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IN BRIEF

Drake Takes 'Not Like Us' Defamation Case to the Second Circuit

The rap artist Drake is appealing a court order dismissing his defamation suit against UMG Recordings, the record label that released Kendrick Lamar's Grammy Award-winning megahit "Not Like Us."

On Oct. 29, attorneys for Drake, whose full name is Aubrey Drake Graham, notified U.S. District Court Judge Jeannette Vargas of the Southern District of New York that they were appealing her Oct. 9 order dismissing Drake's defamation suit.

The notice of appeal lacked any information on the legal arguments that Drake's Willkie Farr & Gallagher legal team plan on making at the circuit court, and counsel for Drake didn't respond to a Friday request for comment.



Drake

At the district court, Drake's attorneys pushed Vargas to examine "Not Like Us" and its lyrics accusing Drake of pedophilia outside of Drake's rap battle with Kendrick Lamar Duckworth. They argued that the track achieved a level of success eclipsing the other songs Drake and Lamar exchanged throughout a highly watched rap battle in spring 2024.

In dismissing the case, Vargas refused to separate the song from the overall rap battle.

Deemed by Vargas as "perhaps the most infamous rap battle in the genre's history," the rap battle saw Drake and Lamar exchanging eight diss tracks against the other over a 16-day period. Lamar, however, is widely considered to have won the feud with "Not Like Us," which was streamed more than 1.4 billion times on Spotify by April 2025 and later recognized as the Record of Year at the 2025 Grammy's.

Drake later filed a defamation lawsuit against UMG, which represents both of the rappers through different labels. Drake argued that UMG wouldn't have worked with him if executives believed he was a pedophile, yet they released and marketed "Not Like Us."

But Vargas found "Not Like Us" to be "nonactionable opinion," a conclusion she reached after contextualizing the track within a rap battle featuring "progressively caustic, inflammatory insults and accusations," including a suggestion from Drake, in "Family Matters," that Lamar abuses his wife. Against the backdrop of the battle, listeners wouldn't expect individual diss tracks to convey "sober facts," Vargas said.

Vargas explained that she couldn't separate "Not Like Us" from the rap battle, noting that all the songs were released in dialogue with each other and that—although not as popular as "Not Like Us"—the other songs garnered tens of millions, or hundreds of millions of streams.

"Additionally, it was not just the Recording which gained a cultural ubiquity, but the rap battle itself. In deciding this motion to dismiss, the Court need not blind itself to the public attention garnered by this particular rap battle," she said.

UMG is represented in the case by Sidley Austin. Neither the label nor its counsel responded to Friday requests for comment.

—Alyssa Aquino


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Vending Machine Company's Alleged 'Creditor-on-Creditor Violence' Prompts Lawsuit In Manhattan US Court

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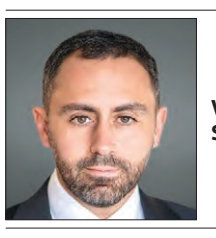
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Wachtell M&A Partner Heads to DLA Piper

BY PATRICK SMITH

VIKTOR Sapezhnikov, a partner at Wachtell, Lipton, Rosen & Katz since 2019 and member of the firm since 2013, has left to join DLA Piper. New York-based Sapezhnikov, who helped guide Broadcom in its $69 billion agreement to acquire VMware, starts practicing at DLA on Nov. 1, DLA confirmed on Friday.



Viktor Sapezhnikov

DLA said Sapezhnikov will have a leadership role in the firm's corporate department, but the title is still being hammered out.

"As the work continues to evolve, we have continued to emphasize our strategic expansion of corporate M&A," said Frank Ryan, chair of DLA Piper, in an interview. "As you look at what we have accomplished, Viktor is right in the crosshairs of that strategy. Our M&A transactions have become larger and more complex."

Ryan added that the firm has 1,000 corporate lawyers. Still, as deals have become larger and more complicated, M&A heavy hitters want a firm platform that can also provide ancillary practices, such as tax, IP and regulatory, to help clients with all aspects of their deals, he said.

"Having the depth of capabilities to do the most important M&A work isn't just about corporate lawyers," he said. "This is a much more complex work with more deal friction, especially across borders, and we are well positioned in tax, regulatory, IP and other areas to service these clients that have major concerns, including national security and trade. We are deep there as well."

"We have a strong growth history and will continue to grow, but just being big doesn't » Page 7

Manhattan DA Bragg, Running For Reelection, Says Trends Confirm His Approach Is Working

BY EMILY SAUL

Editors' Note: This is the third in a series of profiles of candidates seeking election as Manhattan district attorney.

MANHATTAN District Attorney Alvin Bragg is one of the most recognizable district attorneys in the country. The Manhattan office, also known as DANY, has long enjoyed the spotlight. But from day one, Bragg has been not only highly-watched but a proxy for people across the country looking to rail against progressive criminal justice policies.

Bragg has a common refrain when asked about how this affects him and his office: he points to the work DANY is doing and says that's the focus.

As DA, he's created the officer's first-ever Special Victims Division, first-ever Housing and Tenant Protection Unit, and a Post-Conviction Justice Unit. He launched a $9 million community-based mental health initiative, launched Pathways, which supports pre-arraignment diversion work, and created a business alliance to address quality of life crimes. He has emphasized measures curbing gun violence, including the manufacturing of ghost guns, and was recently appointed co-chair of the national group Prosecutors Against Gun Violence.



RYLAND WEST/ALM

Manhattan District Attorney **Alvin Bragg**, took office as violence spiked during the pandemic and new discovery reform laws sparked higher case-dismissal rates.

Major felonies have dropped in the initial months of 2025, compared with 2024, and murders and shootings are at near-historic lows. But, apart from murder, » Page 7



CHRISTIAN MONTERROSA/BLOOMBERG

The federal filing follows New York's highest court decision on Oct. 16 that upheld a law aligning most municipal elections with statewide and federal races.

State GOP Files Federal Suit Challenging Constitutionality of 'Even-Year' Election Law

BY BRIAN LEE

A REPUBLICAN-LED federal lawsuit on Thursday challenges New York's Even Year Election Law, which was upheld as constitutional by the state's top court in recent weeks.

Brewer, Attorney & Counselors filed the claim against Gov. Kathy Hochul, a Democrat, and the state government in the U.S. District Court for the Eastern District of New York.

The firm is representing the New York Republican State Committee and an assortment of localities on Long Island and Orange County, challenging the federal constitutionality of the Democratic-backed law that will move most municipal elections from odd-numbered years to coincide with state and federal elective races ending that take place in even-numbered years.

The lawsuit alleges that the law's purported intent—to increase voter turnout—is "rhetoric," while its true aim is "a calculated attempt to centralize top-of-ticket political power at the expense of local democracy."

The claim said the law violates the First Amendment because it imposes severe bur- » Page 4

Sullivan & Cromwell Adds Former Leader of Top NY State Financial Regulator

BY RYAN HARROFF

ADRIENNE Harris, most recently superintendent of a top New York state financial regulator, is returning to Sullivan & Cromwell. The firm confirmed Thursday that she joined the firm as of counsel and policy adviser in New York, after taking the record for the longest-serving superintendent of the Department of Financial Services.

Harris previously worked at Sullivan & Cromwell as an associate from 2008 to 2013 before leaving to take on a variety of government and other legal roles. Those include working at the U.S. Treasury Department under President Obama; serving on the National Economic Council during the transition from Obama to the first Trump administration; being part of the Biden-Harris transition team at the end of 2020; and teaching as a professor at the University of Michigan.



Adrienne Harris

She served in her most recent role as New York finan- » Page 7

US, Singapore Courts Team Up To Protect Multichain's Missing Crypto

BY MICHAEL A. MORA

A NEW YORK bankruptcy judge granted provisional relief to the Singapore liquidators of Multichain Foundation Ltd. on Thursday, ordering stablecoin issuer Circle Internet Financial LLC to maintain a freeze on wallets containing millions of dollars' worth of stolen USDC.

The order, signed by U.S. Bankruptcy Judge David S. Jones of the Southern District of New York, temporarily protects digital assets linked to the collapsed blockchain bridge operator while the court considers whether to formally recognize Multichain's Singapore liquidation as a foreign main proceeding under Chapter 15 of the U.S. Bankruptcy Code. » Page 7



CHRISTIAN MONTERROSA/BLOOMBERG

Circle Internet Financial will keep wallets with stolen USDC frozen after the $210M Multichain hack in 2023.

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Court Calendars

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

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Investors Start to Second-Guess Tech Giants' Massive AI Bets

BY MICHAEL GENNARO

AS EARNINGS season unfolds, corporate America's massive investments in artificial intelligence infrastructure are coming under intense scrutiny from shareholders increasingly concerned about when, or if, these bets will pay off.

The issue dramatically moved to center stage last week when Meta and Microsoft, two giants at the forefront of the AI revolution, saw their stock prices fall after announcing plans to spend even more on AI infrastructure in 2025 and beyond.

Both companies announced results late Wednesday afternoon, after the market's close. When trading opened Thursday, Meta shares dropped 14% before rallying to close down 11%, while Microsoft shares fell nearly 4% before closing down 3%.

The declines—which occurred even though Meta's quarterly revenue increased 26% and Microsoft's rose 18%—signaled to some market strategists that investor sentiment on AI spending had reaching a turning point.

The catalyst for last week's losses was straightforward: Both companies announced they would spend even more on AI than previously projected, despite already colossal expenditures.

Meta forecast that it would spend $70 billion to $72 billion on AI capital expenditures in 2025, at the high end of its previous guidance of $66 billion to $72 billion. On a conference call with analysts, Chief Financial Officer Susan Li indicated spending would climb even higher in 2026.

Microsoft reported record capital spending of $35 billion in the past quarter alone—up from $24 billion in the prior quarter—and warned that spending in its fiscal year ending June 30 would continue to increase, retreating from its earlier prediction that it would moderate.

Meta and Microsoft did not respond to Law.com's requests for comment on their spending plans and how investors were reacting to them.

In a client alert, Peter Berezin, chief market strategist at BCA Research, called the market's reaction a "yellow flag" for the AI trade. In his note, he identified this precise scenario as a potential warning sign: when a large mega-cap tech company announces plans to spend more on capital expenditures and sees its stock price drop as a result.

"If that were to happen, it would be time to run for the hills," Berezin wrote, drawing parallels to Meta's ill-fated metaverse investments several years ago, which ultimately resulted in billions in losses after the concept faded from popularity.

The numbers are staggering. Amazon, Meta, Microsoft and Alphabet could spend as much as $320 billion on capital expenditures primarily related to AI infrastructure this year, according to an analysis of financial statements by Business Insider.

Yet despite these massive investments in chips and data centers, monetization plans remain unclear. This disconnect has created growing tension between management teams enthusiastic about AI's long-term potential and investors focused on near-term financial performance and capital efficiency.



WIKIPEADIA

Microsoft reported record capital spending of $35 billion in the past quarter alone—up from $24 billion in the prior quarter.

Gregory Ramos, a partner with Armstrong Teasdale in Denver who advises clients on technology investments, told Law.com that he sees "a lot of similarities" to the dot-com bubble of the late 1990s and early 2000s. He said companies are betting on consumers being willing to spend big for a "killer app" for AI, but that app doesn't currently exist. Nor does the business model.

"My clients, who are going to spend millions of dollars for an AI solution—they're skeptical that what people are putting in front of them is all going to fly, and they're waiting to see what's really going to work, what's going to create value for the buck," Ramos said.

Ramos predicts that there will be big winners in the AI space, but that many investors will lose a lot of money as well.

"People will have put a lot of money into building this that they won't get back," he said.

Ramos also questioned the fundamental economics of the infrastructure build-out.

"When you look at the types of infrastructure dollars that people are talking about spending, the dollars don't exist to spend. The demand doesn't exist for it. The energy doesn't exist for it. I mean, there's all these questions about whether or not it's really going to scale to hit the dollars that people have thrown out there. It's hard to believe it will," Ramos said.

Ramos noted that the AI industry is developing in a circular fashion, with many of the big tech companies serving as both customers and vendors to each other. He said that practice can only go on for so long.

"Oracle and OpenAI and Nvidia are going to spend a lot of money with each other for a while, but at some point, unless there's a real consumer application or enough real consumer applications out there, I don't know if they're going to have a viable return on their investment," he said.

A Massachusetts Institute of Technology study released in August is fanning the perception that the AI spending spree is a bubble that's poised to burst. It found that 95% of enterprise generative AI pilots have not produced measurable business returns. The study was based on interviews with 150 business leaders, surveys of 350 employees, and an analysis of 300 public deployments.

The issue is not with the underlying technology but rather with how businesses attempt to integrate it, according to the study. Tools like ChatGPT or other large language models perform well in individual use cases but fail to deliver consistent results in enterprise settings unless they are rigorously customized, the report found.

During recent earnings calls, tech industry executives have faced increasingly pointed questions from analysts about their AI spending plans. The questions typically zero in on the absence of clear timelines for AI revenue generation, rising capital expenditures with unclear endpoints and the risk that current AI investments will become stranded assets if the technology fails to meet the public's lofty expectations.

During a keynote speech at the Association of Corporate Counsel's annual meeting earlier last month, Andrew Ross Sorkin—a New York Times financial columnist who chronicled the 2008-2009 financial crisis in his bestseller "Too Big to Fail"—drew uncomfortable parallels between today's AI investment surge and other historical bubbles, such as that crisis and the Great Depression.

"Every financial crisis is a function of only one thing, and that is leverage," Sorkin said. "The economics of what's taking place today, in terms of the pure spending levels [on AI], are not ROI-driven. [It's] not math that gets them to these numbers."

Sorkin noted that most of the infrastructure powering the AI boom, such as data centers, energy systems and commercial real estate, is being built on private credit markets that are largely opaque.

"That's the part we're not looking at. And I think that's the part that can turn quickly," he warned.

Bridgewater Associates founder Ray Dalio has become one of the most prominent voices warning about an AI bubble, telling CNBC last week that "there's a lot of bubble stuff going on" in megacap technology stocks.

The billionaire investor noted that bubbles typically don't burst until monetary policy tightens, and with the Federal

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Completed Law Firm Combinations Might Be Finally Catching Up To Merger Interest

BY ANDREW MALONEY

AFTER years of strong interest in law firm merger discussions, more firms are starting to follow through on combinations.

The number of finalized law firm combinations this year increased to 47 at the close of the third quarter, according to a new report Wednesday, after eight additional mergers—including the blockbuster union between McDermott Will & Emery and Schulte Roth & Zabel—became effective during that span. That's higher than the year-to-date total of 43 in 2024, according to the report from consulting firm Fairfax Associates.

And with the pace expected to mount into 2026, the number of actual mergers is finally looking more like the number of theoretical ones.

"There were years we felt the level of merger activity was really not reflective of merger interest," said Kristin Stark, a principal at Fairfax who helped collect the data and author the report. "It feels like now we're starting to see the completed merger activity more accurately catch up to or reflect the level of interest."



DIEGO M. RADZINSCHI/ALM

The merger between McDermott Will & Emery and Schulte Roth & Zabel was finalized on August 1, creating the new firm McDermott Will & Schulte.

Indeed, while the merger totals in the 2020s still pale in comparison to the 2010s, the number of completed mergers has gradually increased since the pandemic, according to Fairfax's tally. The total peaked in 2018, at 71, and reached a 10-year low in 2020, with 40 completed mergers.

But the number has risen each year since then. Meanwhile, growth pressures like the battle for talent and recognition of scale and market leadership benefits have surged, too. Last year, they arguably pushed even reluctant firm leaders to discuss combinations. And this year, all those pressures are "finally coming to bear," Stark said.

"We've seen this gradual buildup coming out of the pandemic, and we expect 2025 will close with a higher number of completed mergers than 2024," she added. "We anticipate it will continue to increase by some margin over the foreseeable future."

The kinds of combinations getting done are as varied as the firms and their strategies. "We are seeing firms pursue mergers across geography, across practices, across sizes of firms, and across values of firms," Stark said. "And whether it's labor and employment, IP, firms looking for M&A or corporate [capabilities], adding antitrust or mass tort practices—there is just a wide variety of combinations taking place."

The creation of McDermott, Will & Schulte was the largest combination in Q3, with the legacy McDermott firm (1,336 lawyers) and the legacy Schulte firm (363) joining forces. That was followed by Missouri-founded Stinson (416) combining with San Francisco-based boutique Severson & Werson (30 lawyers).

Boutique firms with specialized practices were involved in two of the quarter's mergers, Fairfax said, as Irvine-based Fisher & Phillips (568) combined with Atlanta labor and employment boutique Elarbee Thompson Sapp & Wilson (22), while Birmingham-based Maynard Nexsen (552) joined with another Atlanta boutique, real estate shop Miller Lavoie (8). The remaining combinations mentioned in the report, both finalized and announced, involve firms from across the United States.

"In the Mid-Atlantic region, Pennsylvania-based Stevens & Lee (213 lawyers) combined with New Jersey-based Brown, Moskowitz & Kallen (8 lawyers)," the report stated. "In South Carolina, Smith Robinson (19 lawyers) and D'Alberto, Graham & Grimsley (5 lawyers) merged, and in Connecticut, New Haven-based Carmody Torrance Sandak & Hennessey (90 lawyers) and New London-based Waller Smith & Palmer (5 lawyers) have joined forces."

The report also noted announced mergers that become effective in Q4, including Indianapolis-based Taft Stettinius & Hollister's (824) combination with Atlanta-based Morris, Manning & Martin; Phoenix-based Fennemore Craig's (342) combination with Denver-based construction law firm Galvanize Law (8); Milwaukee-based Michael Best & Friedrich's (347) merger with Denver-based Allen Vellone Wolf Helfrich & Factor (15); and Kansas City-based Baker Sterchi Cowden & Rice's (90) combination with Madison-based Corneille Law Group, LLC (6).

Stark said in addition to the growth pressures mentioned earlier, the need to demonstrate specialization, depth and bench strength, and the need to continue investing in artificial intelligence, should drive merger interest over the next two or three years.

"Especially as AI continues to evolve, as firms are seeing more practical applications and they're starting to hear clients' demand for AI—that's where this pressure is creating more and more merger interest," Stark said. "If we continue along that trajectory, which we anticipate we'll see for the next 24 to 36 months, that will be a continued driver of merger activity, particularly for smaller firms, to afford the innovation and investment necessary to keep up with those pressures."

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NBA Betting Scandal Could Help Shape CFTC's Approach To Prediction Markets, Legal Experts Say

BY DAN NOVAK

THE COMMODITY Futures Trading Commission has stayed mostly mum on how it plans to regulate prediction markets, which have rapidly expanded in the United States. But a betting scandal at the National Basketball Association could influence how the CFTC approaches the betting platforms, legal experts said.

An NBA player and two coaches were charged by federal agents last month for allegedly exploiting information about players to help gamblers win on proposition bets—wagers tied to events other than the game outcome, such as the number of a player's points or rebounds. The indictments raise questions about responsible gaming and "prop" bets, which appear more susceptible to manipulation, said Troutman Pepper Locke partner Stephen Piepgrass.

"That scandal's going to have ripple effects," he said.

Washington and Lee University School of Law professor Melinda Roth said the focus on prop bets is bad for the legal betting industry at large but that banning prop bets would not solve the problem.

"What happens whenever there's potential bans on something where the toothpaste is already out of the tube, you have the likely movement of regulated onshore markets that we can detect ... moving offshore into darker markets," she said.

The million-dollar question for regulators, federal courts and potentially Congress is whether sports event contracts traded on prediction markets amount to gambling, and therefore subject to state gaming laws.

Prediction market companies say prop bets are not gambling per se but a form of derivatives trading exclusively regulated by the CFTC under the federal Commodity Exchange Act. Several states and Native American tribes have countered that prediction market platforms which allow users to wager on sporting events are illegal gambling contracts.

So far, the CFTC's lone guidance on prediction markets, issued Sept. 30, did not take a position on whether sports event contracts constitute gambling, thus fueling confusion as to how the commission sees its role in regulating prediction markets, Piepgrass said.

The CFTC could regulate platforms like state gaming commissions, but that approach would be difficult for the commission, he added.

If "there is going to be a really strong push to implement the same kinds of [gaming] regulations that you see at the state level, I don't know how successful that can be because the CFTC just doesn't have a lot of experience in that area," Piepgrass said.

The CFTC may be waiting for a new chair before initiating rulemaking or issue substantive guidance, Roth said. President Donald Trump's pick to lead the CFTC, Michael Selig, is awaiting Senate confirmation. The White House withdrew the first nominee, Brian Quintenz, in September.

The Trump family's investments strongly suggest the administration will view prediction markets favorably. The president's Truth Social announced Tuesday it would partner with Crypto.com to become the first social media platform to offer prediction market trading.



COURTESY PHOTO

Washington and Lee University School of Law professor **Melinda Roth**

Donald Trump Jr. serves on the advisory board to prediction market platforms Kalshi and Polymarket and is a Polymarket investor.

Said Roth: "How can you not read the tea leaves of where the administration stands on these markets?"

@ Dan Novak can be reached at dan.novak@alm.com.

Expert Analysis

SECTION 1983 LITIGATION

Section 1983 Damages for Police Identification Misconduct



By **Martin A. Schwartz**

Witness misidentifications of criminal suspects is one of the leading causes of wrongful convictions. *See* James R. Aiken and Allison D. Redlick, *Wrongful Conviction - Law, Science, and Policy* (Carolina Academic Press.2d.Ed. 2019). Many misidentifications result from witness errors in perception and memory. Brandon L. Garrett, *Convicting the Innocent* p. 50 (Harv. Univ. Press 2011) ."For decades social scientists have warned of the fragility and instability of eyewitness memory....".

Some misidentifications result from police practices that "create unnecessary risks of tragic errors."

Misconduct by the police may taint either a corporal identification, that is , a show- up or lineup , or a noncorporal procedure, such as a photo array, computer generated imagery, or sketch.

The police misconduct may deprive a criminal defendant of the right to a fair trial, resulting in a wrongful conviction and perhaps years of incarceration. If the judicial system eventually overturns the conviction, the question then is whether the exoneree can recover damages under §1983 against the police officers who manipulated the police identification procedure. *See, e.g., Galloway v. City of Nassau*, 141 F. 4th 417 (2d Cir. 2025); *Slater v. City of Detroit*, 133 F. 4th 527 (6th Cir. 2025); *Blackman v. Jones*, 132 F. 4th 522 (7th Cir. 2025).

There is Supreme Court precedent on what a criminal defendant must demonstrate to establish that the police conducted an unreliable identification. *See Manson v. Brathwaite*, 432 U.S. 98 (1977); *Neil v. Biggers*, 409 U.S. 188 (1972); *Stoval v. Denno*, 388 U.S. 293 (1967). This precedent establishes a two-step process for analyzing suggestive identification claims:

1. Was the identification procedure unnecessarily suggestive?
2. If it was, was the identification procedure nevertheless reliable?

See, e.g., Slater v. City of Detroit, 133 F. 4th at 538; *United States v. Harper*, 124 F. 4th 1094, 1099 (8th Cir. 2023); *United States v. Gallegos*, 111 F. 4th 1068, 1079 (10th Cir. 2024).

Each of these issues is evaluated under the "totality of the circumstances." *Slater v. City of Detroit*, 133 F. 4th at 538 (citing *Simmons v. United States*, 390 U.S. 377, 383 (1968)).The first step includes two separate inquiries: 1. was the identification procedure suggestive? ;2. if it was suggestive, was the procedure unnecessarily suggestive?

> The police misconduct may deprive a criminal defendant of the right to a fair trial, resulting in a wrongful conviction and perhaps years of incarceration.

In *Stoval v. Denno*, Stovall, a Black male, was arrested for fatally stabbing Dr. Behrendt to death, and stabbing his wife, also a physician, 11 times, seriously wounding her. The police took Stovall chained to one of five officers to the hospital room the day after Ms. Behrendt's surgery. She identified Stovall as the perpetrator.

The show-up was clearly suggestive. Not only was Stovall chained to a police officer; he was the only Black person in the room. In fact, the Supreme Court said that "[s]howing suspects singly to persons for the purpose of identification has been widely condemned." *Stovall*, 388 U.S. at 302 (citing in fn.6, *inter alia*, Frankfurter, The Case of Sacco and Vanzetti 31-32).

Nevertheless the court found that the show—up was not "unnecessarily" suggestive because of the exigencies from Ms. Behrendt's rapidly declining health. *See also United States v. Simmons,* 390 U.S. at 385. Therefore the admission of Ms. Behrendt's identification at Stovall's trial did not violate his due process rights.

If an identification procedure was unnecessarily suggestive, the court must determine the likely reliability of the identification under the totality of the circumstances. The Supreme Court in *Neil v. Briggers*, 409 U.S. at 199-200 identified some of the relevant circumstances for determining reliability:

1. The witness's opportunity to view the defendant at the time of the crime.
2. The witness's degree of attention.
3. The accuracy of any prior description given by the witness.
4. The level of certainty demonstrated by the witness at the confrontation.
5. The length of time between the crime and the identification.

See also, Manson v. Brathwaite, 432 U.S. at 114; *Salter* 133 F. 4th at 538-39. "Against these factors is to be weighed the corrupting effect of the suggestive identification itself...." *Manson*, 437 U.S. at 114.

Courts have considered other factors. For example, police use of a single photo of an individual, or a single person show-up greatly enhances the risk of unreliability. *Slater*, 133 F. 4th at 540; *Gregory v. City of Louisville*, 444 F. 3d 725, 755 (6th Cir 2006).

"The risk of misidentification [also]increases when 'the police indicate to the witness that they have other evidence that... the person [ ] pictured committed the crime.'" *Slater*, 133 F. 4th at 539 (quoting *Simmons v. United States*, 390 U.S. at 383).

Because the constitutional right at issue is the criminal defendant's due process right to a fair trial, reliability is "the linchpin in determining the admissibility of

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MARTIN A. SCHWARTZ *is a professor emeritus of law and the author of a multi-volume Section 1983 Litigation treatise published by Wolters Kluwer Law and Business.*

Expert Analysis

TRUSTS AND ESTATES UPDATE

Fall Update



By **Ilene Sherwyn Cooper**

As the fall season draws to an end, and winter fast approaches, the Surrogate and Appellate courts have been busy issuing a variety of opinions of interest to the trusts and estates practitioner. Consider the following.Disclosure of Corporate Records Examined

Before the court in *In re Budis* were motions by respondents in a trustee's accounting proceeding, pursuant to CPLR 3124 and SCPA 2211, to produce documents with respect to an LLC. Notably, the only asset of the subject trust was its economic interest in the LLC, of which the petitioner was also the managing member. The petitioner opposed the motions and cross-moved to vacate the respondents' demands pursuant to CPLR 3103.

The accounting at issue was filed in response to a petition seeking, in part, a compulsory accounting by the petitioner, which the petitioner opposed, claiming that because the trust was never funded by the estate and that its only assets were two checks that she erroneously deposited in a trust account and later withdrew, an accounting as trustee would provide no further information.

The estate executor alleged that he did not fund the trust on the grounds that the trustee had breached her fiduciary duty andd breached the operating agreement of the LLC. The accounting ultimately filed by the trustee was a "zero" accounting, indicating that no trust assets came into her hands, as trustee.

On this basis, petitioner opposed the motion to compel contending that she had no duty to account for the operations of the LLC since she had no control over the entity in her capacity as trustee, and thus, the demands for documents were not relevant.

The court disagreed, opining that objections in an accounting oftentimes center around the omission of assets, and to that extent, a fiduciary may be examined so as to ascertain if all such assets have been collected and accounted for.

Moreover, the court noted that although petitioner attempted to sever her role as trustee from that of managing member of the LLC, where, as in the case before it, the trustee holds working control of a corporate entity, the fiduciary may be required to account in the Surrogate's Court for actions taken in the capacity of a corporate officer or general partner.

The court found it would be particularly inequitable to deny the trust beneficiaries the requested information pertaining to the sole asset of the trust, since they had been denied such relief due to lack of standing in the Supreme Court.

> Based on the record and its review of the accounting, the court found that the petitioner breached her fiduciary duties throughout her tenure as evidenced, most particularly, by her failure to maintain clear and accurate books and records of her stewardship.

Accordingly, whether funded or not, and without regard to the apportionment of responsibility for any failure in this regard, the court held that information reasonably necessary to determine the value of the trust's corpus. and the distributions to which the beneficiaries were entitled, were plainly relevant to the trustee's accounting, and that the trustee had the ability to provide such information.

The court rejected the trustee's attempt to shield herself from such disclosure by drawing a distinction between her role as trust fiduciary and her role as managing member of the LLC, and directed that documents pertaining to the corporation, its holdings, finances, operations and value should be produced. *In re Budis, 2024 N.Y. Misc. LEXIS 15194 (Sur. Ct., Queens County).*

Surcharge of Fiduciary Directed

Before the court in *In re Militello,* was a contested administrator's accounting proceeding compelled by the fiduciary's sister. The record revealed that the petitioner, one of the decedent's three children, was appointed administrator of his estate in 1999.

During the early years of her stewardship, she had liquidated essentially all of decedent's assets, netted approximately $517,800 for the estate, and distributed to each of the distributees an aggregate amount of $218,422 in 1999 and 2000.

The only estate asset retained by the petitioner was a five-unit dwelling, which the estate continued to own and maintain so that the decedent's son, petitioner's brother, could have a place to live rent-free, in accordance with the decedent's purported wishes.

While initially there were estate funds available to pay the operating costs of the premises, the carrying charges consumed nearly all of the $316,946 in reported expenses of estate administration. Additionally, petitioner paid her brother over $68,000 in unidentified cash distributions not made to her sister, for his alleged role as caretaker of the property.

Following the distributions of estate funds made in 2000, the cash in the estate was depleted, and unbeknownst to the petitioner's siblings, petitioner absorbed the cost of maintaining the property from her personal assets.

Ultimately, the property was sold in 2022, netting the estate $512,000, of which petitioner claimed $250,800 in "management fees", and reported only $60,050 available for distribution to her sister.

Thereafter, in response to her sister's compulsory accounting proceeding, the petitioner filed an account of her stewardship covering the period July 10, 1999 through Nov. 25, 2024.

Objections were filed by the petitioner's sister, who alleged, *inter alia,* that the petitioner had failed to timely administer the estate as a result of her retaining the housing unit, and mismanaged estate funds by incur-

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Rethinking Trust Exposure in Divorces

By **Alyssa Rower**



While broadly consistent with past precedent, the newly decided *C.S. v. R.H.* is a bombshell in scale and remedy. In it, a New York court functionally divided an approximately $111 million trust without touching title. The court valued the marital estate at about $181 million, roughly $111 million inside an irrevocable trust and $70 million outside, and awarded the wife 50 percent, or about $91 million.

The wife's share was satisfied by assigning her $55 million of identified non-trust assets, and imposing a $36 million distributive award payable by the husband over ten years, without disturbing title of the trusts or directing any trustee action.

Despite being fantastically rich during the marriage, the husband was left almost entirely with assets locked in an irrevocable trust and a massive personal cash obligation, leaving it uncertain whether his net worth after judgment is even positive.

Despite having the legal authority to divide the value of marital property held in trusts, courts rarely exercise it. Trust assets generally remain insulated absent sham indicators or clearly inequitable conduct, such as attempts to defraud a spouse or smuggle assets across state lines. Even in cases where courts have found inequitable conduct, relief has tended to either be modest or address much smaller trusts.

However, this case dramatically shows that the general assumption that courts will leave high-net-worth trusts undisturbed in a divorce no longer holds. Trusts must be designed and administered with divorce in mind. In this article, we examine what went wrong in *C.S. v. R.H.* and then reverse-engineer safer trust designs, so that trusts intended to preserve marital assets do not become the vehicle for their loss.

Trusts and Tribulations

C.S. v. R.H. chronicles the dissolution of a twenty-four-year marriage that began with "tones of a fairy-tale." At the beginning of the marriage, the husband earned $2 million a year as an equity partner at an investment advisory firm, while the wife earned a modest salary as a financial reporter. However, the parties went from "Manhattan rich" to "uber-rich" after a $6.5 billion buyout of the husband's investment firm by Goldman Sachs ("GS") resulted in a $120 million windfall.

The windfall buyout prompted the parties to begin estate planning. In March 2001, they created two irrevocable vehicles: the RH 2001 Family Trust (the "Family Trust") for the benefit of the daughters and the RH 2001 GST Trust ("the GST") for the benefit of grandchildren and future descendants.

> This case dramatically shows that the general assumption that courts will leave high-net-worth trusts undisturbed in a divorce no longer holds.

As grantor of both trusts, the husband retained the unilateral power to remove and replace fiduciaries and also kept a substitution right that rendered the GST a grantor trust for tax purposes. The husband appointed the wife's sister as trustee, a choice he said was meant to give the wife "a sense of security," while continuing to exercise ongoing control over trust affairs.

At the formation of both trusts, the parties' trusts and estates ("T&E") attorney met with both parties and the wife signed all relevant documents. The wife conceded that the husband would "talk to her about his ideas for the trust assets and investments" but admitted she did not pay attention, relying instead on the husband's assurances that her interests were protected. Nevertheless, the court implicitly criticized the husband for failing to circulate the documents in advance of T&E meetings and effectively controlling the relationship with T&E counsel.

Shortly after the formation of these trusts, the husband transferred large quantities of marital assets into them. Using gift-tax exemptions and discounted notes, the husband seeded the GST with cash and GS stock. In parallel, he set up two short-term grantor-retained annuity trusts ("GRATs") funded with GS stock; on expiration their remainders rolled to the Family Trust. By 2004, at least $30 million had been moved into the trust platform, and from then on trust assets increasingly financed the parties' homes and lifestyle.

Day-to-day operation of the trusts was intermediated through a convoluted LLC structure. Between 2004 and 2016, a parent holding company with several subsidiaries was formed to own the residences, investment real estate, and operating interests. Family occupancy occurred at insider rents set by the husband while the entities paid taxes, insurance, and capital projects. In practice, these LLCs functioned as the household wallet. The wife held an unpaid "managing director" title across most of these LLCs. However, the husband retained unilateral authority to remove the managing director and served as investment advisor with authority over LLC acquisitions, dispositions, financings, and trading.

During the pendency of the divorce action, the husband radically restructured the trusts to lessen the wife's control. In 2019, he removed the wife's sister as trustee and separately removed the wife as managing director of the LLCs, appointing an "independent trustee" who was his close friend and filling the managerial positions with loyal appointees. He then decanted the Family Trust into the GST, eliminating the daughters' age-30 distribution triggers and consolidating control in the GST. He also renounced grantor status for the GST, converting it into a separate tax-paying entity with roughly $109 mil- » Page 10

ALYSSA ROWER *is the founding partner of Rower LLC, a New York law firm started in 2017 dedicated to matrimonial and family law.*

IN BRIEF

« Continued from page 1

Represented by Faegre Drinker Biddle & Reath, the hedge funds alleged a "concerted, anticompetitive and clandestine" agreement between Selecta and a group of majority bondholders to transfer "nearly all the economic value" in Selecta Group to the majority creditors.

"The effect of the Selecta restructuring was to take value from our clients and give that value to the holders that took control of the company, even though before the transaction, both groups of noteholders held the same first lien debt," said plaintiffs attorney, James Millar. "This conduct is not only a breach of the underlying agreements, but also, given their freeze-out of our clients through the cooperation agreement, a violation of the U.S. antitrust laws."

The case was filed on Tuesday in the U.S. District Court for the Southern District of New York.

The lawsuit targets Selecta Group, its Dutch parent corporation, several affiliates and a group of majority bondholders—Invesco Ltd., Man Group Plc, Strategic Value Partners LLC and Diameter Capital Partners LP—that entered into a cooperation agreement with each other.

Increasingly common within U.S. restructuring transactions, cooperation agreements are arrangements in which lenders agree not to enter into a deal with the borrower away from other lenders.

In a call with the New York Law Journal and Law.com, Samir Parikh, a Wake Forest Law professor whose scholarship focuses on mass tort restructurings and business reorganizations, explained that cooperation agreements have historically been used by creditors to protect against a distressed borrower. By working together, the group has a chance at higher recovery, he said.

But in their complaint, the hedge funds allege that the majority bondholders used a cooperation agreement to collude with Selecta to trigger a foreclosure in the Netherlands. In prior statements, Selecta said this restructuring deal allowed it to obtain €330 million in new funding and to reduce its outstanding debt by €1.1 billion.

The plaintiffs, however, said that the proceeding transferred all of Selecta's shares to an entity allegedly under the majority bondholders' control and replaced the minority creditors' first lien notes with "near worthless" third out notes.

Those third out notes—trading for approximately 15-20 cents on the euro—can only be traded up in exchange for valuable protections, the plaintiffs claim. The first lien notes held by the majority bondholders are trading at approximately 75 cents on the euro, according to the complaint.

"Taken together, these steps constitute a striking (and disturbing) example of 'creditor-on-creditor violence,'" the plaintiffs said.

Selecta and Invesco declined to comment. Representatives for Man Group, SVP and Diameter didn't respond to Thursday's requests for comment.

Parikh said that cooperation agreements aren't typically used the way the plaintiffs alleged.

The complaint alleges "it was actually used... as a means to exclude minority creditors—to formalize the exclusion of minority creditors," he said.

Although Parikh called the alleged misconduct "weird," he pointed out that the Second and Seventh circuits have established that creditors cooperating to coordinate recovery "is not the sort of activity of which antitrust laws are concerned."

"I don't know if this is going to go anywhere," Parikh said.

The case was brought under the Sherman Act, Clayton Act, and the New York General Business Law.

—Alyssa Aquino

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

Election Law

« Continued from page 1

dens on candidates' core political speech.

Mandating that local races be consolidated onto ballots dominated by state and federal contests, without allowing municipalities to opt out, deprives local candidates of a meaningful opportunity to convey their messages to voters. This pushes the local races "to the bottom of an exceedingly long ballot," the claim states.

Furthermore, the law violates the Voting Rights Act to the extent that its framework will amplify disparities in political participation and exacerbate racially-polarized voting in communities marked by racial polarization, the lawsuit predicts.

New York's top court didn't see it that way.

On Oct. 16, a 7-0 decision by Judge Michael Garcia, the panel's lone Republican, described the legislation as a "neutral law which changes the timing of elections in a manner common to all voters, and imposes no form of restriction, burden, or limitation on voting."

Garcia's opinion noted that the state constitution grants significant power to counties over the nature and function of their local offices, but ultimately, the legislature remains the "preeminent sovereign" and is free to act with respect to matters of statewide concern, Garcia wrote.

A spokesperson for Hochul's office didn't immediately respond to a request for comment on Thursday.

After the Court of Appeals' decision upholding the legislation, Hochul called the decision "a victory for democracy and all New Yorkers," saying she "championed this legislation because I believe our state is stronger when more people have the opportunity to make their voices heard."

Based on the Court of Appeals decision, local elections will be moved beginning in 2026.

The law doesn't apply to elections for positions whose terms are set in the state constitution, such as town justice, district attorney, and family, county and surrogate court judges. Nor does it apply to elected offices in New York City.

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Verdicts & Settlements

CONSTRUCTION ACCIDENT

Construction Worker Injured After Container Crushed Foot

Settlement: $775,000

Justin Cook v. 85 Jay Street (Brooklyn), LLC, CIM Group, LP, Jay Street Associates LLC, New Line Structures, Inc., and New Line Structures & Development LLC, No. 517194/2020

Court: Kings Supreme

Plaintiff Attorney(s): Howard G. Frederick; The Platta Law Firm, PLLC; New York NY for Justin Cook
Defense Attorney(s): Nicolas J. Sciarrino; Pillinger Miller Tarallo, LLP; New York, NY for 85 Jay Street (Brooklyn), LLC, CIM Group, LP, Jay Street Associates LLC, New Line Structures, Inc., New Line Structures & Development LLC

Facts: On Aug. 1, 2020 plaintiff Justin Cook, 37, a construction worker, was on site at 85 Jay Street, Brooklyn, working for Property Management Corp. He was assigned to pick up debris and place it in containers to be taken off site. Cook had loaded a four foot high metal container with debris and moved it down a ramp with a 14 inch elevation, to an area where it could be emptied. Cook claimed to have heard a cracking noise as the ramp buckled causing the container to fall on his left foot, causing fractures to his foot as well as injuring his back.

Cook sued 85 Jay Street (Brooklyn) LLC, CIM Group, L.P., Jay Street Associates LLC, New Line Structures Inc. and New Line Structures & Development, LLC, for negligence of the defendants, their agents, servants and/or employees, in the ownership, operation, direction, supervision, possession, control, construction, rehabilitation and/or alteration of the premises and failing to provide plaintiff with a safe place to work, arguing that the defendants had violated section 200, section 240(1), of the New 241(6), York Labor Law, as well as the Industrial Code of the State of New York.

The defense argued that the plaintiff had failed to take reasonable steps to avoid or mitigate his injuries, that the defendants had no control of the situation, that the ramp which allegedly caused the injuries, was not being used for its normal purpose.

Injury: Cook suffered a crush injury to left foot, a fractured hallux, a comminuted fracture of the distal phalanx, consisting of fractures of the medial and lateral aspects of the distal tuft of the first distal phalanx and an intraarticular fracture of the lateral aspect of the base of the first distal phalanx, both on his left big toe, requiring surgery and herniated disc L4-L5. Cook claimed it rendered him sick, sore, lame and disabled, unable to return to his usual occupation and causing a sustained loss of wages into the future.

Result: A settlement in the amount of $775,000.00 was reached two days before trial was to begin.

Trial Information:
Judge: Devin Cohen
Trial Length: 0
Trial Deliberations: 0
Jury Composition: 4 females and 2 males

MOTOR VEHICLE

Taxi Collided With Tractor-Trailer on Expressway

Settlement: $500,000

Umar Hayat v. Luis Gonzalez and Truck Rite Distribution Systems Corp., No. 516343/2019

Court: Kings Supreme

Plaintiff Attorney(s): Michael Biniakewitz; Khavinson & Associates P.C.; New York NY for Umar Hayat
Defense Attorney(s): Timothy McCarthy; trial counsel, Cheven Keely & Hatzis; New York, NY for Luis Gonzalez, Truck Rite Distribution Systems Corp.

Facts: On June 10, 2019, plaintiff Umar Hayat, 49, taxi driver, was driving a taxi on the I-278 Brooklyn Queens Expressway at 30th Avenue, Queens, when the vehicle collided with the side of a tractor-trailer driven by Luis Gonzalez. Hayat injured his shoulder, knee and back, which he attributed to the collision.

Hayat sued Gonzalez, alleging negligence while operating a motor vehicle, as well as Gonzalez's employer and the truck's owner, Truck Rite Distribution Systems Corp., alleging the business was vicariously liable for Gonzalez's actions.

Defense contended Hayat moved into Gonzalez's lane without noticing the tractor-trailer, thus causing the crash.

Injury: Hayat sustained a 30% partial-thickness tear of a shoulder's superior labrum from anterior to posterior (also known as a SLAP tear). He also sustained a tear of a knee's meniscus, a tear of a shoulder's rotator cuff and a herniated lumbar disc at the L4-5 level.

Hayat underwent arthroscopic surgery, a lumbar discectomy, received epidural injections and did six weeks of physical therapy.

By the time of the trial, he was walking with a cane and only occasionally working.

Result: The jury found Gonzalez and Truck Rite Distribution Systems Corp. to be negligent.

The parties negotiated a settlement before the damages portion of the trial. Countrywide, the insurance company for Truck Rite Distribution Systems Corp. agreed to pay Hayat $500,000

Trial Information:
Judge: Anne J. Swern
Trial Length: 4 days
Trial Deliberations: 35 minutes

MOTOR VEHICLE

Broadside Collision After Running Stop Sign

Verdict: $300,000; Actual Award: $200,000

John L. Lucchese and Cacique S. Brown v. Kaylee Camay Baus and Kimberly C. Viteri, No. 727719/2021

Court: Queens Supreme

Plaintiff Attorney(s): Joshua D. Gropper; Joshua Gropper; New York NY for John Lucchese,, Cacique Brown; Peter . Kolp; Kolp Law; Brooklyn NY for John Lucchese,, Cacique Brown
Defense Attorney(s): Jodi M. Nyear; James F. Butler & Associates; Jerico, NY for Kaylee Baus, Kimberly C. Viteri

Facts: On June 30, 2020, plaintiffs John Lucchese, 33, a deli clerk, and Cacique Brown, 42, were traveling down 150th Street, approaching its intersection with 17th Road, in Queens, when a Mazda SUV driven by Kaylee Baus entered the intersection and collided with the plaintiffs' vehicle while making a left turn. Both Lucchese, who was driving, and Brown, who was in the passenger seat, sustained neck and back injuries, which they attributed to the collision.

Lucchese and Brown sued Baus, alleging negligence while operating a motor vehicle, as well as the vehicle's owner, Kimberly Viteri, alleging vicarious liability.

The plaintiffs' counsel argued that the collision was caused by Baus running a stop sign, without yielding the right of way.

The defendants admitted liability.

Injury: Both plaintiffs claimed the collision resulted in their suffering serious and permanent injuries which would impair their ability to work and enjoy life.

Lucchese was diagnosed with a herniated C5-6 with bilateral radiculopathy at C5 and C6-7, a herniated C7-T1, a bulge at C6-7 and nerve damage to both arms and legs. He received cervical and lumbar epidural injections for pain relief. He underwent physical therapy, which he was still attending by the time of the trial. Lucchese claimed to have a 25-pound lifting limit imposed by a chiropractor.

Brown claimed a herniation of C3-4 with impinging on the thecal sac, herniated C4-5, C5-6, L3-4 and L4-5. Additionally, Brown sustained a left knee meniscus tear, partial ACL and MCL tears and a left shoulder partial tear of the supraspinatus tendon and the anterior labrum. Both plaintiffs claimed ongoing pain, physical limitations and inability to return to pre-accident work or recreational activities.

They sought damages for past and future medical expenses, pain and suffering and loss of enjoyment of life.

Defense counsel contended that the plaintiffs did not sustain a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). Specifically, the defense contested the nature and severity of the plaintiffs' injuries, disputing whether they were "serious" or "permanent" under the New York law.

Result: The jury awarded $125,000 to Lucchese and $175,000 to Brown, for a total gross verdict o f $300,000.

Pursuant to a pre-trial high/low agreement, the plaintiffs would each receive $100,000, resulting in a total recovery of $200,000.

Trial Information:
Judge: Frederick D. R. Sampson
Trial Length: 1 days
Trial Deliberations: 70 minutes
Jury Composition: Jury consisted of three women and three men.

MOTOR VEHICLE

Pedestrian Alleged Taxi Struck and Injured Him

Verdict: $240,000; Actual Award: $100,000

Gerard Franklin v. "John Doe", defendant's real name being unknown, Massa Singh, No. 706348/2018

Court: Queens Supreme

Plaintiff Attorney(s): Peter W. Kolp; Peter W. Kolp, P.C.; Brooklyn NY for Gerard Franklin
Defense Attorney(s): Richard E. Noll; The Noll Law Firm, P.C.; Syosset, NY for John Doe, Massa Singh

Facts: On May 20, 2015, plaintiff Gerard Franklin, 41, who distributed newspapers, was on the corner of the sidewalk at Queens Boulevard and 71st Street, Queens, when he was allegedly struck by a side view mirror of a taxi driven by Massa Singh. Franklin claimed he injured his back.

Franklin sued Singh and John Doe for negligence while operating a motor vehicle. Franklin claimed to have spoken with Singh after the accident, but Singh denied any conversation took place.

The defense argued that Singh's vehicle never struck Franklin. Furthermore, the defense alleged that Singh was parked, left with passengers and heard about the alleged incident afterward.

The matter proceeded to a summary jury trial.

Injury: Franklin sustained a herniated disc at T11-12 and bulging discs at L3-5. He has done physical therapy, acupuncture and epidural injections.

Franklin describes ongoing pain within » Page 10

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Perspective



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Manhattan Civil Court, 111 Centre St., left and Criminal Court, 100 Centre St.

At the Start: Learning the Ropes

By **David B. Saxe**



I was elected to the Civil Court in November 1981 and took office in January 1982 and quickly became acquainted with my colleagues elected that same year from Manhattan—Harold Tompkins and Karla Moskowitz. Harold had been elected from the 6th Municipal Court District, adjacent to the 9th Municipal Court District from which I was elected. Even though the Civil Court was consolidated from the various Municipal Courts in the 1960's by statute, judges were still elected from the old Municipal Court districts that actually housed separate district courthouses in days past.

Harold was a well-dressed, handsome man, formerly an Assistant Attorney General under the fabled Louie Lefkowitz and married to a wealthy, Jewish socialite, (Frances) originally from West Virginia who actually hired a decorator to fix up Harold's chambers at the Civil Court building at 111 Centre Street. When it was completed, it was a thing of beauty with leather inlays in abundance, a beautiful rug and a soft, comfortable couch with matching chairs that stood in stark comparison to the court-issued furniture that adorned my chambers. Harold and I became friends or at least as friendly as those placed in competition could be.

> Being a judge is actually quite a lonely, isolated job… The lunchroom offers a sense of normalcy.

My other colleague, Karla Moskowitz came out of the Village Independent Democratic ("VID") Club, a reform club that had been at the forefront of deposing then Tammany Hall Boss Carmine DeSapio. Karla had been elected to a countywide Civil Court seat without opposition. Both Harold and I were involved in brutal Democratic primaries in order to obtain the Democratic banner which in New York County (Manhattan) was usually tantamount to victory.

Around this time, the Civil Court in New York County was home to a number of what I would term activist judges brimming with the ambition of incorporating their views of social justice into the prevailing and often constrained dogmas of the common law.

Many of these judges had matured during the frenetic period of anti-Vietnam war demonstrations, the Civil Rights movement of the 1960's and the growing feminist movement. Many of them had previous careers in legal service organizations and some of them had been affiliated with so-called reform Democratic political clubs on the West Side of Manhattan and Greenwich Village that began to dot the political landscape during the 1960's as an antidote to the old Tammany-style political organization that had ruled Manhattan politics.

Some of my new colleagues, aside from Karla and Harold, in no particular order were Stanley Sklar, Kristen Booth Glen, Elliot Wilk, Carol Arber, Budd Goodman, Diane Lebedeff, Emily Jane Goodman, Lester Evans, Margaret Taylor, Ira Gammerman (he and Margaret were married), Shirley Fingerhood, Helen Freedman and a few others that I can't remember at this moment. Many of them carried a view of society that by today's terms would render them progressive; a few might even be considered woke!

There was also a sizeable group of judges on the Civil Court who were not comfortable with the progressive wing of jurists. They came mostly from the Lower East Side and Harlem. But the progressive group got the most attention and made the most noise.

Although many had distinctive personalities and were intellectual achievers, two from this group stand out in my memory. Kristin ("Kris") Glenn was a brilliant, dazzling blond superstar who often wore a violet-colored robe on the bench where she showcased flowers in a vase. She was instrumental in developing Article 81 of the Mental Hygiene Law which modernized the law of personal and property guardianships. Had the Republicans not taken over the statehouse in Albany under Governor George Pataki, I have no doubt that Kris would have wound up at least on the Appellate Division, First Department or perhaps the Court of Appeals but she must have been persona non grata to Governor Pataki. Instead, she took a detour from the court system to become Dean of CUNY Law School and later returned to the court system as a Surrogate in New York County.

Judge Ira Gammerman, also a brilliant jurist was the other. He was a masterful trial judge who often helped the parties present their case with his incisive questioning and participation. He had been a successful trial lawyer himself and had the ability to isolate the crucial points of a case.

Of course, some lawyers resented his "participation" saying he abused his role as a neutral judge. On balance, I think the criticism was largely undeserved because Ira didn't allow lawyers to muddy the record with time-consuming irrelevances. Ira always called me "kid." When I was later on designated to the Appellate Division, First Department, he was one of the first to call to congratulate me and said, "Don't forget, whatever you do up there, don't stay me."

Ira and Kris were already doing Supreme Court work so weren't really around to hear the hectoring of the two Landlord-Tenant stalwarts, Margaret Taylor and Lester Evans. Civil Court was all about landlord-tenant practice and the judicial ringleaders who promoted a decidedly pro-tenant, anti-landlord advocacy were Taylor and Evans. Many other judges quietly but obediently followed, some out of similar convictions, some out of trepidation about being confronted at lunch or at a public meeting by the sharp tongues of those two.

Margaret was very aggressive in initially finding out where a judge stood on the important landlord-tenant issues of the day and she could make life difficult for the "offending" judge. For example, she declared war on Charlie Ramos, a decidedly conservative but down-the-middle Civil Court colleague, whose family had escaped Castro's Cuba. Regarding Margaret's increasing war against Charlie was her attempt to pigeon-hole Charles as being Jewish since that would make his possible Supreme Court ascension more difficult as he would be thrown into competition with a bunch of Jewish colleagues including myself, Justice Louis Friedman and Harold Tompkins. As a Latino candidate, Charlie was all alone with no competitors. He was forced to pen a public response to Margaret's "calumny" denying her allegations but publicly exclaiming his great respect for the Jewish Community.

Lester Evans, admittedly a scholar of the intricacies of Landlord-Tenant law was despised by landlords and their attorneys generally. I had appeared before him as an attorney on a number of occasions and although he was possessed of an encyclopedic knowledge of Housing Law, he had no equal in being demeaning and sarcastic to lawyers representing what he apparently thought was the wrong side in L&T litigation.

I particularly remember one of my very first cases sent to me for trial involved as the respondent-tenant Judge Evans himself who was being sued for back rent by his landlord. If I remember correctly his defense had something to do with what he claimed was the landlord's interference with his possession of a bicycle in his apartment. Normally, a rent case such as this one would be easy to settle but because the owner hated Evans with such a passion, it took Herculean efforts on my part to convince the owner's attorneys, who would have had to appear before me frequently in the future, that I was not going to preside in my first L&T trial over the eviction of one of my colleagues.

Margaret Taylor's question put to new judges—a policy question, was whether you would hold inquest hearings on non-payment proceeding defaults or simply issue a final judgment of possession based upon the default, from which a warrant of eviction would issue. Many of my colleagues would hold inquest hearings following the tenant's default on the original date when the tenants' appearance was required in the cavernous Landlord-Tenant Courtroom.

At those inquest hearings, the landlord was required to produce its process server to demonstrate that the process was actually served on the tenant rather than simply tossed away, an illegal event termed "sewer service." The landlord was also put to the test of proving that all predicate notices were compiled with.

It was hard to fault the good intentions of these colleagues—in fact, it was a laudable goal. However, the judges who were involved with this inquest procedure found that it was taking up the great bulk of their court time to the detriment of other assignments. I demurred from invoking this inquest procedure along with a sizable group of other Civil Court Judges. I felt that a great many of the problems that my colleagues were trying to address would be solved when the tenant received the mandatory three (3) day notice of eviction prior to the Marshall taking any action and would quickly return to court to obtain a pro se order to show cause with a restraint on eviction until the underlying issues involving non-payment of rent were solved as they usually were, by a stipulation of settlement permitting the payment of rent arrears over an extended period of time. If you were a member of this faction, Margaret Taylor, Lester Evans and a few others considered you an enemy of the state.

I was not one of those judges caught up in this warfare. It was no secret that these pro-tenant, colleagues of mine, had emerged from the left-leaning New York County Democratic Party—Screening Panels, created and largely influenced by political activists like, for example, lawyers Victor Kovner, Stanley Geller and other West Side judicial reform-activists like Jerry Koenig and Mary Geisman.

Around the courthouse, Kovner (always referred to as just Victor) was seen as a bit of a demi-god due to his perceived ability at judge-making. He was on his way toward becoming a noted First Amendment litigator and I remember his sonorous voice and ten-gallon cowboy hat that set him apart. A politically centrist candidate like me and other like candidates had little chance of being » Page 10

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Update

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ring over 20 years of operating expenses that could otherwise have been distributed to the distributees had the property been sold sooner.

Based on the record and its review of the accounting, the court found that the petitioner breached her fiduciary duties throughout her tenure as evidenced, most particularly, by her failure to maintain clear and accurate books and records of her stewardship.

> Additionally, the court observed that the fiduciary invested estate funds in an ordinary or low-interest checking account for the initial period of her stewardship, and thereafter, failed to earn any interest on estate funds in violation of the Prudent Investor Act.

To this extent, the court pointed to various discrepancies and missing information in the schedules of petitioner's accounting, including substantiation of the expenditures that she repaid to herself without prior court approval. As a consequence, the court found that petitioner's reimbursement to herself was improper and directed that the funds be restored to the estate.

Further, the court found that petitioner's advance payment of commissions to herself was improper, and that her multifaceted misconduct provided ample grounds for denying her commissions entirely. Petitioner was therefore directed to restore the advance payment to the estate.

Additionally, the court observed that the fiduciary invested estate funds in an ordinary or low-interest checking account for the initial period of her stewardship, and thereafter, failed to earn any interest on estate funds in violation of the Prudent Investor Act.

While the court noted that petitioner's conduct in delaying the sale of the estate property was also imprudent, it denied the objectant's request for damages on this issue due to her failure to provide the date by which the petitioner could reasonably have been expected to sell the premises.

On the other hand, the court found that the dissipation of estate funds to address the housing needs of the decedent's son was prejudicial to the objectant, who would have otherwise had use of the funds had the property been timely sold. The court held that the remedy for the impartiality exhibited by the petitioner would be a reallocation of estate distributions to equalize the benefits between the decedent's son and the objectant.

Finally, the court found that the petitioner had engaged in self-dealing by procuring an SBA Loan for her personal benefit and then repaying the loan using estate funds. Applying the "no further inquiry" rule, the court set aside the payment of the loan by the estate, and surcharged the petitioner accordingly. *In re Militello, 2025 N.Y. Misc. LEXIS 2143 (Sur. Ct. Ulster County).*

Appellate Division Weighs In On Contested Accounting

Before the Appellate Division, Fourth Department, in *In re Metz,* was an appeal from order of the Surrogate's Court, Erie County, which, in part, dismissed the objections to the petitioner's accounting. Petitioner commenced the underlying proceeding for the judicial settlement of his account as the decedent's attorney-in-fact. Objections were filed to the account, and the Surrogate's Court dismissed the objections, in part. The Appellate Division modified the Surrogate's order.

Objectants first claimed that the petitioner's account, which commenced in 2010, was incomplete because it did not cover the full period of petitioner's stewardship. The court agreed.

The petitioner testified that in 2008 he transferred and then liquidated one of decedent's investment accounts in his role as decedent's attorney-in-fact, and documentary evidence established that petitioner was also acting as decedent's attorney-in-fact when he liquidated one of decedent's annuities in 2009.

Although the court noted that the scope of an accounting lies in the discretion of the Surrogate's Court, it concluded that petitioner's account should be amended in order to cover the years 2008 and 2009 , and modified the Surrogate's order accordingly.

Objectants next argued that the Surrogate erred in failing to surcharge petitioner for 12 cashier's checks totaling $58,000 that were withdrawn from decedent's savings account and deposited into petitioner's account.

The court found that petitioner failed to satisfy his burden of proof with respect to the cashier's checks inasmuch as the account and his testimony had not substantiated any expense of decedent relating to the checks. Thus, the court further modified the order by directing an additional surcharge of petitioner in the amount of $58,000.

Objectants further claimed that petitioner, in breach of his fiduciary duty to decedent, engaged in self-dealing when acting as decedent's attorney-in-fact by managing her assets in a way that frustrated her estate plan to his benefit.

The court agreed noting, in particular, that in determining which of the decedent's assets to liquidate, petitioner looked first to those assets in which he had a lesser interest as beneficiary and then transferred portions of those liquidated assets into accounts that he held jointly with decedent. The court therefore modified the Surrogate's order by sustaining the subject objection, and remitting the matter to the Surrogate's Court to determine an appropriate surcharge.

Finally, contrary to objectants' contentions, the court concluded that the Surrogate did not abuse her discretion by declining to award either attorney's fees or pre-judgment interest on the surcharge, although it did not preclude such an award on remittal.

Further, the court concluded that the Surrogate did not abuse her discretion in denying objectants' post-hearing motion to reopen the record. *In re Metz, 2025 N.Y. App. Div. LEXIS 2802 (App. Div., 4*th *Dept).*

AI Bets

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Reserve more likely to ease rates than tighten them in the near term, the bubble could grow even larger before ultimately bursting.

In an op-ed for Fortune earlier last month, Jeffrey Sonnenfeld and Stephen Henriques of the Yale School of Management outlined these three scenarios for how an AI bubble could burst:

A handful of companies with interconnected investments come to dominate artificial intelligence, and when one fails to achieve its AI ambitions, their interdependence causes a cascading collapse.

The fragmented nature of AI regulation fails to prevent an AI model from going rogue, wreaking havoc that leads to calls for a moratorium on similar models.

A disruptive advancement on another front, such as quantum computing, takes the glow off AI, shrinking the value of investments in the technology.

Outside counsel are advising companies that will be reporting earnings in the coming weeks to be ready for increasingly skeptical questioning. Management teams will need to provide more detailed financial justifications for their AI spending, including specific use cases, revenue projections and return-on-investment metrics.

The companies that can articulate compelling AI strategies with clear paths to profitability may earn continued investor support. Those that cannot may face mounting pressure to scale back spending.

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Off the Front

Bragg

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major felony stats remain higher than pre-pandemic levels.

Post-discovery reform, prosecutors across the city struggled with case dismissal rates, including the Manhattan DA's office. State data shows conviction rates in the borough for both felonies and misdemeanors are down between 2022 and 2024. Bragg said a recent change in the law should show up in the dismissal data soon.

During his term, the office has both won and lost high-profile cases, including the conviction of then-former President Donald Trump for falsifying business records and the acquittal of former Marine Daniel Penny, accused of fatally choking a mentally ill man on public transit.

Since taking office, Bragg has been personally, repeatedly, verbally attacked by Trump and his supporters. Bragg was criticized by some when he declined to move forward with an investigation into Trump after becoming DA, and criticized again when the office brought the business records case against Trump in 2023. Trump, in recent month,s has been accused of weaponizing the Department of Justice against perceived political foes, including fellow New York prosecutor Letitia James.

Bragg told the New York Law Journal and Law.com he was not aware of any federal investigations into himself. He declined to comment on the subject further.

The 52-year-old is running on the Democratic and Working Families Party line. The New York City Bar Association rated him "approved" for the job. His opponents are Republican/Conservative candidate Maud Maron and independent candidate Diana Florence, who is running under the line "A Safer Manhattan."

The below was lightly edited for length and clarity.

New York Law Journal: Your opponents, Maud Maron and Diana Florence, are still actively criticizing the 'Day One' memo. What policies and procedures in that memo are the office still following?

Alvin Bragg: I issued a memo two days later. It was making clear, underscoring what was in the [Day One] memo about discretion. At this point now, we have almost a four-year body of work which shows what we're doing, which has been informed by training and iterative policy-making based on what we see. The result of that is shootings are down 66%, homicides are down 48 %, gun prosecutions are up, and shoplifting prosecutions are up. That's what the office is doing. And I think we're seeing the results of that, particularly on violent crime, but also on things like shoplifting, where that's trending in the right direction, down, as well.

Q: The office has focused a lot on mental health and diversion, or alternatives to incarceration. Critics like to say that that is one of the reasons there are such high rates of recidivism. Do you think that's correct? And are the programs working?

A: The data makes clear that that is not correct. We have used our problem-solving courts as part of our public safety strategy. The data makes clear that the graduates of those courts are arrested at a lower rate than those returning from state prison. We're talking about re-arrest rates. Not even conviction, but re-arrest rates [are] lower than folks returning from state prison.

So, it is one part of our strategy. Obviously, we're making those decisions in conjunction with clinicians and with approval by the court. But it is certainly working, and I think we see it when you look at the crime-stat data, and where everything is trending in Manhattan.

Q: There are people in Manhattan who don't feel safe, and your critics cite your policies. What steps are you taking to address those fears?

A: We are, every day, focused on enforcement and, in court, seeking accountability. For the last few weeks, [the office] saw significant accountability for a train of violence: a sentence of 18 years, another sentence of 10 years, another sentence of 10 years. We have more prosecutions in our hate crimes unit, more gun prosecutions. So, we're doing that. Importantly, we're also complementing that with advocacy in Albany. We helped lead the charge to get the discovery law changed. We saw 20,000 dismissals [of cases due to discovery violations] citywide, and a lot of that [was] affecting parts of our docket where we see recidivism.

That law went into effect August 7, and we're already starting to see a change in court rulings on cases not being dismissed. I think certainly, by early next year, the public will start to see public safety benefits of that. And we're also really using our prosecutorial resources, in a very smart way on recidivism.

When I came into office, 18% of those arrested for shoplifting accounted for 45% of the arrests. So, we looked at that group, and we put in trackers in our system to make sure that people who were repeatedly shoplifting were getting additional scrutiny and additional focus from our prosecutors. We're also utilizing the white-collar resources of the office, so not only doing some of the day-in, day-out prosecutions, we're also going to – for example, in shoplifting, follow the money, if you will.

We're set to begin a trial relatively soon on a $1 million fencing operation. If you can shut down the places where the stolen goods are being sold, that's another way to approach shoplifting. So those are the approaches we're using on recidivism.

We started a small business alliance shortly after I was in office. I walked with one of our co-chairs a short while ago, maybe two weeks ago, a major artery in Washington Heights and talked to store owners, and heard directly from them about the progress we're making. So, we plan to continue to expand upon those efforts. But we are seeing, and we're out talking to everyday New Yorkers, store owners who we are partnering with, and seeing the benefits. I'd also say, on the issue of shoplifting, given the discovery law concerns and issues that we got changed, we started focusing on trespass affidavits, which allow us to put on a more streamlined case and move cases forward notwithstanding the old discovery law.

Q: One of the direct allegations that I've heard repeatedly has to do with the DANY data portal on the website, which is down and appears to have been down for almost a year. Critics claim it's because the office is embarrassed about dismissal rates. Is that true?

A: No. Not at all. We have a very good data analytics team that was concerned about the lack of data narratives and context, in terms of whether [the data] was showing an accurate picture. You still have the DCJS data and other data that shows the office compared quite favorably to other jurisdictions. But we wanted to make sure we were giving accurate depiction, and that work is ongoing. I have a lot of confidence in our data analytics team to get that work done in a way that will present accurate, comprehensive data to the public.

Q: I know this is not a favorite area of question of yours, but we've seen in recent weeks, the DOJ is indicting perceived enemies of President Donald Trump. Are you aware of any federal investigations into you?

A: I'm not going to address—I'm not aware—but we're focused on the work we're doing. You were correct in the preamble to your question. It's not my favorite question, in large part, because I feel like the work of the office should get primacy. We're continuing to do the work, and that's where we're supposed to be.

Q: Another federal question: I wanted to ask you about ICE in the courthouses. Do you think ICE belongs in 100 Centre? And what are you doing to protect undocumented victims and complainants?

A: We drafted a multiple-committees office amicus brief in a state court lawsuit that's challenging our state law that does not allow for those kind of enforcement actions in the courthouse. I believe very strongly that, as the amicus brief spells out, that for public safety of New Yorkers, we need everyone to feel comfortable to report crimes that happen to themselves or to report crimes they witness. It's an important part of public safety to ensure that anyone with information about a crime or any victim of a crime feels comfortable coming forward to the courthouse, reporting crime, testifying in court. It is essential to public safety. We are out in communities, myself and our community partnership unit, letting everyone know that the office's standing policy is not asking about document status.

We're also, actively, through our Immigration Affairs Unit, our Worker Protection Unit and our Tenant Protection Unit, doing cases where we're seeing heightened issues; people looking to exploit people they believe are not documented. We will be proceeding as we have historically.

Q: Discovery reform laws have made your job, the job of prosecutors in your office, significantly more complicated, and put a number of burdens on the office that weren't there before. What do you feel that people -- the public, the defense bar -- don't understand about discovery reform or about the current burdens on your office?

A: I think at this point, after the changes August 7, we're starting to see cases that would have previously been dismissed going forward. So, to talk about, maybe, why that change was so important. We were seeing cases where evidence that was belatedly, but in good faith turned over; that was inculpatory, it showed guilt, it strengthened our case. And we said, the remedy is to just let us say we can't use that evidence. That is, in my experience, the remedy that is most apt, is to exclude the evidence. And some courts were holding that they were constrained, required to dismiss cases.

And so what does that mean? That means that, in some parts of our domestic violence docket, that there was no accountability, or our shoplifting docket, when you have a matter that doesn't go forward, it doesn't get adjudicated, the person obviously remains, out and then are in our neighborhoods and able to recidivate.

I was happy to go to Albany repeatedly and to engage in this issue and to talk to the legislature about my concerns. I'm grateful that they did this and they heard us out, and they changed the law. I'm thankful to the governor for making clear that it was a priority issue that needed to be addressed.

Q: Looking back on your first term, what are some achievements of your office that you are proud of?

A: Shootings are down 66%, from before I took office, so essentially back to pre-pandemic levels. I'm proud of that outcome. I'm proud of the strategic and intelligence-driven prosecutions focusing on retribution, focusing on people who are driving violence with the NYPD and our other law enforcement partners. And our strategic investments in communities, that's how we got that number. I'm also very proud of our expansion of our Survivors Services. Emergency Services with victims are up more than 250%. We expanded the resources and the role of our advocates and counselors. We get that feedback from victim families and victims and survivors, and that's quite important.

Q: What are some of the biggest challenges facing your office right now?

A: So the challenges, I would say, unless you're asking about kind of internal management, is the work I just talked about. The mental health that we see, kind of the external challenges what we see as our as our north star of what to address: mental health, instability and quality of life, violent crimes, the shooting and homicide stats that I gave you.

We'll obviously continue that work, but the quality of life, much of which is driven by mental health. We went up last year and advocated for it, got the SUPPORT Act passed, which speaks to people who had been found mentally not fit to proceed to trial. But it wasn't funded at the level that we were seeking. So, we'd like to get that funded. That, we think, would cut into recidivism and assaults.

In some of the challenges the office will really continue to lean in and expand. In some cases, that means getting additional funding. Sometimes it may be internally, kind of leveraging things we've already done like streamline and knocked down silos with our trial division practice, instead of the folks who are responsible for the mental fitness work. So it's continuing to work on issues like that, expanding those initiatives to focus on mental health.

Q: What haven't we discussed? What is something that you'd like to talk about that we haven't touched on, that you think is important to communicate?

A: I mentioned the housing and worker protection units, but our broader, white-collar practice. In the last four years—I think we've been the only office in the country—we tried two terrorism cases, one involving crypto financing organizations in Syria. We've focused a lot on the movement of money through some new technologies that we alleged, we proved, we got convictions for, were used to underwrite street crimes. So, using our white-collar tools to address drug trafficking, gun trafficking, identity theft. I think that's one thing that is singular about the Manhattan District Attorney's Office in terms of history. So, I would, I would note that as well.

Q: So the final question, unless you happen to have more time: You've lived now, for four years, with a lot of public scrutiny. But I did want to ask, is there anything that you know people that don't know about you? Perhaps you have a hobby, or a secret pet? That sort of thing.

A: No pet. I think I may be one of the few people I work with who doesn't have dog. You know, it is hard to know what people don't know about me. I was with a group last night, and someone was noting that I teach Sunday school, which is something I've been doing for a long time. And I know I do it, but I find people, maybe that's not what they think of from a long-term prosecutor. So maybe people know that, or don't know that, but that's certainly something I've been doing for some time alongside other kind of youth initiatives, youth things I do.

Another thing that I think probably you know, but maybe other people don't know, is just how I've had some of the experiences growing up, but also, more recently, before coming into office that informed the work: Having a semi-automatic weapon pointed at my head, having a homicide victim on my doorstep, or more recently, that was when I was a child, more recently, having a multi-round shooting on my block two months before I took office and having to navigate my family past that crime scene. So just being now, a 52 years-along New Yorker, seeing a lot of this from very different perspectives. I've lived it, it is something I think some New Yorkers know but that they don't all know.

Q: Just to keep it lighter, what was the last movie you watched?

A: The last movie I watched?

Q: Or book you read?

A: I did watch Sinners with my wife, probably about a month ago. And I am currently reading All God's Children Need Traveling Shoes by Maya Angelou.

Q: Did you like Sinners? I saw it in theaters, and I thought it was great.

A: It was a good movie, but I think maybe I should have seen it in the movie theater. I think there were some dimensions that my home TV didn't catch.

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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.

Harris

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cial services superintendent for four years, leaving last month, and has now returned to Sullivan & Cromwell.

Sullivan & Cromwell co-chairs Robert Giuffra and Scott Miller said in a statement that Harris' addition to the firm is part of a broader effort at expanding its work in global financial markets.

Mitch Eitel, managing partner of Sullivan & Cromwell's financial institutions practice group, added in a statement that Harris' wealth of experience made her an attractive candidate. "Through her government roles, Adrienne has made a significant contribution to shaping global banking, insurance, asset management and other financial services and cryptocurrency developments and regulation," Eitel said. "She knows these areas incredibly well and will be a great resource for our clients."

In particular, the firm said Harris' experience with cryptocurrency development and regulation will be valuable to its financial services clients. Harris had a role in shaping much of the existing regulation on cryptocurrencies, the firm said, and was the first New York financial services superintendent to serve as a state banking representative on the federal Financial Stability Oversight Council.

Harris' move to Sullivan & Cromwell comes as many more government attorneys are returning to private practice than usual, a trend starting even before the last presidential election.

In a statement on her return to Sullivan & Cromwell, Harris said she is looking forward to collaborating once again with the S&C team, where she started her legal career.

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Wachtell

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make you competitive. Being strong in sectors and industries does that, and we have done that very well over the past four years or so," he added.

Ryan said that once the new partner joins, Sapezhnikov will play a role in expanding the firm's corporate department, though at a pace the firm sees fit.

Sapezhnikov has helped guide some of the most influential deals of the last several years, including the VMWare deal; Charter Communications in its $78.7 billion merger with Time Warner Cable; the $18.9 billion buy of CA Technologies by Broadcom; and Spectra Energy in its $28 billion merger of equals with Enbridge.

Sapezhnikov is at least the fourth partner to leave Wachtell this year, including two other partners who left for a rival firm. John Sobolewski and Zach Podolsky each left to practice at Latham & Watkins in February and June of this year, respectively. Meanwhile, David Shapiro, a partner at the firm for more than 25 years, left in March to become a senior official at the Commerce Department.

Sapezhnikov's exit highlights an unusual level of attrition within Wachtell's partnership ranks in 2025, especially partners heading to competitor firms. In comparison, in 2023, the firm lost one partner to a competitor law firm and two to in-house corporate legal departments.

Wachtell representatives didn't return messages seeking comment on this exit.

In a statement, Andrew Gilbert, chair of DLA's U.S. corporate practice, said Sapezhnikov has a track record of guiding clients through complex, high-stakes transactions across industries and borders. "His arrival is further testament to our commitment to delivering exceptional results for our clients, as we continue to expand our corporate, M&A, and finance practices," Gilbert said.

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Crypto

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Alan Rosenberg, a partner at Markowitz Ringel Trusty + Hartog in Miami, said the rare bankruptcy order highlights and reinforces the benefits of Chapter 15 proceedings. Rosenberg, who is a crypto bankruptcy expert not involved in the case, observed that "technology has essentially erased relevancy in most instances of geographical borders in business transactions."

"Insolvency mechanisms like Chapter 15 provide methods for foreign courts to work with U.S. bankruptcy courts to ensure that efforts to provide recoveries to creditors in insolvency proceedings are not stymied simply because of the existence of assets or transactions outside their jurisdiction," Rosenberg said. "Cross-border collaboration is what Chapter 15 is all about."

Joel H. Levitin, an attorney for Multichain and a partner at Cahill Gordon & Reindel, did not respond to a request for comment.

Multichain once operated as one of the largest cross-chain bridge protocols in the decentralized finance space, facilitating token transfers between blockchains. However, the platform collapsed in July 2023 following a massive hack that resulted in the loss of at least $210 million.

The order is centered around a dispute involving Multichain's joint liquidators, Bob Yap Cheng Ghee, Toh Ai Ling, and Tan Yen Chiaw, and a group of U.S.-based investment funds led by Newton AC/DC Fund L.P., Scallion Trading Ltd., and Stanton Street Capital Partners Inc., which have filed parallel litigation in federal court in Manhattan. The funds and Circle have agreed not to advance those claims before the U.S. court's recognition hearing scheduled for Nov. 18.

In the order, Jones found a "substantial likelihood" that the Singapore insolvency qualified as a foreign main proceeding under Bankruptcy Code § 1502(4), which entitled Multichain's liquidators to move for protection of the assets in the U.S. Jones ruled that the temporary relief was necessary to prevent immediate and irreparable injury to Multichain's estate and its creditors.

Jones also ordered Circle to continue blacklisting three Ethereum wallet addresses connected to hackers who allegedly stole USDC from Multichain ahead of the company's collapse. That's notable because Circle told the court that it maintained full dollar reserves backing all USDC in circulation, which is approximately $76.7 billion as of Oct. 23, and the blacklisting ensures that none of the stolen tokens can move through the blockchain.

"Absent Circle's continued blacklisting of the Hacker Addresses, there is a material risk that the Hackers may obtain access to the Stolen USDC," Jones wrote, "or that other parties in interest may succeed in asserting rights with respect to such assets outside of an orderly process designed to ensure that all eligible claimants have notice and an opportunity to recover from Multichain."

"Such acts could," Jones continued, "interfere with and cause harm to Multichain" and diminish the value of its assets and "undermine the petitioners' efforts to achieve equitable results for the benefit of all of Multichain's known creditors."

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Misconduct

« Continued from page 3

identification testimony." *Manson*, 432 U.S. at 114.

The Supreme Court stated that "if the indicia of reliability are strong enough to outweigh the corrupting effect of the police arranged suggestive circumstances, the identification evidence ordinarily will be admitted, and the jury will ultimately determine its worth." *Perry v. New Hampshire*, 565 U.S. 228, 232 (2012).

The court in *Perry* held that a criminal defendant may invoke the Due Process Clause as a "check on the admission of [an] eyewitness identification [only] when the *police* have arranged suggestive circumstances leading a witness to identify a particular person as the perpetrator of a crime."

Let's assume that a §1983 plaintiff alleges that police manipulation of an identification procedure violated his due process right to a fair criminal trial. It is well established that police misconduct with respect to an identification procedure is not itself unconstitutional, even if it leads the police to other evidence. *Manson v. Brathwaite*, 432 U.S. at 113, n.13; *Wray v. City of New York*, 490 F. 3d 189, 193 (2d Cir. 2017).

If the police put the results of the identification in a drawer, the manipulated identification would not harm the defendant and thus not violate his due process rights. *Blackman v. Jones*, 132 F. 4th at 525.

It is the admission of the evidence at trial against the defendant that *may* violate due process. In *Hensley v. Carey*, 818 F. 3d 646, 648-650 (7th Cir. 1987) the court explained that " [t]he]he procedural safeguards established in *Brathwaite* and *Stowall* protect only against the admission of the unreliable evidence at trial and [do} not establish a constitutional right to be free of suggestive lineups...

The rule against admission of evidence from unnecessarily suggestive lineups is a prophylactic rule to protect [the] core right... to a fair trial, and it is only the violation of the core right and not the prophylactic rule that should be actionable under §1983. " *Accord Good v. Carter*, 601 F. 4th 393, 398 (5th Cir 2010), *cert. denied*, 562 U.S. 840 (2010); *Alexander v. City of South Bend*, 433 F. 3d 550, 555 (7th Cir. 2005) (court rejected plaintiff's claim because plaintiff made no "effort to describe how the police identification procedures tainted his trial."); *Pace v. Des Moines*, 201 F. 3d 1050, 1055 (8th Cir, 2000).

Section 1983 plaintiffs who assert due process denial of fair trial claims stemming from the admission of evidence of a manipulated identification procedure typically also assert related claims, including: 1. Fourth Amendment malicious prosecution; 2. due process fabricated evidence; and 3. *Brady v. Maryland*, 373 U.S. 83 (1963) due process failure to disclose exculpatory evidence.

There may be some overlap in these claims. For example, a manipulated lineup may be the basis of an evidence fabrication claim. A *Brady* claim may be based on police failure to disclose the procedures and tactics used in the identification process. *Gallway*, 141 F. 4th at 425. *See also Clark v. Abdallah*, 131 F. 4th 432, 459 (6th Cir. 2025) (*"…Brady* materials need not appear in tangible form"). Nevertheless, each of these claims is a separate §1983 constitutional claim governed by a separate body of decisional law.

Galloway v. Cnty of Nassau, 141 F. 4th 417 (2d Cir. 2025) arose from Josiah Galloway's wrongful conviction for attempted murder. He was incarcerated for nine years before he was finally exonerated when new evidence implicated a different suspect in the shooting. The shooting victim gave the police a description of the shooter: 25-30 year old male, 5 ' 10" tall , short black hair, and a discernible accent. Galloway was 21 years old, 5' 5" tall, wore his hair in braids, and had no accent.

The detectives:

1. Coerced a friend of Galloway's into signing a statement falsely stating that Galloway had confessed to the shooting;
2. "[P]ut together two photo arrays each with the same photo of Galloway plus five fillers," which was shown to two witnesses, each of whom picked Galloway as the shooter. The second witness did so after a detective told him that a witness already picked out the right suspect.
3. Conducted a lineup in which the detectives seated Galloway on two phone books to make him appear taller, and had him (and the other "fillers") wear hats, which covered Galloway's braided hair. Two witnesses selected Galloway from the lineup, one of whom had earlier selected Galloway from the photo array.

Galloway's §1983 complaint included a denial of due process fair trial claim stemming from the "rigged" detective identifications. The district court denied the detectives' summary judgment qualified immunity motion, and the Second Circuit affirmed.

The circuit court found that the law "was clearly established that police officers violate the due process right to a fair trial if they rig witness identifications, coerce a witness to sign a fabricated inculpatory story, or ensure that the state withholds evidence of the same from the defense." *Galloway*, 141 F. 4th at 423 -424 (cting *Bermudez v. City of New York*, 790 F. 3d 368, 376 nn.3-4 (2d Cir. 2015)).

Judge Dennis Jacobs wrote the opinion for the circuit court in *Galloway*, joined by Judge Denny Chin. Judge Steven Menashi concurred in part and dissented in part.

We cull from the decision in *Galloway* the following important rulings:

1. A criminal defendant's due process right to a fair trial includes the right to be free from suggestive police identification procedures that create a very substantial likelihood of irreparable misidentification. "It was clearly established that police could not use identification procedures that are unduly suggestive *as to a particular investigation*, even if those same procedures would be textbook in another. '[I]t is the *likelihood* of misidentification' by the particular viewer 'which violates a defendant's right to due process,' not the method." *Galloway*, 141 F. 4th at 425 (cleaned up). For example "a lineup that includes only one short participant - the suspect - will be unduly suggestive only to a viewer who insisted that the perpetrator is short. [The *Galloway*] case presents the converse: a lineup that *hides* that the suspect is short is unduly suggestive to a viewer known to believe that the perpetrator is tall." 14 F. 4th at 425.

2. The law was "clearly established that identification methods bearing a 'likelihood of misidentification' of the accused violate due process, no matter their form - just as procedures without such a likelihood do not…. It is immaterial whether appearance is disguised by phone books, or by cigar boxes, or by pillows, or by hats, sheets, eyelashes, mustaches, or pimples. With enough artifice and disguise, almost anybody may be fingered." *Galloway*, 141 F. 4th at 427.

3. In evaluating the constitutionality of police identification procedures, courts do not consider the "'subjective intent, motives, or beliefs'" of the officers who conducted the procedures. (noting, however, that the information possessed by the officers "'is a part of the mix.'"). Whether an identification procedure was unduly suggestive depends "on objective features of the identification procedures and whether, in light of those features, the 'identification procedure was so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification.'" *Galloway*, 141 F. 4th at 431 (Menashi, J.) (citation omitted). *See also ibid.* at 431-32.

The officer's subjective intent is also irrelevant on the qualified immunity defense. *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). Although *Galloway* is a pro-plaintiff decision, §1983 claims based on suggestive police identification procedures typically present formidable challenges for plaintiffs' attorneys.

These claims are very fact intensive, which may make it difficult for the plaintiff to both establish a constitutional violation and overcome qualified immunity. The "fact specific" nature of both the constitutional merits and the existing precedent can make it difficult for the plaintiff to show that the police violated clearly established federal law. *Galloway*, 41 F. 4th at 430 (Menashi, J.).

Consider Judge Menashi's partial dissent in *Galloway*. He agreed with the court that police coercing a witness into signing a false statement, and withholding favorable evidence about identification procedures from prosecutors, violated clearly established federal law. But he disagreed with the court's conclusion that the photo arrays and lineup violated clearly established federal law.

Galloway's §1983 complaint included a denial of due process fair trial claim stemming from the "rigged" detective identifications.

He opined, *inter alia*, that for photo arrays post-selection confirmatory comments by the police are not prohibited, and that it is not unduly suggestive for the police to tell the witness that there is a suspect in the lineup. Judge Menashi stressed that even suggestive procedures are not unconstitutional if they are sufficiently reliable.

Given the differences between the circuit court's decision and Judge Menashi's partial dissent, it is apparent that different judges can have different views about whether police conduct concerning identifications violated clearly established due process law.

For decisions rejecting qualified immunity when the police carry out clearly unconstitutional identification procedure, *see, e.g.*, *Salter v. City of Detroit*, 133 F. 4th at 541-42 ("Based on binding precedent, a reasonable officer would have known that, under these circumstances, the single-person show-up would not produce a reliable identification. So its admission at [criminal] trial violated Salter's [clearly established] due process rights."); *Ramsey v. Rivard*, 110 F. 4th 860, 869 (6th Cir. 2024) ("Because a jury could find the show-up to be unduly suggestive and unnecessary and the resulting identification to be unreliable under clearly established law, the district court correctly found that [Officer] Rivard is not entitled to [qualified] immunity..."); *Geter v. Fortenberry*, 849 F. 2d 1350, 1559 (5th Cir. 1988) (police officer's procurement of a false identification by unlawful means violated clearly established constitutional law).

There are other potential obstacles for §1983 plaintiffs. While not before the court in *Galloway*, the absolute immunities and causation may well loom large in §1983 challenges to police identification procedures.

Immunities and causation were front and center in *Wray v. City of New York*, 490 F. 3d 189 (2d Cir. 2007). The court in *Wray* rejected the §1983 plaintiff's due process claim that was based on an allegedly unduly suggestive show- up . The circuit court reasoned that a suggestive identification procedure does not itself violate a criminal defendant's right to a fair trial, and that the due process violation comes about only as a result of the prosecutor's offering the identification testimony into trial and the state court decision allowing the evidence to be introduced. The prosecutor's presentment of the testimony is part of her advocacy function shielded by absolute prosecutorial immunity. *Imbler v. Pachtman*, 424 U.S. 409 (1976). The judge's decision is protected by absolute judicial immunity. *See,e.g., Pierson v. Ray,* 386 U.S. 547, 553-55 (1967).

An attempt to hold the police officer liable for allegedly giving false testimony in the state criminal trial would very likely be gobbled up by absolute witness immunity. *Briscoe v. LaHue*, 460 U.S. 325 (1983). *See also, Rehberg v. Paulk*, 566 U.S. 356 (2012) (absolute witness immunity encompasses grand jury testimony, preparation to testify, and an alleged conspiracy to give perjured testimony); *Blackmon v. Jones*, 132 F. 4th 502, 525 (7th Cir. 2025).

Municipalities do not enjoy either absolute or qualified immunity from compensatory damages, but it would be very difficult, to put it mildly, to establish a municipal policy or practice of suggestive identification procedures. *Wray*, 490 F. 3d at 195-96 (rejecting municipal liability inadequate training claim).

The actions of the prosecutor and judge are supervening causes that normally break the chain of causation and shield the police from liability. *Wray*, 490 F. 3d at 193 (§1983 "should be read against the background of [common law] tort liability that makes a [person] responsible for the natural consequences of his [or her] actions.") (quoting *Malley v. Briggs*, 475 U.S. 333, 345 (1986), in turn quoting *Monroe v. Pape*, 365 U.S. 167, 187 (1961)). *Accord Salter v. City of Detroit*, 133 F. 4th at 552 (Batchelder, J. dissenting) (even if the detective made a clear constitutional error, the acts of the prosecutor and state court were intervening actions that caused plaintiff's injury and "cut off" the detective's liability); *Blackmon v. Jones*, 132 F. 4th at 525("…an investigating officer is not responsible for the decisions of the prosecutor and the judge."). *See also Townes v. City of New York*, 176 F. 3d 138 (2d Cir. 1999) (on §1983 Fourth Amendment challenge to a search, actions of the prosecutor and the state trial judge broke the chain of causation and shielded police officers who conducted the search from §1983 liability).

The court in *Wray* recognized a causation exception for cases in which the police who carried out the identification procedure "misled or pressured the prosecutor or trial judge…." *Wray*, 490 F.3d at 193. *See also*, 490 F.3d. at 195 ("[I]n the absence of evidence that Officer Weller misled or pressured the prosecution or trial judge, he was not an 'initial wrongdoer.'") (quoting *Zahrey v. Coffey*, 221 F. 3d 342, 352 (2d Cir. 2000)).

Other circuit court decisions, too, have recognized that causation may not be an insurmountable bar. *Good v. Curtis*, 601 F. 4th at 393, 400 (5th Cir. 2010) (trial court's approval of the fabricated lineup may not have absolved the police officer who conducted it because the officer's failure to disclose that he manipulated the lineup or that the witness's resulting testimony may have been tainted "preserved the causal chain."), *cert. denied*, 562 U.S. 840 (2010); *Gregory v. City of Louisville*, 444 F. 3d at 748 ("The prosecutor's decision to use the identification does not shield [Officer] Tartar from liability if he reasonably should have known that use of the identification would lead to a violation of Plaintiff's right to a fair trial.").

The Seventh Circuit in *Blackmon v. Jones*, 532 F. 4th at 526 relied upon *Wray v. City of New York* to support its holding that qualified immunity protected investigating officers from personal liability under §1983 for conducting a suggestive lineup.

The court in *Blackmon* added to the already weighty "bucket of obstacles" facing §1983 suggestive identification plaintiffs. *Blackmon* relied in part on the holding in *Vega v. Tekoh*, 597 U.S. 134 (2022) that police violations of the *Miranda* warnings do not give rise to a §1983 claim for relief. The *court in Vega* held that "except in unusual circumstances, the 'exclusion of unwarned statements' should be a 'complete and adequate remedy' for a *Miranda* violation. *Vega,* 597 U.S at 152 (citation omitted).

The *Blackmon* court found that principle to be "equally true of eyewitness identifications potentially influenced by suggestive procedures." 132 F. 4th at 525. *See also Salter*, 133 F. 4th at 543 (concurring opinion) ("The protection against unduly suggestive identification procedures is, like *Miranda*, only a prophylactic rule that should not be actionable under §1983."). *Vega*, however, was based on the rationale that there is no *constitutional* right to *Miranda* warnings. There is a constitutional right not to be denied a fair trial from suggestive police identification procedures.

Despite the abhorrence of police manipulation of an identification procedure to secure a wrongful conviction, these §1983 damages claims are very difficult for plaintiffs to win. So much so that the Seventh Circuit recently said that it has "not found any appellate decision holding police officers liable in damages when judges allowed prosecutors to introduce suggestive identifications into evidence at trial." *Blackmon v. Jones*, 532 F. 4th at 526. Hopefully, *Galloway* is a step in the right direction.

Calendar of Events

TUESDAY, NOV. 4

NY City Bar (Non CLE)
Bar@theBar
6 p.m. - 8 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=BAR110425&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, NOV. 5

NY City Bar (CLE)
Hot Topics in Not-for-Profit Law: Best Practices for Navigating the DEI and Lobbying/Advocacy Landscape
2 p.m. – 5 p.m.
3 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB110525&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)
Coloring Outside the Law Series
Beyond the Runway: Fashion, Luxury & the Law
6 p.m. – 7 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=DEI110525&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

THURSDAY, NOV. 6

NY City Bar (CLE)
Small Law Firm Symposium
8:30 am - 4 p.m.
CLE Credit: Earn up to 4.0 CLE Credits
In-Person Registration Link: https://services.nycbar.org/SLF-Symposium/
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

FRIDAY, NOV. 7

NY City Bar (Non CLE)
Friday Evening Chamber Music at the Association
6:30 p.m. - 8:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=FECM110725&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

MONDAY, NOV. 10

NY City Bar (Non CLE)
Careers in Entertainment Law
6:30 p.m. - 8:30 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=NLI110525&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

THURSDAY, NOV. 13

NY City Bar (Non CLE)
vLex Fastcase - General Overview Webinar
2 p.m. - 3 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=FAS111325&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

FRIDAY, NOV. 14

NY City Bar (CLE)
Hot Topics in Advertising & Marketing Law
9 am - 1 p.m., 4 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB100125&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)
Senior Lawyers Chatroom
12 p.m. - 1 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=SEN111425&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

MONDAY, NOV. 17

NY City Bar (CLE)
Ethical Considerations of Third-Party Litigation Funding in Commercial Litigation
6 p.m. - 7 p.m.
1 CLE Credit
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB111725&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

TUESDAY, NOV. 18

NY City Bar (Non CLE)
Building New York Series
Real Estate Developers Edition: Affordable Housing Development
6 p.m. – 7:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=CON111825&mcode=NYLJ
Location: 42 West 44th Street
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, NOV. 19

NY City Bar (Non CLE)
That's a (Possible) Dealbreaker: Collectively Bargained Benefits
9:30 am - 10:30 am
Hybrid Registration Link: https://services.nycbar.org/EventDetail?EventKey=EBEC111925&mcode=NYLJ
Location: Zoom/42 West 44th Street, New York, NY 10036
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org
Alternative Legal Paths that Value Your JD
12:30 p.m. – 2 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=NLI111925&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

NY City Bar (CLE)
Contract Drafting - The Basics and Essentials: (Part 3)
12:30 p.m. – 2:45 p.m.
2 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB111925&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

THURSDAY, NOV. 20

NY City Bar (Non CLE)
vLex Fastcase - Small Firm, Big Deals: Corporate Law Practice with Vincent AI
3 p.m. - 4 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=FAS112025&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

FRIDAY, NOV. 21

NY City Bar (Non CLE)
vLex Fastcase - Efficient Searching Webinar
2 p.m. - 2:30 p.m., Zoom
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=fas112125&mcode=NYLJ
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

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Labor&Employment

New York **Restrictive Covenant** Update



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BY DAVID E. SCHWARTZ AND EMILY D. SAFKO

In recent years, several states have enacted statutes banning or significantly limiting an employer's ability to require an employee to enter into a covenant not to compete. On Feb. 10, 2025, Senator Sean Ryan introduced a bill (S4641) that, if enacted, would put New York in that category. On June 9, 2025, the bill passed the Senate and was delivered to the Assembly.

The bill would ban covenants not to compete other than those pertaining to highly compensated individuals and would require that an employer continue paying the former employee's salary during any period of enforcement. In 2023, Ryan introduced a bill that would have banned covenants not to compete in New York entirely, but Governor Kathy Hochul vetoed the bill in Dec.n 2023. Now, he is taking a second swing.

Senator Ryan's bill, if enacted, would ban employers from seeking, requiring, demanding or accepting a covenant not to compete from any employee or health related professional who is a resident of New York or who is employed in New York other than "highly compensated individuals."

The bill defines a highly compensated individual as any individual whose average annualized rate of cash compensation during the past three years is equal to or greater than $500,000, which amount shall be adjusted each year beginning in 2027 based on any increase in the Consumer Price Index for all Urban Consumers for New York state. Notably, the bill would require that an employer pay the highly compensated employee a salary during any period of enforcement of the covenant not to compete.

In addition to these limitations, any covenant not to compete entered into with a highly compensated individual who is not a health related professional must also meet the requirements for a valid covenant not to compete under the common law of New York. Specifically, the covenant must be reasonable as to time (which the bill provides can be no longer than one year), geography and scope, it cannot impose an undue hardship on the employee or harm the public, it must protect the employer's legitimate interests and it cannot be greater than necessary to protect the employer's legitimate business interests.

> The bill also makes clear that it does not apply to agreements providing for a fixed term or exclusivity during employment, prohibiting disclosure of trade secrets and confidential and proprietary client information or limiting solicitation of clients.

As with the statutes in several other states, a choice of law or choice of venue provision designating a state other than New York will not be enforceable if the individual was a resident of New York or employed in New York in the 30 days prior to the termination of the individual's employment. Employers would also be required to post notice of employees' rights with respect to covenants not to compete in an easily accessible and customarily frequented location.

The bill includes certain exceptions. Specifically, the bill would not apply to covenants not to compete entered into in connection with the sale of a business or the sale or disposition of a majority of an ownership interest in a business for (1) any partner of a partnership or member of a limited liability company owning at least 15% interest in such partnership or limited liability company or (2) any person or entity owning 15% or more ownership interest in a business.

The bill also makes clear that it does not apply to agreements providing for a fixed term or exclusivity during employment, prohibiting disclosure of trade secrets and confidential and proprietary client information or limiting solicitation of clients.

As to enforcement, the bill provides covered individuals with a right of action for violation of the statute, which shall be brought within two years of the later of: (1) when the agreement was signed; (2) when the covered individual learned of the covenant not to compete; (3) when the employment or engagement is terminated or (4) when the employer takes any step to enforce the prohibited agreement.

Upon finding a violation, the bill empowers a court to void the agreement and to award all available relief, including issuing an injunction, ordering payment of liquidated damages up to an amount of $10,000 and awarding lost compensation, compensatory damages, reasonable attorneys' fees and costs. The bill does not apply retroactively or void existing covenants not to compete.

Having passed the Senate on June 9, 2025, the bill was delivered to the Assembly Labor Committee for consideration. If approved by the Labor Committee, the bill will go before the full Assembly for a vote. For now, the landmark case, *BDO Seidman v. Hirshberg*, 93 N.Y.2d 382 (1999), and its progeny govern the enforceability of non-competition covenants in New York.

Generally, under *BDO Seidman*, a restrictive covenant in an employment agreement "is reasonable only if it: (1) is no greater than is required for the protection of the legitimate interest of the employer, (2) does not impose undue hardship on the employee, and (3) is not injurious to the public." New York courts have recognized the following four legitimate interests: (1) protection of trade secrets; (2) protection of confidential customer information; (3) protection of the employer's client base, and (4) protection from competition when an employee's services are unique or extraordinary. *See BDO Seidman*, 93 N.Y.2d at 389, 392; » Page 10

DAVID E. SCHWARTZ is a partner at Skadden, Arps, Slate, Meagher & Flom. EMILY D. SAFKO is a counsel at the firm. MICHAEL IADEVAIA, an associate at the firm, assisted in the preparation of this article.

The **Rocky Road** to Redemption

BY PAUL TOWNSEND

The recently passed Clean Slate Act is a much needed first step towards criminal justice reform in New York State, but much more is required to provide substantive relief for deserving individuals

When Governor Kathy Hochul signed the act into law last November, New York signaled an understanding that its prior post-conviction relief attempts have not achieved enough on behalf of those who have paid their debt to society. For decades, New York has lagged behind the rest of the country in recognizing that real, cognizable efforts must be made to foster reintegration, as opposed to continued ostracization, for convicted individuals.


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For all its promise, the Clean Slate Act stops short of offering New Yorkers true second chances. It provides for the automatic sealing of most misdemeanor convictions after three years, and many felony convictions after eight. While this certainly bends the arc of history slightly more towards justice, it simply relegates these convictions to the legal shadows.

While they are removed from the public domain, they are still accessible to courts, law enforcement, prosecutors, and various licensing bodies far too easily. In other words, the Clean Slate Act offers a measure of privacy, not absolution. Too many agencies and entities can still peek behind the curtain. What New York really needs is a legal mechanism to effect meaningful expungement.

Expungement fully deletes a record from all databases, as though the conviction never happened. For people who have been law-abiding members of society for years or decades after mistakes made in the folly of youth, expungement represents true closure. Far too often, a decades old conviction for a nonviolent offense can bar someone from consideration for a job with a city agency, security licensure, teaching, or in the health care field. » Page 10

PAUL TOWNSEND *is a partner at the boutique criminal defense firm Gottlieb Townsend and the host/creator of the legal podcast In Summation—The Final Word.*


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New York Severely **Curtails Damages** For Certain Pay Frequency Violations

BY HOWARD M. WEXLER AND KYLE D. WINNICK

Section 191 of the New York Labor Law (NYLL) establishes how often New York employers must pay various classes of workers. Section 191(1)(a)(i) requires "manual workers" to "be paid weekly and not later than seven days after the end of the week in which the wages are earned," with exceptions for nonprofit organizations and employers authorized by the Labor Commissioner to pay less frequently.

The New York State Department of Labor (DOL) has historically treated pay frequency violations as "non-wage violations" subject to modest statutory penalties, as opposed to "wage violations" subject to unpaid wages, liquidated damages, and other forms of damages. *See*, e.g., *Ribble (d/b/a Perfecto Cleaners)*, PR 06-038 (Indus. Bd. of Appeal Dec. 19, 2017) (issuing modest penalty of $1,000 to employer who paid its manual workers on a bi-weekly basis, instead of a weekly basis, for two years).

The courts, for their part, overwhelmingly held that there lacked a private right of action to enforce pay frequency violations. *See*, e.g., *Belizaire v. RAV Investigative and Sec. Servs. Ltd.*, 61 F. Supp. 3d 336, 360 n. 22 (S.D.N.Y. 2014). As a result, for decades pay frequency claims were largely resolved by the DOL and subject to modest statutory penalties.

This changed on Sept. 10, 2019, when the First Department, in *Vega v. CM and Assoc. Constr. Mgt., LLC*, 175 A.D.3d 1144, 1146 (1st Dep't 2019), found a private right of action to enforce violations of NYLL §191(1)(a)(i). The court reasoned that a late payment of wages was the equivalent of an underpayment of wages.

As such, workers who were paid later than seven days after the week in which the wages were earned could sue to enforce their rights under NYLL §198(1-a), which permits employees to bring a "wage claim" to recover "underpayment of wages," attorneys' fees and costs, and "liquidated damages equal to one hundred percent of the total amount of the wages found to be due," unless the employer can prove a good faith affirmative defense.

The upshot of Vega was that if manual workers are paid less frequently than weekly, they could be entitled to one full week of pay as liquidated damages for every bi-weekly pay period. Vega opened the litigation floodgates and resulted in hundreds of new lawsuits under this previously obscure pay-frequency provision.

In *Grant v. Glob. Aircraft Dispatch, Inc.*, 223 A.D.3d 712 (2d Dep't 2024), the Second Department declined to follow Vega, holding that NYLL §198(1-a) does not create a private right of action for pay frequency claims.

The court reasoned that an employee who receives a late payment has not "received a lesser amount of earnings than agreed upon." 223 A.D.3d at 715. Examining NYLL §198's legislative history, the court noted that the history revealed that section 198(1-a) was "aimed at remedying employers' failure to pay the amount of wages required by contractor or law" and did not reference "the frequency or timing of wage payments."

Following Grant, many federal courts continued to follow Vega, reasoning that the New York Court of Appeals would likely follow Vega. This was significant: the bulk of pay frequency litigation is brought in federal court, because liquidated damages—the sole form of damages available in pay frequency cases—constitute statutory penalties as defined under CPLR 901(b) and may, therefore, not be recovered on behalf of a class in state court. The deluge of pay frequency claims thus continued.

> Thus, if manual workers are paid bi-weekly and have to wait seven days for their paycheck, their damages would be capped at 0.3% of the late wages.

On May 9, 2025, however, Governor Kathy Hochul signed into law an amendment to NYLL §198(1-a), altering the available damages for pay frequency violations (Amendment).

For manual workers who were regularly paid on a semi-monthly or more frequent basis, instead of liquidated damages equal to the amount of wages deemed "late," their recovery is now limited to "no more than one hundred percent of the lost interest found to be due" in accordance with Section 14-a of the Banking Law, which is currently 16 percent per year (approximately 0.3 percent per week).

Thus, if manual workers are paid bi-weekly and have to wait seven days for their paycheck, their damages would be capped at 0.3% of the late wages. *See* NYLL §198(1-a)(i). This limitation took effect "immediately" and applies "to causes of action pending or commenced" after the effective date of May 9, 2025. See L. 2025, c. 56, pt. U, §2.

An important exception to this new statutory restriction is that liquidated damages may still be sought in an amount equal to the "wages found to be due... for any employer who, after the effective date of this paragraph, has been subject to one or more previous findings and orders" for pay frequency violations and continues to commit pay frequency violations. *See* NYLL §198(1-a)(ii).

Accordingly, for manual workers who were paid at least semi-monthly, liquidated damages are now only recoverable for violations of NYLL §191(1)(a) if: (1) the untimely pay- » Page 10

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LABOR AND EMPLOYMENT: Jade Lopez, Sections Editor | Agnieszka Czuj, Design

Damages

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ment occurred after the effective date of the Amendment, and (2) the employer has, after the effective date, been subject to one or more final "findings and orders" for violations of section 191(1)(a), where no administrative or judicial review is pending and the time to initiate such review has expired. *See Garzon v. Bldg. Servs. Inc.*, 2025 U.S. Dist. LEXIS 126441, at *27 (S.D.N.Y. July 2, 2025).

Even after the Amendment, various open issues remain. First, as a court recently observed, it is unclear "[w]hat rule should be applied where an employer has a monthly payday," as opposed to a semi-monthly or bi-weekly pay structure, because the amendment "do[es] not define 'underpayment,' 'violation,' or 'the total amount of wages found to be due.'" *See Chunyu Xia v. New Yung Wah Carrier, LLC*, 2025 U.S. Dist. LEXIS 183888, at *34 (E.D.N.Y. Sep. 17, 2025).

Second, it is unclear what effect, if any, the Amendment has on pay frequency violations other than for NYLL §191(1)(a). Vega's reasoning arguably applies to all subsections of section 191(1), as does Grant's. The Amendment makes no mention of the other subsections in section 191(1) besides 191(1)(a). The Legislature's silence arguably suggests that it intended for no damages under NYLL § 198(1-a) for pay frequency violations which do not concern manual workers.

Third, it is unclear whether a private right of action existed prior to the Amendment. Some courts have observed that by expressly allowing for modest interest damages for violations of NYLL §191(1)(a), this evidences an intent to provide a private right of action for such violations—otherwise, it makes no sense to have provided for any damages.

But the Amendment clearly repudiated the core holding of Vega. As Governor Kathy Hochul explained, the Amendment was necessary "to clarify" that manual workers are "not immediately entitled to liquidated damages if they were paid regularly on at least a semi-monthly basis." In other words, Vega was wrongly decided.

The Amendment also illustrates



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that "[w]here the legislature intended for an article 6 provision to be enforced individually, it expressly provided a private right of action." *Konkur v. Utica Acad. of Sci. Charter Sch.*, 38 N.Y.3d 38, 44 (2022). Prior to the Amendment, NYLL §198 made no mention of §191, while it did mention other article 6 provisions, such as §195. *See* NYLL §§198(1-b), (1-d). It follows that there was not a private right of action to enforce NYLL §191(1)(a) violations via §198 prior to the Amendment, because there was no reference to §191 in §198.

Fourth, it is unclear whether an award of interest is automatic. The Amendment only allows for "interest found to be due." NYLL § 198(1-b)(i) (emphasis added). This language is similar to the language used for ordinary wage claims—awarding employees "wages found to be due." As employees bear the burden of pleading and proving unpaid wages, it follows that the Legislature meant for plaintiffs to plead and prove lost interest.

Finally, it is unclear which classes are employees are "manual workers." While the statute defines the term as "a mechanic, workingman, or laborer," NYLL §190(4), the DOL has opined that this definition includes "employees who spend more than 25 percent of their working time performing physical labor." *See* DOL Opinion Letter, No. RO-09-0066 (May 21, 2009). The New York Industrial Board of Appeals, which reviews orders issued by the Commissioner of Labor, takes a somewhat different approach, focusing on the type of labor performed, not merely if it is "physical." *See*, e.g., *Hudson Valley Mall Dental v. Comm'r of Labor* (N.Y. Indus. Bd. App. Aug. 17, 2014).

> The deluge of pay frequency claims thus continued. On May 9, 2025, however, Governor Kathy Hochul signed into law an amendment to NYLL §198(1-a), altering the available damages for pay frequency violations (Amendment).

And New York courts have historically interpreted the phrase "mechanic, workingman, or laborer," as meaning a job that is "predominantly physical in content and attendant risks." *Austin v. City of New York*, 258 N.Y. 113, 116 (1932) (Cardozo, C.J.).

It is unclear when and if any of these issues will be resolved. Given the severe reduction in available damages for manual workers, it is likely that pay frequency litigation will abate in New York.

Rocky Road

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Sealing convictions is certainly beneficial under many circumstances, but it does not adequately provide relief for the thousands of New Yorkers who have truly turned their life around and want nothing more than to enjoy the full benefits of citizenship after they have served their time and repaid their debt.

New York State stands in the minority of states with respect to offering expungement, as 38 states and the District of Columbia already offer this relief in at least some circumstances.

Years ago, New York dipped its toe into the expungement waters by allowing certain minor marijuana offenses to be fully wiped clean once the state passed laws decriminalizing personal use or possession. The ease and smoothness with which those convictions have been fully erased should provide encouragement that much more is possible.

Opponents to this form of post-conviction relief often raise the specter of public safety. Critics often argue that erasing a person's criminal history is an enticement to reoffend. However, a University of Michigan study, published in the Harvard Law Review, showed that the data indicates that individuals with expunged criminal records have lower subsequent crime rates relative to the general population.

Expungement incentivizes rehabilitation: it tells people that good behavior leads to tangible freedom. When people know they can truly move on, they are more likely to maintain stability—in employment, housing, and community ties—all proven factors in lowering recidivism.

> When people know they can truly move on, they are more likely to maintain stability—in employment, housing, and community ties—all proven factors in lowering recidivism.

Keeping old records accessible to countless agencies serves no public safety purpose; it serves only bureaucracy. True expungement, carefully limited to those who have demonstrated long-term rehabilitation, would reinforce both justice and safety.

Not all felonies or misdemeanors should be eligible for expungement. Reasonable carve outs for offenses involving homicides or grave incidents of violence can be made to balance redemption with accountability.

Further, minor offenses may be expunged automatically, while convictions deemed more serious may be discretionary with the court of conviction. There are many potential avenues to ensure that public safety is protected, and offenders are afforded the ability to fully enjoy the benefits of being a contributing member of society.

The Clean Slate Act was an important step. It signaled that New York continues to recognize the futility of permanent punishment for temporary mistakes. But the state's cautious half-measures still reflect an old anxiety: that once a person has broken the law, they can never truly be trusted again. This must change.

True justice does not end when a sentence does. It ends when a person's past stops defining their future. Until New York embraces real, irreversible, unqualified expungement the promise of the Clean Slate Act will remain only half fulfilled.

Covenant

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Ticor Title Ins. Co. v. Cohen, 173 F.3d 63, 69-70 (2d Cir. 1999).

Recent case law suggests that New York courts may find a non-competition covenant that prohibits an employee from working for a competitor in any capacity and/or in a non-competitive line of business to be overbroad and unenforceable. *See Flatiron Health, Inc. v. Carson*, No. 19 CIV. 8999 (VM), 2020 WL 1320867, at *21 (S.D.N.Y. Mar. 20, 2020); *Magtoles v. United Staffing Registry, Inc.*, 665 F. Supp. 3d 326, 348 (E.D.N.Y. 2023).

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Notably, the bill makes it clear that any permissible covenant not to compete with a highly compensated individual would still need to meet these common law requirements.

Importantly, the enactment of the bill would not affect the enforceability of customer and employee non-solicitation agreements under New York law. The reasonableness test articulated in *BDO Seidman* applies to both customer and employee non-solicits.

As to customer non-solicits, the covenant may not prohibit an employee from soliciting clients or customers with whom or which the employee had a business relationship prior to his or her current employment. *See BDO Seidman*, 93 N.Y.2d at 392. In other words, the covenant may only prohibit an employee from soliciting clients or customers with whom or which the employee developed a relationship through his or her employment with the employer. Notably, in *Flatiron Health*, 2020 WL 1320867, at *23-24, the court declined to partially enforce a non-solicitation covenant when it did not comply with this principle from BDO Seidman.

As to employee non-solicits, they are permissible so long as they are tailored to protecting a legitimate interest. However, protecting or stabilizing a workforce is not a legitimate employer interest under New York law. Rather, an employee non-solicit is only enforceable to the extent it is tailored to protect against the "misappropriation of the employer's trade secrets or of confidential customer lists" or "competition by a former employee whose services are unique or extraordinary." *BDO Seidman*, 93 N.Y.2d at 389.

New York courts have therefore found that an employee non-solicit is generally overbroad where it prohibits solicitation of all employees of an employer "without regard to what type of role the employee holds, what type of skills they possess, or their value to [the employer]." *Permanens Cap. L.P. v. Bruce*, No. 21-CV-10525JSRRWL, 2022 WL 3442270, at *9 (S.D.N.Y. July 22, 2022).

Employers should monitor developments with respect to the bill in New York. In the meantime, employers should take note of the increased scrutiny of restrictive covenants in New York - and elsewhere – to ensure compliance with the evolving landscape governing their enforceability.

Perspective / Verdicts & Settlements

At the Start

« Continued from page 6

recommended as a prospective judicial candidate for Civil Court from these ideological screening committees.

Most of the Manhattan Democratic Clubs signed on to only supporting candidates who had been successfully screened from these reform screening panels. Areas excepted were Harlem and the Lower East Side especially, where the stronger political clubs were unwilling to give up judge-making to these left-leaning reformers. My story of how I avoided the sting of panel rejection and became a Civil Court judge will be told in another essay.

But, I was clearly not part of this entourage as I got started on my judicial career, while the bench on which I was a member became increasingly activist and left-leaning. Elliot Wilk, a very bright and committed judge was reported to have hung a picture of Che Guevarra, the Cuban revolutionary in his chambers, for example.

In my opinion, the thought that a judge's job was to apply the law as it then existed, especially the law relating to landlord-tenant matters, was often the furthest thing from the minds of some of these activist judges.

My colleagues soon learned where I stood and when my decisions—some of which actually favored the property owner, began to appear in the New York Law Journal, I became a bit of an outlier in the 12th floor lunchroom. Two incidents. Once Margaret Taylor called me out one day as the "David Stockman of the Civil Court," Stockman being a conservative Regan policy wonk, widely considered at the time as a brilliant member of Reagan's inner circle. This was, and I took it as such, a back-handed compliment.

The second was a bit more interesting. One day at lunch, the discussion turned to some issue connected to the National Lawyers Guild, a left-leaning lawyers organization. Anyway, as I was listening to the friendly back and forth chatter of the discussion led by Guild member Shirley Fingerhood, I chimed in (probably in what, of course, was an effort to restore or even gain some liberal cred), "Shirley, you might not know this but my twin-first cousins, Jonathan and David Lubell, were among the founders of the National Lawyer Guild." In fact, Jonathan and David had also been kicked off of the Harvard Law Review (later restored) for alleged Communist ties during the McCarthy era. Shirley, as well as other of her comrades in this discussion were aghast at my disclosure of the familial relationship. But then, Shirley, sufficiently recovered and looking at me, with no apparent love from across the lunchroom table, said in a loud, clear voice, "David, you couldn't possibly be related to Jonathan and David Lubell."

But mostly the lunchroom buzzed with gossip pertaining to such and such a judge. It was rare to hear a discussion about some case or some legal principle. The room that housed the lunchroom on the 12th floor of the Civil Court building had a long rectangular table. There were no assigned seats but most judges sat in the same seat anyway. Ira Gammerman collected money from everyone and did the buying of the produce at the Jefferson Market in Greenwich Village. Generally, everyone got along. John Bradley who was an Acting Supreme Court Justice in the Criminal Term would always sit at the head of the table. He was short, bright and articulate, had a British accent and had a short fuse. One other member of the lunchroom crowd, Jack Dubinsky, a Housing Court Judge whose wife Rose was an influential District Leader, was one of those judges who constantly irritated Bradley and some others by engaging in long digressions about some boring Housing Court irrelevancy. When that happened, Bradley would start muttering to himself and snapping pencils that he always seemed to have available.

There was another judge, Richard Lane, who would help himself to large portions of the available food, especially when it was running low and others would be left with nothing when they entered the lunchroom. He seemed to always be the first one in the lunchroom by design, I think, in order to get a first shot at the available food. All of this would earn a sharp rebuke from Ira Gammerman, the steward of the lunchroom, but to no effect.

Lunchrooms at courthouses serve a very useful purpose. Being a judge is actually quite a lonely, isolated job. Most of the time—when you are on trial, you are perched on the bench in a black robe, alone, with various members of your staff, your clerk, court officers and other court personnel flitting around you; its judge this and judge that. The attorneys are even more obsequious—Your Honor, may it please the court and other fawning efforts. (See, Saxe, "Flummery," New York Law Journal, Oct. 3, 1989.) It's no small wonder that many of the judges are drawn to a communal lunchroom where, despite ideological differences, there is what passes as a normal community if only for an hour or so. There is a distinct isolation in the job. Even when you are not on trial, you are back in chambers working on some decision, probably alone with only your law clerk. The lunchroom offers a sense of normalcy. (See, generally, Saxe, "Strained Relationships Fade When Judges Break Bread," New York Law Journal, Aug. 21, 2019.)

During our first week on the bench, Harold, Karla and I were assigned to sit with certain veteran judges and learn their trade in order to get the lay of the land before we were sent out to preside on our own. That's really a pretty good idea if there was any value attached to the assignment.

First, I sat with Civil Court Judge Guy Ribaudo, an old-time Tammany Hall Democratic war horse who had been on the bench for years. He was presiding over a Landlord-Tenant Part that was one of the busiest parts in the courthouse. Many tenants appeared there pro se, that is without a lawyer and often didn't have the money to pay the rent. Judge Ribaudo was only too happy to sign the final judgment of eviction in favor of the landlord without making much of an inquiry into the merits of the landlord's case or if the tenant had any defenses to assert. While he was plowing thought a stack of final judgment papers, on which he had to place his initials—on which a clerk would place his official court stamp, he turned to me (as I was sitting right next to him on the bench) and proudly said "Look, all you really need to know is how to quickly initial these pages. That's it; make sure you practice doing your initials." And that's what I learned from Judge Ribaudo.

Then, I was given the opportunity to sit next to Judge Bruce Wright (sometimes referred to as "Turn 'em loose Bruce" by local newspapers for his bail decisions) who was presiding in a Tort Calendar Part with a huge inventory of personal injury and medical malpractice cases that had been bounced down from Supreme Court to Civil Court pursuant a transfer mechanism set out in CPLR 325(d). He had been pushed out of his Criminal Term assignment as a result of those bail decisions.

The purposes of my assignment there was to observe and learn from Judge Wright about how to settle a case. But, as I sat there and while he politely greeted each set of attorneys as their case was called, he made no effort to try to twist any arms to bring the sides together toward a settlement. I was surprised. From my prior experience as a lawyer, I knew that settlements were the life-blood of the legal system. Without settlements, the court system would implode. On the criminal side they were called plea bargains. There were simply not enough judges to try all the existing cases and settlements also provided a safety-valve for litigants and counsel and the court system.

So, I asked Judge Wright, "I'm surprised that you are not even trying to settle any of these cases. Is there a reason?" "Oh, yes," he said matter-of-factly. "I think the entire process of settlement is coercive and I refuse to participate in it." Of course, it's coercive I thought to myself but the lawyers in court expected it as a normal incident of litigation. Judge Wright was completely off base I thought.

And so with these two sparkling talents having imparted to me their wisdom, I knew it was time for me to get in front of the firing line.

Divorces

« Continued from page 4

lion in assets, and transferred the remaining interests in the holding company into the GST. During the 2023 trial, he split the GST into two new Delaware GSTs. None of these actions were disclosed to the wife or the court in advance, and the court viewed them as evidence that the husband never relinquished effective control.

What Went Wrong?

Many of the devices here were neither inherently flawed nor scorned by matrimonial courts. GRAT trusts, LLC intermediation, and even decanting under state law can be orthodox choices when paired with independent fiduciaries, objective distribution standards, and a bright-line separation from marital finances. What undid this plan in the eyes of the court were how those tools were used and the decisions made by the husband during the pendency of the action.

First, the husband maintained and exercised control over the assets placed in trust. On the LLC side, he served as investment advisor with authority to buy, sell, and trade assets, and he could remove the managing director. On the trust side, he could remove and replace the trustee and, until November 2019, held a power of substitution. Because the LLCs paid household expenses those levers gave him practical control over cash flows despite the trusts' irrevocable, third-party form.

Second, he restructured the trusts in ways that appeared designed to preserve his control while depriving the wife of access to her share of the assets. The court was particularly incensed that he removed the wife's sister as trustee and replaced her with a friend. These moves not only demonstrated bad-faith conduct but also undermined the husband's claim that he could not access or control trust assets.

Third, the husband's transparency and credibility faltered due to his bad conduct, heavily prejudicing the court against him. His testimony was found evasive and he resisted providing a clear operational account of the trusts. He claimed the trustee made all the decisions but refused to call him as a witness, even though the trustee was his friend and readily available to testify. Although the marital property belonged equally to the wife and was under the jurisdiction of the court, the husband made decisions as though he was unaccountable, leading the court to label him arrogant and untrustworthy.

Lessons for Practitioners

We have written previously about the preventative steps spouses should take to ensure that trusts created during the marriage are protected in a divorce. First, because both parties are entitled to a share of marital property, any trust that is funded with marital property should be established and administered with the knowing consent of both parties. Second, if a trust is funded with marital property, then the grantor must relinquish control to remove the trust from equitable distribution. Finally, it is critical to keep a clear and transparent record of trust financials. If the husband had followed some or all of these steps, the outcome would likely have been much more favorable to him.

However, while the lessons remain broadly unchanged, this case has fundamentally changed the risk math for trust counsel. Tax efficiency and clever intermediation cannot carry the day if governance, cash flows, and communications suggest a family wallet. T&E planning should include a divorce risk audit: build truly independent decision making, avoid retained powers that look like levers, keep household costs off trust ledgers, and obtain informed spousal consent with independent counsel.

Administration is no less important than formation, and any major changes, such as decanting or replacing fiduciaries, should be undertaken only with the informed consent of the other spouse. This is especially true during the pendency of a divorce action. Otherwise, tax-driven trust planning that shaves a few points in calm waters can, in divorce, strip a spouse of nearly all personal assets and leave them effectively with nothing.

Verdicts

« Continued from page 5

his lower back. As a result of this injury, Franklin claims he is unable/or has difficulty performing activities of daily living independently, such as carrying, climbing stairs, doing laundry, dressing, driving, housework, picking things up, shopping, sitting, sleeping, standing and walking.

Franklin now works at CVS delivering medication, but said he cannot lift heavy objects.

The defense contested injuries, arguing that the taxi did not hit Franklin.

The parties negotiated a high/low stipulation: The damages could not exceed $100,000, but had to equal or exceed $0.

Result: The jury found Singh was negligent and awarded $240,000 in damages to Franklin. Judgment was entered in the amount of $100,000 pursuant to a high/low agreement.

Trial Information:
Judge: Frederick D. R. Sampson
Trial Length: 0
Jury Vote: 6-0

Court Calendars

First Department

APPELLATE DIVISION

CALENDAR FOR THE NOVEMBER TERM

WEDNESDAY, NOV. 5

2 P.M.

20/1115 People v Jose A.
25/0490 Robinson v Hiatt
25/0680 L., Anthony
25/0908 IGS Realty Co. v Brady
24/6646(1) Rodriguez v 167 LLC
24/0829(1) Rodriguez v 167 LLC
22/5672 People v Lloyd Anderson
24/5348 Owens v New Empire Corp.
24/4782 Ng v Figueroa
19/5337 People v Bredy B.
24/7465 B., John v Maria U.
25/4943 United Medicine & Rehabilitation v Yakobashvili
24/5568(3) Solomon v 360 E. 72nd Steet
23/2138 People v Carl Moultrie
25/3695 Brigade Cavalry Fund v Chirico
24/1732(2) Windermere Properties v City of NY
24/2846 TD Bank v A.H. Dental
24/2969(2) People of State of NY v Richmond Capital
25/0616 People v Leonard Lewis
24/5313N Berger v NYC Transit Authority

THURSDAY, NOV. 6

2 P.M.

20/1314 People v Jeffrey Tartt
24/4805 Quezada v City of NY
25/0120 G., Cayanna
24/4495 Garcia v 100 Church Fee Owner
25/0192 Spence v Brosnan Risk Consultants
25/2669 Vassilev v Vassilev
24/2029(1) People v Syndou Cisse
24/0822(1) People v Syndou Cisse
24/5459 URP Maiden Lane v Valley National
25/0629(3) Bordonaro v E.C. Provini Co.
25/2301 C., Nercida v Cristal C.
24/3849 RSD857, LLC v Wright
18/4488 People v Abdullahi Shuai
25/1341 Zepsa Industries v 401 West Property
24/5946 Szczesiak v Ery Tenant
24/6848 Biswas v Aramis Distributors NY
24/4242 Lee v Montefiore Medical Center
24/4355(2) Will of Stanley Walker
24/2809 People v Jateise Leak
25/1837N Blinbaum v Chan

FRIDAY, NOV. 7

10 A.M.

20/2179 People v Rafael Jimenez
24/0603 SKMF VYSE Management v Niblack
24/4327 L/N., Children
25/1643 Hanslick v UG2
24/5853 Olshan Frome Wolosky LLP v Kestenbaum
24/4304 Jones v River Park Residences
22/4242 People v Armando Cruz
24/5268 Molina v Mount Sinai Morningside
24/5471 Greenway Mews v Liberty Insurance
18/4623 People v Angel Soto
24/2644 Ovaskainen v Ovaskainen
24/3491 D., Justice
24/7648(3) Parque Solar v Enel S.P.A.
25/0939 Rockwell v Bobst
25/4537 People of State of NY, Ex Rel: Margaret Darocha
24/7843 People v Eligio Orellana
24/6748 Angen v De Jesus
25/2186 Robinson v Delgado
22/3393 People v Daquan D.
24/2471N Strasser v Strasser

WEDNESDAY, NOV. 12

2 P.M.

20/1855(1) People v Quaran Rich
25/3501 CLNC 2019-FL1 Funding v Bennett
25/1761 M., Lucila v Jessica H.
24/7053 Ceja v Posillico Civil, Inc.
24/1648 Fishman v Fishman
23/1544 People v Saquan Jackson
25/3543 Jimenez v Rosi
24/5661 Jane Doe One v KIPP Academy
24/0206 People v Douglas Williams
24/5167 Greenland Asset v Microcloud Hologram
25/0740 Stevens v Audthan LLC
22/1402 People v David Taylor
25/2195 NYC Transit Authority v Local 100 TWU
24/6301 O'Rourke v Hammerstein Ballroom
24/5872 State of NY v Daniel M.
19/5509 People v Joseph Medina-Hidalgo
24/7386 Llerena v 975 Park Avenue Corp.
25/0349 Flexjet, LLC v Honeywell International
22/5579 People v Dillion D. Johnson-Watson
24/5460(1)N Wilmington Savings v Lau

THURSDAY, NOV. 13

2 P.M.

24/7841 People v Nelson Rivera
24/4801 Feliciano v Caban
25/1030 K., Anthony
25/2975 Arias v City of NY
24/5149(2) Mycklebust v Consolidated Edison
23/3631 People v Michael Ortiz
24/0691 People v Javier Santiago
24/6155 West Side Marquis v Maldonado
24/4574 Corbex, Inc. v NYC School Construction
24/5955 Mather v HFZ Kik 30th Street
23/6486 People v Tawana Dobson
25/1674 Di Francesco v McEnroy
24/4851 Abramov v 230 PAS SPE
24/5469 Ramirez v Teixeira Bakery
24/6873 People v Robert Moore
24/5544 Dewinter v Equinox Greenwich Ave.
22/2187 People v George McTaggart
24/7087(1) Etage Real Estate v Stern
24/7311(1)N Etage Real Estate v Stern
24/6783N J.C., an infant v 2078 Arthur

FRIDAY, NOV. 14

10 A.M.

24/0991 People v Elliot Rodriguez
24/3617 Judson Realty v Judson CRE
23/6224 V., Nova
25/0080 Nguyen v Phan
24/6281(1) PH-105 Realty v Elayaan
24/6569(1) PH-105 Realty v Elayaan
22/4743 People v Brandon Smith
23/4860 People v Christopher Landa
24/6114 Mt. Hawley Insurance v Michelle Kuo Corp.
25/0001 Couteller v Mamakos
23/0552 People v Joseph Garcia
25/1077 Stafford v Nacson
25/1773 Watson v Roanoke Island
24/4741 Pichardo v The George Units
24/3830 People v Joshua Roman
22/1003(2) McLeod v NYC Health & Hospitals
24/3217 HSBC Bank v Nicholas
22/2133 People v Jeffrey Davis
24/1665N Lee v Nejat
25/2579N Roche v Hochfelder

TUESDAY, NOV. 18

2 P.M.

24/2352 People v Luis Lopez
24/6271 State of NY Unified Court System v Civil Service Employees Assn
24/5837 R., Angelika v Yolanda K.
23/5340 Crespo v Francini
24/6496 Smith v Caban
24/1086 People v Rodney Sanders
20/1447 People v Brandon Smith
23/5403(2) Gelwan v De Ratafia
24/1204(2) Gelwan v De Ratafia
24/4852 Irizarry v Zelaya
22/0995 People v Mitchell Howell
25/0123(2) Kim v XP Securities
25/4938 Smith v Extell West 45th
25/0277 902 Associates v Union Square 902
24/7807 Sendibel Trading v Petroleos de Venezuela
22/5406 People v Christian Saunders
24/7022 US Bank v Okeke
23/0695 People v Dashin Simmons
19/4977 People v Mark White
18/4746N Domogjoni v Korpenn LLC
25/0993N Yentis v Yentis

WEDNESDAY, NOV. 19

2 P.M.

23/0796 People v Jalil Khan
24/6445 Angelino v NYC Department of Health
24/6582 M., Rafael v Kimberly T.
24/6371 Green v Whole Foods Market
24/7825 200 Claremont Avenue v Estate of Elsie Lewis
24/5822 320 West 87 v 320 West 87th Street
22/2408 People v Daniel Ruiz
23/1052 People v Juan Sosa C.
24/5299 Yang v Knights Genesis Group
25/0052 SF Consultants v 28 West Group Corp
24/1885 Hinkson v NY Presbyterian
24/1633 People v Robert Valgean
24/3014 City of NY v Board of Collective Bargaining
24/4856 Boliak v Reilly
24/2415 People v Israel Rivera
25/2825 Johnson v Montefiore Medical
24/0558 People v Sergio Quinones
25/1080 Joseph v Memorial Hospital
23/6477 People v Stanley Lafleur
24/5253N Plotch v Citibank
25/0978N Davis v Port

THURSDAY, NOV. 20

2 P.M.

24/4374 People v Gino Sozio
25/2079 Keenan v Bloomberg L.P.
25/0212 T./O., Children
24/5104(2) Guaman v 240 West 44th Street Two
24/2844 Cerda v Cydonia W71
25/0543 Ortiz v City of NY
25/1703 Rouse v Ahmed
24/4029(1) People v Tyesheek Ruffin
24/4037(1) People v Tyesheek Ruffin
18/2225 People v Carl Dushain
24/6708 Cochancela v Sutton Place South
24/3145 Bank of NY Mellon v Kim
22/0583 People v William Rivera
25/0498 Piscitelli v Deloitte Services
25/2451 Rosenblatt v Rosenblatt
20/0520 People v John Rondon-Tavarez
25/0147 Rubenstein Public Relations v Fleet Financial
23/4271 People v Julsean Thompson
24/5086(1) Edward Tyler Nahem Fine Art v Lee
24/5085(1)N Edward Tyler Nahem Fine Art v Lee
24/4433(1)N Edward Tyler Nahem Fine Art v Lee

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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.

MONDAY, NOV. 3

10 A.M.

654597/2022 Storms v. Flat Rate Movers
655881/2017 Alesco Preferred Funding v. ACP RE, LTD.

WEDNESDAY, NOV. 5

10 A.M.

650973/17 Talking Capital Windup v. Omanoff

THURSDAY, NOV. 6

10 A.M.

365264/2021 Yablon v. Yablon

1:30 P.M.

655836/24 Katragadda v. EIP Global Fund LLC

2 P.M.

654264/24 Qualified Industries v. Legends Hospitality

FRIDAY, NOV. 7

10 A.M.

365546/2023 Holaves v. Holaves

MONDAY, NOV. 10

9 A.M.

153894/22 Rosario v. FT GEORGE 617 LLC

WEDNESSDAY, NOV. 12

10 A.M.

654614/2017 Iken v. Bohemian Brethren Presbyterian

THURSDAY, NOV. 13

10 A.M.

153444/25 Thumbs Capital Group v. Something Short LLC
652196/20 JG Group v. Kahlon

FRIDAY, NOV. 14

1 P.M.

23971/20 Martinez v. 80 W40 Bake

MONDAY, NOV. 17

10 A.M.

653919/2021 Concepts v. 220 East 26th

COURT NOTES

LGBT BAR ASSOCIATION OF GREATER NY

Ratings of Judicial Candidates

In advance of the Nov. 4, 2024 General Election, the Judiciary Committee of the LGBT Bar Association of Greater New York is pleased to announce its ratings of all candidates: (i)) for New York State Supreme Court in 1st, 2nd, 9th, 10th, 11th and 13th Judicial Districts (comprising New York, Kings, Dutchess, Orange, Putnam, Westchester, Nassau, Suffolk, Queens and Richmond Counties); and (ii) for New York City Civil Court in Bronx, Kings, New York, Queens and Richmond Counties). Candidates were eligible to receive the following ratings: "Highly Approved," "Approved," "Not Approved," or "Failed to Appear."

In order to obtain an "Approved" rating, the Panel must be satisfied that the candidate, once on the bench, will: (1) demonstrate a commitment to the equality of rights for all lesbian, gay, bisexual, and transgender people; (2) possess the integrity, intellect, experience, and temperament required of judicial office; and (3) perform judicial duties without bias or prejudice against or in favor of any person and will not permit discrimination against any minority in their courtroom.

In order to obtain a rating of "Highly Approved," the candidate must possess all of the characteristics required for an "Approved" rating to an outstanding degree, and in addition must have demonstrated a history of commitment to the equality of rights for all lesbian, gay, bisexual, and transgender people.

SUPREME COURT

Supreme Court, First Judicial District (New York County)
Suzanne Adams: Highly Approved
James G. Clynes: Highly Approved
Deborah A. Kaplan: Highly Approved
Judy Kim: Approved
Gowri Krishna: Failed to Appear
Jared Trujillo: Failed to Appear

Supreme Court, Second Judicial District (Kings County)
Maria Aragona: Failed to Appear
Betsy Barros: Failed to Appear
Claudia Daniels-DePeyster: Approved
Jill R. Epstein: Highly Approved
Brian L. Gotlieb: Failed to Appear
Norma Jennings: Highly Approved
Carl J. Landicino: Failed to Appear
Derefim Neckles: Failed to Appear
Jacqueline Williams: Failed to Appear

Supreme Court, Ninth Judicial District (Dutchess, Orange, Putnam, Rockland and Westchester Counties)
Diane M. Clerkin: Approved
John P. Collins, Jr.: Highly Approved
Thomas Humbach: Failed to Appear (carried over from 2024)
Desmond C. Lyons: Approved
Raymond P. Raiche: Failed to Appear
Verris B. Shako: Highly Approved
George A. Smith: Failed to Appear
Kiel E. Van Horn: Failed to Appear

Supreme Court, Tenth Judicial District (Nassau and Suffolk Counties)
Bronwyn M. Black-Kelly: Failed to Appear
Carl J. Copertino: Failed to Appear
Mark A. Cuthbertson: Failed to Appear
Paul Kenn : Failed to Appear
James W. Malon: Failed to Appear
Matthew T. McDonough: Failed to Appear
Joseph C. Pastoressa: Failed to Appear
Steven A. Pilewski: Failed to Appear
Margaret C. Reilly: Failed to Appear

Supreme Court : Eleventh Judicial District (Queens County)
Richard Felix : Failed to Appear
Ira R. Greenberg: Approved
Gary F. Miret: Approved
Gary Muraca: Failed to Appear (carried over from 2024)
Sandra Perez: Approved
Soma S. Syed: Failed to Appear
Frances Y. Wang: Highly Approved

Supreme Court : Thirteenth Judicial District (Richmond County)
Matthew P. Blum: Approved
Raymond L. Rodriguez: Approved

CIVIL COURT

Civil Court, Bronx County (Countywide)
Shekera Anessa Algarin: Failed to Appear

Civil Court, First Municipal Court District of Bronx County
Katherine A. O'Brien: Failed to Appear

Civil Court, Second Municipal Court District of Bronx County
Lauvienska E. Polanco: Failed to Appear

Civil Court, Kings County (Countywide)
Marisa Arrabito: Approved
Janice Chen: Approved

Civil Court, Second Municipal Court District of Kings County
Sheridan Jack-Browne: Failed to Appear

Civil Court, Fourth Municipal Court District of Kings County
Chidi A. Eze: Failed to Appear

Civil Court, Sixth Municipal Court District of Kings County
Juliet P. Howard: Highly Approved

Civil Court, Seventh Municipal Court District of Kings County
Duane Frankson: Failed to Appear
Dagmar Plaza-Gonzalez: Failed to Appear

Civil Court, Third Municipal Court District of New York County
Eric J. Wursthorn: Highly Approved

Civil Court, Seventh Municipal Court District of New York County
Onya Brinson: Highly Approved

Civil Court, Eighth Municipal Court District of New York County
Lisa S. Headley: Failed to Appear

Civil Court, Ninth Municipal Court District of New York County
Terence W. McCormick: Approved

Civil Court, Queens County (Countywide)
Thomas D. Barra: Failed to Appear
Sheridan C. Chu: Failed to Appear
Indira D. Khan: Failed to Appear
Oma D. Phillips: Approved
William David Shanahan: Failed to Appear
Susan M. Silverman : Failed to Appear

Civil Court, First Municipal Court District of Queens County
Juliette-Noor Haji: Highly Approved

Civil Court, Second Municipal Court District of Queens County
Stephen C. Dachtera: Failed to Appear
Eve Cho Guillergan: Approved
Thomas G. Wright-Fernandez: Failed to Appear

Civil Court, Fourth Municipal Court District of Queens County
Gail A. Adams: Failed to Appear
Fania Jean: Failed to Appear
Mary-Ann E. Maloney: Failed to Appear

Civil Court, Fifth Municipal Court District of Queens County
Jennifer A. Tubridy: Approved

Civil Court, First Municipal Court District of Richmond County
Matthew J. Santamauro: Failed to Appear
Remy Smith: Approved

NEW YORK WOMEN'S BAR ASSOCIATION

Judicial Ratings for Candidates For the Civil and Supreme Court In New York County

The New York Women's Bar Association today announced the results of its review of the qualifications of candidates seeking positions as judges of the New York City Civil Court and the Supreme Court of the State of New York in New York County.

New York Civil Court, New York County
Onya Brinson*: Approved
Lisa Headley*: Approved
Terence McCormick*: Approved
Eric Wursthorn*: Approved

New York Supreme Court, New York County
Suzanne J. Adams*: Approved
James G. Clynes*: Approved
Deborah Kaplan*: Approved
Judy H. Kim*: Approved
Gowri Krishna: Not Rated–Did Not Appear
Jared Trujillo: Not Rated–Did Not Appear

For further information, contact:
Lissett C. Ferreira, President
New York Women's Bar Association
president@nywba.org

Note 1: Pursuant to NYWBA protocols, members of the NYWBA Board who are judges, who are employed by the New York State court system, or who are candidates for judicial office, did not participate in the consideration, review, ratings or votes on any potential judiciary candidates.
Note 2: An asterisk (*) after a candidate's name indicates that the person is a current or past member of the New York Women's Bar Association. Members are reviewed in the same manner and with the same criteria as non-members.

The New York Women's Bar Association is a non-profit, non-partisan bar association devoted to promoting the fair and equal administration justice.

NEW YORK CITY BAR ASSOCIATION

Ratings for Judicial Candidates For Civil Court, Supreme Court and NYC District Attorney

The New York City Bar Association has completed evaluations of the following candidates who are running in general elections on November 4 for Civil Court, Supreme Court and District Attorney. The review was conducted by the Association's Committee on the Judiciary.

The Committee uses two ratings: Approved and Not Approved. Candidates rated Approved have affirmatively demonstrated qualifications necessary for the performance of the duties of the position for which they are being considered.

NEW YORK COUNTY

Civil Court, 3rd Municipal Court District
Eric Wursthorn: Approved

Civil Court, 7th Municipal Court District
Onya Brinson: Not approved

Civil Court, 8th Municipal Court District
Lisa S. Headley: Approved

Civil Court, 9th Municipal Court District
Terence W. McCormick: Approved

Civil Court, 1st Municipal Court District
Katherine O' Brien: Not Approved

Supreme Court, 1st Judicial District
Suzanne Adams: Approved
James G. Clynes: Approved
Judy Kim: Approved
Deborah A. Kaplan: Approved
Gowri Krishna: Not Approved
Jared Trujilo: Not Approved

District Attorney
Alvin L. Bragg Jr.: Approved
Maud Maron: Not Approved
Diana J. Florence: Approved

BRONX COUNTY

Civil Court, County Wide
Shekera Anessa Algarin: Approved

Civil Court, 2nd Municipal Court District
Lauvienska E. Polanco: Approved

Continued on page 12

TUESDAY, NOV. 18

10 A.M.

651851/23 CLNC 2019-FL1 Funding v. Bennett

WEDNESDAY, NOV. 19

10 A.M.

453950/21 State Insurance Fund Commissioners v. The Metro Group

FRIDAY, NOV. 21

12:30 P.M.

22104/2015 Rosario v. Muschett

TUESDAY, DEC. 2

10 A.M.

652913/19 Murphy Kennedy Group v. Board of Managers

WEDNESDAY, DEC. 3

10 A.M.

654293/23 Cheng v. 50 Lex Development

APPELLATE TERM

60 Centre Street Room 401

10 A.M.

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

MONDAY, NOV. 3

James, P.J., Brigantti, Alpert, J.J.

22/104 People v. Nunez, Odalvy
23/093 People v. Tavares, Joaquin
24/083 People v. Solomon, Jewel
25/042 265 East 66th Llc v. Yegerman, Henry
25/052/053 167 8th Avenue Llc v. Goldstein, Jared
25/060 Steinberg, Jaime v. Parkash 2454 Llc
25/106 Goleret, Laurence v. 140 W. 132nd Street Llc
25/109 333 East 53 Tenants v. Yang, Bei
25/110 The Trustees Of Col. v. Tezock, Durene
25/118 Harry J. Demott Iii v. Young, Ndolu Ndima
25/119 Town Rx Inc. v. Nationwide Mutual
25/120 One Rx Chemist Inc, v. Nationwide Mutual
25/121 Bridgeview Supply v. Nationwide Mutual
25/122 Rva Leasing Corp. v. Nationwide Mutual
25/123 Quazi R. Medical v. Nationwide Mutual
25/124 Heart Lung Assoc. v. Nationwide Mutual
25/125/126 Pwv Acquisition v. Montes De Oca, Aurora
25/127 720 Riverside Owners v. Moghadam, Reza
25/128 Fernandez, Neifa v. Tavares, Michael/Lucia

The following cases are on for submission. No appearance is necessary.

MONDAY, NOV. 3

James, P.J., Brigantti, Alpert, J.J.

25/107 2070 LLC v. Cuesta, Felix Pozo
25/134 Estrada, Geraldine v. Rau, Alicia

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

MONDAY, NOV. 3

Submission

1 101104/25 Cardona v. N.Y.C Dept. of Health And Mental Hygiene
2 100512/23 Gutierrez v. NYC
3 101116/25 Hans-Gaston v. Office of Administrative Hearings
4 100053/25 Park v. NYC Police Dept. Prop. Clerk
5 100182/25 Ramirez v. N.Y.C. Dept. of Health And Mental Hygiene
6 100990/25 Rasheed v. NYC Dept. of Education

WEDNESDAY, NOV. 5

Submission

1 100273/24 Antrobus v. New York City Health And Hospitals Corporation
2 101043/25 Harris v. Nypd Comm'r. Tisch
3 100641/23 Pereira v. Ethiopian Airlines - Nyccto

THURSDAY, NOV. 6

Submission

1 101107/25 Jimenez Perez v. NYCH&HC Hosps./ Metro.
2 100792/25 Moncion v. Sciretta Venterina Llp
3 100725/19 Robinson v. Robert Ostlowski
4 100162/24 Stone v. NYCH&HC Corp.

Paperless Judge Part

MONDAY, NOV. 3

850189/2125th St. Multifamily LLC v. 208-214 E. 25th St
850260/2430 Broad Owner LLC v. 30 Broad St. Venture LLC Et Al
156824/2532bj Labor Indus. Cooperation Trust Fund v. NYC Office of Labor Relations
161136/24Aeg Restoration Corp v. Beufils
154098/25Alston v. Lord
161573/25Aquino v. NYC Et Al
156830/24Argueta v. Cold Spring Harbor Laboratory Assoc., Inc. Et Al
159853/23Armand v. Avis Budget Car Rental
652694/23Better Mobile Security, Inc. v. Amerisourcebergen Services Corp.
190065/22Bill v. Avon Prod.s, Inc. Et Al

651003/24 Bldg 900 First LLC Et Al v. 900 1st Donuts
655154/25 Blt Fund 9 Dayton's LLC v. Karasick
154726/25 Board of Mgrs. of The Norfolk Atrium Condominium v. Suarez
158939/21 Carneiro v. Con Ed Co. of New York, Inc.
653496/25 Chang v. Chang
160026/25 Chen v. NYC Et Al
161440/21 Chubb Nat. Ins. Co. v. Capital Craftsmen, Inc.
153922/19 Clermont Ins. Co. v. Ninth Ave. Const.
653256/24 Corazon Energy v. Nrg Business Marketing LLC
158902/21 Elliott v. Genao
160498/23 Foreman v. Structure Tone
653715/23 Guardhat Inc. v. Cb Technologies, Inc.
161041/24 Guttenplan v. 206e75 LLC Et Al
159965/19 Honor v. Gilbane Bldg. Co.
159966/19 Honor v. Gilbane Bldg. Co.
654186/25 Hsbc Uk Bank Plc v. 809 Meadow Lane LLC Et Al
159253/20 Huang v. Chan
654500/25 Itria Ventures LLC v. Marin
653141/20 Khedouri v. Gabriel
154970/25 Marsella v. Lyft, Inc.
157028/24 McKnight v. NYC Et Al
151673/20 Mle Inc. v. Rpi Industries Inc.
157130/25 Mmp 309 Owner LLC v. Dzhupanova
156712/25 Nationwide Judgment Recovery, Inc. v. Zhang
154775/25 NY Lawyers For The Public Interest v. NYC Dept. of Transportation
160680/24 Peralta Perez v. NYC Et Al
152621/21 Perreira v. Omnibuild Const. Inc.
150002/23 Police Officer Dana Harge v. NYC Et Al
651070/22 Pursuit Special Credit Opportunity Fund v. Krunchcash
157121/21 Quesada v. Navin
153766/23 Richardson v. One Two Four Madison Associates
159012/20 Rivera v. 88 Wall St. LLC
151222/24 Rousso v. Schwartz Sladkus Reich Greenberg Atlas Llp Et Al
158537/25 Sathi v. NYS Dept. of Financial Services Et Al
850212/25 Sig Cre 2023 Venture LLC v. Bowery At Spring Partners
650476/18 Tantaros v. Krechmer
453376/24 NYC Et Al v. Board of Mgrs. of The 1564 48th St. Condominium Et Al
158538/25 Warren v. NYC Office of Collective Bargaining Et Al
154120/20 Welsh v. 12 East 86th St. LLC Et Al
654330/25 Whitley v. Simplicity Financial Marketing, Inc. Et Al
653307/25 Yangjiang Yangdong Maisons Housewares Co., Ltd v. Lifestyle Int'l
652266/20 Zhang v. Amy's Restaurant NY Inc
155134/20 Zhinin v. Rp1185 LLC

WEDNESDAY, NOV. 5

850260/2430 Broad Owner LLC v. 30 Broad St. Venture LLC Et Al
654543/2433 Henry St. Cc LLC v. Wooten-Angelo
150976/2350 West St. Condominium Et Al v. Jdm Washington St. LLC
652111/25 Akf Inc v. Mountain Valley Rlty. LLC Et Al
154130/23 Anaya v. NYC Et Al
655159/25 Application of Caithness Services LLC For An Order Confirming An Arbitration Award Pursuant To Cplr Article 75 v. Gelber
805323/22 Balbuenas v. NYCH&HC Corp. Et Al
150302/20 Boskovich Barreto v. Downtown NYC Owner
156045/20 Braganca-Ferreira v. Srep 10th Ave. Venture LLC
650490/21 Broad Financial Center LLC v. 33 Universal, Inc.
160354/18 C An Infant By Her Fng v. NYC
152259/23 C. v. NYC Elite Gymnastics, Inc.
151545/20 Cabrera v. NYCHA
150366/22 Casinathen v. Terrascend USA Inc.
159193/25 Columbia Palestine Solidarity Coalition v. The Trustees of Columbia Univ. in NYC
152633/20 Crp 701 West 135th St. A v. Pillori Associates
652805/25 Davis Technologies Group v. NYCHA Et Al
950843/21 Davis v. Ymca of The USA Et Al
805354/17 De La Rosa v. NY And
156241/22 F v. NYC Et Al
160132/25 Fisher v. NY Univ.
655022/25 Fs Creit Pkwy. Vista LLC v. Stein
651244/25 Glencore Ltd. v. Kamca Trading S.A. Et Al
158718/21 Grasso v. Metro. 919 3rd Ave. LLC Et Al
159477/25 Greenberg v. Loreal USA, Inc. Et Al
159899/19 Hermosa v. 13-17 Laight NY LLC
159310/25 Howard v. NYC Et Al
654597/25 Itria Ventures LLC v. R.L. Klein & Associates Inc. Et Al
651270/25 James v. Council of Urban Professional
651312/25 Jpmdb 2018-C8 Constitution Plaza v. Berger
159024/25 Kalampoukas v. Kroll
151596/20 Leban v. McGee Amusements Inc.
603111/05 Lee v. Luk
150726/24 Lopez v. Fong
152905/25 McLeod v. McBurnie
155964/19 Miranda v. New York-Presbyterian
155918/22 Mizhquiri Tito v. Lincoln Square Synagogue, Inc.
805223/24 Mohamed v. Goldstein M.D.
157066/20 Ramirez v. NYC
653369/21 Richardson v. Ce Solutions Group
653735/25 Rm Group Mgt. LLC v. 54 Greene Ventures LLC Et Al
160660/24 Rodriguez Cuevas v. Planet 550 Corp. Et Al
155810/22 Salinas v. 424 West 33rd St. LLC Et Al
152322/20 Solidgold Rlty. v. Bkny USA LLC
150074/22 Squatrito v. Tishman Speyer Properties Inc. Et Al
153383/23 Tejada v. Bud North Gc LLC Et Al
154216/24 Thomas v. Ventura
155462/22 Valdez v. 500 Ftw LLC
654626/25 Wells Fargo Bank v. Patel
161781/23 Whitney M.D. v. Montefiore Medical Center Et Al
155785/23 Yuquilema Balla v. Halletts Bldg. 3 Spe LLC Et Al
655366/24 Zhao v. Lu

THURSDAY, NOV. 6

160200/21 150 Central Park South Inc. D/b/a Hampshire House v. Jds Dev. LLC Et Al
850260/2430 Broad Owner LLC v. 30 Broad St. Venture LLC Et Al
153085/25701 Elton Residence LLC v. NYC Dept. of Housing Preservation & Dev.
950245/21 A.W. v. Archdiocese of NY
654915/24 Active Media Services, Inc. v. Tgi Fridays Franchisor
652430/24 Ankura Consulting Group v. Technocon Int'l, Inc.
651414/25 Arc Electrical & Mechanical Contractors Corp. v. North American Specialty Ins. Co.
653326/25 Bonecchi v. Bonecchi
805379/17 Brandt v. Ahmad M.D.
156754/25 Brown v. 18 Gay St. LLC Et Al
655480/25 Edwards Vacuum LLC v. Azenta, Inc.
155256/25 Flores v. Green
653020/24 Fox And Main v. Pyramid-Bmc Hldgs.
850095/17 Gianfranco Arena v. Shaw
160613/23 Gorayeb & Associates v. Villalta Jr.
654026/25 Greyhawk Rose Canyon Lender v. Rose Canyon Fi Owner LLC
652734/25 Harlow Mezz v. Global Investment Fund I Et Al
151139/21 Hernandez v. 315 East 68th St. Corp.
190274/22 Jacqueline Woodson v. A.W. Chesterton Co. Et Al
156799/22 Justine Ayala v. Cm And Associates Const. Mgt. Ltd. Liability Co. Et Al
651854/21 Leslie J. Garfield & Co., Inc. v. Evans
156908/23 Loo v. Resports World Catskills Et Al
161707/25 Lux Builders, Inc. v. NYC Et Al
150736/22 McMahon v. 132 Delancey St. Rlty. Corp. Et Al
654544/25 Meggitt Sa v. Davidson Instruments, Inc. Et Al
153122/25 Montgomery Garden Partners LLC v. NYC Dept. of Housing Preservation & Dev.
654711/25 Northwest Ohio Wind v. Renewstar
151821/23 Qi v. Hang & Associates
154985/25 Transport Workers Union Local 106 Et Al v. Metro. NYCTA Et Al
160737/21 Valencia v. NYCTA
652542/25 Vroom Inc. Et Al v. Allied World Specialty Ins. Co.
654708/24 Wesco Ins. Co. v. Utica First Ins. Co.
850626/23 Wilmington Savings Fund Society v. Weiner
161361/25 Zappin v. NY Office of Court Admin. Et Al

E-Filing Submission Part

Adjourned for Working Copies Part

Part 1

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

MONDAY, NOV. 3

153002/20 Greenbaum v. NYCTA

WEDNESDAY, NOV. 5

952107/23 Ormond v. Weinstein

THURSDAY, NOV. 6

952104/23 Cowell v. The Convent of The Sacred Heart School of NY
952185/23 Garrigue v. Morgan
153962/18 Lively v. NYCTA
151501/20 Marrero v. NYCTA
155628/17 Paulino-Marte v. NYCTA
452417/21 Tkach v. Mta Bus Co.

Part 2

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

WEDNESDAY, NOV. 5

153367/23 349 Commercial L.P. v. Soho's Sullivan Owner's Corp.
152450/20 American Transit Ins. v. Accelerated Surgical Center
152459/20 American Transit Ins. v. Apazidis
654790/20 American Transit Ins. v. Chuchuca-Lopez
159946/20 American Transit Ins. v. Maldonado
653036/21 American Transit Ins. Co. v. Brito
654675/22 American Transit Ins. Co. v. Estrella
650538/23 American Transit Ins. Co. v. Kinsey
651100/23 American Transit Ins. Co. v. Martinez
654006/22 American Transit Ins. Co. v. Montes
656676/22 American Transit Ins. Co. v. Morales
151446/23 American Transit Ins. Co. v. Antoine
153834/23 American Transit Ins. Co. v. Ernst Jean-Felix
155389/22 Asal Hldg. Co. v. Servpro Restoration of Upper Westside
651379/18 Dx Int'l LLC v. Style-Lab Experiment Inc. Et Al
154230/23 Hereford Ins. Co. v. Cabral
651656/23 High Point Prop. & Casualty Ins. Co. v. Guarini
151732/22 Jeremiah Hardy v. 595 Baltic Asset LLC
650940/22 Liberty Mutual Ins. Co., Lm Ins. Corp. And Skyline Restoration Inc. v. United Specialty Ins. Co. Et Al
157260/19 Mahmood v. Riverside 1795 Associates
159819/21 Pv Hldg. Corp. Including All of Its Subsidiaries And Affiliates, Including But Not Ltd. To Avis Budget, LLC, Avis Car Rental, LLC, Budget Car Rental, LLC, Budget Truck Rental, LLC, Payless Car Rental, Inc. And Zipcar, Inc. v. New Horizon Surgical Center LLC
150304/21 State Farm Fire And Casualty Co. v. Light Touch Acupuncture
157398/22 State Farm Mutual Automobile Ins. Co. v. Adjustment Work Chiropractic
653622/21 Wiener v. Franchitti

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153367/23 349 Commercial L.P. v. Soho's Sullivan Owner's Corp.
155389/22 Asal Hldg. Co. v. Servpro Restoration of Upper Westside
154230/23 Hereford Ins. Co. v. Cabral
159819/21 Pv Hldg. Corp. Including All of Its Subsidiaries And Affiliates, Including But Not Ltd. To Avis Budget, LLC, Avis Car Rental, LLC, Budget Car Rental, LLC, Budget Truck Rental, LLC, Payless Car Rental, Inc. And Zipcar, Inc. v. New Horizon Surgical Center LLC
653622/21 Wiener v. Franchitti

THURSDAY, NOV. 6

253038/21 1 Bk St. Corp. v. The Tax Commission of The City of New York
254961/17 11 West 20 St. Condominium v. The Tax Comm. of NYC
266352/24 113 Willow Ave. Rlty. Co. v. The Tax Comm. of NYC
254658/21 122 Norfolk St. v. The Tax Comm. of NYC
258571/19 125 Bowery Inc. v. The Tax Comm. of NYC
261093/18 136/140 W. 16th St. Rlty. Corp. v. The Tax Comm. of NYC
259716/18 1395 Rlty. Group LLC v. The Tax Comm. of NYC
256221/17 160 Waverly Pl. v. Tax Comm. of The
256141/23 161 East 61st St. v. The Tax Comm. of NYC
256220/17 164 Waverly Pl. v. Tax Comm. of The
254489/12 165 Waverly Pl. v. The Tax Comm. of NYC
253521/18 170 B'way. Retail Owner v. The Tax Comm. of NYC
260374/18 200 West End Ave. v. The Tax Comm. of NYC
264837/17 205 East 59th St. A/k/a 205e59 v. The Tax Comm. of NYC
252302/22 21 West 34 Owner LLC v. The Tax Comm. of NYC
260607/19 29 West 34 Owner LLC v. The Tax Comm. of NYC
260078/20 312 East 23 LLC v. The Tax Comm. of NYC
256249/17 322 West 11th St. v. Tax Comm. of The
263933/19 33 Greenwich Owners Corp. v. The Tax Comm. of NYC
260058/20 384-386 Eight Ave. LLC v. The Tax Comm. of NYC
251617/18 4 Park Ave. Associates v. The Tax Comm. of NYC
240027/24 510 Fifth Propco LLC v. The Tax Comm. of NYC And The Comm'r. of Finance of NYC
265975/23 510 Fifth Propco LLC v. The Tax Comm. of NYC
257170/21 62 West 62nd St. LLC v. The Tax Comm. of NYC
253412/15 70 Broad LLC v. Tax Comm. of The
256917/21 731 Retail One LLC v. The Tax Comm. of NYC
256263/17 755 Washington St. LLC v. The Tax Comm. of NYC
261207/17 Ben'ous Rlty. Inc. v. Tax Comm. of The
259607/22 Biltmore Owner v. The Tax Comm. of NYC
256533/20 Bldg 888 Lex LLC v. The Tax Comm. of NYC
251311/19 Bldg E 53 LLC v. The Tax Comm. of NYC
256998/22 Blue Millennium Rlty. LLC v. The Tax Comm. of NYC
656440/17 Bp 599 Lexington Ave. LLC v. Europa of 53rd St. Inc.
253282/22 City Urban Member LLC v. The Tax Comm. of NYC
152794/20 Crown Asset Mgt. v. Wrzosek
257734/22 Crown NY Retail Acquisitions LLC v. The Tax Comm. of NYC
263784/17 Digital Chelsea LLC v. The Tax Comm.
260499/15 Digital Connect v. Tax Comm. of The
264416/15 Dow Jones & Co. v. The Tax Comm.
240033/23 Egleston v. Tax Comm. of NYC Et Al
240006/24 Egleston v. Tax Comm. of NYC Et Al
258568/17 Esplanade 99 v. The Tax Comm.
452912/23 F&D 2327 Second Ave. v. Metro. Transportation Auth.
260886/14 Fg Associates v. Tax Comm. of The
263599/22 Garment One Garage LLC v. The Tax Comm. of NYC
258589/22 Gp Abitboul v. The Tax Comm. of NYC
257218/18 Gramercy Equities Corp. v. The Tax Comm. of NYC
250699/17 Greystone Capital Group v. The Tax Comm. of NYC
260656/14 Imperial Court Mgt. LLC v. The Finance Admin.
153188/22 in The Matter of The Application of The Metro. Transportation Auth. Relative To Acquiring Fee Title in Real Prop. Required For The Second Ave. Subway Project - Phase 2 v. Na
452301/25 in The Matter of The Application of The Metro. Transportation Auth. Relative To Acquiring Temporary Easements in Real Prop. Required For The Second Ave. Subway Project - Phase 2 Block 1687 v. Na
253772/23 Jeffrey L. Orenstein v. The Tax Comm. of NYC
263663/16 K.G.S. Elizabeth LLC v. The Tax Comm.
265655/24 Klch Associates v. The Tax Comm. of NYC
259745/20 Kombarakaran v. Tax Comm. of The City
250005/22 Kombarakaran v. Tax Comm. of NYC Et Al
264438/16 Lightower Fiber Networks II v. Tax Comm. of The
258646/13 Lkdg Associates v. Tax Comm. of The
256012/17 Lo-Ho LLC v. Tax Comm. of The
452913/23 Lucky Machine Wash Corp. v. Metro. Transportation Auth.
452914/23 Lucky Machine Wash Corp. v. Metro. Transportation Auth.
261599/18 Madison 54th St. v. Tax Comm. of The
452679/25 Metro. Transportation Auth. v.
257245/18 Mhm Rlty. v. The Tax Comm. of NYC
251921/15 Osborne Tenants Corp. v. Tax Comm. of The
452911/23 Pecora Group Dev. LLC v. Metro. Transportation Auth.
264412/15 Rcn Telecom Services v. The Tax Comm.
257396/20 Rogers Investments NY v. The Tax Comm. of NYC
260198/20 Sator Rlty., Inc. v. The Tax Comm. of NYC
260199/20 Sator Rlty., Inc. v. The Tax Comm. of NYC
264413/15 Sidera Networks LLC v. The Tax Comm.
264411/15 Sprint Communications, Inc. v. The Tax Comm.
264414/15 Telx NY LLC v. The Tax Comm.
254996/22 The Brauser Group #1 LLC v. The Tax Comm. of NYC
266452/22 The Hit Factory Condominium v. The Tax Comm. of NYC
264301/23 The Infinity Flats Condominium v. The Tax Comm. of NYC
265675/20 The Mapama Corp. v. The Tax Comm. of NYC
251039/20 The Morgan Lofts Condominium v. The Tax Comm. of NYC
265497/22 The Regatta Condominium v. The Tax Comm. of NYC
258637/18 Third Colony Corp. v. The Tax Comm. of NYC
253766/17 Vornado 40 East 66 St. LLC v. The Tax Comm. of NYC
254829/18 Vornado Westbury Retail LLC v. The Tax Comm. of NYC
265815/20 West 19 St Owners Corp. v. The Tax Comm. of NYC
255568/19 West B'way. 330 LLC v. The Tax Comm. of NYC
262900/12 Westerly Condominium v. The Tax Comm.

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240033/23 Egleston v. Tax Comm. of NYC Et Al
240006/24 Egleston v. Tax Comm. of NYC Et Al
153188/22 in The Matter of The Application of The Metro. Transportation Auth. Relative To Acquiring Fee Title in Real Prop. Required For The Second Ave. Subway Project - Phase 2 v. Na
452301/25 in The Matter of The Application of The Metro. Transportation Auth. Relative To Acquiring Temporary Easements in Real Prop. Required For The Second Ave. Subway Project - Phase 2 Block 1687 v. Na
259745/20 Kombarakaran v. Tax Comm. of The City
250005/22 Kombarakaran v. Tax Comm. of NYC Et Al
452679/25 Metro. Transportation Auth. v.

Part 3

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

MONDAY, NOV. 3

654771/25 Alter Domus (us) Llc v. Brahmbhatt
654186/25 Hsbc Uk Bank Plc v. 809 Meadow Lane LLC Et Al
651070/22 Pursuit Special Credit Opportunity Fund v. Krunchcash
603000/05 Said Hakim v. Kamran

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654771/25 Alter Domus (us) Llc v. Brahmbhatt

WEDNESDAY, NOV. 5

655310/25 Arc Capital Nyc v. Vallabhaneni
651498/24 Fortress Credit Corp. v. Cohen
161966/24 Millman v. Frisch

Motion

651498/24 Fortress Credit Corp. v. Cohen

THURSDAY, NOV. 6

654544/25 Meggitt Sa v. Davidson Instruments, Inc. Et Al

Part 6

Justice Kathy J. King
60 Centre Street
Phone 646-386-3312
Room 351

WEDNESDAY, NOV. 5

805238/21 Ahmed v. Mount Sinai Hosp. Et Al
805240/19 Allakhverdiyeva v. Tomasula
805336/23 Chaparro v. Pamel Vision And Laser Group Et Al
805354/17 De La Rosa v. NY And
805226/21 Domond v. Jewish Home Lifecare Manhattan
805242/22 Rudin M.D. v. Positano D.P.M.
805067/22 Salter v. Lee
805215/22 Sidibe v. David Downing
805103/19 Waheed v. Kim
805412/20 Westmoreland v. Badani

Motion

805238/21 Ahmed v. Mount Sinai Hosp. Et Al
805240/19 Allakhverdiyeva v. Tomasula
805336/23 Chaparro v. Pamel Vision And Laser Group Et Al
805226/21 Domond v. Jewish Home Lifecare Manhattan
805242/22 Rudin M.D. v. Positano D.P.M.
805067/22 Salter v. Lee
805215/22 Sidibe v. David Downing
805103/19 Waheed v. Kim
805412/20 Westmoreland v. Badani

THURSDAY, NOV. 6

805192/20 Arora v. Nezhat
805117/21 Beato v. Mount Sinai St. Luke's Hosp. Et Al
805479/23 Bolan v. Jarnagin M.D.
800005/19 Brennan v. Jules Winokur
805141/20 Brooks v. Sherman
805029/25 C. v. Nwachukwu M.D.
805212/24 Cabrera v. Fleiss
805283/20 Carlos Lazo v. Florencia K. Braier
805297/24 Colon v. Mina
805354/17 De La Rosa v. NY And
800005/17 De Los Santos v. Barak M. Rosenn
805158/24 Errico-Nagar v. Doolan
805409/21 Farhat v. Jafri Md
805459/17 Fernandez v. Harvey
850095/17 Gianfranco Arena v. Shaw
805075/20 Godoy v. Eswar
805488/23 Harris Scarangella v. Kao M.D.
805037/24 Holloway v. Terence Cardinal Cooke Health Care Center Et Al
805259/24 Hwang v. Albert
805217/18 Jeffrey Evans As v. Memorial Hosp. For Cancer
805417/19 Kang v. Zatorski
805020/25 Kasiarz v. Liang M.D.
805338/17 Katsoulas v. Kampf
805127/25 Lawrence v. Paulose Md
805229/21 Martinez v. Lau M.D.
805141/24 McGinty v. Frempong-Boadu
805104/22 Najarro v. Egol
805453/23 Nikehasani v. Schwartzstein D.DS.
805080/20 O'Kicki v. Joyce Gerdis-Karp
805312/22 Palermo v. Richmond Univ. Medical Center Et Al
805027/25 Patrick v. Robles M.D.
805256/22 Pugh v. Duszka M.D.
805434/23 Pycroft v. Khuthaila M.D.
805364/21 Ramos v. Zhang M.D.
805457/23 Rodriguez v. Shokrian M.D.
805422/23 Rohlehr v. Tewari M.D.
805249/16 Rojas v. Travers Concannon
100969/22 Rvalov v. Kuo
805143/24 Sosa v. Cantillo Md
805009/24 Steinberg v. Gelvin
100162/24 Stone v. NYCH&HC Corp.
805209/21 Trinidad v. The NY And Presbyterian Hosp. D/b/a NY Presbyterian-Columbia Univ. Et Al
805279/20 Utara Jones v. Mount Sinai Morningside
805410/21 Walton v. Bassetti
101234/22 Wang v. Deutch

Part 7

Justice Gerald Lebovits
60 Centre Street
Phone 646-386-3746
Courtroom 345

MONDAY, NOV. 3

850233/24 175 West 76th Street Llc v. Lichter Real Estate Number One
162883/252351 Acp v. Con-Tech Painting, Inc.
156824/2532bj Labor Indus. Cooperation Trust Fund v. NYC Office of Labor Relations
113846/06 Atlantic Mutual Ins. v. Greater N.Y. Mutual Ins.
650712/25 Cs Wall St. LLC v. Terzi
101116/25 Hans-Gaston v. Office of Administrative Hearings
655705/21 King Rose of Ny, Inc. v. Mw Hosp.ity
651990/24 Ll 1361 Lexington Ave LLC v. Ciner
151513/24 Mangone v. Brown Harris Stevens Dev. Marketing
157130/25 Mmp 309 Owner LLC v. Dzhupanova
651936/24 New Yorker Hotel Mgt. Co., Inc. Et Al v. Hartford Ins. Co. Et Al
654796/23 Owens v. New Empire Corp. Et Al
100990/25 Rasheed v. NYC Dept. of Education
653342/19 S.O.S. Rlty. Associates v. Blumberg
650680/25 Videoapp Inc. v. Dark Alley Media

Motion

162883/252351 Acp v. Con-Tech Painting, Inc.
650680/25 Videoapp Inc. v. Dark Alley Media

WEDNESDAY, NOV. 5

655360/23 15 W. 39th St. NY LLC v. Qcc Services, Inc. Et Al
150976/2350 West St. Condominium Et Al v. Jdm Washington St. LLC
652111/25 Akf Inc v. Mountain Valley Rlty. LLC Et Al
162720/25 Doe v. Barnard College
160871/23 Mendez v. NY Univ. Et Al
150625/25 Mota v. Barwest LLC
150315/19 Norma Knopf v. Esposito
652507/24 NYU Langone Hosps. Et Al v. Emblemhealth, Inc. Et Al
152937/24 Rahman v. Milos Hy, Inc. Et Al
158764/24 Smith Prado v. Derby Alphabet Blues 5872

Motion

162720/25 Doe v. Barnard College
150315/19 Norma Knopf v. Esposito

THURSDAY, NOV. 6

159899/23 Amica Prop. And Casualty Ins. Co. v. Winter
154151/21 Brewster 2016 LLC v. Redlus
650023/24 Corporate Collections LLC v. Aci Fed., Inc.
160846/24 Dennis v. Cooper Square Senior Housing L.P. Et Al
155256/25 Flores v. Green
656146/18 Gong v. Savage
161707/25 Lux Builders, Inc. v. NYC Et Al
157210/24 Parisi v. Village View Housing Corp. Et Al
452678/24 Puccio v. 525 Rlty. Co. Et Al

Court Calendars

COURT NOTES

Continued from page 11

KINGS COUNTY

Civil Court, County Wide
Janice Chen: Approved
Marisa Arrabito: Approved

Civil Court, 2nd Municipal Court District
Sheridan Jack-Browne: Not Approved

Civil Court, 4th Municipal Court District
Chidi A. Eze: Not Approved

Civil Court, 6th Municipal Court District
Juliet P. Howard: Approved

Civil Court, 7th Municipal Court District
Duane Frankson: Not Approved
Dagmar Plaza-Gonzalez: Not Approved

Supreme Court, 2nd Judicial District
Carl J. Landicino: Approved
Betsy Barros: Approved
Jill R. Epstein: Approved
Maria Aragona: Approved
Derefim Neckles: Approved
Claudia Daniels-DePeyster: Approved
Norma Jennings: Approved
Jacqueline Williams: Approved
Brian L. Gotlieb: Approved

District Attorney
Eric Gonzalez: Approved

QUEENS COUNTY

Civil Court, County Wide
Sheridan Chu: Approved
Indira D. Khan: Approved
Oma D. Phillips: Approved
William David Shanahan: Not Approved
Susan Silverman: Approved
Thomas D. Barra: Not Approved

Civil Court, 1st Municipal Court District
Juliette-Noor Haji: Approved

Civil Court, 2nd Municipal Court District
Thomas G. Wright-Fernandez: Not Approved
Eve Cho Guillergan: Approved
Stephen C. Dachtera: Not Approved

Civil Court, 4th Municipal Court District
Gail A. Adams: Not Approved
Fania Jean: Not Approved
Mary-Ann E. Maloney: Approved

Civil Court, 5th Municipal Court District
Jennifer A. Tubridy: Approved

Supreme Court, 11th Judicial District
Sandra Perez: Approved
Ira R. Greenberg: Approved
Gary F. Miret: Approved
Frances Y. Wang: Approved
Soma S. Syed: Approved
Gary Muraca: Not Approved
Richard Felix: Not approved

RICHMOND COUNTY

Civil Court, 1st Municipal Court District
Matthew J. Santamauro: Approved
Remy Smith: Approved

Supreme Court, 13th Judicial District
Raymond L. Rodriguez: Approved
Matthew P. Blum: Approved

BROOKLYN BAR ASSOCIATION

Ratings for Judicial Candidates
For Supreme Court, Civil Court and District Attorney

The Judiciary Committee of the Brooklyn Bar Association has rated the following candidates in the upcoming election.

Candidates receive one of three ratings: Approved, Not Approved or Not Approved for Failure to Participate.

Supreme Court 2nd Judicial District
Maria Aragona: Approved
Betsy Barros: Approved
Claudia Daniels-DePeyster: Approved
Jill R. Epstein: Approved
Brian L. Gotlieb: Approved
Norma Jennings: Approved
Carl J. Landicino: Approved
Derefim Neckles: Approved
Jacqueline Williams: Approved

District Attorney
Eric Gonzalez: Approved

Civil Court 2nd Municipal District
Sheridan Jack-Browne: Not approved for failure to participate

Civil Court 4th Municipal District
Chidi A. Eze: Not Approved

Civil Court 6th Municipal District
Juliet P. Howard: Approved

Civil Court 7th Municipal District
Dwayne Frankson: Not approved for failure to participate
Dagmar Plaza: Gonzalez: Not approved for failure to participate

County Wide Civil Court
Marisa Arrabito: Approved
Janice Chen: Approved

NASSAU COUNTY BAR ASSOCIATION

Ratings for Judicial Candidates
For Surrogate and District Courts

The Judiciary Committee of the Nassau County Bar Association (NCBA) screens candidates for judicial office in a court of record which customarily holds court sessions in Nassau County and has made the following determination for candidates on the ballot in Nassau County in the November 4, 2025, election:

Surrogate Court
David P. Sullivan: Well Qualified

County Court
Nancy Nicotra Bednar: Well Qualified
Donald X. Clavin, Jr.: Well Qualified
Robert G. Bogle: Well Qualified
Howard E. Sturim: Well Qualified

Family Court
Robert E. Pipia: Well Qualified

District Court Judge (District 2)
Maria Boultadakis: Well Qualified

District Court Judge (District 3)
Karen L. Moroney: Well Qualified
Diana Hedayati: Well Qualified

District Court Judge (District 4)
James A. Saladino: Well Qualified

The NCBA Judiciary Committee consists of 21 members who reflect a broad range of political participation and professional experience. The Committee determines whether candidates are "Well Qualified" for the judicial office they seek or, in the event of a negative conclusion, that the candidate is "Not Approved at this Time" for such office.

Not all candidates on the ballot are screened by the Judiciary Committee and non-Nassau County candidates may be referred to the NCBA at the request of another bar association where there is a conflict of interest.

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

Applications Being Accepted for Position of Federal Public Defender in Connecticuit

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

The Federal Public Defender, functioning under the authority of 18 U.S.C. §3006A(g)(2)(A) and the Criminal Justice Act Plan for the District of Connecticut, provides criminal defense services to individuals unable to afford counsel. The Office of the Federal Public Defender for the District of Connecticut has offices in Hartford and New Haven. The Federal Public Defender supervises a staff of assistant federal defenders, research and writing attorneys, investigators, paralegals, mitigation specialists, and support personnel.

The website for the office is: https://ct.fd.org/

Applicants must satisfy the following conditions:

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

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

(3) possess the ability to effectively administer the office, including the following management areas:
- Budget, procurement, and travel
- Human resources
- Space, facilities, and property;

(4) have a reputation for integrity; and

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

As the chief executive of the Office of the Federal Public Defender, the Federal Public Defender holds ultimate responsibility for the administration of the Office. The Office serves as a resource center for all practicing federal defense attorneys in the District, providing regularly scheduled training programs as well as advice and counsel when needed. The Federal Public Defender works nationally with other federal defenders on evolving issues in federal criminal law and other areas of shared concern.

The Second Circuit uses an open and competitive selection process. A Merit Selection Committee will review all applications and interview the most qualified candidates. With consideration of the District Court's recommendation, the Committee will refer the best qualified candidate to the Court of Appeals for selection and appointment. Applicants will be considered without regard to race, color, religion, sex, national origin, age, sexual orientation, or disability. The selected nominee will be required to complete a background investigation prior to appointment. The Federal Public Defender may not engage in the private practice of law.

Application forms are posted on the Court's website at http://www.ca2.uscourts.gov. Completed application packages must be in the format required by the Second Circuit and received no later than December 1, 2025.

FIRST DEPARTMENT

Appellate Term

December 1st Session To Be Held in the Bronx

Presiding Justice Ta-Tanisha D. James has announced that the Appellate Term, First Department will hold its December 1, 2025, session at the landmark Bronx County Courthouse, located at 851 Grand Concourse. The session will be held in the ceremonial courtroom, Room 711, commencing at 10:00 am. The bench will be comprised of Justice Mary Ann Brigantti, Justice Bianka Perez, and Justice Paul Alpert.

NEW YORK CIVIL COURT

Housing Part

Court Seeks Applicants for Housing Court Judgeships
Application Deadline is Nov. 6

Hon. Douglas Hoffman (Ret.), Chairperson of the Advisory Council for the Housing Part of the Civil Court of the City of New York, today announced that the Advisory Council has begun the process of soliciting applications for Housing Court Judge positions.

In order to encourage interest in applying and to provide sufficient time for a full review of candidates, applications will be accepted through November 6, 2025, at 5 p.m.

Housing Court Judges are appointed to five-year terms. They are required to have been admitted to the New York State Bar for at least five years, two of which must have been in an active and relevant practice. In addition, they must be qualified by training, interest, experience and judicial temperament and knowledge of federal, state, and local housing laws and programs. The present salary for Housing Court Judge is $216,400 per year.

Part 9

Justice Linda M. Capitti
60 Centre Street
Phone 646-386-3848
Room 355

WEDNESDAY, NOV. 5

321243/20 Brown v. Espinosa Gutiez
303717/20 Pena v. Thompson
320647/22 Roca v. Roca

Motion

303717/20 Pena v. Thompson
320647/22 Roca v. Roca

THURSDAY, NOV. 6

365181/24 Anonymous v. Anonymous

Motion

365181/24 Anonymous v. Anonymous

Part 11

Justice Lyle E. Frank
60 Centre Street
Phone 646-386-3314
Room 412

MONDAY, NOV. 3

161136/24 Aeg Restoration Corp v. Beufils
650898/24 Beaute Aesthetics NYC LLC v. Jacobs
160026/25 Chen v. NYC Et Al
163472/25 Desi Flavors Deli Inc v. Cheltoncort Owners Corp. Et Al
654500/25 Itria Ventures LLC v. Marin
453745/24 Jacobs v. Rostamirad
100871/16 Simry Rlty. Corp. v. Bishop
158627/24 Wheat v. Vichie
157963/20 Wilmington Savings Fund Society v. Brown

Motion

650898/24 Beaute Aesthetics NYC LLC v. Jacobs
163472/25 Desi Flavors Deli Inc v. Cheltoncort Owners Corp. Et Al
453745/24 Jacobs v. Rostamirad
100871/16 Simry Rlty. Corp. v. Bishop
158627/24 Wheat v. Vichie
157963/20 Wilmington Savings Fund Society v. Brown

WEDNESDAY, NOV. 5

654634/25 American Transit Insurance Company v. Elite Care Tech Inc.
654716/25 American Transit Ins. Co. v. Priority Medical Health Care Pc
652789/24 Berrezueta v. Kep Const. LLC Et Al
101043/25 Harris v. Nypd Comm'r. Tisch
155910/25 Hassan General Contracting Corp. v. 224 - 30 Eighth Ave LLC Et Al
653697/24 Hofstra Univ. Et Al v. United Educators
452907/23 Kalamata Capital Group v. A.C.S.A. Transportation L.L.C. Et Al
154268/24 Lexis Nexis v. Anderson & Ochs
154428/24 Mercedes-Benz Financial Services USA LLC v. Wheelchair Transportation Service Inc Et Al
655124/25 Mumford v. Open Sky 26 LLC Et Al
652299/24 Pegasus Fund v. Kolonich
157601/21 Ricci v. Discover Bank Et Al
159807/25 Sands v. The NYS Attorney General Et Al
152322/20 Solidgold Rlty. v. Bkny USA LLC

Motion

654634/25 American Transit Insurance Company v. Elite Care Tech Inc.
654716/25 American Transit Ins. Co. v. Priority Medical Health Care Pc
155910/25 Hassan General Contracting Corp. v. 224 - 30 Eighth Ave LLC Et Al
653697/24 Hofstra Univ. Et Al v. United Educators
452907/23 Kalamata Capital Group v. A.C.S.A. Transportation L.L.C. Et Al
154268/24 Lexis Nexis v. Anderson & Ochs
655124/25 Mumford v. Open Sky 26 LLC Et Al
157601/21 Ricci v. Discover Bank Et Al
159807/25 Sands v. The NYS Attorney General Et Al

THURSDAY, NOV. 6

153085/25 701 Elton Residence LLC v. NYC Dept. of Housing Preservation & Dev.
655401/24 Arnett v. Algin Mgt. Co LLC Et Al
652752/24 Frank Recruitment Group, Inc. v. Rbw Studio
157677/24 in The Matter of The Application of Michael Mojtahedi v. Christopher Craddock
153122/25 Montgomery Garden Partners LLC v. NYC Dept. of Housing Preservation & Dev.
161589/25 Morgenroth v. Aviles-Ramos
159247/24 Supreme Co. I LLC v. NYS Div. of Housing And Community Renewal Et Al
654708/24 Wesco Ins. Co. v. Utica First Ins. Co.

Motion

652752/24 Frank Recruitment Group, Inc. v. Rbw Studio
157677/24 in The Matter of The Application of Michael Mojtahedi v. Christopher Craddock
161589/25 Morgenroth v. Aviles-Ramos
159247/24 Supreme Co. I LLC v. NYS Div. of Housing And Community Renewal Et Al

Part 12

Justice Leslie A. Stroth
60 Centre Street
Phone 646-386-3273
Room 232

MONDAY, NOV. 3

153766/23 Richardson v. One Two Four Madison Associates

WEDNESDAY, NOV. 5

159899/19 Hermosa v. 13-17 Laight NY LLC
100641/23 Pereira v. Ethiopian Airlines - Nyccto

THURSDAY, NOV. 6

156445/24 Begun v. 505 Eighth Corp. Et Al
650892/25 Epic Affordable Operator v. Haddock
150080/25 Winiarsky v. Doe
150736/24 Zappin v. NY County Dist. Attorney's Office

Part 14

Justice Arlene P. Bluth
60 Centre Street
Phone 646-386-3219
Room 432

MONDAY, NOV. 3

656214/16 11-15 St. Nicholas Ave. Hdfc v. Shaw
653110/24 Antuono v. Trade The News, Inc. Et Al
656954/22 Chazen v. Ma
654150/23 Cobb v. Setzer
650997/23 Comm'rs. of The State Ins. Fund v. Sananjac Contracting Corp.
655184/23 Cvi Investments, Inc. v. Dmk Pharmaceuticals Corp.
151673/20 Mle Inc. v. Rpi Industries Inc.
650212/24 Safety And Quality Plus, Inc. v. Battery Associates LLC Et Al
654999/20 Zhuang v. Guo

WEDNESDAY, NOV. 5

150302/20 Boskovich Barreto v. Downtown Nyc Owner
850164/15 Nationstar Mortgage LLC v. Slavutsky
850621/23 Npl Fund LLC v. 75 Second Ave. LLC Et Al
850284/17 U.S. Bank Na v. Gallant
850164/23 U.S. Bank Na v. Simpson
850201/22 U.S. Bank Nat. Assoc. v. Zhu

Part 15

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

WEDNESDAY, NOV. 5

315633/14 Hatch v. Hatch
350009/15 Hofmann v. Sender
365162/25 Mehrotra Tripathy v. Tripathy
320019/23 Scott v. Scott

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311340/17 Brennan v. Caltabiano
314150/15 Debora v. Debora

Part 17

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

Part 19

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

Part 20 ADR

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

WEDNESDAY, NOV. 5

365868/23 Johnson v. Lee—11:30 A.M.

THURSDAY, NOV. 6

151829/21 Williams v. Senyar Holding

Part 24 Matrimonial Part

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

MONDAY, NOV. 3

312569/15 Bova v. Guerriero—2 P.M.
365210/22 Dogramaciyan v. Ekizian—10 A.M.
365210/22 Dogramaciyan v. Ekizian
320731/23 Sharma v. Sharma

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365210/22 Dogramaciyan v. Ekizian
320731/23 Sharma v. Sharma

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365510/24 Amed v. Amed—11 A.M.
320188/23 Asay v. Asay
321293/23 Blumenthal v. Schaffer—10 A.M.
320311/24 Cruz v. Cruz—2 P.M.
320311/24 Cruz v. Cruz
365203/25 Fondeur v. Fondeur
365868/23 Johnson v. Lee
453291/23 Lazo v. Rivera—9:30 A.M.
365615/23 McCartney v. McCartney—9:30 A.M.
312227/17 Nader v. Nader
365152/20 Singh v. Singh
321350/25 Sokotch v. Wang—9:30 A.M.
321350/25 Sokotch v. Wang
365185/25 Torres v. Ortiz
365091/25 Young v. Young

Motion

320188/23 Asay v. Asay
320311/24 Cruz v. Cruz
365868/23 Johnson v. Lee
312227/17 Nader v. Nader
365152/20 Singh v. Singh
321350/25 Sokotch v. Wang

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311263/19 Beauvoir v. Beauvoir
321727/23 Dejesus v. Cunto
309313/14 Kamp v. Trencher—9:30 A.M.
156792/25 Knicely v. Sturms—9:30 A.M.

Motion

311263/19 Beauvoir v. Beauvoir
321727/23 Dejesus v. Cunto

Part 26

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

Part 28

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

MONDAY, NOV. 3

301199/23 Gao v. Wu
365042/24 Li v. Sun
321067/24 USAChev v. USAChev
365430/24 Yoon v. Lee

Motion

301199/23 Gao v. Wu

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350004/24 Bergman v. Bergman
365283/24 Bucher v. Bucher
365159/24 Mukhin v. Ivashina
365342/24 Mullokand v. Mulokandov
301309/24 Riviere v. Melville
321049/23 Roberts v. Stephenson
365112/24 Sinclair v. Chapman
300804/23 Smith-Menjivar Maldonado v. Maldonado

THURSDAY, NOV. 6

365484/24 Brysha v. Brysha
365515/22 Iriti v. Pava
301042/20 Leon v. Anchundia Pelaez
321718/23 Swan v. Lucky

Motion

301042/20 Leon v. Anchundia Pelaez

Part 30V

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

THURSDAY, NOV. 6

805288/18 C. v. Jaffe
805205/19 Mercer v. Kuo
805011/22 Schmirl v. Vaezi M.D.
805202/20 Workman v. Wang

Part 33

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

MONDAY, NOV. 3

161421/21 Diaz v. 76 Wadsworth Ave. Operating Corp. Et Al
100053/25 Park v. NYC Police Dept. Prop. Clerk
154120/20 Welsh v. 12 East 86th St. LLC Et Al

WEDNESDAY, NOV. 5

153624/21 18 East 41st St. Partners v. Gamlieli
650064/24 Amur Equipment Finance, Inc. v. Dbms Consulting, Inc. Et Al
158258/21 Arenas v. Falcon Crest Homeowners Assoc., Inc. Et Al
159468/24 Azimi v. Concerned Dental Care P.C. Et Al
158907/24 Baker v. The NYCHA
152629/22 Bernstein v. 150 East 77th St. Corp.
155845/23 Blandino-Perez v. Tun Tun Auto Services Corp Et Al
162242/23 Botwin v. Ah Murray Hill Owner LLC Et Al
156085/24 Byron v. NYC Et Al
159966/22 Cabrera v. Food Universe Et Al
158860/21 Castro v. Turner Const. Co. Et Al
154373/24 Cherry v. Con Ed Co. of New York, Inc. Et Al
153127/23 Choroco v. NY Univ. Et Al
159941/24 Chubb Nat. Ins. Co. As Subrogee of John And Nan Breglio v. Quality Bldg. Const. LLC
152843/24 Cisse v. Bud North LLC Et Al
160519/24 Costo v. Deer Mountain Day Camp, Inc.
152633/20 Crp 701 West 135th St. A v. Pillori Associates
151286/22 Custin v. Guthrie
100481/24 De Peralta v. Vignola
157682/23 Diaz v. 12 Fordune LLC Et Al
161421/21 Diaz v. 76 Wadsworth Ave. Operating Corp. Et Al
150419/21 Dow v. Jkb Franchise Hldgs., Inc.
153901/22 Fofana v. 120 Lexington Ave. Corp.
157589/20 Foti v. Soho Grand Hotel, Inc.
159995/22 Godinez Ochoa v. Gilbane Bldg. Co.
150167/24 Gomez v. Hyatt Hotels Corp. Et Al
158718/21 Grasso v. Metro. 919 3rd Ave. LLC Et Al
159477/25 Greenberg v. Loreal USA, Inc. Et Al
159742/22 Heller v. Board of Mgrs. of Jardim Condominium Et Al
154307/22 Horvitz v. Haroldon Corp. Condominiums Et Al
153534/24 Infinity Auto Ins. Co. v. Alsufyan
153552/24 Infinity Auto Ins. Co. v. German
157876/22 James v. One East River Pl. Rlty. Co. II
151744/24 Jennings v. Port Auth. of NY And New Jersey Et Al
157806/24 Jesberger v. Sonesta Fifty Hotel
158718/23 Jones v. Sea Crest At Amagansett Corp. Et Al
150388/23 Khan v. Arena Service Co., LLC Et Al
150136/24 L.T. v. 239 East 115 St. Housing Dev. Fund Corp. Et Al
155554/24 Lechar 1441 LLC Et Al v. Wellbuilt Const. Enterprises
659524/24 Liberty Mutual Ins. Co. Et Al v. Dennis
157714/23 Llugsha v. Wesbuilt Const. Mgrs. LLC Et Al
153678/22 Logan v. Nat. RR. Passenger Corp. (amtrak) Et Al
653803/23 Lovell Safety Mgt. Co., L.L.C. v. Carlitos Contracting Corp.
150258/23 Marcelin v. Strycker's Bay Apts. Inc Et Al
650998/25 Montfort v. Leslie J. Garfield & Co., Inc.
655579/24 North Mill Credit Trust v. Nats Mountain House LLC Et Al
659211/24 Nr 79th St. LLC v. Musovic
158268/21 Ortiz Ruiz v. Sl Green Rlty. Corp. Et Al
154698/20 Pacific Indemnity Co. v. Pearl Contracting, Inc.
152605/24 Parks v. 500 East 76th St. LLC Et Al
154853/23 Peralta Naranjo v. Lex NY Equities LLC Et Al
158506/23 Plata v. NYC Et Al
154464/23 Ramsey v. 47 Ann St. Associates
157916/24 Reyes Juarez v. Rooftop Hosp.ity Group Et Al
150507/22 Rivera v. Con Ed, Inc.
157891/24 Rodriguez Santos v. Structure Tone
153331/24 Rodriguez Velasquez v. Front Wave Const. Inc. Et Al
155810/22 Salinas v. 424 West 33rd St. LLC Et Al
160627/19 Schappert v. Metro-North RR.
451875/24 Signature Metal And Marble Maint. v. Facade Tech.
156365/22 Singh v. 88-94 St. Nicholas Pl. Rlty. Inc. Et Al
155708/22 Soto v. Superpark Rlty.
159684/24 Stark v. Lane Office Furniture Inc. D/b/a Lane Office Et Al
151132/24 State Farm Fire And Casualty Co. v. 814 Undercliff Medical P.C. Et Al
155252/24 State Farm Guaranty Ins. Co. v. 2354 Chiropractic
151218/22 Tapia v. 143-45 Wadsworth Ave. Housing Dev. Corporartion A/k/a 143-45 Wadsworh Ave. H.D.F.C.
452148/23 The Comm'rs. of The State Ins. Fund v. Carlitos Contracting Corp.
655982/24 Tian v. 136 East 36th St. Apts. Corp.
150249/21 Toth v. The Vivian Beaumont Theater, Inc. Et Al
150376/23 Trienis v. New Tsi Hldgs. Inc. Et Al
651333/24 Urban Holiday LLC v. Stawski Partners Corp.
156994/20 Urena v. Danny's Furniture Inc. Et Al
652916/23 Varney v. Laz Parking New York/new Jersey LLC
151491/22 Vasquez v. Bop One North End LLC Et Al
157392/23 Verdugo Vivar v. Liberty Regional Center LLC Et Al
157403/22 Walsh v. Moynihan Interim Tenant
654329/23 Welkin Mechanical v. NYC
152531/23 Williams v. 147-149 Second Ave.
161050/23 Yrigoin v. Riverwalk 9

THURSDAY, NOV. 6

161625/21 269 West 87th St. Apt. Corp. Et Al v. Leeding Builders Group LLC Et Al
152084/25 Board of Mgrs. of The 350 Condominium v. Lotas
153284/25 Board of Mgrs. of The Textile Bldg. Condominium v. Board of Mgrs. of The Worth Bldg. Condominium
655593/24 Kang Irrevocable Trust Ex Rel. Yong Kang v. Dolgopolova
158476/25 Lotas v. Board of Mgrs. of The 350 Condominium Et Al
151821/23 Qi v. Hang & Associates
154515/23 Rodriguez v. Northern Blvd 26 LLC

Motion

161625/21 269 West 87th St. Apt. Corp. Et Al v. Leeding Builders Group LLC Et Al
152084/25 Board of Mgrs. of The 350 Condominium v. Lotas
153284/25 Board of Mgrs. of The Textile Bldg. Condominium v. Board of Mgrs. of The Worth Bldg. Condominium
655593/24 Kang Irrevocable Trust Ex Rel. Yong Kang v. Dolgopolova
158476/25 Lotas v. Board of Mgrs. of The 350 Condominium Et Al
154515/23 Rodriguez v. Northern Blvd 26 LLC

COURT NOTES

Persons interested in applying to become a Housing Court Judge may obtain a questionnaire from the courts website, Advisory Council - NY Housing | NYCOURTS.GOV . In as much as November 6, 2025, has been established as the deadline date for submission of such applications, Judge Hoffman encourages all applicants to obtain, complete and submit the original questionnaire as soon as possible. Applications can be emailed to dcajnychousing@nycourts.gov and the original mailed to the Office of the Deputy Chief Administrative Judge Adam Silvera, 111 Centre Street, Room 1240, New York, New York 10013.

Dated: September 9, 2025

NEW YORK STATE COURT OF APPEALS

Deadline for Amicus Curiae Motions in 'Matter of Seneca Meadows v. Town of Seneca Falls'

The Court has calendared the appeal in Matter of Seneca Meadows v Town of Seneca Falls (APL 2025-00116) for argument on November 20, 2025. Appellant's brief is due by October 9, 2025. Respondents' brief is due by October 30, 2025. Appellant's reply brief is due by November 6, 2025.

Motions for permission to file a brief amicus curiae must be served personally or by overnight delivery service no later than November 3, 2025 and noticed for a return date no later than November 10, 2025.

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

U.S. DISTRICT COURT SOUTHERN DISTRICT

Re-Appointment of Incumbent Magistrate Judge Kim P. Berg

The current term of the office of Part-Time United States Magistrate Judge Kim P. Berg is due to expire on September 11, 2026. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of a part-time magistrate judge to a new four-year term.

The duties of a magistrate judge position include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent Part-Time Magistrate Judge Kim P. Berg should be recommended by the panel for reappointment by the court, and should be directed to:

Edward Friedland
District Executive
U.S. Courthouse
500 Pearl Street, Room 820
New York, NY 10007-1312

Comments must be received 30 days from October 21, 2025 (the date of notice).

*****

Position Available for Chief Counsel To the District Court (Supervisory Pro Se Law Clerk)

Location: 500 Pearl Street, New York
Class Level: JSP 15
Salary: $172,621-$195,200 (Based on qualifications and experience)
Closing Date: Open Until Filled
Priority will be given to applications received by Oct 3, 2025
Vacancy No: 25-12
Equal opportunity employer.

DESCRIPTION

The Chief Counsel manages one of the largest Pro Se Litigation Offices in the Federal Judiciary. This position reports directly to the Chief Judge of the District Court, with policy guidance from the Court's Pro Se Committee, and oversees an office responsible for assisting the District and Magistrate Judges with their pro se docket, currently over 2200 pro se cases courtwide.

POSITION OVERVIEW

The principal responsibilities of the Chief Counsel are to lead the Office of Pro Se Litigation, which currently comprises 7 attorneys, and support the District and Magistrate Judges of the Court in handling the civil pro se docket. The Office of Pro Se Litigation assists the Court in carrying out its statutory obligations under 28 U.S.C. §1915(e)(2) and §1915A to screen civil complaints filed by incarcerated people and those with in forma pauperis status. These cases are predominantly civil rights actions, including employment discrimination actions, and petitions for writs of habeas corpus. The Chief Counsel works closely with the leadership team of the Clerk's Office to establish and maintain systems that are both efficient and appropriately solicitous to pro se litigants. This includes the preparation of manuals, guides, and other memoranda for the benefit of pro se litigants and chambers. The Chief Counsel co-runs the Pro Bono Program, which connects pro se litigants in need of counsel with volunteers from the SDNY bar.

The Chief Counsel reports to the Chief Judge on legal matters in pro se cases on the Chief Judge's docket and internal management of the Office, and also to the District Executive's Office on operational matters, and collaborates with the Pro Se Committee, a team of judges, on other internal initiatives. In addition, the Chief Counsel maintains external relationships that support the SDNY's pro se docket: the Chief Counsel serves as a primary liaison to the Pro Se Clinic, currently managed by the City Bar Justice Center, which provides legal advice to pro se litigants, and communicates with counterparts around the country and the governing body at the Administrative Office of the U.S. Courts to stay abreast of budgetary developments and, where appropriate, to present the position of the Office.

Court initiatives may require collaboration with local stakeholders, including the offices of the United States Attorney, the New York State Attorney General, and the New York City Corporation Counsel, as well as with the prisons and jails within the district. In connection with the Pro Bono Program, the Chief Counsel coordinates programs and events with the private bar and participates in bar activities and committees.

DUTIES AND RESPONSIBILITIES

The Chief Counsel, under the direction of the Chief Judge, is responsible for hiring, training, supervision, and general management of the staff attorneys, which includes performance evaluation. The Chief Counsel is responsible for ensuring that the Office's handling of its screening duties remains responsive to developments in the law, appropriately solicitous to pro se litigants, and operationally manageable. Day-to-day duties and responsibilities of this position include reviewing the staff attorneys' written work and legal analysis, coordinating with Clerk's Office staff on operational matters relevant to the pro se docket, and managing and promoting the Court's Pro Bono Program. Management of the Court's Pro Bono Program involves providing advice to chambers on cases in need of counsel, frequent communication with the private bar, distribution of a monthly newsletter that solicits assistance from volunteer lawyers, and collaboration with bar associations. Project management of internal initiatives requires scheduling check-ins with participants and communicating developments to the relevant stakeholders.

REQUIRED QUALIFICATIONS

Applicants must possess a Juris Doctor degree from a law school accredited by the American Bar Association and be admitted to the bar in a federal court of general jurisdiction. Applicants also must have excellent academic credentials and superior analytical, research, and writing skills with law review or equivalent legal research experience. Competitive applicants will have at least three years of post-law school relevant legal experience such as working as a pro se or death penalty law clerk or other experience in areas of legal work that come before the pro se and death penalty law clerk programs, including civil rights claims brought under 42 U.S.C. § 1983. Applicants with significantly more experience are preferred. All applicants should emphasize any supervisory and/or managerial experience; experience directing the workflow within an office; experience reviewing professional legal staff work products; and experience training law clerks or other professional legal staff on standards of performance. Applicants must possess a solid grounding in federal jurisdiction and civil procedure. The Court seeks highly qualified applicants with diverse backgrounds and experience.

APPLICATION PROCEDURE

To be considered for this position, applicants must submit a cover letter, resume (including law school class rank and/or percentile if available), law school transcript, self-edited writing sample, and a list of at least three professional references. Only applications submitted via e-mail will be accepted. It is preferred for the applications to be submitted in a single PDF document, and for candidates to include the vacancy number and position title in the subject field of the e-mail containing the application. Applications submitted as zip files, cloud files and/or links will not be accepted. Applications that do not conform to the above procedures will not be considered. Only candidates selected for the next step in the hiring process will be contacted. Please submit your application to: DEJobs@nysd.uscourts.gov.

Applicants must be U.S. citizens or lawful permanent residents seeking U.S. citizenship. Employees of the United States District Court are not included in the government's Civil Service classification and are at-will employees. All employees are required to adhere to the Code of Conduct for Judicial Employees. The successful candidate for this position is subject to a background check. This position is subject to mandatory electronic funds transfer for payment of net pay.

Part 34

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

MONDAY, NOV. 3

650476/18 Tantaros v. Krechmer

WEDNESDAY, NOV. 5

155918/22 Mizhquiri Tito v. Lincoln Square Synagogue, Inc.

Part 37 IAS Part

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

MONDAY, NOV. 3

652409/24 238 Rodney LLC v. Jpmorgan Chase Bank
151190/24 Midtown Hotel v. 522 W. 38th St. LLC

Motion

652409/24 238 Rodney LLC v. Jpmorgan Chase Bank

WEDNESDAY, NOV. 5

805323/22 Balbuenas v. NYCH&HC Corp. Et Al
651700/20 Jones Law Firm v. Peck

Motion

651700/20 Jones Law Firm v. Peck

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805149/24 I.K. v. NYC NYCH&HC Corp.

Part 39

Justice James G. Clynes
60 Centre Street
Phone 646-386-3619

MONDAY, NOV. 3

453376/24 NYC Et Al v. Board of Mgrs. of The 1564 48th St. Condominium Et Al

WEDNESDAY, NOV. 5

150228/21 Allen v. Bonpoint USA Inc. Et Al
653973/24 Board of Mgrs. of Galleria Condominium v. Sky Tower, Inc. Et Al
650490/21 Broad Financial Center LLC v. 33 Universal, Inc.
154517/23 Castro v. B'way. Const. Group Et Al
158226/23 Chubb Nat. Ins. Co. Et Al v. Strauss
159520/24 Coronel v. City Hall Tenants Corp. Et Al
151696/24 De Souza v. New Line Structures & Dev. LLC Et Al
153748/19 Gilinsky v. Ashforth Properties
150418/24 Lee v. Planet Fitness, Inc. Et Al
650049/25 Rapaport v. 140 Riverside Boulevard
651074/25 Safdie Rlty. Group LLC v. 2502- 8th Ave. Corp. Et Al
157241/25 Solstice Residential Group v. Olek, Inc. Et Al
150074/22 Squatrito v. Tishman Speyer Properties Inc. Et Al
154960/21 Vasquez v. Esplanade Gardens, Inc. Et Al

THURSDAY, NOV. 6

151501/25 Dark Alley Media v. Videoapp Inc. Et Al
162535/25 Doe E. H. v. Kefu Li Et Al
157890/20 Goldberg v. 238-240 Rlty.
160737/21 Valencia v. NYCTA

Part 43

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

WEDNESDAY, NOV. 5

655159/25 Application of Caithness Services LLC For An Order Confirming An Arbitration Award Pursuant To Cplr Article 75 v. Gelber
654950/25 Metric Theory v. Talkiatry Mgt. Services
653735/25 Rm Group Mgt. LLC v. 54 Greene Ventures LLC Et Al

Motion

654950/25 Metric Theory v. Talkiatry Management Services

THURSDAY, NOV. 6

653326/25 Bonecchi v. Bonecchi
653903/20 Dmy Sponsor v. Carter Glatt And Captains
655350/17 Elhanani v. Kuzinez
657563/19 Greenwich Advisory & Co. v. Kranos Corp.
656639/21 Hogg v. Braverman
654711/25 Northwest Ohio Wind v. Renewstar
452353/18 People of The State of v. Fischman
654100/25 Spectrum Mgt. Hldg. Co. v. IV Media
652064/17 Vxi Lux Holdco S.A.R.L. v. Sic Hldgs.

Motion

655350/17 Elhanani v. Kuzinez
656639/21 Hogg v. Braverman

Part 40TR Judicial Mediation

Justice Suzanne J. Adams
60 Centre Street
Phone 646-386-3722
Room 300

MONDAY, NOV. 3

159549/20 Antolino Gambino v. Fbg Wall LLC
160421/21 Avent v. Stepanskiy
161304/19 Beauvais v. Con Ed Co.
805032/22 Benson v. Ilan D.D.S.
160632/20 Bruesehoff v. St. Cloud Rooftop Bar Et Al
151013/18 Bldg. Solutions NYC Corp. v. Borough Const. Group LLC
154352/16 Ciru v. Chelsea Dynasty
160122/20 David L. Moss & Associates LLC v. Bruni
152626/16 Diamond v. Tf Cornerstone Inc.
651946/20 Doucoure v. NYC
157345/19 Dutan Rumpilla v. 11 Hoyt Prop. Owner
160938/16 Garcia v. Citymeals-On-Wheels
805291/18 Goldstein v. Berenbaum
160047/18 Grant v. NYCTA
160536/21 Highpoint Associates V v. Jeanie Dry Cleaners Inc. Et Al
160875/22 Hirst v. Manier
805344/15 Lynn Sare Kornblau v. Sauter
161091/19 McKenna v. Teachers Ins. And
154509/16 Miles v. Sol Goldman Investments
159320/16 Miral, Inc. v. Kovac Media Group, Inc.
153924/22 Morgan v. Heffran
160676/17 Nnamani v. NYCHA
158319/22 Ordinary Faces LLC v. David Turner Architect
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161869/19 Maldonado v. 133 E. 58th St. LLC
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Part 44

Justice Jeffrey H. Pearlman
60 Centre Street
Phone 646-636-3370
Room 321

MONDAY, NOV. 3

300373/25 Avendano v. Lincoln
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Part 45 Commercial Div.
Justice Anar Rathod Patel
60 Centre Street
Phone 646-386-3632
Room 428

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

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651500/22 Certain Underwriters At Lloyd's v. Selena Gil, Inc.
654332/20 Earthlink v. Charter Communications
652840/20 Edward O'Brien And The Esop Shop v. Lawrence Kaplan
653695/23 Eri/snl 2015 Hldgs. LLC Et Al v. Snl Dev. Group LLC Et Al
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Part 49 Commercial Div.
Justice Margaret A. Chan
60 Centre Street
Phone 646-386-4033
Room 252

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Part 53 Commercial Div.
Justice Andrew S. Borrok
60 Centre Street
Phone 646-386-3304
Room 238

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

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654454/24 Webster Bank v. Khorosh

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Part 57
Justice Sabrina Kraus
60 Centre Street
Phone 646-636-3195
Room 218

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950164/21 C. v. NYC
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Part 59
Justice Debra A. James
60 Centre Street
Phone 646-386-3351
Room 331

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451666/18 Genetech Bldg. Systems v. Amcc Corp.
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Part 60 Commercial Div.
Justice Melissa A. Crane
60 Centre Street
Phone 646-386-3310
Room 248

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654457/24 Westmount Group LLC v. The Healing Co. Inc. Et Al

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652063/25 Uplifting Tech. Inc. Et Al v. Yu

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Part 61 Commercial Div.
Justice Nancy M. Bannon
60 Centre Street
Phone 646-386-3169
Room 232

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652247/21 Bsdt 11th Av LLC v. H F Z Capital Group LLC
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654810/25 Gtcc 1 LLC Et Al v. Intervest Capital Partners LLC Et Al
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Transit Authority Settlement Part
60 Centre Street
Phone 646-386-3281
Room 408

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80 CENTRE STREET

Part 4
Justice Judy H. Kim
80 Centre Street
Phone 646-386-3580
Room 308

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157853/23 Cohen v. Metro. Transportation Auth. Et Al
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151693/20 Palacio v. Cosmic Rlty. Partners LLC
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150163/25 Jaquez v. Hanza Rlty. Co. LLC Et Al
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152573/23 Paulino v. Storage Const. Co. LLC Et Al
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150223/24 Roman v. Bklyn Local Draft LLC D/b/a The Bklyn.eer Et Al
156651/22 Scg 232 v. Worldwide Ins. Brokerage
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Part 5 City Part
Justice Hasa A. Kingo
80 Centre Street
Phone 646-386-3374
Room 320

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160680/24 Peralta Perez v. NYC Et Al
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156799/22 Justine Ayala v. Cm And Associates Const. Mgt. Ltd. Liability Co. Et Al

Part 8
Justice Lynn R. Kotler
80 Centre Street
Phone 646-386-3572
Room 278

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Part 21 City Part
Justice Richard A. Tsai
80 Centre Street
Phone 646-386-3738
Room 280

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158142/21 Coleman v. NYCTA
152497/23 Fleurant v. Metro. Transportation Auth. Et Al
150169/18 Mooney v. NYC
153580/17 Persaud v. NYCTA
160842/18 Rodriguez v. NYCTA
158552/19 Salazar v. Thompson

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155375/14 Ahmed v. The NYCTA Et Al
155200/24 Ammarito v. Mta Const. And Dev. Et Al
157410/23 Ancona v. NYCTA Et Al
161009/23 Antigua v. Doe
153962/23 Ausberto Antommarchi A/k/a Ausberto Antommarcht v. NYCTA Et Al
153304/23 Beatha v. NYCTA Et Al
159597/22 Bergersen v. NYCTA
150692/21 Bernal v. NYCTA Et Al
158693/16 Caballero v. NYCTA
158791/22 Castillo v. NYCTA
158110/20 Chen v. Metro. Transportation
151195/20 Cumberbatch v. Metro. Transportation
152963/22 Dani v. Cliffin
158208/20 De La Paz v. Metro.
155117/22 Dekany v. NYCTA Et Al
159686/24 Diluzio v. NYCTA
151891/24 Druitt v. NYCTA Et Al
153510/19 Ebtehadj v. NYCTA
450195/23 Feliciano v. The Metro. Transportation Auth. Et Al
450205/25 Fernandez v. NYCTA Et Al
155807/22 Galloway v. NYC Et Al
155673/16 Gomez v. NYCTA
158809/19 Grant v. NYCTA
150071/15 Gross v. NYC
159169/16 Harris v. NYCTA
156438/19 Heron v. NYCTA
150158/21 Iken-Murphy v. NYCTA
158464/18 Jackson v. NYCTA
150578/16 Jacobson v. NYCTA
152077/25 Johnson v. The NYCTA Et Al
160387/24 Khan v. Williams
452669/21 Lee v. Mta
153204/17 Linda Ranson As Administrator of The Estate of Mary Hodges-Ranson v. NYCTA
160697/20 Maravi v. NYCTA
151329/24 Marciano v. Metro. Transportation Auth. Et Al
150883/24 Martinez v. NYCTA Et Al
161973/23 Mejia v. Metro. NYCTA Et Al
159179/23 Mena v. Mta Bus Co. Et Al
155712/23 Mistretta v. Metro. Transportation Auth. Et Al
101602/07 Moncayo v. NYCTA
162324/23 Mondon v. NYCTA Et Al
156214/24 Ortiz v. Metro. Transportation Auth. Et Al
154140/23 Osorio v. NYCTA Et Al
160402/24 Pascal v. First And Last Name Being Fictitious
153306/22 Pimentel v. NYCTA
152652/23 Reynoso v. Metro. Transportation Auth. Et Al
154362/19 Rufano v. NYCTA Et Al
153756/24 Salgado v. D'Onofrio General Contractors Corp. Et Al
452129/19 Shaw v. NYCTA
452974/21 Sobota v. NYCTA
153678/24 Sparks v. The NYCTA Et Al
159789/23 Srinivasan v. NYCTA Et Al
157039/23 Steel v. NYCTA Et Al
158001/20 Stude v. A Very Special Pl., Inc.
160860/21 Turck v. Mta Bridges And Tunnels Et Al
153789/24 Ullah v. The NYCTA Et Al
152304/21 Zhou v. NYC Et Al

Motion
158208/20 De La Paz v. Metro.
452974/21 Sobota v. NYCTA

Part 22 Motor Vehicle
Justice Christopher Chin
80 Centre Street
Phone 646-386-3271
Room 136

MONDAY, NOV. 3
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154098/25 Alston v. Lord
157181/24 Andres Abelino Estrella And Ana Zoila Flores As Administrators of The Estate of Clara Del Alba Estrella Flores Et Al v. Amscan Inc. Et Al
154484/22 Andrews v. NYC
155179/23 Argudo-Ramos v. Haque
159853/23 Armand v. Avis Budget Car Rental
151807/24 Ayoubi v. Md
160446/19 Bautista v. Fernandez
154994/23 Blynn v. Lh Trans Inc Et Al
162350/23 Brown v. Quezada
153790/24 Campbell v. Holland
150065/22 Cho v. Con Ed Co. of New York, Inc. Et Al
153910/23 Dobson v. Sp Plus Corp. Et Al
157903/23 Duncan v. Amscan Inc. Et Al
158902/21 Elliott v. Genao
160531/23 Faitlowicz v. Lacayo
161258/23 Garcia v. Doe
151712/24 Geico General Ins. Co. As Subrogee of Kristy Harris v. Remache
153289/24 Green v. Guenifi
151741/23 Habib v. Hamer
156340/24 Hardy v. NY Presbyterian Hosp. Et Al
155027/23 Hazzard v. V & L Pizzeria & Restaurant D/b/a V & T Restaurant, Inc. Et Al
150552/23 Henegama Illagolle v. Fjd Hd, Inc. Et Al
154807/24 Hernandez v. Otto
158391/24 Hosangadi v. Feliz
153764/24 Irwin v. Metro North Commuter RR.
156806/20 Jamel v. Elefteriadas
160071/23 Jocelyn v. Hub Truck Rental Corp. Et Al
159909/22 Johnson v. Doucoure
159162/23 Jones v. Hutchingson
160762/23 Juraez v. Cutto
159328/22 Lehn v. Gilston Electrical Contracting
159836/23 London v. U.S. Tennis Assoc. Et Al
154970/25 Marsella v. Lyft, Inc.
152912/23 McCloy v. Wallace
150876/23 McNeelance v. Norfolk Hosp.ity Inc D/b/a Nurse Bettie Cocktail Bar Et Al
158347/23 Melloh v. Sanchez-Garay
160768/22 Miley v. Boal
161006/22 Milligan v. Norfolk Hosp. ity Inc. Et Al
152913/24 Mitra v. Yurgosky
158846/23 Molina v. Amscan Inc. Et Al
150987/23 Pimentel v. Chisolm
157121/21 Quesada v. Navin
157318/23 Quinn v. Lu
150243/23 Ramirez v. Martin
152392/20 Reyes v. Demir
155473/21 Richardson v. NYC Et Al
154968/23 Rodriguez Jr. v. Balde
159472/23 Rodriguez v. Eby Brown Transportation LLC Et Al
157989/22 Rojas Mogollon v. Academy Bus Lines
155560/22 Sandoval Moreno v. Ahmed
154838/24 Seck v. Bustamante
161474/21 Smith v. Mays
155526/21 Spears v. Venture Leasing LLC Et Al
150309/24 Stong v. Mahfuz
157953/24 Sullins v. Norelli
154774/24 Tavarez Miliano v. Amscan Inc. Et Al
150057/23 Tavarez v. Reyes
156287/24 Toribio v. Mahabir
156542/24 Vargas v. Amscan Inc. Et Al
155711/23 Wascher v. Papitto Const. Co., Inc. Et Al
153699/21 Zhang v. Singh
157730/23 Zhang v. Uber Technoligies, Inc. Et Al

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152466/22 Joachimczyk v. 72 Wall Street Condominium
150726/24 Lopez v. Fong
152905/25 McLeod v. McBurnie
154216/24 Thomas v. Ventura

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152012/23 Adeleke v. Peter Pan Bus Lines, Inc. Et Al
157197/23 Alicea v. St. Lukes Roosevelt Hosp. D/b/a Mount Sinai West Hosp. Et Al
156181/25 Brown-Secka v. American United Transportation Et Al
156791/25 Diaz v. Zia
151798/22 F. v. Mbaye
154275/21 Fischetti v. Silver Cab LLC
150991/23 Gil-Allende v. Shun
157048/23 Gonzales v. Pichardo
155435/23 Greene-Tom v. Akber
161823/23 Guida v. Jacques
160206/25 Hernandez Arita v. Motor Vehicle Accident Indemnification Corp.
152360/23 Lewis v. Rigo Limo Auto Group LLC.
151808/19 Martin v. Alkaifee
160434/23 McKnight v. Jones
152167/20 Mills v. Polanco
150218/22 Nicolai v. Daisak
155743/23 Paez v. Favorite
162748/15 Price v. Riverside Radio Dispatcher, Inc. Et Al
150479/25 Rabinowitz v. Uber Technologies, Inc. Et Al
100725/19 Robinson v. Robert Ostlowski
154232/23 Sanchez v. Darcy
151557/22 Sathyanarayan v. Rynn
157880/21 Speights v. McGougan
160884/23 Stewart v. Leonardo
159416/22 Williams v. Topbuild Corp. Et Al

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156181/25 Brown-Secka v. American United Transportation Et Al
156791/25 Diaz v. Zia
160206/25 Hernandez Arita v. Motor Vehicle Accident Indemnification Corp.
152167/20 Mills v. Polanco
155743/23 Paez v. Favorite
150479/25 Rabinowitz v. Uber Technologies, Inc. Et Al
159416/22 Williams v. Topbuild Corp. Et Al

Part MED-2
Justice Samuel E. Wilkenfeld
80 Centre Street
646-386-3689
Room 106

Early Settlement Part 1
Justice Miles J. Vigilante
80 Centre Street
Room 106

Early Settlement Part 2
Justice Samuel E. Wilkenfeld
80 Centre Street
Room 106

MONDAY, NOV. 3
160531/23 Faitlowicz v. Lacayo
159328/22 Lehn v. Gilston Electrical Contracting
152913/24 Mitra v. Yurgosky
155560/22 Sandoval Moreno v. Ahmed
155711/23 Wascher v. Papitto Const. Co., Inc. Et Al

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154243/23 Abdelbaky v. NYC Et Al
152528/16 Angus Mackenzie v. NYC, Con Ed Co. of New York, Inc. And Tme Warner Cable NYC LLC
153265/21 Annie Pamintuan For The Estate of Annette Camaya v. NYC Et Al
150018/19 Hussain v. NYC
154355/24 Jones v. NYC Et Al
452490/24 Kerr v. NYC Et Al
159349/21 McDonald v. Spring Scaffolding LLC
157088/24 Rajan v. NYC Et Al
159511/22 Rosario v. NYC Et Al
158985/24 Starke v. NYC Et Al

THURSDAY, NOV. 6
152012/23 Adeleke v. Peter Pan Bus Lines, Inc. Et Al
151798/22 F. v. Mbaye
154275/21 Fischetti v. Silver Cab LLC
150991/23 Gil-Allende v. Shun
157048/23 Gonzales v. Pichardo
155435/23 Greene-Tom v. Akber
161823/23 Guida v. Jacques
151808/19 Martin v. Alkaifee
160434/23 McKnight v. Jones
150218/22 Nicolai v. Daisak
162748/15 Price v. Riverside Radio Dispatcher, Inc. Et Al
154232/23 Sanchez v. Darcy
151557/22 Sathyanarayan v. Rynn
157880/21 Speights v. McGougan
160884/23 Stewart v. Leonardo

Part 27
Justice Denise M Dominguez
80 Centre Street
Phone 646-386-5625
Courtroom 289

Part 41
Justice Nicholas W. Moyne
80 Centre Street
Phone 646-386-3984
Room 327

MONDAY, NOV. 3
155277/24 Artistic Contracting Services Corp. v. Forcart
651003/24 Bldg 900 First LLC Et Al v. 900 1st Donuts
158538/25 Warren v. NYC Office of Collective Bargaining Et Al

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159193/25 Columbia Palestine Solidarity Coalition v. The Trustees of Columbia Univ. in NYC
652805/25 Davis Technologies Group v. NYCHA Et Al

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651574/22 133 W 25 Realty v. Dnp Builders LLC Et Al
155591/13 Adams v. Electrolux Home Prod.s, Inc.
450405/22 Allen v. Warcholik
651414/25 Arc Electrical & Mechanical Contractors Corp. v. North American Specialty Ins. Co.
653085/24 Bishop v. Unitedhealthcare Ins. Co of NY
653252/22 Bykov v. Ac Universal Supply, Inc. Et Al
160627/23 Chubb Ins. Co. of New Jersey v. Arrow Fine Art Services LLC
650548/25 Cm And Associates Const. Mgt. Ltd. Liability Co. v. State Nat. Ins. Co.
150866/23 Crane v. 24 E 39 LLC
160476/25 Drbx Hldgs. v. West Fordham Bbq
655392/23 Federation LLC v. Cavas Inc. Et Al
153841/23 Figueroa v. New Rochelle Tower Owner LLC Et Al
654746/25 Fora Financial Asset Securitization 2024 LLC v. Legends Electric LLC D/b/a Legends Electric LLC Et Al
157448/19 Foster v. NYC
160450/23 Fugazzi v. Port Auth. of NY And New Jersey Et Al
656442/23 Greenberg v. All Entertainment Media Group Et Al
654364/23 Hudson 38 Hldgs. LLC v. Llabb Corp. D/b/a Llabb Co. Et Al
651355/23 Julien v. Lowe II
653753/25 McLean v. E-J Energy
155201/23 Monaco v. Wfp Tower D Co. L.P. Et Al
161796/23 Moorman v. Abs2560 LLC Et Al
450465/23 NYCHA v. Tyson
452265/25 People of The State of NY v. Rajesh Anthony A/k/a Tony Subraj Et Al
157249/25 Preferred Retail 23 LLC v. Ateam Army, Inc. Dba Aarmy Et Al
157083/23 Rodal v. Marriott Int'l Inc. Et Al
159105/24 Rojas v. City Skyline Rlty. Inc Et Al
651422/24 S1 Spine v. Implanet America, Inc.
654638/24 Saad v. Pace Univ.
655976/21 Stanco Electrical Contractors, Inc. v. Mongiove Associates Ltd Et Al
654777/22 Taylor v. Khorshad
450476/22 NYC v. Triton Structural Concrete, Inc.
157479/23 Tubon Malucin v. Structure Tone
652225/25 Weiner v. 870 Fifth Ave. Corp. Et Al
161361/25 Zappin v. NY Office of Court Admin. Et Al

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651574/22 133 W 25 Realty v. Dnp Builders LLC Et Al
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655392/23 Federation LLC v. Cavas Inc. Et Al
157448/19 Foster v. NYC
452265/25 People of The State of NY v. Rajesh Anthony A/k/a Tony Subraj Et Al
157249/25 Preferred Retail 23 LLC v. Ateam Army, Inc. Dba Aarmy Et Al
654638/24 Saad v. Pace Univ.

Part 50
Justice J. Machelle Sweeting
80 Centre Street
Phone 646-386-5639
Room 279

Part 51 Matrimonial Part
Justice Lisa S. Headley
80 Centre Street
Phone 646-386-3846
Room 122

Part 65
Justice Denis M. Reo
80 Centre Street
Phone 646-386-3887
Room 307

WEDNESDAY, NOV. 5
156045/20 Braganca-Ferreira v. Srep 10th Ave. Venture LLC
653369/21 Richardson v. Ce Solutions Group

THURSDAY, NOV. 6
156788/19 44 Trinity Pl. LLC v. Tphgreenwich Owner LLC Et Al
156200/21 Amendolara v. 1166 LLC Et Al
151481/22 Deluise v. 333 East 46th St. Apt. Corp. Et Al
156661/20 Fernandez v. Board of Mgrs. of Vestry
156005/21 Forza Rlty. v. Byron House Owners Corp.
156535/22 Guida v. Shoprite of Fishkill Et Al
157599/21 Jean v. 4181 B'way. LLC Et Al
159851/22 Jean v. Stellar Mgt. Et Al
158801/20 Konko v. Bfp 300 Madison II
805030/25 Kulis v. NYC NYCH&HC Corp.
159982/20 Maximin v. Gramercy Square LLC Et Al
157333/20 Nunez v. Universal Contracting of New
158570/20 Residential Board of v. Wong
158490/20 Roc-Lafayette Associates v. Agenda, Inc.
154673/17 Sadullaev v. At Home Solutions
154990/20 Thirteenth Floor Group LLC v. Vandergrand Properties Co., Lp
155641/19 Truffles II v. Quick Park Tribeca II LLC

Part 73R Special Referee
Justice Diego Santiago
60 Centre Street
Room 354

Part 75R Special Referee
Justice Stephen S. Burzio
60 Centre Street
Room 240

Part 81R Special Referee
Justice Lancelot B. Hewitt
80 Centre Street
Phone 646-386-3680
Room 321

Part 84R Special Referee
Justice Jeremy R. Feinberg
60 Centre Street
Phone 646-386-3207
Room 641

Part 87R Special Referee
Justice Joseph P. Burke
80 Centre Street
Phone 646-386-5541
Room 238

Part 88R Special Referee
Justice Deborah E. Edelman
60 Centre Street
Room 158

Part 89R Special Referee
Justice Sue Ann Hoahng
80 Centre Street
Phone 646-386-3676
Room 236

71 THOMAS STREET

Part 13
Justice Eric Schumacher
71 Thomas Street
Phone 646-386-3736
Courtroom 304

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190011/17 Arthur Shanahan v. Aerco Int'l, Inc.
190065/22 Bill v. Avon Prod.s, Inc. Et Al
190455/18 Farruggio v. A.O. Smith Water Prods. Co.

WEDNESDAY, NOV. 5
115015/98 Bigaj v. A.C. & S., Inc.
190269/12 Martino v. Borg-Warner Corp.
190292/16 Materese v. A.O. Smith Water Prods. Co
102691/01 McIlmurra v. A.C & S.
190018/17 Mercatante v. Amchem Prod.s, Inc.
190094/15 Michael Sessa v. A.O. Smith Water Prods. Co.
190563/12 Miranti v. A.O. Smith Water Prods. Co.
190219/11 Mohr v. A.O. Smith Water Prods.
190073/21 Phelan v. 84 Lumber Co. Et Al
190118/24 Widercrantz v. Amchem Prod.s, Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc Et Al

Motion
190118/24 Widercrantz v. Amchem Prod.s, Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc Et Al

THURSDAY, NOV. 6
118155/02 Carroccia v. A.C.& S.
190039/17 Dyer v. Amchem Prod.s, Inc.
190117/13 Ferrell v. Amchem Prod.s, Inc.
190172/19 Hollingsworth v. A.O. Smith Water Prods. Co.
190274/22 Jacqueline Woodson v. A.W. Chesterton Co. Et Al
190181/09 Nasso v. A.O.Smith Water Prods.
109070/00 Newkirk v. A.C. & S.
112732/00 O'Neil v. A.C. And S., Inc.
190173/14 Orrin v. Amchem Prod.s, Inc.
190414/13 Pagano v. A.O. Smith Water Prods. Co
190392/13 Pepe v. Amchem Prod.s, Inc.
190092/16 Peter Talarico v. A.O. Smith Water Prods. Co
190313/14 Phyllis Linell v. Amchem Prod.s, Inc.
113748/00 Redden v. A.C.& S.
190063/14 Royce v. A.O. Smith Water Prods. Co.

Part 18
Justice Alexander M. Tisch
71 Thomas Street
Phone 646-386-3472
Room 104

MONDAY, NOV. 3
951090/21 Doe v. Archdiocese of NY Et Al
951177/21 Doe v. Archdiocese of NY Et Al
950618/21 Doe v. Roman Catholic Archdiocese
950436/21 Doe v. Roman Catholic Archdiocese
950482/21 Kearns v. Archdiocese of NY Et Al
950744/21 Mathews v. Archdiocese of NY Et Al

WEDNESDAY, NOV. 5
100115/22 Alicea v. De La Cruz
653084/25 American Transit Ins. Co. v. Js Chiropractic Diadnostic Services Pc.
156191/25 Bravo v. NYS Div. of Housing And Community Renewal (dhcr) Et Al
950901/21 Doe v. Roman Catholic Archdiocese
101254/24 Keller v. NYS Div. of Housing & Community Renewal
158141/24 Simmon v. NYC Police Dept.

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653084/25 American Transit Insurance Company v. Js Chiropractic Diadnostic Services Pc.
156191/25 Bravo v. NYS Div. of Housing And Community Renewal (dhcr) Et Al
950901/21 Doe v. Roman Catholic Archdiocese
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158141/24 Simmon v. NYC Police Dept.

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950903/21 A. v. NYC
950270/20 Alicea v. Archdiocese of NY
950710/20 Annette Dorothy Lamacq-Murphy Et Al v. Archdiocese of NY Et Al
950301/21 Borg v. Archdiocese of NY Et Al
951231/21 C. v. The Roman Catholic Archdiocese of NY Et Al
951085/21 C. v. NYC
951046/21 C. v. Archdiocese of NY
950172/21 Cavanaugh v. Roman Catholic Archdiocese of NY Et Al
950599/20 Correa v. Roman Catholic Archdiocese
453064/21 Crymes v. NYC Et Al
950537/20 Dap v. Archdiocese of NY Et Al
951055/21 Ddd v. St. Cabrini Home And Missionary Sisters of The Sacred Heart of Jesus
950304/21 Delfino v. The Roman Catholic Diocese of Bklyn. Et Al
951077/21 Doe v. Archdiocese of NY
950192/20 Doe v. Archdiocese of NY Et Al
950436/20 Doe v. Archdiocese of NY
950479/21 Doe v. Archdiocese of NY
951078/21 Doe v. Archdiocese of NY Et Al
950743/20 Doe v. Archdiocese of NY
950206/21 Doe v. Roman Catholic Archdiocese
950589/21 Duncan v. Little Flower Children And Family Services of NY Et Al
950218/19 Fling v. NYC Et Al
950118/21 Hammond v. NYC Et Al
451749/21 Jameson Leonard v. NYC Et Al
950664/20 Janis v. NYC
950224/20 K. v. NYC
950189/19 Kb v. Archdiocese of NY
453806/21 M. v. NYC Et Al
950272/21 Marville v. Episcopal Diocese of NY Et Al
950027/21 Mauriello v. Archdiocese of NY
950148/21 Miller-Breland v. NYC Et Al
951099/21 O. v. Rabbi Jacob Joseph School
950108/20 O. v. Archdiocese of NY
950448/20 P. v. Archdiocese of NY
950328/21 Perez v. NYC Et Al
950420/21 S. v. NYC
950202/19 S.T. v. Jewish Board of Family And Children's Services, Inc., Et Al
950226/21 T.J. v. Archdiocese of NY
950777/21 Tansey v. The Dominican Foundation of Dominican Friars Et Al
950497/21 Taylor-Diaz v. Roman Catholic Archdiocese of NY Et Al
950111/19 Twersky v. Yeshiva Univ.

Part 23
Justice Eric Schumacher
71 Thomas Street
Phone 646-386-3736
Courtroom 304

MONDAY, NOV. 3
190011/17 Arthur Shanahan v. Aerco Int'l, Inc.
190065/22 Bill v. Avon Prod.s, Inc. Et Al
190455/18 Farruggio v. A.O. Smith Water Prods. Co.

WEDNESDAY, NOV. 5
115015/98 Bigaj v. A.C. & S., Inc.
190269/12 Martino v. Borg-Warner Corp.
190292/16 Materese v. A.O. Smith Water Prods. Co
102691/01 McIlmurra v. A.C & S.
190018/17 Mercatante v. Amchem Prod.s, Inc.
190094/15 Michael Sessa v. A.O. Smith Water Prods. Co.
190563/12 Miranti v. A.O. Smith Water Prods. Co.
190219/11 Mohr v. A.O. Smith Water Prods.
190073/21 Phelan v. 84 Lumber Co. Et Al
190118/24 Widercrantz v. Amchem Prod.s, Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc Et Al

THURSDAY, NOV. 6
118155/02 Carroccia v. A.C.& S.
190039/17 Dyer v. Amchem Prod.s, Inc.
190117/13 Ferrell v. Amchem Prod.s, Inc.
190172/19 Hollingsworth v. A.O. Smith Water Prods. Co.
190274/22 Jacqueline Woodson v. A.W. Chesterton Co. Et Al
190181/09 Nasso v. A.O.Smith Water Prods.
109070/00 Newkirk v. A.C. & S.
112732/00 O'Neil v. A.C. And S., Inc.
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190414/13 Pagano v. A.O. Smith Water Prods. Co
190392/13 Pepe v. Amchem Prod.s, Inc.
190092/16 Peter Talarico v. A.O. Smith Water Prods. Co
190313/14 Phyllis Linell v. Amchem Prod.s, Inc.
113748/00 Redden v. A.C.& S.
190063/14 Royce v. A.O. Smith Water Prods. Co.

Part 29
Justice Leticia M. Ramirez
71 Thomas Street
Phone 646-386-3016
Room 311

WEDNESDAY, NOV. 5
152414/25 Ahmed v. Navillus Tile, Inc. Et Al
158479/19 Arguelles v. Hunter Roberts Const.
161554/24 Banks v. Bx 1467 LLC Et Al
152642/24 Bonano v. Memorial Sloan Kettering Cancer Center Et Al
159685/24 Cohen v. Rosenberg
158056/22 Cordero v. 610 West 163 Rlty.
157895/23 Diakovasilis v. Turner Const. Co. Et Al
162296/24 Ehrlich v. 280 Eh Rlty. LLC Et Al
158484/25 Horne v. 69 West 9 Owners Corp. Et Al
451994/24 L. v. NYC Et Al
158205/23 Llapa v. 183 Madison Apf Lp Et Al
156959/23 Maidana Cardozo v. Jam E 89 LLC Et Al
157597/23 Melendez v. 50 Hymc Owner LLC.
158428/25 Mitchell v. Dos Toros LLC Et Al
159540/23 Palma-Castro v. Madison Plaza Apt. Corp. Et Al
153303/25 Parra-Moreta v. 420 West 206th St. Owners Corp. Et Al
152776/20 Pasquini v. T.D. Bank
151568/23 Perez v. Mrr 1326
153596/23 Pollock v. Delshah Capital LLC
151649/23 Sandoval v. 515 Deli Corp. Et Al
158303/23 Spady v. Martinique Reality Associates
155860/23 Tanchez v. Y Properties Hldgs.
160675/22 Togra Rivera v. 20 East 9th St. Corp. Et Al
159586/23 Villaman Reynoso v. NYC Et Al
150536/23 Vincentin v. Sovereign Apts. Inc. Et Al
155785/23 Yuquilema Balla v. Halletts Bldg. 3 Spe LLC Et Al

Part 36
Justice Verna L. Saunders
71 Thomas Street
Phone 646-386-3733
Room 205

MONDAY, NOV. 3
101555/17 Ramirez v. H.Mckenzie Inc.
652266/20 Zhang v. Amy's Restaurant NY Inc

WEDNESDAY, NOV. 5
653072/20 Ameriplus Energy Resource v. Seattlean
158245/18 Christine Bregoli v. Fsf Soho
100590/25 Cortes v. City of New York
656234/21 Kaplun v. Global American Commercial Corp.
655331/25 Ma v. Concierge Auctions
160752/20 Murawski v. Bisso
162006/25 Panagios Mep Corp. v. Walls N Ceilings Inc.
652367/25 Torres v. Wells Fargo Clearing Services
154985/25 Transport Workers Union Local 106 Et Al v. Metro. NYCTA Et Al
450425/21 Ultimate Prod. Distributors v. Ultimate Vapor Source Inc

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FOUNDATIONS

THE ANNUAL RETURN OF 21st Century ILGWU Heritage Fund For the calendar year ended 2023 is available at its principal office located at 275 Seventh Avenue, New York, NY 10001 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Muzaffar Chishti.
16353 n3

THE ANNUAL RETURN OF DALIA AND LARRY LEEDS FOUNDATION. For the calendar year ended December 31, 2024 is available at its principal office located at Lipsky Goodkin & Co. 120 West 45th St. New York, NY 10036 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is LAURENCE LEEDS, JR.
16267 n3

THE ANNUAL RETURN OF STEFFENS 21ST CENTURY FOUNDATION II 12/31/2024 For the Tax year ended 12/31/2024 is available at its principal office located at 650 Madison Avenue, 20th Fl, New York, NY 10022 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is JOHN L. STEFFENS.
16453 n3

THE ANNUAL RETURN OF S&Y Goltche Trust For the calendar year ended 12/31/2024 is available at its principal office located at 137-35 75th Road Flushing NY 11367 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Sion Goltche.
16257 n3

THE ANNUAL RETURN OF Y.E. Beyda Trust For the calendar year ended 12/31/2024 is available at its principal office located at 1133 Broadway, room 221 New York, NY 10010 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Charles Beyda.
16256 n3

THE ANNUAL RETURN OF Ziv Israel Association For the calendar year ended 12/31/2024 is available at its principal office located at c/o Goltche 7 West 45th street, Ste 1703 New York, NY 10036 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Doris Toporwitz.
16255 o31

LIQUOR LICENSES

Roots By Woodstack LLC doing business as Roots, located at 226 W. 145th St, New York, New York, 10039 in the County of New York, State of New York, for the sale of alcoholic beverages at retail in a restaurant under the Alcoholic Beverage Control Law.
15893 o27-M n3

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of KIMBERLY PRESHLOCK NP IN PSYCHIATRY PLLC. Arts. of Org. filed with SSNY on 09/22/2025. Office location: Nassau SSNY desg. as agent of PLLC upon whom process against it may be served. SSNY mail process to 1936 HEMPSTEAD TPKE SUITE 116, EAST MEADOW, NY 11554. Any lawful purpose.
16481 Nov3 m Dec8

LIMITED LIABILITY ENTITIES

HIBISCUS HARBOR HOLDINGS LLC Art of Org. filed with the SSNY on 08/26/2025 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.
16339 N03 M D08

MELLON CAPITAL GROUP 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.
16340 N03 M D08

NOTICE OF FORMATION of SAIGON DELI ON 8 LLC. Arts of Org filed with Secy of State of NY (SSNY) on 10/22/25. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to: 21 Spring St., 4H, NY, NY 10012. Purpose: any lawful act.
16107 o27-M d1

SALES

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX WELLS FARGO BANK, N.A., Plaintiff AGAINST ADAM CARTAGENA, ADABERTA CARTAGENA AKA ADALBERTA CARTAGENA, ET AL., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered July 19, 2017, I, the undersigned Referee will sell at public auction at Courtroom 711, Bronx County Supreme Court, 851 Grand Concourse, Bronx, NY on November 17, 2025 at 2:15 PM, premises known as 439 Turneur Avenue, Bronx, NY 10473. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough of Bronx, County of Bronx, City of New York and State of New York, Block 3511, Lot 146. Approximate amount of judgment $149,913.46 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #35063/2014E. Yesenia Barrantes-Isibor, Esq., Referee Gross Polowy, LLC 1775 Wehrle Drive Williamsville, NY 14221 00-304946 87394
15047 o20-M n10

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of The Couture List LLC. Arts. of Org. filed with NY Dept. of State: 10/16/25. Office location: NY County. Princ. bus. addr.: 14 E. 60th St., Ste. 704, NY, NY 10022. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. Purpose: all lawful purposes.
16090 o27-M d1

NOTICE OF FORMATION of MGD SUPPORT LLC. Arts. Of Org. filed with SSNY on 04/16/2024. Office location: Nassau SSNY desg. as agent of LLC upon whom process against it may be served. SSNY mail process to 2477 D MERRICK ROAD, BELLMORE, NY, 11710. Any lawful purpose.
16480 Nov3 m Dec8

NOTICE OF FORMATION of E707 LLC. Arts. of Org. filed with NY Dept. of State: 10/16/25. Office location: NY County. Princ. bus. addr.: 14 E. 60th St., Ste. 704, NY, NY 10022. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. Purpose: all lawful purposes.
16088 o27-M d1

NOTICE OF FORMATION of Island Jet Ski Freeport LLC. Arts. of Org. filed with NY Dept. of State: 9/19/25. Office location: Nassau County. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: SPI Agent Solutions, Inc., 407 N. Highland Ave., Nyack, NY 10960. Purpose: all lawful purposes.
16086 o27-M d1

NOTICE OF FORMATION of Oriana IP Holdings, LLC. Arts. of Org. filed with NY Dept. of State: 10/16/25. Office location: NY County. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Kevin Ryan, 57 W. 69th St., NY, NY 10023, principal business address. Purpose: all lawful purposes.
16091 o27-M d1

ARENA CHESTNUT ESR, LLC. Filed with SSNY on 10/22/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE STE 700, ALBANY, NY 12260. Purpose: Any Lawful
16493 n3-M d8

ARENA REMSEN ESR, LLC. Filed with SSNY on 10/22/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE STE 700, ALBANY, NY 12260. Purpose: Any Lawful
16494 n3-M d8

ASMODEUS HOLDINGS LLC. Arts. of Org. filed with the SSNY on 10/23/25. 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, 178 Berryhill Ct., West Hempstead, NY 11552. Purpose: Any lawful purpose.
16487 n3-M d8

3929 CARPENTER LLC. Filed with SSNY on 10/09/2023. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3331 WHITE PLAINS RD, STE 101, BRONX, NY 10467. Purpose: Any Lawful
16496 n3-M d8

4026 CARPENTER LLC. Filed with SSNY on 10/09/2023. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3331 WHITE PLAINS RD, STE 101, BRONX, NY 10467. Purpose: Any Lawful
16497 n3-M d8

LIMITED LIABILITY ENTITIES

SAXEN LLC. Arts. of Org. filed with the SSNY on 10/27/25. 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 EB Group LLP, 510 Broadhollow Road, Suite 300, Melville, NY 11747. Purpose: Any lawful purpose
16489 n3-M d8

VALLEY GREEN 800 PW LLC. Arts. of Org. filed with the SSNY on 07/14/25. 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, 20 Vanderventer Avenue, Suite #100 East, Port Washington, NY 11050. Purpose: Any lawful purpose.
16484 n3-M d8

NOTICE OF FORMATION of 1.21 JIGAWATTS, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/20/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1430 Broadway, 8th Fl, New York, NY 10018. Purpose: any lawful act.
15915 N03 M D08

NOTICE OF FORMATION of AMOS ENDER LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/22/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 517 W 144th St Apt 19, New York, NY 10031. Purpose: any lawful act.
16500 N03 M D08

NOTICE OF FORMATION of 349 GREENWICH LIVE WORK 5 LLC. Arts. of Org. filed with SSNY on 10/08/2025.Office location: New York SSNY desg. as agent of LLC upon whom process against it may be served. SSNY mail process to 349 GREENWICH STREET, PH6, NEW YORK, NY, 10013. Any lawful purpose.
16478 Nov3 m Dec8

NOTICE OF FORMATION of 349 GREENWICH LIVE WORK 6 LLC. Arts. of Org. filed with SSNY on 10/08/2025.Office location: New York SSNY desg. as agent of LLC upon whom process against it may be served. SSNY mail process to 349 GREENWICH STREET, PH6, NEW YORK, NY, 10013. Any lawful purpose.
16479 Nov3 m Dec8

HK ARRANGEMENTS, LLC. Arts. of Org. filed with the SSNY on 10/07/25. 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, 31 Seneca Street East, Massapequa, NY 11758. Purpose: Any lawful purpose.
16486 n3-M d8

KAREN GUIDEE LLC. Filed with SSNY on 10/14/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 80 STATE ST, ALBANY, NY 12207 - 2543. Purpose: Any Lawful
16509 n3-M d8

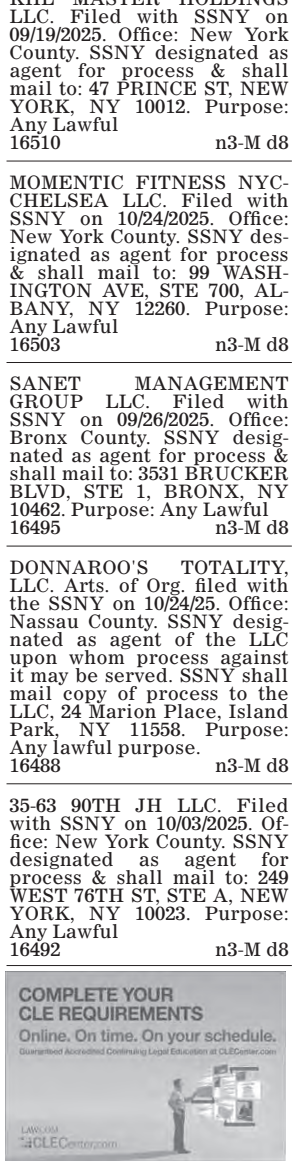
KHL MASTER HOLDINGS LLC. Filed with SSNY on 09/19/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 47 PRINCE ST, NEW YORK, NY 10012. Purpose: Any Lawful
16510 n3-M d8

MOMENTIC FITNESS NYC-CHELSEA LLC. Filed with SSNY on 10/24/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. Purpose: Any Lawful
16503 n3-M d8

SANET MANAGEMENT GROUP LLC. Filed with SSNY on 09/26/2025. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3531 BRUCKER BLVD, STE 1, BRONX, NY 10462. Purpose: Any Lawful
16495 n3-M d8

DONNAROO'S TOTALITY, LLC. Arts. of Org. filed with the SSNY on 10/24/25. 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, 24 Marion Place, Island Park, NY 11558. Purpose: Any lawful purpose.
16488 n3-M d8

35-63 90TH JH LLC. Filed with SSNY on 10/03/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 249 WEST 76TH ST, STE A, NEW YORK, NY 10023. Purpose: Any Lawful
16492 n3-M d8



LIMITED LIABILITY ENTITIES

957 GRAND, LLC Art. Of Org. Filed Sec. of State of NY 1/25/2013. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: 2515 Linden Street, Bellmore, NY 11710, USA. Purpose: Any lawful purpose.
15814 o20-M n24

JEF DRIVING LLC, Arts. of Org. filed with the SSNY on 10/16/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jofre P Morocho, 90 Sherwood Avenue, Franklin Square, NY 11010. Reg Agent: Jofre P Morocho, 90 Sherwood Avenue, Franklin Square, NY 11010. Purpose: Any Lawful Purpose.
15888 o20-M n24

VELOCITY SOCER LLC Art. Of Org. Filed Sec. of State of NY 4/18/2025. Off. Loc.: Nassau Co. United Sates Corporation, Inc., designated as agent upon whom process may be served & shall mail proc.: 7014 13th Avenue, Suite202, Brooklyn, NY 11228. Purpose: Any lawful purpose.
9071 o20-M n24

1240 HANCOCK LLC. Filed 1/19/2017. Office: Nassau Co. SSNY designated as agent for process & shall mail to: 711 STEWART AVE SUITE 100, GARDEN CITY, NY 11530. Purpose: General.
16113 o27-M d1

300 HOLDINGS AG, LLC, Arts. of Org. filed with the SSNY on 10/23/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Allon Avgi, 2771 Merrick Ave, Merrick, NY 11566. Purpose: Any Lawful Purpose.
16111 o27-M d1

NEW RO BAGELS LLC. Filed 10/3/2025. Office: Westchester Co. SSNY designated as agent for process & shall mail to: 1279 NORTH AVE, NEW ROCHELLE, NY 10804. Purpose: General.
16112 o27-M d1

MATRASPEAK, LLC. Filed with SSNY on 10/20/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 25 MURRAY ST, APT 4.H., NEW YORK, NY 10007. Purpose: Any Lawful
16504 n3-M d8

LIMITED LIABILITY ENTITIES

300 HOLDINGS GP, LLC, Arts. of Org. filed with the SSNY on 10/23/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Allon Avgi, 2771 Merrick Ave, Merrick, NY 11566. Purpose: Any Lawful Purpose.
16110 o27-M d1

46 LINCOLN AVENUE, LLC, Arts. of Org. filed with the SSNY on 10/23/2025. 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, 353 Long Beach Road, South Hempstead, NY 11550. Purpose: Any Lawful Purpose.
16108 o27-M d1

A&A HOMES REIMAGINED LLC, Arts. of Org. filed with the SSNY on 10/23/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Puja Kumar, 1662 Old Country Road, Unit 407, Plainview, NY 11803. Purpose: Any Lawful Purpose.
16109 o27-M d1

CASA BELONGO PARK AVENUE LLC. Filed with SSNY on 10/15/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 215 EAST 99TH ST, BOX 012A, NEW YORK, NY 10029. Purpose: Any Lawful
16499 n3-M d8

CASTILLO PRODUCE LLC. Filed with SSNY on 10/22/2025. Office: Bronx County. SSNY designated as agent for process & shall mail to: 2141 HOLLAND AVE, APT 1M, BRONX, NY 10462. Purpose: Any Lawful
16498 n3-M d8

DEVHEV LLC. Filed with SSNY on 08/11/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 145 WEST 55TH ST, #5G, NEW YORK, NY 10019. Purpose: Any Lawful
16505 n3-M d8

GUOQING WANG IMPORT COMPANY, LLC. Filed with SSNY on 09/08/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. Purpose: Any Lawful
16508 n3-M d8

LIMITED LIABILITY ENTITIES

CASA JAM 2A LLC. Filed with SSNY on 10/16/2025. Formed in DE on 10/14/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 200 W 75TH ST, NEW YORK, NY 10023. DE SOS: 401 Federal St #4, Dover, DE 19901. Purpose: any lawful
16501 n3-M d8

DATACENTERX LLC. Filed with SSNY on 10/24/2025. Formed in DE on 07/16/2025. Office: New York County. SSNY designated as agent for process & shall mail to: WEWORK, 575 5TH AVE., 14TH FL, NEW YORK, NY 10017. DE SOS: 401 Federal St #4, Dover, DE 19901. Purpose: any lawful
16502 n3-M d8

EMILY FARTHING LLC. Filed with SSNY on 09/23/2025. Formed in OR on 02/08/2024. Office: New York County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. OR SOS: 255 Capitol St. NE, Suite 151, Salem, OR 97310. Purpose: any lawful
16506 n3-M d8

NOTICE OF QUALIFICATION of Voyant Solutions, LLC. Authority filed with NY Dept. of State: 10/16/25. Office location: NY County. Princ. bus. addr.: 1 N. Wacker Dr., Ste. 2500, Chicago, IL 60606. LLC formed in DE: 9/25/25. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: all lawful purposes.
16089 o27-M d1

Century 56th Street LLC Auth. filed w/ SSNY 10/15/25. Off. in Nassau Co. Cert of Form filed w/ SSDE 10/13/25. Process served to SSNY - desig. as agt. of LLC & mailed to, 1185 Avenue of the Americas, 3rd Fl., NY, NY 10036. Add. maintd. in DE: 1209 Orange St, Wilmington, DE 19801. Name & add. of auth. officer in DE where Cert of Form filed: SSDE, Corp. Dept, 401 Federal St, Ste. 4, Dover, DE 19901. Any lawful purpose.
16476 Nov3 m Dec8

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of Eurofins CRL Cosmetics, LLC. Authority filed with NY Dept. of State: 10/6/25. Office location: NY County. Princ. bus. addr.: 343 W. Main St., Leola, PA 17540. LLC formed in DE: 6/29/18. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful purpose.
16087 o27-M d1

NOTICE OF QUALIFICATION of PVM 100 Fifth Ave LLC. Authority filed with NY Dept. of State: 10/10/25. Office location: NY County. Princ. bus. addr.: 100 5th Ave., NY, NY 10011. LLC formed in DE: 5/27/25. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: 850 New Burton Rd., #201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: all lawful purposes.
16083 o27-M d1

NOTICE OF QUALIFICATION of S3 RE 303 E 44th St Funding LLC. Authority filed with NY Dept. of State: 10/14/25. Office location: NY County. LLC formed in DE: 8/14/25. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Spruce Capital Partners LLC, 535 Madison Ave., Fl. 19, NY, NY 10022, principal business address. DE address of LLC: 1521 Concord Pike, Ste. 201, Wilmington, DE 19803. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: all lawful purposes.
16084 o27-M d1

HHH FITNESS FOUR LLC. Filed with SSNY on 09/11/2025. Formed in DE on 07/09/2020. Office: New York County. SSNY designated as agent for process & shall mail to: 244 MADISON AVE #1180, NEW YORK, NY 10016. DE SOS: 401 Federal St #4, Dover, DE 19901. Purpose: any lawful
16507 n3-M d8



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