Kathleen Sweet

President
New York State Bar Association

Before commercial air travel, the founding of the interstate highway system, the common use of electricity in homes and businesses, and even before the invention of the automobile, there was the New York State Bar Association. And as we celebrate and commemorate our history and reflect on our accomplishments, our anniversary is an opportunity to refocus on fulfilling our mission.

We celebrate our 150th anniversary in a moment of great challenge. The rule of law, long taken for granted, is being tested, quite often by our own government. Civil discourse has been coarsened and often replaced by divisive rhetoric and calls to violence. We have witnessed an insurrection and still contend with its aftermath. In times like these, our role as lawyers extends beyond the courtroom and the boardroom. To honor our oath, we must amplify the truth, elevate civil discourse, and defend constitutional principles.

The New York State Bar Association has championed essential reforms and human rights, while defending and improving the administration of justice and serving and educating our fellow lawyers. We have led efforts to expand access to justice for the most vulnerable among us and have adapted to the evolving needs of our profession, always striving to stay current in service to our clients, the justice system, our fellow lawyers and the public good. We are the largest and most influential voluntary state bar association in the country.

As we look forward to this landmark year at the Bar Association, we invite you to join us in honoring our members, celebrating their accomplishments, and participating in a series of special events.

The Annual Meeting in New York City from Jan. 13 to 16 will include the Presidential Summit, where a panel will discuss the state of the Constitution and the drafters' design of robust checks and balances among the three co-equal branches of government. Pulitzer Prize winning Stanford historian Jack Rakove and Yale Rule of Law Clinic Co-Director Sonia Mittal will lead this important conversation. Lawrence O'Donnell, author, actor and political commentator, will serve as moderator.

A special 150th Presidential Gala will be held at the Plaza Hotel in New York City on Thursday, Jan. 15th, 2026; we will be honoring the association's past presidents and awarding our most prestigious recognition, the Association's Gold Medal, to Governor Kathy Hochul.

Since 1876 we have been building, growing, and adapting to changes in the profession and in the world that impact our members. This past year is no exception. At the end of 2024 we launched dramatic and transformational changes, now providing an all-inclusive membership. Continuing legal education programs, forms across numerous practice areas, publications, including e-books, two section membership and countless other benefits, are now included with member dues. Our sections have seen unprecedented growth.

Our sesquicentennial anniversary is your story too. Your dedication, advocacy, and service embody the values that have sustained our profession. I hope that you will come to New York City to celebrate with us, reflect on the incredible history we share, and join us as we write our next chapter together.

Kathleen Sweet is a partner at Gibson, McAskill & Crosby in Buffalo.

Advancing Legal Practice: NYSBA's Commitment To AI-Driven Professional Development

Taa Grays

President-Elect
New York State Bar Association

A key pillar of the New York State Bar Association's mission is to "advance the professional development of its members." Today, that commitment is increasingly shaped by the transformative role of technology particularly artificial intelligence —in the practice of law. That impact is multi-faceted: the quality of lawyering, the operations of the association, and the impact on the public.

Taa Grays is chair of the association's Committee on Bar Leaders and co-chair of the President's Committee on Access to Justice.

Technology and the Practice of Law

In a recent interview to the New York State Bar Journal, Past President Dave Schraver emphasized that modern professionalism requires technological fluency: "another contribution [of the association] to professionalism is helping lawyers understand and be able to use properly the technology that's so critical in today's world." The association plays a crucial role in equipping lawyers with the necessary tools and knowledge to succeed in a rapidly evolving legal landscape. Two ways in which the association is equipping lawyers is (1) by introducing a new member benefit and (2) though continuing legal education.

This year the association launched its first AI member benefit. "Querious is the first Legal Conversational Intelligence™ platform designed by attorneys with privacy, security, and ethical AI at its core," as explained on the NSYBA website, "Querious transforms client conversations into high-value legal services through real-time insights and effortless follow-ups." AI can be a strategic advantage for NYSBA members: Past President Sherry Levin Wallach, in a recent interview for the New York State Bar Journal, observed that this benefit can enhance membership and maintain our relevance in legal communities globally.

At the association's 2026 Annual Meeting, several sections will focus on AI's role. They are offering CLEs that will explore AI's impact on family law, litigation, environmental law, health law, international practice, labor and employment, LGBTQ+ issues, trusts and estates, and entertainment law. These programs will balance AI's promise with discussions on ethics, confidentiality, and professional responsibility.

Lessons from the Pandemic: Virtual Bar Center

Technology has enabled the association to provide services to its members across the state virtually.

"We learned that we could conduct business remotely," explained Past President T. Andrew Brown who was president during the pandemic, "we learned that we could be more cost effective, more efficient and engage more members." The association began two years prior to the pandemic under the presidency of Hank Greenberg to create a virtual bar association. The virtual bar allowed the association to conduct fully virtual House of Delegates meetings, leading to increased efficiency, cost-effectiveness, and member engagement. These lessons from the pandemic continue to impact how the association conducts business today.

Technology to Address the Justice Gap

The association is also looking at how technology can be used to address the access the justice gap. The association's President's Committee on Access to Justice has called for an ethics- driven approach to AI adoption, ensuring innovation advances access to justice while embedding safety, transparency, and equity. The committee has drafted a report for consideration at the January House of Delegates meeting recommending a framework that emphasizes governance, training, and responsible AI deployment, ensuring innovation benefits both lawyers and the communities they serve.

Conclusion

The New York State Bar Association has a dual responsibility concerning technology: (1) advancing member development and (2) safeguarding public interest. By integrating technology into its operations, educational programs, and access to justice initiatives, the association is not only preparing its members for the challenges of modern practice but also ensuring that the legal profession remains relevant, ethical, and impactful in service to society.

Electronic Wills Come to New York

Angelo M. Grasso

Chair
Trusts and Estates Law Section

When people think of practice a reason the cutting edge of technology, one of the last fields they will consider is trusts and estates law, which for centuries has been hidebound to tradition and formality. Yet, even trusts and estates is not immune to change. Recent years have seen practitioners grapple with modern innovations such as handling a decedent's digital property, bequeathing cryptocurrency,and the concept of digital resurrection.

The biggest change is likely to come in the next few years with the introduction of electronic wills. Since time immemorial, New York has had strict requirements for a will execution that, if not followed to a tee, risked a will being denied probate. And the process for a client to make a will has been the same for generations: the client would come to her attorney's office, sit in their conference room, and review a paper document with her lawyer. After doing this, the client would sign the document on a solid line at the end in pen and in the presence of two witnesses, declare the instrument to be her will, and have the witnesses also sign the will.

That is poised to change, as last summer, the Assembly and Senate passed legislation that creates a formal, legal process to allow a client to electronically sign an electronic will in the presence of remote witnesses by Zoom or a similar platform. While paper wills are not going anywhere, if the governor signs the bill, New York will join 15 other jurisdictions in offering an alternative way for a client to make his or her will.

The legislation was crafted to ensure that electronic wills would follow the same rigorous standards as paper wills. An e-will would still need to be signed at the end by the testator in the presence of two or more witnesses. The testator would still need to declare that the instrument is his or her will and ask the attesting witnesses to serve as witnesses, who would also need to sign the will. What would change is the end product would be an electronic document, signed electronically, rather than a paper document signed in ink. To ensure that an e-will is not altered, it would need to be in a tamper-proof form with metadata, and stored with the Office of Court Administration, who would serve as its qualified custodian.

Not only would electronic wills modernize the law without sacrificing security or tradition, they would assist the hundreds of thousands of people who, for various reasons, do not have a will. By allowing for remote execution, it would enable underserved populations to have access to attorneys throughout the state,particularly for clients who do not have the time, ability,or financial means to visit a lawyer during business hours.

I am proud that the Trusts and Estates Law Section has been an integral part of the process, and in particular, want to thank my colleagues Jill Beier, Nicole Clouthier, and Cheryl Katz for working with me on this significant project.

Angelo M. Grasso is a partner at Greenfield Stein & Senior in New York City where his practice focus is on trusts and estates litigation and Article 81 guardianships. He is an active member of the trusts and estates community and is a frequent speaker and writer on a variety of topics related to trusts and estates law and litigation.

Protecting the Elderly From Financial Abuse and Exploitation

Richard Marchese Jr.

Chair
Elder Law and Special Needs Section

Our section membership is proud to serve the needs of our elderly population in the State, as well as the deep concerns of our disabled population. The attorneys in our section routinely counsel families in crisis. Myriad issues face those who need long term care, from emergency placements in skilled nursing facilities, applications for guardianship, and accessing needed Medicaid benefits to help pay for care at home.

Richard Marchese Jr. is a partner at Woods Oviatt Gilman in Rochester.

As Governor Kathy Hochul stated in her Final Master Report on the Aging, the State is at an "inflection point" in its ability to provide safe, quality services and programs for the elderly.

There will be many challenges in the year ahead for practitioners in this field. One of the most harmful issues facing our clients is financial exploitation of the elderly. Financial exploitation used to be confined to cases involving individuals who were able to gain the trust and confidence of their victims through personal contacts over a long period of time. Over the last twenty years or so, phone and text scams became the route by which nefarious individuals gained access to victim's bank and credit card information, often resulting in the loss of someone's life savings.

Unfortunately, this ever-growing problem now has become much worse due to the advent of A.I., which has enabled criminals to replicate voice and visual images of loved ones (often children or grandchildren of elderly victims), who urgently request large sums of money because they are in trouble (the pretext is always presented as an emergency). We urge everyone to try to educate their parents and grandparents about how to prevent such financial scams. One method of trying to avoid scams is to have all family members learn (and use when needed) a "family code name" or phrase. If the person who seems to be the victim's grandchild does not know the codeword, the advice is to hang up and call the police!

Over the past several years, our section has closely tracked legislative proposals to both combat financial exploitation and help bring perpetrators to justice. Our section wants to try to bring these efforts to fruition. Our elder abuse, guardianship, and mental health committees will be monitoring proposed amendments to the banking law with respect to putting holds on transactions that are deemed to be suspicious, and the reporting of such transactions to Adult Protective Services. Often an elderly victim is cognitively impaired, which makes the prosecution of cases of financial exploitation very difficult. We will be keeping an eye on legislative efforts to modify the State's Criminal Procedures Law that would create additional exceptions to the hearsay rule to assist in prosecuting such cases. I want to make certain » Page 13

Throwing the Rule of The Law to the Wind? Offshore Wind in NY and Advancing The Rule of Law

Amy K. Kendall

Chair
Environmental and Energy Law Section

On Jan. 20, 2025, President Donald Trump issued a Presidential Memorandum titled Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing Case and Permitting Practices for Wind Projects, 90 Fed. Reg. 8363 (Jan. 29, 2025) (Wind Order). The Wind Order directs federal agencies to halt all federal permitting approvals for the development of wind energy projects. The Wind Order undermines years of environmental and energy policy in New York, with serious consequences for Environmental and Energy Section (EELS) members and their clients.

New York is a leader in addressing climate change. The Climate Leadership and Community Protection Act (CLCPA) calls for a 40% reduction in greenhouse gas emissions from 1990 levels by 2030 and an 85% reduction by 2050. Wind power plays a critical role in meeting these targets. For example, CLCPA set a target of 9,000 megawatts of offshore wind to be installed by 2035, enough power to serve 6-9 million homes.

The offshore wind industry operates within a highly regulated and technically demanding environment. Even small setbacks can derail a project. Federal agencies are charged by Congress with implementing numerous statutes which require comprehensive and prompt review, approval, denial or other action on wind energy applications. Courts reviewing challenges to offshore wind projects have not found any deficiencies in the agencies' existing review and permitting processes.

Despite this, the Wind Order states that due to "alleged legal deficiencies" (which are unidentified) the agencies "shall not issue new or renewed approvals, rights of way, permits, leases, or loans for onshore or offshore-wind projects pending the completion of a comprehensive assessment and review of Federal wind leasing and permitting practices."

The state of New York, joined by 16 other states and the District of Columbia, has sued the president and federal agencies for failing to comply with statutory and regulatory requirements.

EELS is now considering how to respond to the Wind Order given NYSBA's stated mission of advancing the rule of law and its decades of advocacy on climate action. The rule of law cannot be simply a talking point; it requires zealous advocacy.

Amy K. Kendall is a partner at Knauf Shaw in Rochester, a boutique environmental, energy and land use firm. Her practice focuses on water-related issues.

NYSBA ANNUAL MEETING: Jade Lopez, Sections Editor | Monika Kozak, Design

Private Equity and Hedge Fund Interests In Divorce

Peter Stambleck

Chair
Family Law Section

Scott DeMarco

Founder of Equitable Value

While the overall divorce process may be overwhelmingly emotional and unsettling, the division of assets is often considered a routine and methodical step along the way. Simply put, New York law requires that a couple's assets be classified as either separate or marital property. Separate property remains with whichever spouse it belongs to, and marital property is divided equitably (not necessarily equally) between the spouses.

In most cases, determining marital property values is relatively straightforward. Real estate, cars, stocks, and other liquid assets are relatively easy to value based on the marketplace. However, when illiquid assets must be divided, valuations are not straightforward at all, and when those assets are intricately structured financial interests, valuations become even more challenging.

Marital property in the form of private equity and hedge fund ownership interests (and compensation) is among the most difficult to divide, as the assets pose unique valuation and distribution complications. Private equity funds typically use a waterfall structure to allocate value for a periodic capital account statement and an actual liquidity event; a deal (typically, a sale or other realization of value that produces liquidity) initiates a flow of funds in a tiered "waterfall," allocating value based on invested capital, preferred returns, and other factors detailed in the limited partnership agreement. Most hedge funds do not use a waterfall structure. Instead, they historically operate pursuant to a "2 and 20" structure (or "1 and 15," and other similar structures), charging a 2% management fee on all assets under management and a 20% performance fee (or carried interest) on profits earned. Building off these general structures, private equity and hedge fund partnership agreements allocate interests and assign specific distributions and valuations.

The complexities of those agreements and the frameworks they establish lead to complications in equitable distribution. When ownership or partnership interests are divided in a divorce, three general approaches have emerged to address the unique challenges: 1) after-tax valuation and buyout, 2) division in-kind, and 3) "if, as, and when realized distribution."

Fair Market Value valuation and buyout is the most straightforward method for distribution. Assume a limited partnership interest in a private equity or hedge fund is determined to be marital property. The "fair market value" of that limited partnership interest is ascertained through a variety of sources and discounted for lack of marketability and control, after which one spouse buys out the other's interest based on that fair value.

Alternatively, with an in-kind transfer, there is no buyout; rather, interests are transferred from one spouse to another without a buyout. In both instances, the value bought out or transferred is fixed by what has been decided is equitable in that case.

A final option is "if, as, and when realized distribution." Unlike the previous two options, this method does not involve equitable distribution of assets at the time of divorce. Instead, the spouses agree to a formula for future division of those assets. Assume a limited partnership interest is determined to be marital property; funds are expected to be distributed to the limited partner in the future. The spouse in whose name the interest is held (the titled-spouse) acts as a constructive trustee, distributing funds to the non-titled spouse on an agreed-upon number of days after receiving those funds.

Tax implications must be considered to determine the details of this distribution method. Taxes, however, are not the only concern. The complexities abound: even with the valuation and distribution methods discussed, private equity and hedge fund assets introduce additional layers of difficulty. Their division can implicate partnership restrictions, deferred compensation structures, capital commitments, and contingent carry—all of which require careful navigation. Ultimately, the allocation of private equity and hedge fund interests in divorce is anything but routine; it is a specialized exercise demanding both financial sophistication and legal precision.

Peter Stambleck is a founder and partner of MSSG who combines Big Four CPA experience with expertise in complex divorce and family law cases. Scott DeMarco is the founder of Equitable Value, a business valuation and divorce accounting firm.

A Year of Excellence: Tackling Critical Legal Issues

Helene R. Hechtkopf

Chair
Commercial and Federal Litigation Section

As the new Chair of the New York State Bar Association's Commercial and Federal Litigation Section, I am thrilled to be able to report on how much our Section has done in the past year, and how much value we have brought to our members andthe New York bar. Our section has addressed some of the most pressing legal challenges facing society and our profession today, through an impressive array of educational programs.

Perhaps no issue looms larger than artificial intelligence and its implications for fairness and justice. The Section tackled this head-on with multiple programs exploring AI's role in legal practice. The "Smooth Moves 2025: AI and Diversity Bias CLE Panel" confronted a troubling reality: AI systems can perpetuate or even amplify existing biases in hiring, lending, housing, and other areas that shape people's opportunities. When algorithms make decisions about who gets a loan, who advances in their career, or how legal arguments are evaluated, understanding and addressing bias becomes essential to protecting civil rights. The December 2024 program "AI in Arbitration and Mediation" explored how technology is reshaping dispute resolution—affecting everything from employment conflicts to consumer complaints.

Insurance coverage disputes may sound dry, but they whether businesses survive unexpected losses and whether policyholders get what they paid for. The Section's programs on commercial insurance coverage, held in both New York City and Buffalo, equipped attorneys with knowledge to help clients navigate complex insurance claims. The Section also championed a change to the Commercial Division rules that will allow complex commercial insurance disputes to be heard in the Commercial Division.

Health care fraud represents one of the most significant drains on the healthcare system, costing taxpayers billions and potentially compromising patient care. The Section's February 2025 program on applying the False Claims Act to Medicare Advantage directly addressed this critical issue, educating attorneys about the legal mechanisms designed to protect public health programs from fraudulent billing.

The Section has also championed diversity and equal opportunity in the legal profession itself, recognizing that a more representative bar better serves an increasingly diverse society. The "Smooth Moves" series addressed career strategies for diverse attorneys, and the "Taking the Lead" program highlights the accomplishment of women commercial litigators.

The Section has held multiple "Master Classes" for Commercial Division clerks, bringing in featured speakers to educate the clerks on the nuances of the CPLR, the interplay between the Commercial Division and the Surrogates Court, and the interplay between bankruptcy and the Commercial Division. This represents an investment in judicial system quality that benefits everyone who enters a courtroom. Well-informed law clerks and court attorneys contribute to better-reasoned decisions, more efficient case management, and fairer outcomes.

The Section's White Collar Criminal Litigation Committee has featured prominent speakers at its meetings, focusing on the sophisticated financial networks and the complex legal landscape surrounding them.

By making programming accessible through hybrid formats and holding events across New York State, from Manhattan to Buffalo to White Plains, the Section has democratized access to cutting-edge legal education.We are proud of our state-widereach, andlook forward to continuing our work in the coming year.

Helene R. Hechtkopf is a litigation partner at Hoguet Newman Regal & Kenney in New York City, with a practice focused on employment, commercial and construction litigation.

Attorneys Must Be Ready For Medical Aid in Dying Law

Adam Seiden

Chair
50+ Section

Soon, New York will join twelve other states (California, Hawaii, New Jersey, Vermont, Colorado, Maine, New Mexico, Delaware, Montana, Oregon, Illinois, and Washington) and the District of Columbia that have some form of Medical Aid in Dying (MAID) law. In 2024, the NYSBA Task Force Report on Medical Aid in Dying, chaired by Dr. Mary Beth Morrissey, served as a blueprint for the Governor and Legislature, and in 2025 NYSBA President Kathleen M. Sweet played a vital role in getting the bill over the line.

Now that Governor Kathy Hochul has announced that she will sign MAID into law, lawyers will have a lot to think about. There will be new and novel litigation stemming from the statute. Is it (or parts of it) unconstitutional? How will life and medical insurers respond? Will they deny coverage under some or all policies? Should lawyers, immediately upon the law going into effect, arrange to review the life and health insurance policies of their clients interested in the MAID process? How will attorneys advise these companies if they represent insurers? Are attorneys going to become involved in a lobbying effort to compel coverage of the MAID process in all New York State and foreign recognized policies? How will healthcare providers respond? There surely will be challenges by family and others as to whether the patient is qualified under the statute to act. Are there standing issues? Which Courts will have jurisdiction to hear these cases? Surely, Supreme Court, but what about Surrogate's Court or Family Court? Will the statute impact the drafting of health care proxies and living will declarations? Does approval by a patient in an advance directive count under the statute or must they be in an extremis position when the request is made?

This statute authorizes the prescription of life-ending medication to be self-administered by the patient. Individuals must be qualified to obtain the prescriptive medication and to use it. Two doctors must certify that they qualify. The patient must be over eighteen (18) years of age, terminally ill with an incurable and irreversible illness or disease with a prognosis to live six (6) months or less, and mentally competent. The patient must personally and voluntarily submit a written request for the medication to their physician. No proxy or agent is allowed to submit the request for the patient. The request must be signed by two (2) witnesses. Additional requirements include a mandatory mental health evaluation and a waiting period of five (5) days between when a prescription is written and filed. If there is any doubt about the patient's mental health, an additional evaluation is necessary by a mental healthcare provider.

Attorneys will play a major role in the implementation of this act. We will also play a big role in attacking the act if clients choose to do so. Review the act, the supporting or objection

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Adam Seiden is a solo practitioner with a general practice in Mt. Vernon, New York. He retired in 2021 after 27 years as an Associate City Court Judge of the Mount Vernon City Court.

Life Is More Than One Big Zoom/Teams/ WebEx Meeting

Alexandra Simels

Chair
Young Lawyers Section

In some ways, practicing law can feel solitary, especially when endeavoring to meet work expectations, bill time (for the unlucky), and keep other aspects of your life afloat. I found this particularly true when I was first admitted to the bar in March 2020. I had so many questions about how to be a good lawyer/person and was unsure of the resources that could actually uplift me. This was exacerbated by the world, or at least New York City, effectively shutting down and feeling like all of life was one big Zoom/Teams/WebEx meeting.

In the last five years, I've learned that community is invaluable to help people find their voice and encourage personal and professional growth and collaboration, particularly in times that feel increasingly isolating. As scary as it may be, the search for community begins with a step to put yourself out there. Starting small is okay and success can begin with simply attending an event or speaking to one person you didn't know previously. Through trying new things, you figure out what you like (and dislike), what speaks to you, and what you want to continue to nurture. While efforts to branch out can be related to your practice area, you can also grow community through your interests or groups and causes you identify with.

The first time I attended an event as an attorney that really spoke to me was one of the Young Lawyers Section's monthly pub nights. Through that initial foray into actually engaging with a bar association, I began to build my community of like-minded lawyers that challenged me to get involved in things I cared about. Over time, the attorneys I've met have been outlets to discuss and collaborate on practice, mentors to provide feedback on my work, shoulders to cry on, and character and fitness references. I've made new friends and gained a deeper appreciation for the work we do as lawyers, including the impact we have on the world at large.

Finding your community is paramount, particularly in the ever-changing practice of law. Community makes all of us better, not just within our profession, but as people. We need to continue engaging each other, pushing ourselves out of our comfort zone, and having meaningful dialogue about how we want to shape ourselves and our future. That all starts with the relationships we build. Without my community, I wouldn't be where I am today, and I hope to pay it forward.

Alexandra Simels is an attorney at Martenson, Hasbrouck & Simon's Labor and Employment practice group in New York City and an adjunct professor at Seton Hall Law School. She is the chair of the New York State Bar Association's Young Lawyers Section.

New York Real Estate In a Climate-Changed World

Susan Golden

Chair
Real Property Law Section

The challenges are stark. Rising sea levels threaten waterfront neighborhoods and floods decimate towns far from the ocean. Heat waves strain our energy systems. Storms once considered "once in a century" are becoming more frequent, raising insurance costs and forcing property owners to weigh the true cost of rebuilding.

As a real estate and land use lawyer, I spend much of my time negotiating contract terms, navigating zoning, and advising on the risks that shape property ownership. "Due diligence" must now include hard questions about resilience, sustainability, and long-term viability. Clients are seeking guidance to evaluate the risks of climate change—and the legal frameworks designed to address it.

We are entering a new era where environmental law and real estate law are no longer separate spheres. Owners, investors, and tenants must now grapple with regulatory regimes that directly tie property value to climate resilience and carbon performance.

Local Law 97, the centerpiece of New York City's Climate Mobilization Act, requires buildings over 25,000 square feet to meet strict greenhouse gas emissions limits. Noncompliance carries severe financial penalties, potentially in the millions for large portfolios. This is an obligation that must be factored into acquisition due diligence, financing documents, and lease negotiations.

Building code provisions require flood-resistant construction in designated flood zones. Zoning regulations establish special rules for buildings in flood-prone areas, allowing for elevation and retrofitting. Property owners who ignore these requirements face not only exposure to storm damage, but also difficulties securing permits, insurance, and financing.

Insurance law is another critical frontier. With carriers raising premiums or withdrawing coverage in high-risk areas, we are seeing contractual disputes over force majeure clauses, rent abatements, and casualty provisions in leases. The language of "acts of God" is no longer theoretical—it is being tested in courtrooms and negotiations across the state.

Environmental disclosure obligations are expanding. New York State's Climate Leadership and Community Protection Act sets ambitious statewide emissions targets that will filter into municipal regulations and transactional due diligence. Purchase and sale agreements require climate risk representations and warranties. Buyers and lenders increasingly require detailed sustainability reports as a condition of closing. Financing documents include covenants to maintain emissions compliance.

Forward-thinking clients view resilience as an investment. Developers are incorporating flood-resistant foundations and renewable energy systems because they know these features enhance value. Tenants are demanding sustainable spaces not just out of principle, but because they lower operating costs. Investors are shifting capital toward buildings that can weather future risks.

This is where lawyers, developers, policymakers, and communities must work together. We need legal frameworks that

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Susan Golden is a partner in the Real Estate Group at Venable and has spent most of her career working on civic, cultural, and economic development projects for nonprofit and government organizations.

Integrity, Fairness and Dignity Define Judges And Attorneys Despite Public Stereotypes

Brian D. Burns
Presiding Member
Judicial Section

The legal system, as portrayed in movies, television, and social media is a cesspit of corruption and self-interest, where the "best" lawyers are the most aggressive, loudest, and most vitriolic. Legal arguments have been replaced with ad hominem attacks on opposing parties and counsel. A reasonable willingness to compromise is seen as a weakness to be exploited. Verbal attacks on judges and their family members are common. Judges' decisions are viewed as extensions of their per-sonal ideological beliefs or as payback to a political party.

The reality, however, is far different than what is presented to the public. The overwhelming majority of attorneys who ap-pear in our courts conduct themselves in a dignified, civil, and professional manner on a daily basis. In civil courts, they file meritorious complaints and answers. Frivolous motions are rare. Attorneys diligently work in good faith to follow discovery scheduling orders. They appear at settlement conferences with knowledge of the facts of their cases and the law that ap-plies to those facts. They work collaboratively with opposing counsel to resolve cases. In fact, over 90% of all civil cases are settled with each party demonstrating a willingness to reach a reasonable compromise to their claims.

In criminal cases, prosecutors rarely file bogus charges for political gain or to bolster their conviction rates. Defense counsel diligently works to defend their clients by attacking the allegations – not by attacking the prosecutor. Defendants are still afforded the presumption of innocence and juries still require proof of guilt beyond a reasonable doubt. Judges still sen-tence those convicted of crimes within the legal ranges established by duly elected members of the legislature and as ap-proved by the governor.

Of course, there are exceptions to all the above. A small minority of attorneys do act boorishly and unprofessionally at times. Judges do make mistakes in applying the correct law in every case and some decisions may appear to have been influenced by personal beliefs. We should not lose sight, however, that the very rarity of unprofessional conduct from those within our legal system is what makes such conduct notable and newsworthy.

While acknowledging the small number of instances where we have failed to live up to ideals of the profession, we should celebrate the fact that our legal system is filled with honest, ethical, hardworking attorneys and judges dedicated to serving the interests of equal justice under the law. As the tone and tenor of our national discourse seemingly becomes ever more divisive and adversarial, the need increases for lawyers and judges to be even more collegial and sensitive to avoiding the appearance of impropriety. I am proud to be a member of New York's legal community and know that collectively we are up to the task of maintaining the public's confidence in the integrity of our justice system.

Justice Brian D. Burns is the Supreme Court Justice in Otsego County. He was first elected to serve as Otsego County, Family, and Surrogate Court Judge in 2001, was appointed to serve as an Acting Supreme Court Justice in 2008 and elected to Supreme Court in 2020.

Looking Ahead: AI, DEI, and the Future for LGBTQ+ Attorneys in New York

Samuel Buchbauer
Chair
LGBTQ+ Law Section

As artificial intelligence reshapes the legal profession and diversity, equity, and inclusion commitments face unprecedented headwinds, LGBTQ+ attorneys are navigating a moment of both opportunity and vulnerability. This year, the LGBTQ+ Law Section of the New York State Bar Association is focusing on how these developments affect queer practitioners and the clients and communities we serve. Our two Annual Meeting CLE programs, 1) AI and the Practice of Law: Ethical Challenges and Bias Risks for LGBTQ+ Attorneys, and 2) The Future of DEI in Law Firms: Risks, Retreats, and Resilience for LGBTQ+ Attorneys, center two forces that will define our professional landscape in the years ahead.

AI now touches nearly every aspect of legal work, from research and drafting to the predictive tools shaping employment, housing, healthcare, and credit decisions. For LGBTQ+ attorneys, the evolution of these systems raises urgent ethical and professional concerns. AI's promise is efficiency, but it risks the amplification of bias. Whether using generative tools or litigating against algorithmic models, attorneys must understand their obligations under the New York Rules of Professional Conduct. This includes competence, supervision, confidentiality, and ensuring that technology does not produce discriminatory outcomes.

Just as important is recognizing how algorithmic systems disproportionately impact LGBTQ+ people, especially those who are transgender, gender-expansive, or multiply marginalized. Biased or incomplete datasets can result in wrongful housing denials, discriminatory employment screening, or skewed credit determinations. Attorneys must be ready not only to use AI responsibly within their own practices but also to challenge harmful systems in courts, agencies, and legislative spaces.

Simultaneously, the legal landscape surrounding DEI is shifting rapidly. In the wake of recent Supreme Court decisions, such as *Ames v. Ohio Department of Youth Services* and *National Institutes of Health v. American Public Health Association*, and a rise in reverse-discrimination litigation, law firms across the country are reassessing or scaling back DEI initiatives. Some have dissolved diversity teams, narrowed programming, or removed public statements entirely. These changes directly affect LGBTQ+ attorneys by disrupting mentorship pipelines, altering promotion pathways, and weakening retention efforts. The retreat from DEI is not merely represent an internal cultural shift—it determines who advances in the profession and whose perspectives shape institutional decision-making.

In this environment, the Section's priorities through our Annual Meeting programming aim to provide attorneys with practical guidance for navigating AI-related ethical issues and to create space for members experiencing DEI rollbacks in their workplaces. We are committed to equipping practitioners with the tools needed to protect clients, safeguard ethical practice, and support one another.

In that spirit, we are also excited to launch a new partnership with the LGBT Bar Association of Greater New York on a mentorship program designed to support LGBTQ+ law students and new lawyers as they navigate unique professional and personal challenges early in their careers. Strengthening the pipeline is essential as the broader legal ecosystem shifts.

And we want our members beside us. Engagement can take many forms: joining a committee, drafting policy comments, attending CLEs, mentoring emerging attorneys, or helping shape our legislative priorities. The challenges ahead are significant, but so is our collective resolve.

As AI evolves and DEI commitments face pressure, LGBTQ+ attorneys in New York have a vital role to play in ensuring the profession's future is both innovative and inclusive. The LGBTQ+ Law Section looks forward to advancing this work, together.

Samuel Buchbauer is an associate at Porzio, Bromberg & Newman in New York City, with a practice focused on estate planning, estate administration, and real estate matters.

Dispute Resolution: Attracting Younger Attorneys

William Crosby
Chair
Dispute Resolution Section

Over the years, the Dispute Resolution Section's membership has evolved. Historically, our Section skewed older, reflecting the fact that many mediators and arbitrators enter the field after decades of legal practice. That trend, however, is changing. Over the past two decades, law schools have greatly expanded their dispute resolution curricula, and a growing number of lawyers are pursuing practicing in the field of alternative dispute resolution (ADR) earlier in their careers. Major arbitral and mediation institutions have also recognized the value of diversity—including generational diversity—on their rosters of neutrals. These developments have opened doors for practitioners earlier in their careers as well as those making mid-career transitions.

For example, we now see younger participants in the semiannual mediation training program our Section sponsors. These participants are using their training to gain admission to the rosters of court sponsored mediation programs. From there, they develop experience that will allow them to handle private mediations earlier in their careers. These younger lawyers are bringing fresh perspectives to ADR and have a strong comfort level with technology, collaboration, and cross-cultural communication, among many other important skills.

Against this backdrop, our Section continues to provide its members with practical tools to help identify opportunities to prevent and efficiently resolve disputes. We fulfill this mission by developing programs where members share their experiences and best practices in ADR, and by creating forums for practitioners—both within and outside the Section—to discuss developments in law, institutional rules and policies, and emerging trends. We also support new ADR professionals through training on core skills and by sponsoring law school programs, including a mediation tournament as well as an innovation competition focused on tech-based solutions to legal problems.

Yet generational diversity can also bring tension. Too often, we rely on stereotypes rather than shared understanding. "Boomers" are sometimes unfairly described as resistant to change, while Gen Z professionals are portrayed as overly self-focused or fragile. As with other social stereotypes, these generalizations persist because of limited dialogue between groups. When we engage across generations, we discover both differences worth appreciating and values we hold in common.

Because ADR is rooted in dialogue and understanding, our Section believes this is an ideal lens through which to explore generational conflict. At our upcoming Annual Meeting on Jan. 15, we will feature a panel entitled "Bridging the Generational Divide: ADR in a Multi-Generational Workforce." The discussion will examine how mediators, arbitrators, and organizational leaders can adapt their approaches to foster understanding across age groups. Panelists will share real-world examples of generational disputes and strategies for developing policies and dispute resolution frameworks that honor both tradition and innovation.

In addition to this featured panel, our Annual Meeting will also explore other timely issues shaping the practice of ADR today.

We invite you to join us for these discussions and to learn how the Dispute Resolution Section continues to advance understanding, inclusivity, and excellence in the practice of ADR.

William Crosby is SVP, Associate GC, Managing Attorney (Chief of Staff), and LATAM Regional Coordinator at IPG.

Generative AI, Copyright, and the Shape of Fair Use in 2025: As Developed Using Generative AI

Bill Samuels
Chair
Intellectual Property Section

As New York practitioners, we sit at the intersection of law, technology, and commerce. Nowhere is that more obvious than in the rapid evolution of copyright doctrine applied to generative artificial intelligence…

That is the opening line that Chat GPT crafted for me when I thought I would brainstorm some ideas for a piece in the Law Journal. And then I thought, what does Generative AI think the issues are, what the landscape looks like, and what comes next.

It told me that:

In 2025, courts and regulators delivered several consequential developments—some clarifying, others complicating—how we advise clients who build, deploy, or challenge generative models. The takeaway is simple: fair use remains the fulcrum, but facts and implementation will decide outcomes.

Trial-Level Decisions Set the Tone—but Not The Last Word

Two recent California rulings, *Bartz v. Anthropic* (C.D. Cal.) and *Kadrey v. Meta* (N.D. Cal.), shape the early contours of fair use for AI training. In *Bartz*, the court found that training on lawfully acquired books was "highly" and even "spectacularly" transformative. Critically, the court saw no evidence that model training harmed the traditional or potential markets for those works. It drew a bright line, however: training data must be lawfully obtained. A persistent library of pirated material is not fair use.

Kadrey v. Meta reached the same transformation conclusion, but with a sharper caveat. The court suggested that plaintiffs could prevail in future cases if they show output-driven market dilution or substitution. The decision reads less like a blanket endorsement of unlicensed training and more as a proof-problem for the plaintiffs. In short, training on lawful data can be fair use; training on infringing data likely is not; and factor-four evidence remains decisive.

The contrast is stark in the non-generative AI realm. In *Thomson Reuters v. ROSS Intelligence*, the Delaware court rejected fair use where the defendant's product competed directly with the plaintiff's—an important reminder that courts will scrutinize market effect aggressively, especially where a model is positioned as a substitute for an existing work or service.

Training vs. Outputs: The Second Battlefront

Even if training qualifies as fair use, output liability remains the live wire. Music, publishing, and image-generation models all have shown capacity to reproduce or closely paraphrase protected expression, particularly where memorization controls are weak. Courts, and increasingly the U.S. Copyright Office, emphasize technical guardrails: prompt filtering, similarity scanning, anti-memorization policies, and active monitoring of model behavior. The message is clear—training may be defensible, but outputs must be governed.

Regulatory Momentum: Slow, Fragmented, and Increasingly Global

The U.S. Copyright Office's multi-part AI reports confirm that purely AI-generated content lacks copyright protection. Works that do contain creative human contribution may be registered, provided the AI role is disclosed. The Office outlines a fair-use framework for training data and signals skepticism toward compulsory licensing, particularly where training relies on pirated sources.

Congress has floated targeted proposals such as the Generative AI Copyright Disclosure Act, while states experiment with right-of-publicity and anti-deepfake rules. The European Union is further ahead: the AI Act introduces transparency duties for general-purpose models and ties into copyright's text-and-data-mining exceptions with opt-out mechanics. Globally, transparency, provenance, and dataset licensing markets are gaining traction fast.

Where This Leaves New York Lawyers

Whether advising rightsholders, startups, financial institutions, or media companies, counsel should prioritize:

- Data provenance and documentation. Lawfully acquired training data strengthens fair-use footing.
- Output-safety systems. Monitor for regurgitation risk and implement refusal protocols.
- Market-impact record-building. Plaintiffs need concrete harm; developers need defensible evidence of none.
- Contract architecture. Allocate IP risk clearly—indemnities, disclosure duties, and output controls matter.
- International awareness. U.S., EU, and common-law outcomes will diverge; clients need jurisdiction-specific strategy.

Generative AI is reshaping authorship, ownership, and the economics of creativity. As this landscape continues to evolve, the legal profession must adapt just as quickly. Our role is not only to interpret the law as it is—but to guide policy, practice, and innovation through what comes next.

So that's what it had to say. Who owns that?

Bill Samuels is a partner and head of the Intellectual Property practice at Cole-Frieman & Mallon. He assists clients in securing, leveraging, and defending IP assets across various industries and counsels them on domestic and international IP strategies.

Seiden

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notes and legislative history. Become familiar with the process, restrictions and potential issues. This law will have a significant impact beyond healthcare providers, insurers and patients. Be prepared. As part of our Annual Meeting programing, the 50+ Section, along with the General Practice Section, will host a program on Tuesday, Jan. 13, exploring the impact of Medical Aid in Dying when it is the law in New York State. We hope to see you there.

Golden

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reward innovation, financing tools that support green infrastructure, and zoning that encourages adaptive design. The next generation of development in New York will be shaped by incentives, zoning bonuses, and public-private partnerships aimed at creating a more resilient built environment. Lawyers who understand this terrain can guide clients not only around risks, but toward the rewards of proactive compliance and innovation.

Health Law: Broad Practice on the Cutting Edge

Mark Ustin
Chair
Health Law Section

As a healthcare lawyer and the current chair of the New York State Bar Association Health Law Section, I am frequently called upon to define the practice of health law. Sometimes it comes in the form of a client or colleague who knows nothing about health law, but has a problem involving a healthcare provider or payer. Other times, it involves someone sophisticated enough to know that the healthcare world has its own set of rules that may or may not reflect common sense and standard practice in other industries. But either way, I will get some form of the question, "So what does a health lawyer do?"

And the problem is that there is no short answer, because health law encompasses almost all the traditional legal disciplines, and a few unique ones. In general, the Venn diagram of health law includes three big circles: corporate law, litigation, and, perhaps most importantly, regulatory law. But each includes unique subdisciplines. While corporate law certainly includes traditional mergers and acquisitions and contracting expertise, it requires a knowledge of federal and state laws governing self-referral that have structural implications (perhaps most significantly the Stark Law and the Anti-Kickback Statute). While litigation includes many of the same activities as a standard commercial litigation practice, it also tends to have a strong administrative component, with subspecialties focusing on the False Claims Act, Medicare and Medicaid audits and hearings, professional discipline, and maybe even medical malpractice. And regulatory law is the glue that holds it all together, informing everything else in this highly regulated industry, with its own subspecialties that run the gamut from general counsel-type services to full-fledged lobbying.

That is indeed one of the major characteristics of all the specialties within a health law practice—an awareness of and willingness to work with government in every transaction. The other common factor comes with working in an industry that occupies an increasingly central role in the state, national and world economies. Healthcare issues inform many business decisions, most political and policy discussions, and tend to affect the average person on an extremely personal level. As a result, healthcare lawyers often wrestle with the most significant issues occupying the public's awareness. An M&A lawyer working on the purchase of one furniture manufacturer by another probably will probably not get a lot of media attention, but a health lawyer working on the merger of two local health systems certainly will.

The New York State Bar Association Health Law Section strives to serve all of its members within this context, primarily through a robust system of committees that attempts to encompass the entire range of health lawyer interests. For the litigators, we have a Litigation Committee, a Payment, Enforcement and Compliance Committee, and a Professional Discipline Committee. For the corporate lawyers, we have a slew of committees based on the type of entities you serve, including a Providers Committee, and Long-Term Care Committee, and a Medical Research and Biotechnology Committee. For members more squarely in the regulatory space we have committees on E-Health and Information Systems, Health Care Ethics, and Public Health. And this only scratches the surface. If you are a health lawyer, you will find something of interest. And by working with and learning about other health lawyers, you too will be better able to answer the question, "So what does a health lawyer do?"

Mark Ustin is a partner at Farrell Fritz in Albany, with a practice focused on advising healthcare providers in regulatory and lobbying services.

Grace Under Pressure: Professional Conduct After a Legal Defeat

Michael A. Markowitz
Chair
General Practice Section

Losses are inevitable in the adversarial practice of law. How attorneys respond to defeat shapes their professional reputation and effectiveness. True professionalism is not about avoiding losses but about handling them with grace and strategic thinking.

Civility as a Foundation

When facing an adverse ruling or a victorious opposing counsel, frustration is natural. However, maintaining civility toward the court and opposing counsel is essential. The legal community is small and interconnected; today's opponent may be tomorrow's ally. Judges remember lawyers who handle defeat with dignity, which can influence future cases. Civility also preserves credibility, signaling to the court that your future arguments deserve consideration. Unprofessional behavior, on the other hand, can damage your reputation and make courts less receptive to your future positions. Respect for the legal system, even in disagreement, is fundamental to the rule of law and your role as an officer of the court.

Disagreeing Professionally

The greatest challenge arises when you believe the court has erred. The temptation to express frustration is strong, especially when stakes are high. However, professionalism is most critical in these moments. Judges are human and capable of making mistakes, but the proper venue for addressing errors is through the appellate process, not confrontation. Maintaining civility while preserving your record for appeal serves your client's interests better than venting disagreement. Remember, your perspective may be incomplete; judges have experience and see many cases, which may inform their decisions in ways not immediately apparent. Humility in the face of adverse rulings demonstrates wisdom and maturity.

Emotional Restraint and Boundaries

Lawyers must balance advocacy with analytical objectivity, especially in defeat. Emotional restraint is not about suppressing feelings but channeling them productively. Professional losses are not personal failures; a judge's ruling is based on law and facts, not a rejection of you as a person or lawyer. Internalizing this distinction is crucial for mental health and professional effectiveness. Taking losses personally can impair judgment, damage relationships, and increase stress. Instead, treat each loss as a learning opportunity: analyze what went wrong, what could be improved, and apply those lessons to future cases.

Client Boundaries

It's vital to remember that your client's problems are not your own. Zealous advocacy requires empathy but not absorbing your client's stress or disappointment. Maintaining emotional distance allows you to provide clearer counsel about next steps, whether appealing, negotiating a settlement, or accepting the outcome. Your client needs an advisor who can think strategically, not someone equally emotionally invested. Professional empathy means acknowledging your client's disappointment while helping them understand options and make rational decisions.

Constructive Moving Forward

Every loss is an opportunity for growth and relationship building. Thank the court for its consideration, congratulate opposing counsel, and focus on what comes next. Whether preparing an appeal, advising on settlement, or moving to the next case, professionalism in defeat often proves more valuable than celebration in victory. Over a legal career, individual losses fade, but reputation endures. Handling defeats with grace, civility, and strategic thinking builds a reputation that serves both clients and careers for years to come.

Michael A. Markowitz is chair of the New York State Bar Association's General Practice Section, a member of the association's Executive Committee and a member of its Task Force on Notarization. His office is in Garden City, N.Y. where he practices contract, probate, and real property transactions and litigation.

Whalen

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aspect of the Constitution to secure a brighter future for each of us and our children has driven so many people from the outset of our country's history, including all those that have journeyed here these past 250 years, to work relentlessly in furtherance of this goal. It is in fact what drew many of us to the practice of law. It is this ideal that drives us when we stumble along the road to establishing justice and ensuring domestic tranquility. It is also this ideal that has driven many to work toward that goal even when they themselves have been unjustly excluded. Indeed, throughout our country's history, the aspirational promise of our Constitution has often been championed by those who have been unjustly excluded or sidelined in our society: the abolitionist movement fighting slavery as antithetical to liberty, the suffragettes marching for equality, and newly arrived immigrants looked upon as the "other" enthusiastically engaging in our political system. The promise is heard in the voice of every individual who has stood up to exclusion and said I am here and I am an American.

I was reminded of this recently when, this past November, I had the honor of presiding at the posthumous admission of Ely Parker, of the Tonawanda Seneca Nation, to the New York State Bar. Mr. Parker's life story would be inspirational in any time period. In addition to reading the law, he was a Seneca Sachem, a civil engineer, a brigadier general and then-Gen. Ulysses S. Grant's trusted adviser at the end of the Civil War, and the first Native American Commissioner of Indian Affairs. Despite possessing the requisite skill and character to practice law, Ely Parker was unjustly precluded from becoming a recognized practicing lawyer as Native Americans were not then recognized as citizens. He nonetheless lived his life in a manner that celebrated the legal profession and the ideals of the bar. Now thanks to the hard work of many people, including Ely Parker's direct descendants Melissa Parker Leonard and her father Al Parker, the Honorable John G. Browning, attorney Lee Redeye, and the Fourth Department's own Honorable Mark A. Montour of the Saint Regis Mohawk Tribe, we finally shine a light on the path Ely Parker created in order to ensure that many will follow.

Some might say a posthumous admission does not correct a historical wrong. It arrives too late. I disagree. The promise of a brighter future is not an inevitability. Our great democratic experiment requires self-reflection and day-to-day effort in order to continue. Recognizing the accomplishments of a great American and highlighting the career of a person overlooked during his life is the right thing to do. As Martin Luther King Jr. has written, "the time is always ripe to do right."

Questions? Tips? Contact our news desk:
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Wilson

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difficult and slow: two-thirds of states can apply to Congress to call a constitutional convention, and any amendment the convention proposes must be ratified by three-fourths of the states; or a proposed amendment must be passed by two-thirds of both houses of Congress, and then be ratified by three-fourths of state legislatures. The Founders chose these approaches out of concern that "extreme facility" of amendment "would render the Constitution too mutable" (Federalist No. 43). In other words, they wanted to prevent political pressures lacking broad consensus from resulting in rash and potentially destabilizing changes to our nation's fundamental government structures. The U.S. Constitution has proven extremely difficult to alter through the amendment process: whereas more than 11,000 amendments to the U.S. Constitution have been proposed, only 27 have been ratified in the 235 years the document has been in force. The number 27 itself also appears larger than it really is; the first ten amendments were ratified as a group.

By contrast, the New York State Constitution is much easier to amend—and, as a result, it has been amended frequently. There are two paths to amendment. The first path begins with a constitutional convention: every 20 years voters are automatically asked whether to hold a convention, or the Legislature can put the question on the ballot at other times, and if approved, delegates draft potential changes that then are presented to the voters for ratification. Under the second path, the Legislature can propose constitutional amendments: a resolution must pass in one legislative session, then pass again in the next separately elected Legislature, and finally be approved by a majority of voters in a statewide referendum. Indeed, we amended our Constitution this way in 2024 to add an equal rights provision, and in 2025 to allow some "forever wild" parkland to be used for the Olympic facility at Lake Placid, in exchange for adding more than seven times as much land to the "forever wild" preserve.

Unique Features of the New York State Constitution

The New York State Constitution's relative flexibility via amendment—and therefore its different balance between judicial power and the powers of the other branches and the people of New York—is just one of its unique features.

The New York Constitution contains myriad rights and protections that lack any equivalent in the U.S. Constitution. Those provisions include a "forever wild" clause governing New York's Adirondack and Catskill regions, which requires that New York's nearly three million acres of Forest Preserve "be forever kept as wild forest lands" (N.Y. Const., art. XIV, §1), as well as labor provisions that grant workers the rights to be paid a "prevailing wage" for labor on public works jobs, as well as to organize and bargain collectively (N.Y. Const., art. I, §17). In addition, the Court of Appeals has interpreted the State Constitution's Education Article to require the State to provide students with the opportunity for a "sound basic education" (*Campaign for Fiscal Equity, Inc. v. State*, 86 N.Y.2d 307, 309 [1995]) and Article XVII to require the State to "care for the needy" (*Tucker v. Toia*, 43 N.Y.2d 1, 7 [1977])—positive state duties absent from the federal constitution. In 2021, voters approved an amendment to the State Constitution establishing "a right to clean air and water, and a healthful environment" (N.Y. Const., art. I, §19).

In addition, state constitutional provisions that are similar to federal analogues have been interpreted to confer broader or different rights than those protected under the U.S. Constitution. For instance, whereas the First Amendment, ratified in 1791, is framed as a negative right that restricts the government's ability to abridge free expression ("Congress shall make no law..."), New York's free expression clause, ratified thirty years later, is framed as a positive right ("Every citizen may speak freely..."). Then-Judge Kaye, writing for the Court of Appeals, relied on the differences in the constitutional text to find New York's free expression clause more protective than the First Amendment: the unique state text, she wrote, "reflect[s] the deliberate choice of the New York State Constitutional Convention not to follow the language of the First Amendment, ratified 30 years earlier, but instead to set forth our basic democratic ideal of liberty of the press in strong affirmative terms" (*Immuno AG. v. Moor-Jankowski,* 77 N.Y.2d 235, 249 [1991]).

Finally, the flexibility of New York's process for constitutional amendments has allowed our State to act to protect individual rights where the United States Supreme Court has been slow to do so. For example, the two documents' search and seizure provisions were once identical. But in 1928, when the United States Supreme Court held that warrantless wiretapping was lawful provided that the taps were installed outside of a person's home (*Olmstead v. United States*, 277 U.S. 438, 466 [1928]), the delegates to the 1938 Constitutional Convention proposed, and the voters ratified, a constitutional amendment that incorporated an express prohibition on warrantless wiretapping (N.Y. Const., art. I, §12). The U.S. Constitution has eventually come to prohibit warrantless wiretapping, too—though not through constitutional amendment, but through the United States Supreme Court's overruling of Olmstead a half century later (*Katz v. United States*, 389 U.S. 347 [1967]). As compared to the U.S. Constitution, here in New York there is both less pressure for judicial reinterpretation of our Constitution and less fear that a judicial misconstruction is effectively irremediable other than by a later judicial overruling, no matter how out of step with contemporary needs and values it is.

Call to Celebration

In 1977, New Yorkers celebrated the 200th anniversary of our State Constitution. Among other events, Kingston commissioned a song by Pete Seeger and a black-tie Constitution Ball in Albany featured a 325-pound cheddar cheese, symbolizing New York's historical importance as a cheese producer. In the year ahead, the Unified Court System—together, I hope, with our partners in the Executive and Legislative branches—will prepare a celebration befitting New York's 250 years of constitutional government. For New Yorkers, 1777 is as momentous a year as 1776, and I hope all of you will join us to celebrate not just 250 years of the establishment of New York's government, but our continuous efforts since that day to ensure the equal treatment of, the full participation by, and a government that works for, all New Yorkers. I'm not ruling out a black-tie gala or a big block of cheese, but as was the case 50 years ago, next year's celebrations will center on increasing the inclusivity, institutional trust, and civic engagement needed to sustain and strengthen New York's constitutional government for another 250 years.

Marchese

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that our section gets a voice at the table for any proposed legislative fixes.

Our Section's continued advocacy for the elderly and disabled will be more important than ever. I will be doing all that I can for the remainder of my term to help get legislation passed to address the pernicious problem of financial exploitation.

Zayas

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Declaration a reality. As President Barack Obama famously observed, "This union may never be perfect, but generation after generation has shown that it can always be perfected."

An essential feature of American democracy is its separation of powers among three branches of government, and between the State and Federal governments. As James Madison explained in Federalist 51, "In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments"—the executive, legislative, and judicial branches. So organized, "a double security arises to the rights of the people."

Interestingly, Madison at one point envisioned a more fluid relationship between the courts and the other two branches. He advocated for the judiciary's ability (in concert with the executive) to review legislation before it was enacted. As scholar Jack Rakove recounts, "Madison wanted leading members of the national judiciary to have an active role in the drafting of legislation. Rather than have judges wait for some suitable case to come before them legally, after a statute was adopted, he wanted them to participate in its adoption." What the judiciary could contribute to the legislative process, Madison wrote, was "a consistency, conciseness, perspicuity [and] technical propriety in the laws."

Of course, Madison's idea of a kind of judicial legislation-editing workshop did not make it into our federal constitution. Under our system, courts resolve actual cases and controversies; they do not provide advisory opinions about the wisdom or constitutionality of bills that are still working their way through the legislative process. That is not to say, however, that the judiciary does not collaborate with the other branches of government on legislative issues, especially those that affect the operation of our courts, judges, or adjudicative proceedings. We certainly do in New York.

When Chief Judge Rowan Wilson and I assumed our new roles in the spring of 2023, the Unified Court System's relationship with the Legislature was badly in need of a reset. We decided that one of our first priorities would be repairing that relationship. Working more effectively with the other branches of government—by listening to their concerns, identifying shared goals, and being responsive and transparent—is consistent with the collaborative leadership philosophy that the Chief Judge and I share.

It was, in fact, the Chief's insistence that we would lead the UCS "side-by-side," as partners, that helped me overcome my reluctance to leave a job I loved on the Appellate Division, Second Department, to serve as Chief Administrative Judge. The Chief and I are not top-down leaders; we take a consensus-building approach to decision-making that entails not only consultation with the other members of our immediate team, but also reaching out to court system stakeholders who are doing the day-to-day work, and who will be impacted by whatever course of action we decide upon.

The same holds true in our dealings with the executive and legislative branches. In a development the Founders likely did not foresee, courts today are called upon not just to resolve commercial disputes, try criminal cases, interpret statutes and resolve constitutional questions; they increasingly play an integral role in solving society's most pressing problems, from the mental health crisis to issues around housing instability, to the involvement of adolescents in the criminal justice system and ensuring that justice-involved veterans are connected with the support they need.

What this means is that, when the Governor and the Legislature identify problems that they think the courts can play a role in solving, they may ask for our input in devising solutions. Sometimes, there is an interest in expanding the reach and impact of existing innovative court programs that have proven successful. Other times, there is a desire to create something totally new. But in either case, the solutions being contemplated may involve new legislation. And when they do, I am grateful that, as our relationships with the other branches have strengthened, we have been invited to participate in the formative stages of the legislative process—which allows us to connect our subject-matter experts with our partners in the Assembly, the Senate, and the Governor's Office, to help ensure that any legislation with an impact on the courts that ultimately passes is most likely to achieve its intended effect. Just as our internal collaboration within the Unified Court System produces the best outcomes for our court users, our external collaboration with our partners in government produces the best outcomes for all New Yorkers.

These strong relationships have also led to an increased attentiveness to the UCS's legislative program, which typically consists of bills that seek uncontroversial statutory fixes to improve the court system's ability to fairly and efficiently administer justice. Last year, we had one of our most productive legislative sessions in recent memory. Ten of our program bills were signed into law. Some of the highlights: we were able to raise the juror per diem rate for the first time in nearly three decades, establish a pilot program to provide alternative dispute resolution services in child support matters, increase access to justice by continuing to expand the use of affirmations instead of affidavits, and overhaul the statute that governs the use of virtual appearances in criminal cases. I want to express my particular thanks and appreciation to Governor Hochul, Majority Leader Stewart-Cousins and Speaker Heastie for their collaborative and welcoming approach on issues of importance to the Judiciary.

All of this is to say that, while the UCS's contributions to the legislative process are quite different from the role that Madison once envisioned for the judiciary, the opportunities we have to be involved in legislation before it is enacted, whether through the drafting and promotion of our own program bills, or offering feedback on other legislation that will impact the courts, reflect a true spirit of partnership, with the shared goal of creating a court system that New Yorkers can count on to resolve their disputes fairly, efficiently, and impartially.

Perhaps on the surface, this level of cooperation might seem inconsistent with the separation of powers that is so central to our constitutional design. But, as Justice Robert Jackson observed, "[w]hile the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity." See *Youngstown Sheet & Tube v. Sawyer*, 343 US 579, 635 (1952) (Jackson, J., concurring). At a time when our national politics are so fraught, and the divisions among the branches of federal government often so sharp, "workable" State governments, where the three branches collaborate to pursue common goals, are surely something to celebrate.

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

St. George

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of government, where our Judicial Branch was created. The Declaration of Independence is the why to our Constitution's how.

The Declaration of Independence established the Rule of Law by asserting that governments must protect the rights of the people, and such power derives from the consent of those governed. This foundation sets the stage for a government of laws, to which the government is also subject.

The Rule of Law is not merely an abstract principle, a convenient slogan, or a phrase to be taken lightly. It is not a theory confined to textbooks or courtrooms. It is what maintains the balance between authority and accountability, between order and justice. It is the guarantor of freedoms, and the promise that justice is not reserved for the privileged but belongs equally to all. It ensures that no person, no matter how powerful, is above the law, and that no person, no matter how powerless, is beneath its protection. It is, in every meaningful sense, the foundation and operating system of our democracy.

In the enduring words of Alexander Hamilton, "the first duty of society is justice." Without the Rule of Law, justice cannot exist. In its absence, society itself begins to falter and fail. Rights become mere rhetoric, promises lose their credibility, and public confidence in justice begins to wane. Essential to preventing the disintegration of our foundation, of the purpose for our liberation, is the daily work of our Judicial Branch. Our courts, each and every day, adhere to the core values and principles declared by our forefathers and protect the promise of equal rights for all.

Some have described the courts as the guardrails of society. In truth, the courts function more like a life support system: vital to the governance of a free nation. The courts are the mechanism that ensures the Rule of Law continues to function day after day. The courts ultimately stand between civilization and anarchy.

If courts were suddenly to vanish, leaving no judges, no lawyers, and no lawful forum for the resolution of disputes, then injuries, wrongdoing, family crises, and conflicts would be governed by force and fear. "Might makes right" would replace "equal justice under law." The antithesis of what the Declaration of Independence represents would become a reality.

Courts are the places where individuals seek redress for injury and wrongdoing, including against their government, and where disputes are resolved through a fair, impartial, prompt, safe, and orderly process. They are not merely institutions of judgment; they are the heartbeat of justice. Each ruling, each proceeding, each act of due process breathes life into the principle that the law binds all equally and extends its protections to all, without favor and without exception.

As the Declaration of Independence nears its 250th anniversary, the charge is clear: to strengthen the institutions that give it force, to mentor the rising generation of legal professionals, and to defend the Rule of Law, especially in times when it is tested and challenged. The Rule of Law does not defend itself. It depends on each of us, on our vigilance, our courage, and our collective will to uphold it, even when it is difficult and even when it is unpopular. In honoring the Declaration of Independence, we reaffirm a commitment to serve the law with equality, humility, integrity, and unwavering resolve, always.

Renwick

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This compelling, oft-cited quote encapsulates the struggle to ensure that the promise of our founding documents is fulfilled.

The original Constitution, ratified in 1788, did not recognize the "inalienable rights" of "all men." For example, it largely excluded Black people through the Three-Fifths Compromise and the Fugitive Slave Clause. The *Dred Scott v. Sandford* Supreme Court decision in 1857 pronounced that Black people were not considered citizens and had "none of the rights and privileges" guaranteed to U.S. citizens by the Constitution. However, the strong dissents of two Justices staunchly refuted the majority's assertion that Black people could not be U.S. citizens.

After the Civil War, the Reconstruction Amendments were ratified, granting rights to Black Americans: the 13th Amendment (1865) abolished slavery; the 14th Amendment (1868) granted citizenship to all persons born or naturalized in the United States and provided for due process and equal treatment under the law; and the 15th Amendment (1870) extended the right to vote to Black male citizens. These amendments plainly vindicated the dissenters' position in *Dred Scott v. Sandford.*

While the U.S. Constitution was amended to grant full citizenship to formerly enslaved people and promise them equal treatment under the law, the road to fulfill this promise has been long and winding. In 1896, the Supreme Court, in *Plessy v. Ferguson*, held that the Constitution's Equal Protection Clause of the 14th Amendment allowed "separate but equal" facilities, when it upheld the conviction of Homer Plessy, a Black man, for violating Louisiana's 1890 Separate Car Law by sitting in a designated "white" seat. The lone dissenter, Justice John Marshall Harlan, vehemently disagreed, asserting that the Constitution is "color-blind" and that segregation imposed a "badge of servitude," a view that was largely ignored until decades later, when the court rejected segregated seating on trains (*Morgan v, Virginia* [1946]) and buses (*Browder v. Gayle* [1956]).

Nearly six decades after *Plessy*, the Supreme Court in *Brown v. Board of Education* (1954) held that racial segregation in public schools was unconstitutional because it violated the Equal Protection Clause, pointedly overturning the "separate but equal" doctrine. At a fundamental level, *Brown* taught us that the Constitution is a dynamic document whose interpretation can evolve to correct past injustices and align with a more inclusive understanding of equality and justice. Indeed, the lessons of *Plessy, Brown*, and other landmark cases such as *Loving v. Virginia* (1967) (constitutionally protected right to interracial marriage) and *Obergefell v. Hodges* (2015) (constitutionally protected right to same-sex marriage), underscore the deepest values embedded in the Constitution intended to protect fundamental rights.

The passage of the Reconstruction Amendments undoubtedly inspired the efforts to rectify another glaring omission in the original Constitution: who was eligible to vote, leaving it to the states, most of which had constitutional or statutory bars that excluded women. Women's suffrage was not guaranteed until 1920 with the ratification of the 19th Amendment, which spells out that the right to vote shall not be denied or abridged by the United States or by any state on account of sex.

In celebrating the 250th anniversary of the founding of our nation, we remain steadfast and hopeful, and grateful to all who have strived to bring to fruition the inspirational goals of the Declaration of Independence and the preamble of the Constitution. The far-reaching ideals contained within these founding documents inspired not only the successful fight to rectify the initial wrongs and injustices of the Constitution, but those ideals also inspired the amendment and judicial interpretation of the Constitution that has continued to bend the arc of the moral universe toward justice for all.

Garry

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nities lie within our Third Department, where I am happy to reside, and preside. The Third Department encompasses much of the largest state park in our nation, the land held "forever wild" in our beloved Adirondacks, as well as the beautiful farmlands and gorges of central New York, the former industrial powerhouses of the Mohawk Valley, and the northern part of our historic Hudson Valley. This territory is dotted with bucolic small towns. Although the residents of our countryside have faithfully retained the sentiments quoted above, our rural communities are grappling with a loss of professionals, including doctors and lawyers. Our agrarian roots have been under-nourished as our younger generations have become more urban. And a town without professionals lacks elements essential to maintaining strong communities.

Our courts, bar associations, and law schools are collaborating on ways to restore those roots. One such initiative is Rural Pathways, a program building pipelines between law students and rural communities by recruiting and placing future attorneys in upstate counties during the summer and helping them to build a base and network. During their summer placement, students have an opportunity to explore a variety of practice areas and, most importantly, are immersed in the local communities, so they can envision building both a career and a life in regions that need them. After a successful pilot this past summer, our court administrators tripled the size of the program, and next summer the Rural Pathways initiative will extend across Upstate New York.

In the course of interviewing students, I heard one first generation aspiring lawyer say that upon becoming a lawyer they had assumed they would necessarily relocate to a city environment to build a successful career. This program exists to help counter that narrative, that misunderstanding that has recently developed; this is decidedly untrue, as my own career in the law illustrates.

Building on that success, we are also launching Rural Ready. This initiative is a collaboration with the New York State Bar Association and the courts. The initial vision was that of Hon. Kate Hogan, who lives and works in our North Country. We are most grateful to NY Bar President Kathleen Sweet for her support and input. Rural Ready is geared toward attorneys seeking a new career path, a change of pace and location. It aims to connect these "rural curious" attorneys with job opportunities and ambassadors in rural counties. Although many legal positions exist in these communities—both public and private—they are often under. We are building a Rural Ready website to promote and share existing job opportunities, making them more readily accessible. The website will, ultimately, also be a means of linking attorneys unfamiliar with a given region with local ambassadors. Ambassadors will be members of county bar associations who can provide guidance about schools, housing, cost of living, and community life. They will serve as critical bridges between new attorneys and their adopted communities, helping ensure a smooth and fulfilling transition.

Rural Ready will roll out during the New York Bar Association's Annual Meeting in January, although it still be a work in progress in the year ahead. If you are reading this before or during the conference, be sure to look for our table, and please come visit! If you are reading this later or from afar, and wish to be involved or to serve as an ambassador for your county or region, please reach out!

As we reflect on our Nation's 250th year, these efforts stand as a renewal of our founding promise; justice must flourish in every corner of our land. The current legal desert crisis requires many and various efforts to address the generational change that we have witnessed during the last several decades. We are working to nourish and restore our agrarian roots.

CLASSIFIED ADVERTISING

FOUNDATIONS

THE ANNUAL RETURN OF AMY FALLS AND HARTLEY ROGERS FOUNDATION. For the calendar year ended DECEMBER 31, 2024 is available at its principal office located at 980 N GREEN BAY ROAD, LAKE FOREST, IL 60045 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is HARTLEY ROGERS, TRUSTEE.
17651 j13

LIMITED LIABILITY ENTITIES

ENGLISH MEDICAL, PLLC. Filed with SSNY on 10/08/2025. Office location: Nassau County. SSNY designated as agent for process and shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. Purpose: MEDICINE
18612 d16-Tu j20

NORTH SHORE GUIDED WELLNESS LCSW, PLLC. Arts. of Org. filed with the SSNY on 11/20/25. Office: Nassau County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC, 114 Shenandoah Blvd. North, Nesconset, NY 11767. Purpose: For the practice of the profession of Licensed Clinical Social Work.
18546 d16-Tu j20

BLOSSOMING SPEECH AND LANGUAGE THERAPY, PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 12/18/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 362 N. Virginia Ave., Massapequa, NY 11758. Purpose: To Practice The Profession Of Speech - Language Pathology.
18885 d23-Tu j27

C. CUDAHY OT PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 12/18/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 102 Chestnut St, Garden City, NY 11530. Purpose: To Practice The Profession Of Occupational Therapy.
18886 d23-Tu j27

G KEATON CIZEK ARCHITECT PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 12/22/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 257 East 61st #3G, NY, NY 10065. Purpose: To Practice The Profession Of Architecture.
19134 d30-F f3

Ranialee Kanazi, LCSW, PLLC, Arts of Org filed with SSNY on 11/11/25. Off. Loc: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail a copy of process to: The PLLC 225 West 35th St 7th FL, New York NY 10001. Purpose: to engage in the Licensed Clinical Social Work.
18219 d9-Tu j13

BASHAR SHARMA MD PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 12/31/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 160 Madison Ave, Apt 32A, NY, NY 10016. Purpose: To Practice The Profession Of Medicine.
19388 j6-Tu f10

PLAY YOUR WAY OCCUPATIONAL THERAPY PLLC. Arts. of Org. filed with the SSNY on 12/16/25. Office: Nassau County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC, 28 Oxford Road, Old Bethpage, NY 11804. Purpose: For the practice of the profession of Occupational Therapy.
19383 j6-Tu f10

NOTICE OF FORMATION of New York NY Dental, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/31/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 16 W 32nd Street, Suite 507, New York, NY 10001. Purpose: any lawful act.
17905 D09 T J13

NOTICE OF FORMATION of RELATE WISE PSYCHOLOGY, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/7/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 350 Lincoln Place, Apt 2A2B, Brooklyn, NY 11238. Purpose: any lawful act.
18288 D23 T J27

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of Benjamin Mushlin, LCSW PLLC. Arts of Org. filed with New York Secy of State (SSNY) on 12/16/25. Office location: New York County. SSNY is designated as agent of PLLC upon whom process against it may be served. List of names and addresses of all original members available from SSNY. SSNY shall mail process to: 467 Central Park W., Apt1A, NY, NY 10025 Purpose: Licensed Clinical Social Work.
19161 d30-F f3

NOTICE OF FORMATION of THRIVING MIND LCSW PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/9/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 45 West 127th Street, #2, New York, NY 10027. Purpose: any lawful act.
19164 D30 T F03

NOTICE OF FORMATION of Atelier Avenir Architecture PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/12/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 418 Broadway, STE R, Albany, NY 12207. Purpose: to practice the profession of architecture.
19603 j13-Tu f17

NOTICE OF FORMATION of GLENN P. CUMMINS, CPA, PLLC. Art/Org filed 12/4/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to 64 LINDEN ST, ROCKVILLE CENTRE, NY 11570. Purpose: Any lawful activity.
18923 j6-Tu f10

NOTICE OF FORMATION of BRUENING LAW PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/30/2025. Office Location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to P/B/A: 224 W 35th St, Ste 500 #667, New York, NY 10001. Purpose: any lawful act.
19634 J13 T F17

NOTICE OF FORMATION of Devora Finkel Law PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/31/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 262 Mulberry Lane, West Hempstead, NY 11552. Purpose: any lawful act.
19647 J13 T F17

NOTICE OF FORMATION of Joseph A. Bondy, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/20/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 43 West 43rd Street, Suite 379, New York, NY 10036. Purpose: any lawful act.
19633 J13 T F17

NOTICE OF FORMATION of MEEKA J. BONDY, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/13/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 43 West 43rd Street, Suite 419, New York, NY 10036. Purpose: to practice the profession of law.
19635 J13 T F17

NOTICE OF FORMATION of REDBIRD ARCHITECTURE DESIGN, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 01/02/2026. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to P/B/A: 295 W 150th Street, Unit 34, New York, NY 10039. Purpose: any lawful act.
19651 J13 T F17

LIMITED LIABILITY ENTITIES

1 E TREMONT LLC. Filed with SSNY on 10/24/2023. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3331 WHITE PLAINS RD., STE. 101, BRONX, NY 10467. Purpose: Any Lawful
18605 d16-Tu j20

2078 MORRIS LLC. Filed with SSNY on 10/24/2023. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3331 WHITE PLAINS RD., STE. 101, BRONX, NY 10467. Purpose: Any Lawful
18611 d16-Tu j20

525 HEGEMAN BH LLC Art. Of Org. Filed Sec. of State of NY 7/9/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: The LLC, 636 Rockaway Tpke., Lawrence, NY 11559, USA. Purpose: Any lawful purpose.
19198 d31-W f4

LIMITED LIABILITY ENTITIES

Notice of Qual. of DOWNTOWN VEIN AND VASCULAR LLC, Authority filed with the SSNY on 12/12/2025. Office loc: NY County. LLC formed in NJ on 07/26/2024. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 40 East Oakdene Avenue, Ste A, Palisades Park, NJ 07650. Cert of Formation filed with NJ Dept. of Treasury, Div. of Rev, Commercial Recordings, 225 W. State St., Trenton, NJ 08625. Profession to be practiced: Medicine.
19386 j6-Tu f10

Notice of Qualification of Design Workshop New York, PLLC. App. for auth. filed with Secy. of State of NY (SSNY) on 12/16/2025. Office location: NY County. PLLC formed in CO on 7/3/2025. SSNY designated as agent of PLLC upon whom process against it may be served. SSNY shall mail process to 801 Second Ave, Fl 15, New York, NY 10017. CO address of PLLC: 22860 Two Rivers Rd, Ste 102, Basalt, CO 81621. Arts of Org. filed with the Secy. of State of CO, 1700 Broadway, Ste 550, Denver CO 80290. Purpose: any lawful activity.
19658 J13 T F17

LIMITED LIABILITY ENTITIES

KEITAI ARCHIVE LLC Art of Org. filed with the SSNY on 07/29/2025 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.
18239 D09 T J13

BKA SERIES X HOLDINGS LLC. Filed with SSNY on 12/01/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 466 LINKS DR S, NORTH HILLS, NY 11576. Purpose: Any Lawful
18617 d16-Tu j20

Drink33, LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 11/21/2025. Office: New York County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 154 E 33rd St, New York, NY 10016. Purpose: any lawful act.
18643 d16-Tu j20

EJMJ VENTURES, LLC, Arts. of Org. filed with the SSNY on 12/10/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: James W. Gerard, 515 East 72nd Street, Apt 14K, NY, NY 10021. Reg Agent: James W. Gerard, 515 East 72nd Street, Apt 14K, NY, NY 10021. Purpose: Any Lawful Purpose.
18642 d16-Tu j20

FAENA HOLDINGS LLC. Filed with SSNY on 11/20/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 35 NORTH TYSON AVE, STE 202, FLORAL PARK, NY 11001. Purpose: Any Lawful
18615 d16-Tu j20

Formation of KELLUM 1551 LLC filed with the Secy. of State of NY (SSNY) on 12/3/2025. Office loc.: NY County. SSNY designated as agent of LLC upon whom process against it may be served. The address SSNY shall mail process to Stephen Liakas, c/o Liakas Law, 40 Wall St., 50th Fl., New York, NY 10005. Purpose: Any lawful activity.
18269 d16-Tu j20

SO TRAVEL EXPERIENCES LLC. Filed with SSNY on 11/14/2025. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3636 FIELDSTON RD, APT 2F, BRONX, NY 10463. Purpose: Any Lawful
18606 d16-Tu j20

Application for Authority of Lucine, LLC filed with the Secy. of State of NY (SSNY) on 12/17/2025. Formed in DE on 5/8/2024. Office loc.: NY County. SSNY is designated as agent of LLC upon whom process against it may be served. The address SSNY shall mail copy of process to 21 W. 47th St., New York, NY 10036. The office address required to be maintained in DE is 108 W. 13th St., Ste. 100, Wilmington, DE 19801. Cert. of formation filed with the DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity.
19435 j13-Tu f17

2201 WALTON LLC. Filed with SSNY on 10/24/2023. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3331 WHITE PLAINS RD., STE. 101, BRONX, NY 10467. Purpose: Any Lawful
18609 d16-Tu j20

LIMITED LIABILITY ENTITIES

IOMR REALTY, LLC. Arts. of Org. filed with the SSNY on 08/24/07. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Jorge Gardyn, 395 Stewart Ave, Garden City, NY 11530. Purpose: Any lawful purpose.
18548 d16-Tu j20

KARMA ROSE LLC. Arts. of Org. filed with the SSNY on 12/05/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 1486 Briard Street, Wantagh, NY 11793. Purpose: Any lawful purpose.
18547 d16-Tu j20

MJEJ ENTERPRISES, LLC, Arts. of Org. filed with the SSNY on 12/10/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: James W. Gerard, 515 East 72nd Street, Apt 14K, NY, NY 10021. Reg Agent: James W. Gerard, 515 East 72nd Street, Apt 14K, NY, NY 10021. Purpose: Any Lawful Purpose.
18641 d16-Tu j20

PHANTOM CAPITAL 21 LLC. Filed with SSNY on 12/02/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 825 NORTHERN BLVD, STE 303, GREAT NECK, NY 11021. Purpose: Any Lawful
18614 d16-Tu j20

ROBIN REISS REALTY LLC. Arts. of Org. filed with the SSNY on 11/11/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 152 Spring Dr., East Meadow, NY 11554. Registered Agent address c/o United Agent Services LLC, 7014 13th Avenue, #217, Brooklyn, NY 11554. Purpose: Any lawful purpose.
18618 d16-Tu j20

UNITED PROPERTIES ATLANTIC LLC. Filed with SSNY on 09/22/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 248 GUY LOMBARDO AVE, FREEPORT, NY 11520. Purpose: Any Lawful
18616 d16-Tu j20

VALEREW FITNESS SOUTH SHORE LLC. Arts. of Org. filed with the SSNY on 12/08/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 66 Riviera Drive S., Massapequa, NY 11758. Purpose: Any lawful purpose.
18619 d16-Tu j20

WILBUR AVE A/B, LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 10/16/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: c/o Albanese Organization, Inc., 1001 Franklin Ave, Garden City, NY 11530. Purpose: any lawful act.
18578 d16-Tu j20

WILBUR AVE A/B MANAGER, LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 10/16/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: c/o Albanese Organization, Inc., 1001 Franklin Ave, Garden City, NY 11530. Purpose: any lawful act.
18576 d16-Tu j20

182ND STREET REALTY LLC. Arts. of Org. filed with the SSNY on 12/15/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Jose Mateo, 2200 Amsterdam Avenue, New York, NY 10032. Purpose: Any lawful purpose.
18901 d23-Tu j27

2219 CACIQUE, LLC, Arts. of Org. filed with the SSNY on 12/17/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 42 West 39th St., FL 6, NY, NY 10018. Reg Agent: John Behette, 42 West 39th St., FL 6, NY, NY 10018. Purpose: Any Lawful Purpose.
18889 d23-Tu j27

NOTICE OF FORMATION of CROWN ACQUISITIONS VENTURES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/04/25. Office location: NY County. Princ. office of LLC: 73 Spring St., 5th Fl., NY, NY 10012. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
18863 Dec23 tu Jan27

LIMITED LIABILITY ENTITIES

2 RAMPLA DEL ALMIRANTE UNIT A&B, LLC, Arts. of Org. filed with the SSNY on 12/17/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 42 West 39th St., FL 6, NY, NY 10018. Reg Agent: John Behette, 42 West 39th St., FL 6, NY, NY 10018. Purpose: Any Lawful Purpose.
18890 d23-Tu j27

597 GRAND HOLDINGS LLC. Arts. of Org. filed with the SSNY on 12/10/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 11 Grace Avenue, Suite 405, Great Neck, NY 11021. Purpose: Any lawful purpose.
18898 d23-Tu j27

APO ASSOCIATES LLC. Arts. of Org. filed with the SSNY on 11/24/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2424 Broadway, Suite 232, New York, NY 10024. Purpose: Any lawful purpose.
18894 d23-Tu j27

CHEZ YANKOWITZ LLC. Arts. of Org. filed with the SSNY on 12/11/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 175 East Shore Road, Great Neck, NY 11023. Purpose: Any lawful purpose.
18891 d23-Tu j27

DERECTOR TECHNOLOGY DESIGN GROUP LLC. Arts. of Org. filed with the SSNY on 12/05/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 228 Park Ave S #651521, New York, NY 10003. Registered Agent address c/o United States Corporation Agents, Inc., 7014 13th Avenue, Suite 202, Brooklyn, NY 11228. Purpose: Any lawful purpose.
18895 d23-Tu j27

INFIELDER PRO LLC. Arts. of Org. filed with the SSNY on 12/15/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Angel Mangual, 400 Duffy Avenue, Hicksville, NY 11801. Purpose: Any lawful purpose.
18899 d23-Tu j27

JNT PROPERTY LLC. Arts. of Org. filed with the SSNY on 12/15/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 82 Knollwood Drive, Carle Place, NY 11514. Purpose: Any lawful purpose.
18900 d23-Tu j27

JY VALLEY STREAM LLC, Arts. of Org. filed with the SSNY on 10/22/2020. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Amir Yedid, 3954 Carrel Blvd, Oceanside, NY 11572. Purpose: Any Lawful Purpose.
18887 d23-Tu j27

MINGLES 2.0 LLC. Arts. of Org. filed with the SSNY on 11/21/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 4012 Boston Road, Bronx, NY 10475. Purpose: Any lawful purpose.
18893 d23-Tu j27

ROGERJACK LLC. Arts. of Org. filed with the SSNY on 12/11/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 175 East Shore Road, Great Neck, NY 11023. Purpose: Any lawful purpose.
18892 d23-Tu j27

WOODS ROAD CONSULTING LLC. Arts. of Org. filed with the SSNY on 12/04/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Kaufman Dolowich LLP, 135 Crossways Park Drive, Suite 201, Woodbury, NY 11797. Purpose: Any lawful purpose.
18897 d23-Tu j27

2427 GRANADA, LLC, Arts. of Org. filed with the SSNY on 12/17/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 42 West 39th St., FL 6, NY, NY 10018. Reg Agent: John Behette, 42 West 39th St., FL 6, NY, NY 10018. Purpose: Any Lawful Purpose.
18888 d23-Tu j27

LIMITED LIABILITY ENTITIES

1716 E 18TH STREET LLC. Arts. of Org. filed with the SSNY on 12/04/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 33 Park Circle, Cedarhurst, NY 11516. Purpose: Any lawful purpose.
19138 d30-F f3

1854 REALTY LLC, Arts. of Org. filed with the SSNY on 12/23/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 750 Foch Boulevard, Williston Park, NY 11596. Purpose: Any Lawful Purpose.
19133 d30-F f3

ALFA PROPERTY GROUP LLC. Arts. of Org. filed with the SSNY on 12/16/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Northwest Registered Agent LLC, 418 Broadway, Ste N, Albany, NY 12207. Purpose: Any lawful purpose.
19140 d30-F f3

ALLIED SPECIAL ASSETS LLC. Arts. of Org. filed with the SSNY on 12/05/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Allied Realty & Development Corp., P.O. Box 231027, Great Neck, NY 11023. Purpose: Any lawful purpose.
19139 d30-F f3

MGCC VENTURES LLC, Arts. of Org. filed with the SSNY on 09/30/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 1951 Ocean Avenue, Unit 6, Ronkonkoma, NY 11779. Purpose: Any Lawful Purpose.
19136 d30-F f3

NORTH STAR MARITIME CONSULTING, LLC. Arts. of Org. filed with the SSNY on 12/02/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 50 Cheltenham Street, Lido Beach, NY 11561. Purpose: Any lawful purpose.
19143 d30-F f3

OSTRICH VENTURES LLC, Arts. of Org. filed with the SSNY on 12/22/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 256 Maple Street, West Hempstead, NY 11552. Purpose: Any Lawful Purpose.
19131 d30-F f3

PROSPECT EQUITY FUND LLC, Arts. of Org. filed with the SSNY on 12/23/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Prospect Development Attn: Chance Kelly, 211 East 43rd St, 7th Floor, NY, NY 10017. Purpose: Any Lawful Purpose.
19135 d30-F f3

SABRINA MADE THAT LLC, Arts. of Org. filed with the SSNY on 12/22/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Sabrina Mauro, 41 Whitney St., Westbury, NY 11590. Purpose: Any Lawful Purpose.
19130 d30-F f3

STREAMSIDE PROPERTY MANAGEMENT LLC. Arts. of Org. filed with the SSNY on 12/16/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Northwest Registered Agent LLC, 418 Broadway, Ste N, Albany, NY 12207. Purpose: Any lawful purpose.
19141 d30-F f3

WOODVILLE PROPERTY MANAGEMENT LLC. Arts. of Org. filed with the SSNY on 12/18/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Northwest Registered Agent LLC, 418 Broadway, Ste N, Albany, NY 12207. Purpose: Any lawful purpose.
19142 d30-F f3

NOTICE OF FORMATION of LIBERTY LANDING DEVELOPER LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/05/25. Office location: NY County. Princ. office of LLC: 116 E 27th St., 11th Fl., NY, NY 10016. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Real estate investment.
18866 Dec23 tu Jan27

LIMITED LIABILITY ENTITIES

30-33 79TH STREET LLC, Arts. of Org. filed with the SSNY on 12/05/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Martin Flores, 109 Kissam Lane, Glenwood Landing, NY 11547. Purpose: Any Lawful Purpose.
18277 d9-Tu j13

40 AUTUMN AVE LLC, Arts. of Org. filed with the SSNY on 12/05/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 68 Colgate Road, Great Neck, NY 11023. Purpose: Any Lawful Purpose.
18276 d9-Tu j13

KK 32nd Black LLC filed 12/15/21. Cty: New York. SSNY desig. for process & shall mail to: 49 W 32nd St, #A, NY, NY 10001. Reg Agent of LLC: Robert Kwak, 229 W 28th St, NY, NY 10001. Purp: any lawful.
18272 d9-Tu j13

M&A CHARTERS LLC, Arts. of Org. filed with the SSNY on 11/24/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 323 Bay Drive, Massapequa, NY 11758. Purpose: Any Lawful Purpose.
18278 d9-Tu j13

BURNETT AND WILLOW PRODUCTIONS LLC Articles of Org. filed NY Sec. of State (SSNY) 12/22/25. Office in NY Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 666 Greenwich St Apt 848 New York NY 10014. Purpose: Any lawful activity.
19168 Dec30 tu Feb3

LEGACY TOWER HOLDING LLC Articles of Org. filed NY Sec. of State (SSNY) 12/18/25 . Office in NY Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 45 E 22 St Unit 33B, New York NY 10010. Purpose: Any lawful activity.
19167 Dec30 tu Feb3

PERPETUAL LEGACY PROPERTY MANAGEMENT LLC Articles of Org. filed NY Sec. of State (SSNY) 12/15/25. Office in Nassau Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 43 Kettlepond Rd, Jericho NY 11753. Purpose: Any lawful activity.
19169 Dec30 tu Feb3

SKI DEVELOPMENT 13 LLC Articles of Org. filed NY Sec. of State (SSNY) 3/15/21. Office in Nassau Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 11 Merrall Dr Lawrence NY 11559. Purpose: Any lawful activity
19171 Dec30 tu Feb3

BETTIGOLE AND BENJAMIN CONSULTING, LLC Arts of Org. filed SSNY 11/20/2025 New York Co. SSNY design agent for process & shall mail to 41 STATE ST, # 112, ALBANY, NY, 12207 General Purpose
18226 Dec9 tu Jan13

DCO VENTURES LLC Arts of Org. filed SSNY 11/20/2025 New York Co. SSNY design agent for process & shall mail to 41 STATE ST, # 112, ALBANY, NY, 12207 General Purpose
18227 Dec9 tu Jan13

N0A STRATEGIES LLC Arts of Org. filed SSNY 11/5/2025 New York Co. SSNY design agent for process & shall mail to 41 STATE ST, # 112, ALBANY, NY, 12207 General Purpose
18225 Dec9 tu Jan13

TRAICEBACK SOLUTIONS LLC Arts of Org. filed SSNY 11/21/2025 eff. 1/1/2026 New York Co. SSNY design agent for process & shall mail to 41 STATE ST, # 112, ALBANY, NY, 12207 General Purpose
18228 Dec9 tu Jan13

WEAVER VENTURES, LLC Arts of Org. filed SSNY 12/26/2024 eff. 1/1/2025 Bronx Co. SSNY design agent for process & shall mail to 41 STATE ST, # 112, ALBANY, NY, 12207 General Purpose
18223 Dec9 tu Jan13

12 CRANBERRY LLC. Arts. of Org. filed with the SSNY on 01/02/26. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2 Fairbanks Court, Woodbury, NY 11797. Purpose: Any lawful purpose.
19655 j13-Tu f17

ABDUL AND SONS CONTRACTING LLC. Arts. of Org. filed with the SSNY on 12/22/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 79 Radford Street, Yonkers, NY 10705. Purpose: Any lawful purpose.
19661 j13-Tu f17

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SALES

PROBATE CITATION - File No. 2021-3861 — SURROGATE'S COURT — NEW YORK COUNTY — CITATION — THE PEOPLE OF THE STATE OF NEW YORK, By the Grace of God Free and Independent — TO PUBLIC ADMINISTRATOR OF NEW YORK COUNTY; Anthony W. Sheehan, John Kuntz, Julia Kuntz, Richard a/k/a Paul Kuntz, Peggy S. O'Brien, James Sheehan, and Lucy Powell; and to: JOHN DOE and/or JANE DOE being the issue of Edith LaRotunda, paternal aunt, JOHN DOE and/or JANE DOE being the issue of Fred Michael Sheehan, maternal first cousin, JOHN DOE and/or JANE DOE being the issue of John Joseph Sheehan, maternal first cousin, JOHN DOE and/or JANE DOE being the issue of Thomas A. Sheehan, maternal first cousin, and JOHN DOE and/or JANE DOE being the issue of Thomas F. Sheehan, maternal first cousin, if living and if dead, to their heirs at law, next of kin and distributees whose names and places of residence are unknown and if they died subsequent to the decedent herein, to their executors, administrators, legatees, devisees, assignees and successors in interest whose names and places of residence are unknown and to all other heirs at law, next of kin and distributees of Mary Louise Formato, the decedent herein, whose names and places of residence are unknown and cannot, after diligent inquiry, be ascertained. - An amended petition having been duly filed by SUZANNE GYANNA PARKER and MICHAEL FIDANZATO, who is domiciled at 8228 Jog Rd., # 300, Boyton Beach, FL 33472 / 469 Longtown Rd., Lugoff, SC 29078 YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, New York County at 31 Chambers St., New York, New York, on January 26th, 2026 at 9:30 o'clock in the forenoon of that day, why a decree should not be made in the estate of MARY LOUISE FORMATO lately domiciled at 77 7th Ave., #21C, New York, NY admitting to probate a Will dated May 18, 2020 (a Codicil dated_____) (a Codicil dated _____) a copy of which is attached, as the Will of Mary Louise Formato deceased, relating to real and personal property, and directing that X Letters Testamentary issue to Suzanne Gyanna Parker and Michael Fidanzato Letters of Trusteeship issue to Letters of Administration c.t.a. issue to (State any further relief requested) *To all Parties: No in person appearances shall be made at the return date. If you wish to object to this matter, you may do so in writing in accordance with the annexed New York County Surrogate's Court Notice to the Cited Parties Dated, Attested and Sealed December 8, 2025 Hon. Hilary Gingold Surrogate Gunvanti Singh Chief Clerk Law Offices of James Cammarata Attorney for Petitioner 53 E. Main St., Oyster Bay, NY 11771 Address of Attorney 516-922-4660 Telephone Number james@cammaratalaw.com Attorney email address [NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you.] NOTICE TO CITED PARTIES You have been served with a citation for a matter that is scheduled to be heard at a New York County Surrogate's Court calendar. The citation that you have received contains a return date. Please do not appear in the courthouse on that date. The following choices are available to you: If you do not object to the relief requested, you do not need to contact the court or do anything else. If you do object to the relief sought on the citation, you or your lawyer must send a document to the court signed by you or your lawyer indicating that: 1. You object to the relief or you are requesting discovery; OR 2. You are requesting the opportunity to appear in person or by using Skype for Business or by telephone conference; OR 3. You are requesting an adjournment to consult with or retain counsel. Your written response must be received by the court three (3) business days before the return date and must include either an email address or telephone number, or both, where you or your lawyer can be reached during business hours. Your communication to the court may be sent by email to: Probate_General@nycourts.gov or by mail addressed to the Probate Department of this court at the address listed above or you may bring it in person to the court. The attorney for the petitioner must be copied in your communication. If your written communication to the court indicates that you would like to proceed as described in choice number 1 above, your case may be referred to a court attorney-referee for a conference. The case will be adjourned to a future date, if you request the opportunity to appear in person or by electronic means or to consult or retain counsel (choices number 2 and 3). If you do not contact the court by the date on the citation, the record will reflect that you do not object to the relief requested. If an attorney plans to appear on your behalf, he or she must file a Notice of Appearance. This Notice may be filed by delivering it in person to the Probate Department of this court or mailing it addressed to the Probate Department at the address listed above or through the e-filing system (NYSCEF), at https://url.uk.m.mimecastprotect.com/s/jtthC4X7trxEYDsWsoF4xVOP?domain=nycourts.gov. If you have questions about responding to the citation, you may contact the Probate Department at Probate_General@nycourts.gov. Please note that court staff are prohibited from giving legal advice but they are available to answer any question about procedure. The Probate Department of the New York County Surrogate's Court.
18575 d30-Tu j20

SALES

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX, DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A., Plaintiff, vs. JUAN MUNOZ, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly entered on August 6, 2010, an Order to Appoint Substitute Referee to Conduct a Foreclosure Sale duly entered on August 25, 2016, a Decision and Order duly entered on June 2, 2023, and an Order Extending Sale Deadline and Amending Judgment of Foreclosure and Sale entered on November 7, 2025, I, the undersigned Referee will sell at public auction at the Bronx County Supreme Court, Courtroom 711, 851 Grand Concourse, Bronx, NY 10451-2937 on February 2, 2026 at 2:15 p.m., premises known as 456 East 134th Street, Bronx, NY 10454. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, County of Bronx, City and State of New York, Block 2278 and Lot 36. Approximate amount of judgment is $431,494.97 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 380878/2008E. Leticia Arzu, Esq., Referee Friedman Vartolo LLP, 85 Broad Street, Suite 501, New York, New York 10004, Attorneys for Plaintiff. Firm File No.: 193333-2
18673 d30-Tu j20

ORDER TO SHOW CAUSE

At an EX PARTE AND URGENT MOTION PART of the Supreme Court of the State of New York, held in and for the County of Bronx, at the courthouse, 851 Grand Concourse, Bronx, New York, New York 10451 on the 31st day of DECEMBER, 2025, Present: Hon. MYRNA SOCORRO, In the Matter of the Petition for Dissolution pursuant to BCL §1104 of BARCLIFF'S REALTY CORP. By THOMAS KILROY, as a Fifty Percent (50%) Shareholder of the Corporation, Petitioner, -against- KEVIN KILROY, as a Fifty Percent (50%) Shareholder of the Corporation, Respondent. - Index No. 826798/2025 - ORDER TO SHOW CAUSE - FOR JUDICIAL DISSOLUTION OF A CORPORATION PURSUANT TO BCL §1104 Upon reading and filing the Verified Petition of Thomas Kilroy, dated December 17, 2025, a shareholder holding fifty percent (50%) of the issued and outstanding shares of BARCLIFF'S REALTY CORP., a New York corporation with its principal place of business located at 4017 East Tremont Avenue, Bronx, New York 10465, and upon due deliberation: LET BARCLIFF'S REALTY CORP., the New York State Department of Taxation and Finance, the Attorney General of the State of New York, Kevin Kilroy, and all other interested persons SHOW CAUSE before this Court, at IAS Part 31, Room 403, to be held at the Courthouse located at 851 Grand Concourse, Bronx, New York, on the 18TH day of FEBRUARY, 2026 at 10:00 A.M./., or as soon thereafter as counsel may be heard, why the relief requested in the Verified Petition should not be granted, including: 1. Dissolution of BARCLIFF'S REALTY CORP. pursuant to Business Corporation Law §1104; 2. Appointment of a receiver to wind up the affairs of the corporation and distribute its assets; and 3. Such other and further relief as the Court deems just and proper. ORDERED, that pursuant to Business Corporation Law §1106(b), a copy of this Order to Show Cause shall be published in the New York Law Journal AND THE BRONX TIMES REPORTER once in each of the three (3) weeks prior to the date set for the hearing hereon; and it is further ORDERED, that pursuant to Business Corporation Law §1106(e), a copy of this Order to Show Cause shall be served upon the corporation via NYS Secretary of State each person named in the Verified Petition who is not a petitioner, the New York State Department of Taxation and Finance, the Attorney General of the State of New York, and all other interested persons in the manner AND WITHIN THE TIME LIMITATIONS prescribed by Business Corporation Law §1106, and such service shall be deemed sufficient. Proof of publication and Affidavits of service to be filed via NYSCEF on or before February 11, 2026 ENTER: Justice of the Supreme Court HON. MYRNA SOCORRO
19424 j13-Tu j27

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of GO2GUY PRODUCTIONS, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/30/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1468 Hoe Avenue, Apt 3L, Bronx, NY 10460. Purpose: any lawful act.
19081 D30 T F03

NOTICE OF FORMATION of Joby Jose LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/02/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 52 Pilgrim St, New Hyde Park, NY 11040. Purpose: any lawful act.
19188 D30 T F03

NOTICE OF FORMATION of North Hills Xai LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/09/25. Office location: Nassau County. Princ. office of LLC: 1895 Walt Whitman Rd., Ste. 9, Melville, NY 11747. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity.
18869 Dec23 tu Jan27

PUBLIC NOTICES

NOTICE OF ELECTION TO PURCHASE OUTSTANDING COMMON UNITS OF STEEL PARTNERS HOLDINGS L.P. (CUSIP: 85814R107)

Steel Partners Holdings L.P. (the "Company") provides notice that the General Partner of the Company has assigned to its affiliate, Steel Excel, Inc., the right under the Company's Eleventh Amended and Restated Limited Partnership Agreement to purchase all outstanding common units of the Company not held by the General Partner of the Company or its affiliates (the "Common Units"), and on January 6, 2026, Steel Excel, Inc. elected to exercise its right to purchase all outstanding Common Units in exchange for a purchase price of $50.0 per Common Unit in cash. The purchase price will be payable to holders effective as of January 16, 2026, which shall be the purchase date, upon surrender by a holder of the certificates representing its Common Units, if any, at such office or offices, if any, as the Transfer Agent set forth below may specify. Additional information can be found in the Notice of Election to Purchase Outstanding Common Units and Appraisal Rights dated January 6, 2026 that has been mailed to Record Holders of Common Units by the Transfer Agent. Holders in "street name" should contact their broker, bank, or nominee for procedures. Holders of record will be contacted by the Transfer Agent: Equiniti Trust Company, LLC, Operations Center, Attn: Onbase – Reorganization Department, 1110 Centre Pointe Curve, Suite #101, Mendota Heights, MN 55120.
19576 j12-MTuW j14

PUBLIC NOTICES

NOTICE OF DISTRIBUTION OF PROPERTY

Notice is hereby given that The King's College, an education corporation formerly located in New York, NY, intends to petition the Supreme Court of the State of New York, County of New York, on February 13, 2026 at 10 a.m. for an order directing the disposition of any and all remaining property belonging to the corporation pursuant to NYS Education Law § 220.
19570 j13-Tu f3

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of TCO: The Chosen Ones, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/17/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Robert John Rivera Jr., 254 East 2nd St., New York, NY 10009. Purpose: any lawful activities.
19621 j13-Tu f17

NOTICE OF FORMATION of 5PR7 99 G55 LLC. Art/Org filed 2/11/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to PO BOX 246, EAST ROCKAWAY, NY 11518. Purpose: Any lawful activity.
18929 j6-Tu f10

NOTICE OF FORMATION of 6TH0 34 D14 LLC. Art/Org filed 2/10/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to 67 FAIRWAY DR, HEMPSTEAD, NY 11550. Purpose: Any lawful activity.
18931 j6-Tu f10

NOTICE OF FORMATION of 7PR7 77 100 LLC. Art/Org filed 11/24/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to PO BOX 246, EAST ROCKAWAY, NY 11518. Purpose: Any lawful activity.
18932 j6-Tu f10

NOTICE OF FORMATION of INTELLIGENT SOLUTIONS CONSULTING LLC. Art/Org filed 5/18/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to 2 RICHARD COURT, PLAINVIEW, NY 11803. Purpose: Any lawful activity.
18924 j6-Tu f10

NOTICE OF QUALIFICATION of 266 Wild Property Owner, L.L.C. Authority filed with NY Secy of State (SSNY) on 11/17/25. Office location: New York County. LLC formed in Delaware (DE) on 11/13/25. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. #4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
18241 d9-Tu j13

NOTICE OF FORMATION of LT UNITED TRANSPORT SERVICES LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/25/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 161 West 140 St, Apt 27, New York, NY 10030. Purpose: any lawful act.
19070 D30 T F03

NOTICE OF FORMATION of OPSERVATION CONSULTING LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/8/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S, PMB 333325, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
19060 D30 T F03

NOTICE OF FORMATION of Spruce Moose LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/5/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 233 Pacific Street, PH C, Brooklyn, NY 11201. Purpose: any lawful act.
19192 D30 T F03

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of LLED LOGISTICS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/23/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 4320 Broadway #1009, New York, NY 10033. Purpose: any lawful act.
16806 D09 T J13

NOTICE OF FORMATION of ALCHIMIA PRIME LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/25/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Noela Nakos, 40 5th Avenue Apt 14E, New York, NY 10011. Purpose: any lawful act.
18560 D16 T J20

NOTICE OF FORMATION of BROOKSEVEN HOLDING LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/17/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 401 Broadway Ste 905, New York, NY 10013. Purpose: any lawful act.
18553 D16 T J20

NOTICE OF FORMATION of FOUR CORNERS FORMATIONS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/18/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Global Settlement Corp., 1981 Marcus Ave, Ste E-117, Lake Success, NY 11042. Purpose: any lawful act.
18492 D16 T J20

NOTICE OF FORMATION of MPS GTM Advisory LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/6/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 80 N Moore St, Apt 33D, New York, NY 10013. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
18423 D16 T J20

NOTICE OF FORMATION of MY MENTOR IH LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 4/18/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 305 W 28th St, #21G, New York, NY 10001. Purpose: any lawful act.
18552 D16 T J20

NOTICE OF FORMATION of Octavio Valdes Advisory LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/22/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 163 Saint Nicholas Ave Apt 7K, New York, NY 10026. Purpose: any lawful act.
18604 D16 T J20

NOTICE OF FORMATION of OLYMPIA MTS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/3/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Global Settlement Corp., 1981 Marcus Ave, Ste E-117, Lake Success, NY 11042. Purpose: any lawful act.
18485 D16 T J20

NOTICE OF FORMATION of PENUMBRA HOLDING LLC. Arts. of Org. filed with NY Sec. of State (SSNY) on 11/19/2025. Office: New York County. SSNY designated as agent of LLC upon whom process may be served. SSNY shall mail process to Penumbra Holding LLC, 45 Rockefeller Plaza, 20th Fl #369, New York, NY 10111. Purpose: Any lawful purpose.
18555 D16 T J20

NOTICE OF FORMATION of PSITHUROS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/5/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to R/A: Entity Protect Registered Agent Services LLC, 447 BROADWAY, 2ND FL Ste #3000, NEW YORK, NY, 10013. Purpose: any lawful act.
18603 D16 T J20

NOTICE OF FORMATION of RWR ADVISORY PARTNERS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/13/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #337127 New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
18554 D16 T J20

NOTICE OF FORMATION of Bluestone Mani LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/21/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S PMB 346998, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
18685 D23 T J27

NOTICE OF FORMATION of FIVE IRON GOLF AUSTIN LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/9/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Jared Solomon, 883 Avenue of the Americas, FL 3, New York, NY 10001. Purpose: any lawful act.
18838 D23 T J27

NOTICE OF FORMATION of Hello B LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/28/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 324 East 4th St, Apt 2A, New York, NY 10009. Purpose: any lawful act.
16485 D23 T J27

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of FIVE IRON GOLF FLATIRON LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/17/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Jared Solomon, 883 Avenue of the Americas, FL 3, New York, NY 10001. Purpose: any lawful act.
18839 D23 T J27

NOTICE OF FORMATION of FIVE IRON GOLF SHAKER HEIGHTS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 4/14/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Jared Solomon, 883 Avenue of the Americas, FL 3, New York, NY 10001. Purpose: any lawful act.
18837 D23 T J27

NOTICE OF FORMATION of HAVN SOLUTIONS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/2/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 24 5th Ave, Apt 829, NY, NY 10011. R/A: eResidentAgent, Inc., 1 Rockefeller Plz, #1204, New York, NY 10020. Purpose: any lawful act.
18738 D23 T J27

NOTICE OF FORMATION of Hermes Investigations LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/25/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 40 Macdougal St, Unit 19, New York, NY 10012. Purpose: any lawful act.
18881 D23 T J27

NOTICE OF FORMATION of JAL VENTURE CONSULTING LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 4/22/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 507 W 28th St, Apt 720, New York, NY 10001. Purpose: any lawful act.
18638 D23 T J27

NOTICE OF FORMATION of SCAND LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/13/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 136 Madison Avenue, 6th Fl, New York, NY 10016. Purpose: any lawful act.
18996 D23 T J27

NOTICE OF FORMATION of The Leaon Ledger House, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/23/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 167 Madison Ave, Ste 205, New York, NY 10016. Purpose: any lawful act.
18387 D23 T J27

NOTICE OF FORMATION of 91 LEONARD LLC. Arts. of Org. filed w/ Secy. of State of NY (SSNY) on 12/17/25. Office in NY County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o The LLC, 91 Leonard St., #4A, NY, NY 10013, registered agent upon whom process may be served. Purpose: Any lawful act/activity.
18855 d23-Tu j27

NOTICE OF FORMATION of Apa Aesthetic Lectures LLC. Arts of Org. filed with New York Secy of State (SSNY) on 10/20/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 30 E. 76th St, NY, NY 10021. Purpose: any lawful activity.
19162 d30-F f3

NOTICE OF FORMATION of Trove Partners RE LLC. Arts of Org. filed with New York Secy of State (SSNY) on 9/15/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 10 E. 53rd St, Fl. 15, NY, NY 10022. Purpose: any lawful activity.
19163 d30-F f3

NOTICE OF FORMATION of Anchored Intention Consulting LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/20/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to R/A: Registered Agents, Inc., 418 Broadway, Ste R, Albany, NY 12207. P/B/A: 40 River Rd, #5B, New York, NY 10044. Purpose: any lawful act.
19052 D30 T F03

NOTICE OF FORMATION of DMR Music LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/27/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S PMB 346998, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
19170 D30 T F03

NOTICE OF FORMATION of FIVE IRON GOLF BUCKTOWN LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/9/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Jared Solomon, 883 Avenue of the Americas, FL 3, New York, NY 10001. Purpose: any lawful act.
19083 D30 T F03

NOTICE OF FORMATION of FIVE IRON GOLF WILLIAMSBURG LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/18/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Jared Solomon, 883 Avenue of the Americas, FL 3, New York, NY 10001. Purpose: any lawful act.
19084 D30 T F03

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of 700 BELLEVUE LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/18/25. Office location: NY County. Princ. office of LLC: Attn: Louis Rose, 975 Park Ave., NY, NY 10028. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity.
19102 Dec30 tu Feb3

NOTICE OF FORMATION of AVERON LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/22/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to M. Nader Ahari, 200 Park Ave. South, Ste. 1608, NY, NY 10003. Purpose: Any lawful activity.
19183 Dec30 tu Feb3

NOTICE OF FORMATION of BreakPoint Dental Partners LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/17/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 330 E. 72nd St., #7, NY, NY 10021. Purpose: Any lawful activity.
19095 Dec30 tu Feb3

NOTICE OF FORMATION of CCNY-UU, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 01/31/22. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to The Community Church of New York Unitarian Universalist, 24 E. 35th St., NY, NY 10016. Purpose: Any lawful activity.
19103 Dec30 tu Feb3

NOTICE OF FORMATION of CHRIS DOES IT ALL LLC. Art. Of Org. filed with the Sect'y of State of NY (SSNY) on 10/21/25. Office in Westchester County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 651 N TERRACE AVE APT 7G MOUNT VERNON, NY, 10552. Purpose: Any lawful purpose
19165 Dec30 tu Feb3

NOTICE OF FORMATION of Clarity MergerCo, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/17/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
19100 Dec30 tu Feb3

NOTICE OF FORMATION of ECC BOWERY LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/17/25. Office location: NY County. Princ. office of LLC: 575 Lexington Ave., Ste. 3120, NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
19101 Dec30 tu Feb3

NOTICE OF FORMATION of JDG GROUP LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/23/25. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
19174 Dec30 tu Feb3

NOTICE OF FORMATION of JUNGLE KINGDOM FLOWER COMPANY IV LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/18/25. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity.
19175 Dec30 tu Feb3

NOTICE OF FORMATION of POST ROAD RE LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/17/25. Office location: NY County. Princ. office of LLC: 31 West 52nd St., 22nd Fl., NY, NY 10019. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
19108 Dec30 tu Feb3

NOTICE OF FORMATION of RATTNER 548 6TH AVENUE LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/15/25. Office location: NY County. Princ. office of LLC: 245 East 87th St., NY, NY 10128. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
19178 Dec30 tu Feb3

NOTICE OF FORMATION of ROCKWELL 12B LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/17/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543, regd. agent upon whom and at which process may be served. Purpose: Any lawful activity.
19096 Dec30 tu Feb3

NOTICE OF FORMATION of Rothschild LLC. Arts. of Org. filed with NY Dept. of State: 12/16/25. Office location: NY County. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: 246 E. 46th St., Apt. 4C, NY, NY 10017, principal business address. Purpose: any lawful activity.
19114 Dec30 tu Feb3

NOTICE OF FORMATION of 2BE3 67 N12 LLC. Art/Org filed 2/11/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to PO BOX 246, EAST ROCKAWAY, NY 11518. Purpose: Any lawful activity.
18927 j6-Tu f10

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of THE DAILY BURGER, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/19/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
19184 Dec30 tu Feb3

NOTICE OF FORMATION of Zelus Holdings I, LLC. Arts. of Org. filed with NY Dept. of State: 11/12/25. Office location: NY County. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: 39 E. 83rd St., NY, NY 10028, principal business address. Purpose: any lawful activity.
19113 Dec30 tu Feb3

NOTICE OF FORMATION of 280 BLEECKER STREET OWNER LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/17/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Junction Management, 36 W. 44th St., NY, NY 10036. Purpose: Any lawful activity.
18232 Dec9 tu Jan13

NOTICE OF FORMATION of 4 CHEQUIT AVENUE LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/17/25. Office location: NY County. Princ. office of LLC: 14 Sutton Pl. South, Apt. 7B, NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity.
18238 Dec9 tu Jan13

NOTICE OF FORMATION of AURORA DAY PARTNERS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/20/25. Office location: NY County. Princ. office of LLC: 425 W. 53rd St., #420, NY, NY 10019. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Duane Morris LLP – Attn. Amy J. Guss, 22 Vanderbilt, 335 Madison Ave., 23rd Fl., NY, NY 10017-4669. Purpose: Any lawful activity.
18264 Dec9 tu Jan13

NOTICE OF FORMATION of CREEK ROAD ASSOCIATES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/18/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Herbert M. Gardner, 255 W. 94th St., Apt. 21E, NY, NY 10025. Purpose: Any lawful activity.
18229 Dec9 tu Jan13

NOTICE OF FORMATION of DAISY HUYS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/17/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Raye Dube, 900 N Ocean Blvd., Ste. 601, Pompano Beach, FL 33062. Purpose: Any lawful activity.
18231 Dec9 tu Jan13

NOTICE OF FORMATION of EASTVIEW 400 LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/18/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Ani Gabrellian, 450 E. 83rd St., Apt. 20B, NY, NY 10028. Purpose: Any lawful activity.
18237 Dec9 tu Jan13

NOTICE OF FORMATION of GOLDEN LUCY HOLDINGS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/18/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Ani Gabrellian, 450 E. 83rd St., Apt. 20B, NY, NY 10028. Purpose: Any lawful activity.
18256 Dec9 tu Jan13

NOTICE OF FORMATION of MINSKOFF DEVELOPMENT LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/29/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity.
18248 Dec9 tu Jan13

NOTICE OF FORMATION of SANDWICH IL CLASS B, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/17/25. Office location: NY County. Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity.
18236 Dec9 tu Jan13

NOTICE OF FORMATION of WASABI SUSHI BENTO 400 MADISON LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/19/25. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity.
18254 Dec9 tu Jan13

NOTICE OF FORMATION of ABSOLUTE MANAGEMENT GROUP LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/16/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 941 Rogers Pl, #3C, Bronx, NY 10459. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
19036 J06 T F10

NOTICE OF FORMATION of 3BE1 72 R89 LLC. Art/Org filed 2/10/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to 67 FAIRWAY DR, HEMPSTEAD, NY 11550. Purpose: Any lawful activity.
18928 j6-Tu f10