

IN BRIEF

Former US Attorney in Western District of NY Heads to Harter Secrest

Trini Ross, who left her position as U.S. Attorney for the Western District of New York, is on her way to Harter Secrest & Emery, the firm said Wednesday, adding she will start in early October.

According to Harter Secrest's announcement, Ross will officially join the firm as a partner in its Buffalo office on Oct. 6, where she will lead its government and internal investigations team.

Before she was a U.S. attorney, Ross served in the criminal division of her former district and was also previously the director of the office of investigations at the National Science Foundation's legal division.

Craig Wittlin, Harter Secrest's managing partner, said Ross's experience in and out of government will be a valuable asset to the firm's clients as they navigate investigation matters.

"Throughout her career, Trini has demonstrated exceptional tenacity, leadership, strategic thinking, and keen legal insight," Wittlin said. "She brings a distinctive depth of insight and a proven ability to anticipate and navigate the complexities of government investigations—helping clients manage challenging, high-stakes situations with confidence and clarity."

Ross was appointed by President Biden to serve in New York's Western District in 2021 and was confirmed by the Senate later that year, becoming the first Black woman to serve in the position in the district's history. She resigned in February and was replaced initially by Acting U.S. Attorney Joel Violanti until U.S. Attorney General Pam Bondi appointed Michael DiGiacomo, who is still serving in the role.

In a Wednesday statement on her move to Harter Secrest, Ross said that she saw the firm as a place she could continue to make a positive impact on the world as she exits government.



Trini E. Ross

"The firm and its attorneys have a well-earned reputation for exceptionally high-quality work and a commitment to legal ethics," Ross said. "The supportive and collaborative culture of the firm is appealing."

—Ryan Harroff

Rivkin Radler Will See First New Managing Partner In 12 Years

Rivkin Radler's managing partner of more than a decade, Evan Krinick, is stepping down in February 2026, the firm told Law.com last week, and he will be succeeded by health care, insurance and financial services partner Barry Levy.

Levy's term as managing partner will begin in February, a change which Krinick said was unanimously approved by the firm's executive committee. In an interview, Krinick said he is not leaving the firm and will return to focusing on the practice of law rather than the administrative side of the business.

"I'm not retiring from the practice of law, but after 12 and a half years of being managing partner, I came to the thought process that it was time for me to have a less stressful life," Krinick said. "It's also time for the firm to have a new leader."

Rivkin Radler, a 245-lawyer firm from Uniondale in Long Island, is well known for its insurance, litigation, trusts and estates, tax, construction and healthcare practices, among others.

According to Krinick and Levy, Rivkin Radler is on track to surpass its 2024 profits by the end of 2025 and is budgeting with the goal to once again surpass itself in 2026, though they declined to detail specific financial figures.

Krinick said that when he informed the firm's executive committee that he would not seek another term as managing partner, he suggested Levy as his successor. That suggestion ultimately became the committee's official recommendation to the partnership, which Krinick said happened with



Evan Krinick



Barry Levy

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Republican Nassau County District Attorney Anne Donnelly, left, and her challenger, Democrat Nicole Aloise



COURTESY PHOTO

Donnelly, Aloise Set To Face Off in Heated Nassau County DA Race in November

BY BRIAN LEE

THE CANDIDATES for Nassau County district attorney—incumbent Anne Donnelly, and 16-year former prosecutor Nicole Aloise—disagree on the Long Island community's level of safety.

Donnelly, a Republican seeking a second term in November, says she's a contributor to Nassau County's August 2024 ranking as the nation's safest county, according to U.S. News and World Report.

The successor to a former prosecutor who was elevated to the

state's top court, Donnelly said her leadership experiences are vastly greater than Aloise's.

But the Democrat Aloise says she was part of a wave of 90 career prosecutors who defected within a year of Donnelly's start, after having observed deficiencies from the top down.

Aloise said the county's designation in the U.S. News and World Report is a misnomer, reliant on outdated statistics from 2014 and 2016 that should be tied to former DA Madeline Singas' administration, before she left to join the New York Court of Appeals.

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Judge Certifies Investor Class Over CleanSpark's Bitcoin Pivot

BY MICHAEL A. MORA

A FEDERAL judge in New York has certified a class of CleanSpark Inc. shareholders who alleged the company misled investors when it abruptly shifted from alternative



Judge Preska

energy and software to Bitcoin mining. Rafaela Nascimento, coordinator of the civil litigation department at Guimarães & Vieira de Mello in Miami, said the ruling by Senior U.S. District Judge Loretta A. Preska in the U.S. District Court for the Southern District of New York highlighted the risks and implications of abrupt strategic shifts by public companies—both for investors and for the environment.

"CleanSpark's strategic pivot demonstrates how the pursuit of emerging markets like Bitcoin mining can generate immediate revenue opportunities while also exposing companies to legal, environmental and reputational risks," Nascimento said in an email. "Judge Preska's ruling reinforces that investors are paying close attention—and that the judiciary may step in when corporate transparency fails to match the scale of such transformations."

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ALEX KRAUS/BLOOMBERG

Former FBI Director James Comey was dismissed months into Trump's first administration and has since been a primary target for Trump supporters seeking revenge related to the Russia investigation.

Comey Assembles High-Profile Defense Team for Perjury Case

BY SULAIMAN ABDUR-RAHMAN AND EMILY SAUL

INDICTED former FBI Director James Comey has assembled a high-powered criminal defense team while declaring himself innocent of federal perjury charges.

Former Skadden, Arps, Slate, Meagher & Flom partner and ex-prosecutor Patrick Fitzgerald alongside local criminal defense attorney Jessica Carmichael of Virginia-based Carmichael Ellis & Brock represent Comey in the U.S. District Court for the Eastern District of Virginia case.

Fitzgerald and Comey are longtime friends and colleagues, solidifying their friendship to new heights in 2017 after President Donald Trump ousted Comey as FBI director.

A Skadden litigation partner from 2012 to 2023, Fitzgerald previously represented Comey in

Judge Denies Motion For Stay of Child Victims Act Lawsuit, Clearing Way for Possible Trial

BY EMILY SAUL

A MANHATTAN judge on Thursday declined to issue a stay pending appeal in a 2019 Child Victim's Case, noting the legislature's intent in passing the look-back law was for aged claims to be adjudicated expeditiously.

The ruling, from Manhattan Supreme Court Justice Hasa Kingo, paved the way for the case to be one of the first CVA cases to make it to the trial stage.

The action arises from allegations of childhood sexual abuse allegedly committed by a staff member of Our Lady of Mount Carmel School against the plaintiff between 1989 and 1991.

Doe, represented by Jeffrey Herman and Jenny Rossman of Herman Law, filed suit against the school and the Archdiocese of New York after the New York Senate passed a law allowing childhood survivors of sexual abuse to sue over otherwise time-barred claims.

The Archdiocese in July lost a summary judgment motion and

filed a notice of appeal. Three months later, a day before oral arguments on the appeal, counsel filed an instant order to show cause seeking to stay the trial, claiming appellate review was imminent. The Archdiocese attorney argued that proceeding to trial would cause undue prejudice and waste judicial resources.



Justice Kingo

Plaintiff's counsel opposed, arguing the request was procedurally defective and meritless and that a stay would cause their client severe prejudice, undermine the intent of the legislation and reward the defendants' pattern of delay.

Kingo agreed. "The balance of equities strongly disfavors a stay," the judge wrote. "Plaintiff brings claims under the CVA, legislation enacted to ensure timely adjudication of survivors' claims long barred by

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Class Action Challenges Warrantless Immigration Arrest Policy

BY SULAIMAN ABDUR-RAHMAN

THE NONPROFIT advocacy group that challenged the legality of President Donald Trump's birthright citizenship restrictions has filed a class-action lawsuit alleging the Trump administration has an unlawful policy and practice of making warrantless immigration arrests in violation of federal law.

CASA Inc. in its complaint filed Thursday seeks a court order to vacate and set aside the U.S. Department of Homeland Security's alleged policy of making warrantless immigration arrests without an individualized determination of immigration status and flight risk as required by 8 U.S.C. § 1357(a)(2).

"Defendants' policy and practice of making immigration arrests without a warrant and without probable cause have sown terror in Latino and other communities across the District [of Columbia] and violate unequivocal statutory restrictions on warrantless arrests," counsel for plaintiffs CASA and Salvadoran Temporary Protected Status holder José Escobar Molina wrote in the complaint.

The plaintiffs are represented by Covington & Burling, Amica Center for Immigrant Rights, National Immigration Project, the Washington Lawyers' Committee for Civil Rights and Urban Affairs, the ACLU and CASA's in-house counsel.

In the 36-page complaint filed Thursday in the U.S.

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The Confining Microphone In America's Echo Chamber

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DECISIONS OF INTEREST

New York State Court

PERSONAL INJURY: Motion to dismiss claim for sexual abuse granted. Paul H. v. State of New York, Court of Claims, New York.

First Department

CIVIL PROCEDURE: Motion to compel acceptance of answer granted. Malik v. Chernkins, Civil Court, New York.

Second Department

CRIMINAL LAW: Court denies reducing defendant's sentence under domestic violence survivor's act. People v. Turner, Supreme Court, Kings.

CIVIL PROCEDURE: Default judgment denied for lack of personal jurisdiction. Hughes v. Malek, Supreme Court, Kings.

FAMILY LAW: Court orders sole custody of child to mother. J. T. v. R. S., Family Court, Nassau.

LABOR LAW: Court grants and denies plaintiff's and defendants' motions in

Labor Law action. Oliveria v. Montar Group, LLC, Supreme Court, Westchester.

U.S. Courts

CRIMINAL LAW: Convictions upheld; restitution order vacated; \$25M payment to tracks exceeded authority. U.S. v. Fishman, 2d Cir.

CIVIL RIGHTS: State inmate may amend amended complaint to add first amendment retaliation claim. Baker v. Powell, SDNY.

INSURANCE LITIGATION: Lift's maker granted judgment on claim for breach of insurance provision. Mattheos v. JLG Indus., INC., EDNY.

TAX LAW: Tax lawsuit untimely; sovereign immunity renders U.S. Immune From Lawsuit. Johnston v. U.S., NDNY.

CIVIL RIGHTS: State inmate granted appointed counsel for 42 USC §1983 rights lawsuit. Moorer v. McCann, WDNY.

DECISION SUMMARIES, Page 17 FULL-TEXT DECISIONS, nylj.com

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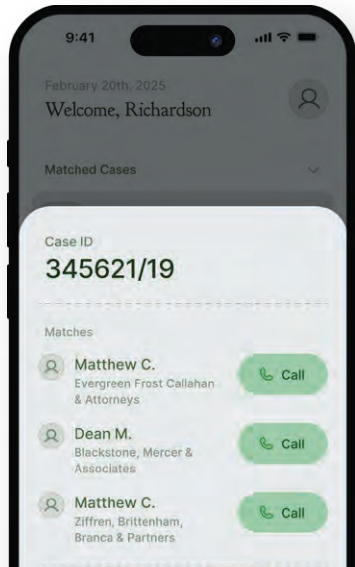
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AI Crucial for Law Firm Success, but Ethical Obligations Remain in Place

BY JOHN CAMPISI

INCORPORATING artificial intelligence, in some fashion or another, into law firm business in the modern era is crucial if firms want to stay ahead of the curve, but lawyers must ensure they are properly safeguarding client data and adhering to ethical requirements, according to panelists who participated in an online discussion about AI and its ethical implications in the legal industry.

Thursday’s webinar, titled “The Ethics of AI for Law Firms,” was hosted by Intapp, a global legal technology software provider. Panelists touched on the rapidly evolving intersection of technology and legal ethics as AI tools become increasingly integrated into legal workflows.

“I believe that attorneys have an obligation to understand the technology that they use,” said Joseph Ott, a Missouri trial attorney with Ott Law Group. “Most [technology] vendors don’t have a fiduciary relationship with your clients. You do.”



Melanie Carpenter, special counsel and co-founder of ChartSquad

Ott said lawyers actually have an advantage when it comes to tools like large language models, since attorneys are “trained to use natural language to communicate things,” and he views a lot of upside for lawyers who make tech adoption a priority.

While there are inherent risks with using AI in law—including

“hallucinations,” or AI citing content that is either irrelevant or made up—have been known to occur, so lawyers must take care to ensure they’re reviewing outputs generated by the technology.

“It’s important to vet the products up front,” said Joe Stephens, a law professor at Texas Tech University. “Once you jump into that,

and check the box, I think you’re off to the races.”

Stephens noted that most state bar associations today are “heavily urging, and strongly advising” attorneys to take ethics seriously when considering AI use in legal business because of the potential for error and harm.

“You need security. You need someone watching at all times,” said Melanie Carpenter, special counsel and co-founder of ChartSquad, a business that specializes in medical record retrieval and management, a task familiar to medical malpractice, personal injury and workers compensation attorneys.

These lawyers might consider using Open AI to peruse medical records and discovery materials, but many may not know that there are actually restrictions on this practice because of the Health Insurance Portability and Accountability Act, or HIPAA.

“Closed AI is where you need to be when it comes to HIPAA compliance,” Carpenter said.

Ott, the trial lawyer, said he

believes that lawyers should not be using “consumer grade GPT or any of the public products,” and instead explore “enterprise grade products” that can protect against such issues as HIPAA violations.

“The risk is not understanding how it works and not taking proactive steps to use whatever tool you choose in a way that affirms this HIPAA compliance,” Ott said.

Still, this is not to say that lawyers should avoid incorporating AI into their practices all together, since the tool still has the potential to expedite work product and please clients.

“There are so many specialized products out there that can add tremendous value,” said Stephens, the law professor. “Vet the product, and then get going.”

Despite the problems with hallucinations and the concerns over ethical violations, the legal industry has gotten to the point where not adopting some sort of innovative technology can actually harm firms.

“Most colleagues I know are embracing AI, they just need to

understand how to use it at this stage,” Carpenter said. “The human element is absolutely required here.”

AI is helping to save not just lawyers, but professionals of various stripes time and money, she said, and as long adherence to ethical requirements remains at the forefront, the technology will likely have a net positive effect.

On the regulatory front, Ott mentioned that some federal courts have been requiring lawyers to disclose any AI use to the courts, and while some of the disclosure rules may be “a little bit overzealous,” it’s understandable given some of the past problems with AI in law.

“The first ethical step is, get your guardrails in place,” said Richard Bowes, who leads compliance innovation at legal technology software provider Intapp, the organizer of the webinar. “You’ve got to educate the stakeholders. This is a turning point in time. People call it the next industrial revolution.”

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Innovation Aids Client Satisfaction, Retention, but Does It Boost Profits?

BY JOHN CAMPISI

AS LAW firms explore technological advancements ranging from generative AI to improved billing software, experts caution against having unrealistic expectations of immediately increased profitability, but they emphasize that an innovation mindset will improve client satisfaction and retention.

Some of the most profit-generating practice areas in Big Law are also those that tend to rely more heavily on relationships and human advice. Furthermore, factors such as scale, the leverage of a given practice and the broader macroeconomic outlook typically contribute more to a firm’s bottom line than any individual piece of technology.

“Profitability is driven by a number of different factors, and innovation alone does not equal profitability,” said Dan Binstock, a Washington, D.C.-based legal recruiter with search firm Garrison.

But the relationship between innovation and profitability presents a paradox, experts say. Lawyers are really trained to get the best legal outcomes for clients, not worry about how to make a business profitable, yet ironically, that client-centric outlook today appears to be calling for innovation.

“Whether or not [innovation] hurts profitability of law firms, that is really not the job of a lawyer when you were sworn in,” said Joe Borstein, a partner with Baretz + Brunelle. “That’s something we

get fixated on later in life.”

Oftentimes, focusing on offering top-notch legal advice, while it may not be immediately financially rewarding, will likely end up leading to more business in the long run because clients are paying for the advice more than anything else, and the law firm will likely get repeat work down the line, Borstein said.

At the same time, there’s no denying that legal technology—whether it is generative AI or advanced machine learning—



Dan Binstock, Garrison

while creating greater efficiencies for firms, may also be eating into revenues, since the deployment of technology could ultimately lead to a short-term reduction in the price per unit at law firms because the work can be done quicker than, say, having associates bill out high hourly rates.

But the news isn’t all bad—law firms’ clients are still likely to return to their firms for future work if they are satisfied with the end results, and also steer more business to the firm through word of mouth. This should lead to more cumulative work and corresponding financial success.

“All evidence, over 15 years of legal innovation, is that as you reduce the price per unit, people actually consume more of it,” Borstein said. “They consume more legal services.”

Numerous Factors Drive Profitability

Of course, macroeconomic trends often play a big part in the success, or failure, of law firms—transactional practices in particular—and experts say this may



Joe Borstein, Baretz + Brunelle

have more of an effect on law firm profitability than any one method of innovation.

“The number one thing that law firm profitability is tied to is the economy,” Borstein said. “Generally, the economy goes up, there’s more M&A deals, there’s more litigation, there’s more regulation. There’s more and more and more of everything.”

At the same time, innovative tools like artificial intelligence can possibly help with long-term profitability, since firms can deploy AI in the delivery of client services, which could lead to attracting new business down the road.

“Maybe they’re using that as a market differentiating factor to capture more work,” said Amy Savage, another Garrison recruiter.

Rick Giovannelli, co-chair of K&L Gates, divided innovation into three categories: the firm’s own internal operations, client-facing tasks and the ways in which firms produce legal work.

“We’re using technology to better deliver services. That doesn’t necessarily improve profitability by increasing the price we charge or decreasing the cost to products,” he



Rick Giovannelli, co-chair of K&L

said. “It’s clients [who] are happier, so they send us more work. That’s how I think of the indirect aspect of it.”

Giovannelli said what’s typically occurring is actually an “inverse correlation between profitability and innovation,” where many firms are using technology for lower value, often repetitive type matters, which is also the work that tends to be less profitable.

But things may change in the future, and Giovannelli said his firm is now seeking ways to better understand how to deploy AI in not just some, but all practice areas, including some of the most

profitable groups, meaning tech adoption and profit may eventually become more symbiotic.

University of Miami law professor Michele DeStefano also believes that all practice areas can benefit from new technology, whether that is generative AI or other novel tools that aid efficiency.

“I look at AI as a booster,” DeStefano said. “It’s like those cars that run on both electric and gas. It’s like a hybrid. It gives you that extra boost.”

Bottom Line Gains In the Future

While law firms may have historically been slow to invest in improving systems and processes, more leaders are embracing the old adage that you must spend money to make money, slowly realizing that upfront innovation and technology costs are likely to financially pay off in the long run.

“Historically, law firms have under-invested in technology relative to other industries,” said Ted Theodoropoulos, chief executive officer of legal tech company Infodash. “Low, single digits is what they spend on tech in terms of percentage of operating budget.”

Theodoropoulos has studied the connection between innovation and profitability, and said while he never found strict causality, there are “lots of caveats” to this thesis.

“Law firms differentiate themselves by brand. All the big cases, big name lawyers who have won those cases,” said Theodoropoulos, whose company provides soft-

ware that aids with internal and external collaboration. “Their footprint, their breadth and depth and those things will still be important, but technology historically has not been part of that equation, and I think that is going to be part of the equation in the very near future.”

Theodoropoulos said that innovation in the legal industry requires a “DNA level change and commitment,” and that while firms have not historically made the commitment to drive innovation at a foundational level because they haven’t made the connection between innovation and profitability, he does envision law firms of the future starting to make that connection.

“I do believe that is changing now, and AI has been the catalyst for that,” Theodoropoulos said.

In an article he authored on LinkedIn, Theodoropoulos said that while data he compiled suggested that knowledge management and innovation investment hasn’t historically been “positively correlated with profitability, one might logically question future investment.”

“Under the current hourly model under which Big Law largely operates, that’s a valid question,” he wrote. “However, as the industry transitions to a tech enabled legal service delivery model, KM&I (knowledge management and innovation) investment will likely deliver the best ROI (return on investment) in a firm’s budget.”

Insiders say that the legal industry will likely continue to see upward pressure ➤ Page 8

Justice Thomas on Precedent: ‘If [It’s] Totally Stupid...You Don’t Go Along With It’

BY JIMMY HOOVER

WASHINGTON, D.C.

JUSTICE Clarence Thomas, a pillar of the U.S. Supreme Court’s conservative wing, was asked Thursday how he reconciles the tension between the legal principle of stare decisis and his “originalist” philosophy of law.

His answer was characteristically blunt: “Well if I find it doesn’t make any sense . . . I think we should demand that, no matter what the case is, that it has more than just a simple theoretical basis.”

Thomas spared Thursday’s audience at The Catholic University of America Columbus School of Law in Washington, D.C., the usual legal factors that the Supreme Court purports to apply before overturning one of its previous decisions.

Instead, Thomas offered a simple explanation for the amount of weight he gives a precedent: how much he agrees with it.

If the answer to a legal question is close between options A and B, Thomas said he will go with the

answer dictated by precedent. “But if Z is totally stupid, and that’s what they’ve decided, you don’t go along with it just because it’s decided,” Thomas said during an interview with Catholic University law professor Jennifer Mascott, a former clerk of his whom President Donald Trump has nominated to serve on the U.S. Court of Appeals for the Third Circuit.

Thomas’ appearance, sponsored by the law school’s Center for the Constitution and the Catholic Intellectual Tradition, marked the 77-year-old Georgia native’s first public remarks of the year (excluding oral arguments).

The longest-serving member of the current court, Thomas took his seat on Oct. 23, 1991, after being appointed by President George H.W. Bush.

Over the course of his nearly 34-year tenure, Thomas’ views on issues like abortion, gun rights, affirmative action and more have gone from the fringe of the court to commanding a majority of the votes, as evidenced by the Supreme Court’s 2022 ruling overturning *Roe v. Wade*.



U.S. Supreme Court Justice Clarence Thomas

Thomas did not explicitly discuss the abortion ruling in *Dobbs v. Jackson Women’s Health Organization* other than alluding to the “unpleasantness” that caused him to stop teaching classes at George Washington University Law School after the decision. (He is now teaching at Catholic Law, which has hosted several other

conservative justices in recent years as a result of the creation of its center on the Catholic intellectual tradition.)

Still, Thomas immediately turned to the Supreme Court’s decision in *Griswold v. Connecticut*, recognizing the constitutional right to privacy, as one example of a decision that “doesn’t make

sense.” He said that even defenders of the decision’s bottom-line result striking down a ban on contraception privately ridiculed the reasoning of the decision.

“I didn’t understand how someone could take seriously something that he was ridiculing and why that would be the law of the land,” Thomas said.

In the Supreme Court’s *Dobbs* ruling, Thomas called for the court to reconsider *Griswold* and other decisions resting on the doctrine of substantive due process, including the landmark 2015 gay marriage ruling in *Obergefell v. Hodges*.

On Thursday, Thomas likened the court’s reliance on precedent to adding cars on the back of a long train without question.

“We never go to the front to see where it’s going,” he said. “You could go up to the engine room and find that it’s an orangutan driving. And you’re going to follow that? I think we owe our fellow citizens more than that.”

Thomas spoke at length about his upbringing in rural Georgia during the Jim Crow era and the formative influence of the Catholic

school nuns who instilled in him a hard-work ethic and an appreciation for life. “They were called the N-word sisters,” Thomas said, referring to the general white population’s disdain of the nuns for teaching Black students in 1950s Savannah, Georgia. “And yet those nuns never ever once backed away from us. They were always on our side. They always believed in us. They always made us believe in ourselves.”

As he enters his 35th term on the court, Thomas looked back with some nostalgia on his former colleagues and remarked that the roughly 11 years where the court’s composition remained the same, with Justice Stephen Breyer as its newest member, were his “favorite” years on the bench.

“I’ve been here a long time now, but those were truly my friends,” Thomas said.

“I don’t get bored with the work of the court,” he added. “I get bored with people who are boring, but not the work.”

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Expert Analysis

ARTIFICIAL INTELLIGENCE

Where Can You Sue AI? Court Examines Digital Age Jurisdiction

This summer, the big news on the Artificial Intelligence (AI) litigation front has been coming primarily out of California.

Two widely reported decisions from the Northern District of California addressed the unauthorized use of copyrighted material for the training of large language models (LLMs), and recently the news has focused on the defendant in one of those cases (*Bartz v. Anthropic PBC*, No. C 24-05417 WHA, 2025 WL 1741691 (N.D. Cal. June 23, 2025)) seeking to settle with authors whose works it acquired illegally.

It is important to note, in that context, that the court in *Anthropic* held that the use of copyrighted works to train AI models is fair use, requiring no payment or prior authorization, provided that the works are acquired legally.

Anthropic is offering a reported \$1.5 billion settlement not because it trained its models on copyrighted material (which is permissible), but because it “pirated over seven million copies of books” instead of paying for them.

Data acquisition for training is costly, but if the training itself is legally protected as fair use, there is no reason to believe those costs will be ruinous to the underlying business model.

More challenging legal and economic questions arise, however, when courts look beyond the training phase. The California cases focus on model training and the works used in that process, not the results the AI models generate.

In *Anthropic*, for example, the “authors challenge[d] only the inputs, not the outputs, of these LLMs.” But the cases pending in New York contain more complex claims, including copyright and trademark infringement claims arising from the *outputs* of LLMs and the methods used to shape or update those outputs after training.

One such case is the pending suit by Dow Jones and NYP Hold-

By  
Stephen M.  
Kramarsky



ings (owners of the *Wall Street Journal* and *New York Post*, among others) against Perplexity AI over its “answer engine”—a product that allegedly allows users to “skip the links” to the publishers’ websites and get answers directly from the AI based on articles in those publications. *Dow Jones & Co., Inc. v. Perplexity AI, Inc.*, No. 24 CIV. 7984 (KPF), 2025 WL 2416401 (S.D.N.Y. Aug. 21, 2025).

That case “stands at the crossroads of artificial intelligence and intellectual property” and the

This process greatly reduces the chance of inaccurate results, lowers inference costs, and can provide a means to link back to the source material for easier human checking.

court’s recent opinion on jurisdiction offers insight into current AI business and technological models and the legal issues that will take center stage as these matters progress.

Background: An Overview of The Technologies at Issue

Modern generative AI products, so-called “transformer-based” models like ChatGPT, Claude, and Perplexity, work by taking a large set of data (such as a library of published books and articles), analyzing the relationships among the elements of that set (such as words or portions of words, referred to as tokens), and generating a complex map of those relationships.

This map consists of billions of numbers (parameters) that the model uses to transform a user request into a response. Creating these maps requires enormous

amounts of input data and computational power and multiple phases of analysis and fine-tuning, but once the process is complete the parameters do not change.

The “P” in ChatGPT stands for “pre-trained,” reflecting the fact that, once training is complete, a model’s underlying relationship map is fixed.

In the real world, outputs of these models often turn out to be unsatisfactory or imperfect, so various techniques have been developed to improve performance without expensive re-training, but the law on those real-world use cases is still undeveloped. In *Anthropic*, the California court addressed the pre-release training process; but what about whatever happens next?

The *Dow Jones* case, and others like it, focus on the outputs of AI models and the systems used to fine-tune them after training. The process of generating output from a user’s prompt to an LLM is called “inference,” and it presents a host of technical and legal issues that are just beginning to enter mainstream discussion.

Perhaps the most familiar of these, and the one at the heart of *Dow Jones*, is the issue of poor result quality, including inaccurate results or “hallucinations.” Anyone following AI in the legal profession has read about lawyers and *pro se* litigants getting into trouble for using general purpose AI chatbots like ChatGPT to write legal briefs.

Those models are not purpose-built for legal work and do not include systems to “fine tune” their output for legal drafting, or guardrails to prevent inaccuracy; they merely predict plausible-sounding strings of text in response to the user’s request. A brief generated by those tools will often misstate the law or make up citations to non-existent cases, causing serious issues for the litigants who rely on them.

To address these kinds of shortcomings, many companies implement a process called Retrieval Augmented Generation (RAG). In RAG systems, the user’s query is first run against a trusted source (such as an internal

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COURT ADMINISTRATION

SEC ‘No-Deny’ Policy Challenge Rejected, More Challenges May Come

BY GARY P. NAFTALIS,  
ALAN R. FRIEDMAN  
AND JESSICA SHUB

The Securities and Exchange Commission (SEC) Rule 202.5(e) allows defendants to settle civil enforcement proceedings—without admitting or denying the SEC’s allegations against them—if, and only if, they agree not to publicly deny these allegations. 17 C.F.R. §202.5(e).

On Aug. 6, 2025, the Court of Appeals for the Ninth Circuit rejected a facial challenge to the SEC’s refusal to amend the rule, in which the petitioners argued that Section 202.5(e) constitutes an unconstitutional gag order. See *Powell v. S.E.C.*, —F.4th—, Case No. 24-1899, 2025 WL 2233792 (9th Cir. Aug. 6, 2025).

This Ninth Circuit ruling is the most recent in a series of so far unsuccessful assaults on the controversial 1972 rule. See, e.g., *S.E.C. v. Novinger*, 40 F.4th 297, (5th Cir. 2022); See *S.E.C. v. Romeril*, 15 F.4th 166 (2d Cir. 2021), cert denied, 142 S. Ct. 2836 (2022).

The SEC maintains that the rule reflects a voluntary agreement that defendants are free to reject, referring to their policy as the “no-deny provision,” “no-admit, no-deny policy.” However, critics have primarily characterized the rule as an unconstitutional violation of the First Amendment, choosing to refer to it as a “gag rule” instead.

While the court of appeals did reject the petitioners’ challenge, the court did so “on necessarily narrow grounds.” The court held that the rule is not per se unconstitutional. However, it left open the possibility of factual, as applied, constitutional challenges, noting that Rule 202.5(e) has the potential to impermissibly intrude on First Amendment rights and stated that these concerns “are properly

addressed in as-applied challenges with defined records.”

Moreover, it remains to be seen whether the commission under its present leadership will continue to adhere to the rule or how it will react to applications to amend existing settlement agreements and orders.

The Powell Decision

In *Powell*, 12 petitioners challenged Rule 202.5(e) on the grounds that (1) the Rule on its face violated the First Amendment, and (2) the Rule was adopted in violation of the Administrative Procedure Act (APA). Nine petitioners were individuals and three were organizations and entities.

Moreover, it remains to be seen whether the commission under its present leadership will continue to adhere to the rule or how it will react to applications to amend existing settlement agreements and orders.

Of the nine individuals, eight entered into settlements with a Rule 202.5(e) obligation. The court concluded that at least one petitioner, Raymond Lucia, resided in the Ninth Circuit, joined in one of the organizational petitions to amend the rule, and was “aggrieved by” the SEC’s denial.

Here, the court observed that rights, even constitutional rights, can be waived. The SEC argued that the choice to settle is completely voluntary, as is the accompanying agreement to waive various rights. The court likened the waiver of constitutional rights as part of a civil settlement to that of a defendant waiving constitutional rights as part of a plea bargain.

However, the court did not “foreclose an individual defendant in any particular case from later claiming that his agreement to the

terms of Rule 202.5(e) was involuntary or unknowing.” Further, the court also observed that there was evidence in the record of SEC settlement agreements that contained language restricting speech beyond the rule’s parameters.

While the court ruled that Rule 202.5(e) on its face was not unconstitutional, it made clear that courts should carefully consider appropriate individual challenges, and must be “mindful of the important values associated with permitting criticism of the government.”

The court also disagreed with the petitioner’s argument that Rule violated the APA, rejecting any claims that: (1) the SEC lacked statutory authority to enact the rule, (2) the Rule was not adopted through notice-and-comment rule-making, and, (3) the SEC failed to provide a rational explanation for its determination not to amend the Rule.

Commissioner Peirce’s Dissent Before the Commission

The petition, originally filed in 2018, had languished before the SEC for several years without decision. When the full Commission finally rejected the petition in 2024, Commissioner Hester Peirce dissented and argued that the rule should be reexamined due to First Amendment concerns. “Our prohibition on denials prevents the American public from ever hearing criticisms that might otherwise be lodged against the government, let alone assessing their credibility.

The policy of denying defendants the right to criticize a settlement publicly after it is signed is unnecessary, undermines regulatory integrity, and raises First Amendment concerns.” Hester M. Peirce, *Unsettling Silence: Dissent from Denial of Request for Rulemaking to Amend 17 C.F.R. §202.5(e)*, Securities and Exchange Commission.

Commissioner Pierce also quoted, with approval, Southern District Judge Jed S. Rakoff’s observation in *SEC v. Vitesse Semiconductor Corp.*, 771 F.Supp.2d 304, 305 (S.D.N.Y. 2011): “[H]

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GARY P. NAFTALIS is a partner at Herbert Smith Freehills Kramer US. ALAN R. FRIEDMAN is counsel and JESSICA SHUB is an associate at the firm.



Off the Front

DA Race

« Continued from page 1

Aloise, who served as an ADA in Queens from 2008 to 2019 and Nassau County from 2019 to 2023, said crime is actually on an uptick in Nassau.

But Donnelly, who is viewed as representative of a political shift when she took office in January 2022—the first Republican DA the county had elected in 16 years—maintains that her opponent is too inexperienced.

“I was a prosecutor for 32 years before I was elected DA,” said Donnelly, who created a Pharmaceutical Diversion and Cybercrimes Unit to investigate doctors who over-prescribe opioids.

Donnelly also bills herself as tougher on crime, her administration also created a firearm suppression unit. Her goals for a second term would target what she says are upticks in gang activity and hate crimes.

“So now I’ve been a prosecutor for 36 years of my life,” she said. “I have seen and done it all. I have worked in every bureau in the office — every one of them. I know the office. I know Nassau County. And I know I’m the best person for the job.”

“I’m running against a person who’s never even run a bureau in any office. What makes you think you can come in” and lead an office of approximately 425 people, including 225 ADAs, Donnelly said.

Aloise said all of her time as an ADA had been dedicated to nose-to-the-ground prosecutions in courtrooms, as opposed to what she said was Donnelly’s focus on pushing paperwork through investigative work.

“I have boots-on-the-ground experience when it comes to waking up in the middle of the night and going to a crime scene, writing search warrants, interviewing witnesses, meeting with families, putting a case into a grand jury with detectives,” she said. “And then seeing the case through to its appropriate end, whether that’s a trial—and I’ve tried dozens of violent felony cases that have all resulted in convictions, or an appropriate plea, depending on what the family wants to see happen, and what’s appropriate.”

Aloise overlapped with both Singas’ and Donnelly’s administrations, and she said she found the former’s management vastly superior.

Aloise described Singas as apolitical and having set forth policies based on prosecutorial experience, while branding Donnelly as someone focused on headlines, and who hadn’t spent meaningful time in courtrooms, and so her

policies don’t comport with ADAs’ day-to-day experience, and with the way they interact with police.

“The most glaring thing we saw was the lack of actual courtroom experience at the top of the administration, from Donnelly herself, who was in an investigative bureau for her entire career,” Aloise said. “Maybe she’s managed, I don’t know, six people at most, and basically just did paperwork investigations.”

She said it’s a reason she was among a wave of prosecutors who lost trust and resigned during Donnelly’s first year.

But Donnelly scoffed at the suggestion of a mass exodus, saying Aloise’s generation of that headline “made me smile.”

“Any new district attorney who comes in, there are people who leave because you’re bringing your people in. And then, there’s a natural progression. Some people decide, after they have some trial experience and work through cases, that they’re going to move on to a firm or move on to their own firm.”

The incumbent said the perception of “100 people standing up, walking out the door together” was false.

But Aloise insisted that it’s unnatural for such a large ratio to leave within the first year, and that Donnelly’s administration spent more than \$3.2 million in termination pay, which she said was triple what her predecessor spent.

“The other way you know that this is not normal attrition is how outspoken those who left the office have been about why they left,” Aloise said.

Aloise said many of her former colleagues left for lateral moves to other DA offices.

“People still desperately wanted to be public servants and prosecutors; they just refused to do it under her administration,” she said.

Aloise moved to Nassau County from Queens for its reputation for safety and lifestyle, but she says she’s seeing a deterioration “under this current administration.”

Aloise pointed to Office of Court Administration stats that indicate crime is on an uptick by 30 %, with violent crime increasing 20%.

“Reckless driving is up 59%,” Aloise said. “Rape is up 130%. These are statistics under the Donnelly administration that can’t be ignored.”

Aloise said she hears about the concerns as she’s raising her three children.

“I’m on the soccer field, the football fields, the lacrosse fields, I’m at dance,” she said. “I hear what parents are saying every sin-

gle day, just about their concerns and how they feel badly that they can’t raise their maybe second or third kid the way that they raised their first because they don’t feel as comfortable or as safe.”

But Donnelly said her office has proactively fought crime, seeking to help authorities eliminate sources of drugs and guns.

“It’s more than just the crime that someone’s arrested for,” she said. “It’s looking at the pattern. It’s looking at the world around that crime.”

And the incumbent insists Nassau County is safer than it was four years ago.

“I want to build on that success that we’ve had,” she said, saying her office’s conviction rates are up.

Donnelly said she was the first prosecutor to present a case against expelled congressman George Santos, and vowed that her office hasn’t shied from political corruption.

“I also jumped into the Gilgo Beach serial killer case, and I’m actively pursuing charges in that case,” she said. “We’ve had a number of murder cases that were tried, and got great results.”

Her office’s murder conviction of Quay Sean Hines, with a 40-year-to-life sentence for the shooting death of his former fiancée in an office garage, is among the major cases from the past year.

And Donnelly said the office has brought good results in intoxicated driving cases, while acknowledging that there have been fatalities.

But Aloise says support for Donnelly from law enforcement is waning, since the Democrat is endorsed by state troopers, state supreme court officers, and state court officers.

Also, she said a local police benevolent association and countywide detectives declined to endorse either candidate, after they threw their support behind Donnelly in 2021.

Aloise said she wants to run an apolitical office, and continues to disavow Democratic-led policies such as bail reform.

“In fact, while I was at the DA’s office here in Nassau County, I didn’t just voice my opinion that I was against bail reform and that things had to be done to keep people in jail and keep families safe. I made sure that I took every case to its furthest extent, legally, to make sure that people were being charged appropriately and that they were being held accountable for their actions. And if there was a way to keep them in jail on bail, I made sure that that was done.”

© Brian Lee can be reached at blee@alm.com.

Outside Counsel

Where Does Liability Begin for Dr. A.I.?

The warp speed at which the medical profession is attempting to integrate artificial intelligence (AI) into the diagnosis and treatment of patients feels eerily similar to the excitement that preceded the internet and subsequently social media. A conscious leap forward with blinding advantages being evident on the surface but little to no thought instead as to what lies ahead in just the next several steps.

There is no doubt that the benefits of AI to be conveyed to the human condition cannot be overstated. But with implications for patient safety, fault liability, and even patent originality and creativity, these next steps are beginning to resemble the classic cautionary phrase—sewing the parachute in free fall.

And just what kind of intelligence are doctors relying on? So many legal scholars and thought leaders are going with the argument that AI will serve as an aid by reducing the number of decisions needed to be made. Others in seemingly equal amounts however deride such a notion and argue ideally for AI to simply augment decision making in its entirety rather than segmenting those decisions into discrete parts.

Traditional views of the law will need to evolve with the times—and fast. As any experienced attorney knows, this is undeniably a tall order. Law moves slowly of course, especially when it is new. Technology typically rushes ahead with understandable, yet unrestrained, enthusiasm while regulations and any guardrails are hurriedly added much later in its evolutionary development. Lawmakers, and to a large extent the public, should view AI through the prism of fact versus science fiction. In other words, how it is actually making decisions and not strictly what decisions can potentially be made.

Basic Liability Triangle

Any discussion over legal liability when it comes to AI in medicine must foremost readily acknowledge how expansive such a discussion seems to be and how underdeveloped case law is at this point. At its essence though, liability for the



By Rebecca L. Rakoski



And Patrick D. Isbill

sake of discussion commonly has three (3) beginning components—doctor, software developer, and maybe somewhat surprisingly litigant AI.

First, a doctor is tasked with practicing, and more to the point is licensed and certified to practice, medicine. Discussions usually center on how AI can either partially replace such decision making by outright synthesizing an answer to a diagnosis or it can augment a diagnosis by providing part of an answer never thought of in the first place.

It is by no means an understatement to suggest that the degree of AI’s use in medicine could have significant implications over informed patient consent and will likely redefine tort law liability.

This potentially raises of course both legal and ethical issues around duty of care under negligence pertaining to use of AI, fault for relying on it, and liability for creating an injury. While AI may be a tool doctors use, a doctor’s license is still the authority by which he/she can legally use that instrument.

Next, when it comes to software developers and manufacturers, an obvious but equally weighty argument can be made for liability over algorithm inaccuracy, or how AI was taught to think. Fault could lie with the software company who supplied knowledge/information, maybe sourced from a third-party provider, that was relied upon by a programmer and/or designer to create a system.

Similar to a defective product, the law could nevertheless shield

a company from the misuse or unintended use of AI, but not from foreseeable defects relied upon in the algorithm that led to injury as a result of violating a duty of care. In addition, a host of defenses could counter any such claims, like assumption of risk, modification, and injury not related to the product.

Issues such as third-party exploitation immediately come to mind too. For example, a third-party criminal actor who intentionally manipulates an AI medical application leading to serious harm or even unintentional misuse by a medical professional could then raise arguments for a reduction in liability on behalf of the developer or even none at all.

Generally, there are always threats from a digital breach or data incident that could lead to the penetration of cybersecurity defenses, possibly leading to a known or unknown corruption of data that could open a company up to any one or all of the following: strict liability, medical negligence, products liability, damages over reckless safety protocols, violation of regulatory security policies and procedures, criminal prosecution, and so forth.

Lastly, litigant AI presents a tenuous legal challenge because it is where liability actually is but still not clear how it can be defined. Under their medical license, doctors make the call on the medical course of action but what about how those procedures are done.

Technique after all may be within the province of AI. Should the doctor be liable for making the decision as a surrogate, the developer/manufacturer for coding/training the AI to use a particular technique or thought, or is there a comparative negligence issue set to emerge? And should there be a candid examination of the ethical implications of a non-licensed AI practicing medicine?

AI is by definition the entity taking the action, i.e., the actor, and the law will have

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REBECCA L. RAKOSKI and PATRICK D. ISBILL are co-founders and managing partners at XPAN Law Partners LLC. Their practice focuses on cybersecurity and data privacy issues.

CleanSpark

« Continued from page 1

Chris Fallon, a partner at Glancy Prongay & Murray in Los Angeles who represents the lead plaintiff Darshan Hasthantra, and Jay S. Auslander, a partner at Wilk Auslander in New York who represents the defendant, CleanSpark, did not respond to a request for comment.

Originally focused on clean energy solutions and microgrids, CleanSpark pivoted its business model toward Bitcoin mining. Shareholders alleged that the company made misleading statements about this transition, failing to adequately disclose its risks and consequences centered around its acquisition of ATL Data Centers Inc.

When a short seller published negative reports about the wisdom of the ATL Data Centers acquisition, CleanSpark’s stock price dropped, prompting the lawsuit. A key issue centers on how the company’s low-carbon and renewable energy—previously deployed for a variety of sustainable applications—have increasingly been redirected to power data centers dedicated to mining.

Nascimento, an expert who is not involved in the case, said

it raised two concerns: first, the deviation from clean-energy goals, which could otherwise serve a range of sustainable applications; and second, the increased pressure on the traditional power grid, as mining’s intensive energy demands, even if partially renewable, strain the power grid and can increase reliance on fossil fuels during peak demand.

“Not surprisingly, U.S. states have started to impose restrictions,” said Nascimento. “In New York, lawmakers enacted a two-year moratorium on new mining permits for facilities powered by fossil fuels. In Texas, large-scale operations exceeding 75 MW must register for grid monitoring, ensuring oversight of their impact on the electric system.”

Here, while CleanSpark argued that individual issues outweighed common ones, Preska found that contention unpersuasive. She ruled that the argument that investors’ reliance could not be presumed required an inquiry into the merits that was premature at the class certification stage. And the company’s challenge to Hasthantra’s standing as a lead plaintiff and his typicality as an investor also failed.

Still, it was not all bad news for CleanSpark. Preska modified the class definition to exclude

investors who did not sustain a compensable loss, citing the U.S. Supreme Court’s 2025 decision in Laboratory Corp. of America v. Davis, which dismissed an Americans with Disabilities Act case that raised a similar issue, despite a dissent from Justice Kavanaugh.

“Given this warning, the Court exercises its authority to modify the proposed class definition to exclude investors who suffered no compensable losses from the class,” Preska wrote in her 25-page opinion and order, which also appointed Glancy Prongay & Murray as class counsel.

“From an investor’s perspective, Judge Preska’s ruling is significant,” Nascimento added. “It signals that courts may seriously entertain claims of miscommunication in the context of major strategic changes, especially in volatile industries such as digital assets.”

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IN BRIEF

« Continued from page 1

no debate because Levy was the “obvious” choice for the firm.

Levy said he has served multiple terms on Rivkin Radler’s executive committee already during Krinick’s tenure as managing partner and is currently a committee member, meaning he has already been involved in leadership decisions over the past several years.

Levy said that he does not plan for the direction of the firm to change “in any material way” once he takes over in February.

“It’s really essentially just continuing building on the foundation that we have,” Levy said. “Obviously, the legal landscape’s a little different than it was 12 years ago, but we’ve dealt with those issues over the last decade or so.”

According to Krinick and Levy, Rivkin Radler’s managing partners serve two-year terms, and its executive committee members serve three-year terms, which cannot be consecutive like the managing partner’s can be.

Rivkin Radler has seen some of the same challenges facing other firms in recent years, Levy said, including economic downturns and a competitive recruiting market. He added that Rivkin Radler has survived those downturns in part because it focuses on having a wide variety of offerings, which buffer it against sector-specific dips in demand.

On the talent side, Levy said that while the hiring market can

be competitive, the firm does not often see people leaving for their competitors. Krinick added that this tendency to stay long-term applies to staff as well as attorneys, with many staff members having decades under their belt at the firm.

—Ryan Harroff

AI-Generated Citation Errors Prompt Investigation In Boies Schiller Case Against Church of Scientology

Boies Schiller Flexner is investigating its own use of artificial intelligence after a partner filed a response brief that included citation errors apparently caused by AI.

The erroneous case citations occurred in a July filing in *Bixler v. Church of Scientology International*, in which Boies Schiller is representing victims of actor and convicted rapist Danny Masterson in claims of harassment and defamation by Masterson and the Church of Scientology, of which Masterson was a member.

In a July response brief in the California Court of Appeal, Second Appellate District, Los Angeles-based partner John Kucera used case citations that appear to have been AI-generated, opposing counsel from Horvitz & Levy and Winston & Strawn called out in a reply brief earlier this month.

Kucera’s July filing included mistitled cases, citations that mischaracterized case holdings or referred to unrelated

areas of law, and one case that was entirely fabricated, the appellants noted in their Sept. 8 reply brief.

Kucera took responsibility for the erroneous case citations, stating that he was regretted the errors and was embarrassed by them in a Sept. 19 motion for leave to file a corrected response brief.

Kucera confirmed that AI had been used in the preparation of the July response brief with the consent of his clients and added that Boies Schiller has “adopted policies and implemented trainings intended to protect against the improper use of artificial intelligence tools” and that “firm lawyers are always expected to scrupulously proofread and cite check the accuracy of the factual and legal claims in court filings.”

Boies Schiller is investigating why its AI controls failed, Kucera said in the September filing. A firm spokesperson did not immediately respond to a request for comment.

The snafu is the latest in a string of AI-generated errors in court filings from major firms. In May, K&L Gates and Los Angeles trial boutique Ellis George were fined \$31,000 after an AI-generated brief included fake citations and quotes. Around the same time, a Latham & Watkins associate failed to notice that AI tool Claude incorrectly titled and attributed a statistical research article.

—Dan Roe

Calendar

MONDAY, SEPT. 29

**New York City Bar (CLE)**  
Ethical Considerations for Corporate Investigations: Views from All Sides  
2 p.m. - 5 p.m.; 3 CLE credits  
Registration Link: <https://services.nycbar.org/EventDetail?EventKey=WEB91025&mcode=NYLJ>  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

Have an event to list?

E-mail the details to [pkane@alm.com](mailto:pkane@alm.com)

TUESDAY, SEPT. 30

**Federal Bar Council (CLE)**  
Federal Rules Update  
5:30 p.m. - 7:30 p.m.  
Thurgood Marshall United States Courthouse, 40 Foley Square  
2 CLE credits  
<https://fbc.users.membersuite.com/events/a5720928-0078-c800-c20c-0b4884a569d6/details>

**New York City Bar (Non CLE)**  
vLex Fastcase - Vincent AI for Estate Planning  
3 p.m. - 4 p.m.  
Registration Link: <https://services.nycbar.org/EventDetail?EventKey=fas093025&mcode=NYLJ>  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Key=fas093025&mcode=NYLJ**  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**BootCamp: Basic Training for Lawyers**  
9 a.m. - 2 p.m.  
In-Person Registration Link: <https://services.nycbar.org/EventDetail?EventKey=BOOT2025&mcode=NYLJ>  
Location: 42 West 44th Street  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

WEDNESDAY, OCT. 1

NY City Bar (Non CLE)

**Virtual Networking & Interviewing**  
12:30 p.m. - 2 p.m.  
Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=NLI100125&mcode=NYLJ>  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**To Infinity and Beyond: The Ethical Considerations of Using AI in Your Practice**  
2 p.m. - 3 p.m.  
Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=WEB10125&mcode=NYLJ>  
Zoom; Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

FRIDAY, OCT. 3

**NY City Bar (Non CLE)**  
Building a Better Bar: How Law School Pathways Create Access for Underrepresented Students & Communities  
5 p.m. - 6:30 p.m.  
In-Person Registration Link: <https://services.nycbar.org/EventDetail?EventKey=DEI100325&mcode=NYLJ>  
Location: 42 West 44th Street, NY  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

MONDAY, OCT. 6

**NY City Bar (CLE)**  
Drafting and Negotiating Commercial Real Estate Purchase and Sale Agreements: Buyer and Seller Perspectives  
12 p.m. - 1 p.m.; 1 CLE credit  
Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=WEB100625&mcode=NYLJ>  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Hot Topics in International Estate Planning**  
2 p.m. - 4 p.m.

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# Verdicts&Settlements

## PREMISES LIABILITY

**Man Alleged Ankle Injury Due to Untreated Ice**

**Verdict: \$1,000,000; Actual Award: \$700,000**

*Michael Vaysband v. 69-81 108th Street Realty LLC and Ditmas Management Corp., No. 702889/2021*

**Court:** Queens Supreme, NY

**Plaintiff Attorney(s):**  
Catherine J. Fiorentino; Davidoff Law; New York NY for Michael Vaysband  
**Defense Attorney(s):**  
Michael J. Pearsall; Law Offices of Leon R. Kowalski; Brooklyn, NY for 69-81 108th Street Realty LLC, Ditmas Management Corp.  
Fischer Damian; Leon R. Kowalski & Associates for 69-81 108th Street Realty LLC, Ditmas Management Corp.

**Facts:**  
On Dec. 18, 2020, plaintiff Michael Vaysband, 67, partially retired, fell in the parking lot of his residence in the neighborhood of Forest Hills in Queens, after slipping on untreated snow and ice. He was found to have injured his ankle, which he attributed to his fall. Vaysband sued the property owners and managers, Forest Hills, Ditmas Management Corp. and 69-81 108th Street Realty LLC, alleging premises liability for allowing a dangerous condition to exist. Vaysband claimed that the landlord and managing agent were negligent in removing ice and snow from the premises following several days of snowfall and thus were responsible for his fall and injury. According to the plaintiff's counsel, the defendants disregarded the safety and welfare of others for expediency and economic considerations. The defense disputed the plaintiff's claims, arguing that the plaintiff was aware of the snow and ice conditions in the parking lot before venturing out to his vehicle and could have used an alternate route to reach his car and avoid the dangerous conditions.

**Injury:**  
Vaysband suffered a bimalleolar ankle fracture, requiring an open reduction and internal fixation surgery. Following the operation, Vaysband was found to have an infection which was treated using an IV of antibiotics, and an additional surgery to remove the surgical hardware which had been installed during his first surgery. At the time of the trial, Vaysband claimed to have ongoing residual pain which he believed would be permanent. Plaintiff's counsel argued that Vaysband had been caused to incur expenses for medical care and as a result of his alleged ongoing pain, would be unable to perform his normal activities and duties. Vaysband sought compensation for both past and

future medical costs, as well as past and future pain and suffering.

**Result:**  
Vaysband was awarded a total of \$1 million, including \$650,000 for past pain and suffering and \$350,000 for future pain and suffering. The defendants were found to be 70% liable, with 30% comparative negligence assigned to the plaintiff. The net verdict was reduced to \$700,000 by the percentage of comparative negligence.  
\$ 350,000 Future Pain Suffering  
\$ 650,000 Past Pain Suffering  
\$ 1,000,000 Plaintiff's Total Award

**Trial Information:**  
Judge: Lumarie Maldonado  
Demand: \$2,400,000  
Offer: \$90,000  
Trial Length: 6 weeks  
Trial Deliberations: 2 days  
Jury Composition: 3-male 3-female

## EMPLOYMENT - RETALIATION

**Employer Demoted Her in Response to Medical Condition: Plaintiff**

**Settlement: \$530,000**

*Eucharia Enechi v. The City of New York, Marsha Kellam, Cheryl Constantine, Sherley Ferguson, Shatonya Miggins, Carlen Anderson, Nancy Kernisant-Dubois, and John and Jane Does (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named defendants), No. 1:20-cv-08911*

**Court:** Southern District, NY

**Plaintiff Attorney(s):**  
Samuel O. Maduegbuna; Maduegbuna Cooper LLP; New York NY for Eucharia Enechi  
**Defense Attorney(s):**  
Lauren F. Silver; Senior Counsel, Muriel Goode-Trufant, Corporation Counsel; New York, NY for City of New York, Marsha Kellam, Cheryl Constantine, Sherley Ferguson, Shatonya Miggins, Carlen Anderson, Nancy Kernisant-Dubois

**Facts:**  
On June 18, 2018, plaintiff Eucharia Enechi, 59, a Black woman of Nigerian national origin, was allegedly demoted from her position of "child protective specialist supervisor II" with the NYC Administration for Children's Services (ACS) to the position of "child protective specialist supervisor I." Enechi began working for ACS in the child protection unit as a child protective specialist in 1996. She was promoted to the position of "child protective specialist supervisor I" in 2002 and promoted again to

"child protective specialist supervisor II" in 2007. However, in 2009, Enechi notified ACS that she had been diagnosed with skin cancer, which required several rounds of radiation and chemotherapy. After receiving chemotherapy, she began to suffer from diabetic neuropathy, a medical condition that allegedly prevented her from typing reports on a computer whenever her hands were allegedly inflamed and painful. She claimed that after she notified ACS of her medical condition, she began receiving negative comments about her performance. Then, in June 2018, Enechi's position was changed from "supervisory II" to "supervisor I." She claimed that as part of the demotion, her salary was cut by 21%. Enechi claimed the demotion was the result of discriminatory and retaliatory behavior by her superiors at ACS.

Enechi sued her employer, the city of New York; the Queens borough commissioner for the ACS Division of Child Protection, Marsha Kellam; the child protective manager, Cheryl Constantine; the deputy directors, Sherley Ferguson and Shatonya Miggins; the director of field operations, Carlen Anderson; and the director of operations, Nancy Kernisant-Dubois. Enechi alleged that the defendants violated her civil rights under the Americans with Disabilities Act of 1990, the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Family and Medical Leave Act of 1993, New York Executive Law § 296 and the New York City Human Rights Law § 8-107.

Enechi claimed that despite a well-documented record of outstanding performance, she began receiving negative comments about her performance after she informed ACS about her medical condition. She claimed she received negative performance reviews thereafter before being demoted in June 2018 and having her salary cut.

Enechi alleged that for years, Constantine undermined her in front of her subordinates, made comments about her national origin and disabilities, and gave her a poor performance evaluation. She also alleged that, despite her requests for assistance, Kellam and Constantine failed to address the behavior of her subordinates, who continued to spread lies about her. Enechi claimed that as a result, she had to take multiple leaves of absence to address stress-induced complications of her disabilities, including diabetes, chronic non-healing ulcers, narcolepsy and cardiomyopathy.

Enechi alleged that she continued to receive negative performance evaluations, which led to Constantine placing her on a performance improvement plan, and that even before the end date of the performance improvement plan, the defendants had already made plans to demote her. Specifically, Enechi claimed the defendants spent months requesting human resources to assist in the demotion process and consistently followed up to see when the demotion would be approved and implemented. Enechi claimed that, despite a human resources official raising concerns of disability discrimination, the defendants continued to pursue the demotion.

Enechi contended that when she tried to file a discrimination complaint with the ACS Office of Equal

Employment Opportunity, the complaint was closed without an investigation and with no action taken. A few months later, she received an unsatisfactory performance evaluation and was demoted one month after the evaluation.

Enechi claimed the shock and stress of the defendants' discriminatory and retaliatory demotion forced her to take a leave from work under the Family and Medical Leave Act. However, she claimed the defendants issued her lower paychecks than she was entitled to while on leave and canceled her health insurance midway through the leave. She alleged that upon her return from FMLA leave, she was managed by a different supervisor, assigned to sit at the reception desk and assigned to do administrative duties that had nothing to do with her supervisory position.

Defense counsel denied Enechi's claims and asserted that Enechi's position change was due to Enechi's request for reasonable accommodation. However, Enechi denied making any request for reasonable accommodation and claimed that when she learned about the position change, she protested the reassignment, but to no avail.

### Injury:

Enechi's claimed her annual salary changed from \$80,146 to \$63,315 as a result of the demotion. She claimed that as a result, she suffered severe financial damages.

Enechi also claimed that the demotion, the interference with her medical leave, and the experiences she had while working under the individual defendants caused her emotional distress and exacerbated her disabilities, which included cardiomyopathy, narcolepsy, skin cancer and chronic, non-healing ulcers.

Enechi sought recovery of \$273,932 in total lost wages from June 2018 to Feb. 26, 2024, as well as \$6,171.23 in additional lost wages from May 1, 2020, to June 6, 2020, and \$193,224 for her pension loss. Enechi also sought recovery of \$750,000 for non-garden-variety emotional distress damages, \$500,000 in punitive damages, and \$500,000 for attorneys' fees and costs, plus interest from June 2018 to the date of settlement, totaling no less than \$40,000.

The plaintiff's expert economist submitted a report in which he opined that Enechi's documented damages were in excess of \$500,000.

### Result:

The parties negotiated a pretrial settlement. The city of New York agreed to pay Enechi \$530,000 to settle the claims against all of the defendants.




### Trial Information:

Judge: Paul A. Engelmayer  
Demand: \$850,000  
Offer: \$98,000

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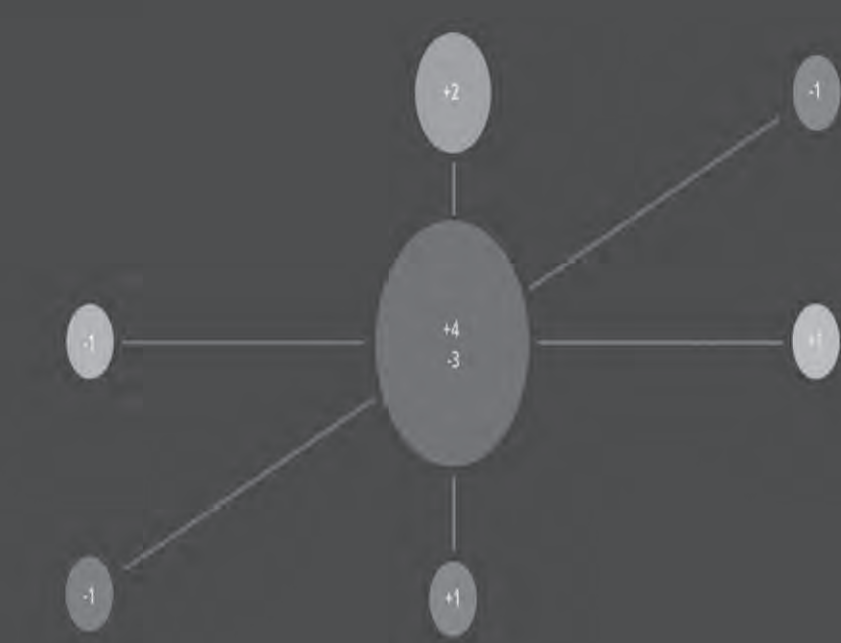
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# ALM. Intelligence







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document store or authoritative online database) and the results are then fed to the LLM to summarize and “repackage” into a natural-language answer.

This process greatly reduces the chance of inaccurate results, lowers inference costs, and can provide a means to link back to the source material for easier human checking.

Anyone who uses Google search has seen this in action: in addition to the traditional page of search result links, Google now provides an “AI Overview” at the top of the page which provides an “answer” to the user’s question with text and images, including links back to source material.

This saves the user the trouble of visiting the source pages, but legal issues can arise: if the websites generate their income from clicks, the RAG summary deprives them of that revenue, and if the AI “answer” is not accurate, the cited websites may suffer reputational harm from the attribution. These are the issues in the *Dow Jones* case.

**RAG and the Claims In ‘Dow Jones’**

In *Dow Jones*, plaintiffs are New York-based publishers incorporated in Delaware whose publications include, among others, *The Wall Street Journal* and the *New York Post*. Their revenues from original content come “predominantly from selling subscriptions to their digital publications and from online advertising” presented when consumers visit their websites. 2025 WL 2416401, at \*1.

Defendant, a Delaware corporation based in San Francisco, is an AI company that developed an “answer engine” called Perplexity. Perplexity allegedly generates answers to user questions based on information from “authoritative sources.”

It generates output using an RAG system, which queries a database of content from “original sources” that Perplexity selects. The information from the RAG database is provided to an LLM which repackages the original, indexed content in its answers to users, just like the Google “AI Overview”. The materials selected by Perplexity for the RAG database allegedly include

various intellectual property of plaintiffs, including copyrighted articles that Perplexity deems “trustworthy.”

Perplexity specifically advertises that its product allows users to “Skip the Links” to the publishers’ websites and instead access copyrighted content through queries. While this makes Perplexity’s product more accurate, plaintiffs argue that it diverts customers and critical revenue from their websites, and that the “primary and express purpose” of the products Perplexity sells in New York is to encourage and allow New York subscribers to consume their content without paying them. (Notably, after this opinion came down, Perplexity dropped the “Skip the Links” tagline.)

Broadly speaking, plaintiffs assert that Perplexity violates their intellectual property rights in three ways: *first*, by copying their copyrighted works as inputs to the RAG index, *second* by providing users with outputs that contain “full or partial verbatim reproductions” of their articles, and *third* by generating “made-up text (hallucinations) in its outputs” and attributing that text to their publications using their trademarks.

**Personal Jurisdiction in the ‘Age of the Internet and AI’**

The substantive issues raised in *Dow Jones* are fundamental to the future of RAG and will shape the legal landscape of generative AI, but the threshold question is: who will decide them? Perplexity, a San Francisco-based company, argues that the Southern District of New York lacks personal jurisdiction over it and these issues should be litigated on its home turf in California.

This argument may seem frivolous given Perplexity’s worldwide reach and its New York offices, employees, and Times Square advertising billboards, but “the court is mindful of the complexities posed by personal jurisdiction in the age of the internet and artificial intelligence” and provides a detailed analysis of the jurisdictional and venue arguments, focused on the technological context.

The federal copyright and trademark laws do not provide for nationwide service of process, so the court looks to the state’s jurisdictional rules to resolve issues of personal jurisdiction. Plaintiffs do not allege general jurisdiction over

Perplexity (as it is not incorporated or headquartered here); instead, they rely on New York’s long-arm statute, which permits the exercise of specific jurisdiction over foreign corporations under certain circumstances.

The relevant sections of the long-arm statute here are CPLR §302(a)(1) and CPLR §302(a)(3), and the court finds jurisdiction under both. Its analysis of jurisdictional and venue issues is lengthy, but a few points are worth noting.

Under CPLR §302(a)(1), jurisdiction exists where an entity transacts business in New York and the

Having established personal jurisdiction under New York’s long-arm statute, the court also undertakes the required federal constitutional due process analysis.

action “arises out of” that business. For the first part of the analysis, the court noted that Perplexity does business in New York in a manner “similar to that of a traditional business.”

It is registered to do business in New York, rents office space and has employees here, and targets advertising to New York customers. Leaving that aside, Perplexity has a “highly interactive” website that allows customers to buy and use its services directly in New York.

The Second Circuit has held that merely having an informational website accessible in New York is not sufficient to establish jurisdiction here (since the internet is essentially available everywhere), but a fully interactive site that permits New York users to transact with company can constitute transacting business in New York for purposes of §302(a)(1) if an action arises from those transactions.

Perplexity’s website is not only interactive, it targets New York users, for example with advertising aimed at using the product to “discover” New York landmarks, restaurants and attractions. Given Perplexity’s physical and internet presence, the court here holds that it transacts business in New York.

Perplexity argues, however, that it should not be subject to jurisdiction because plaintiffs’ claims do not arise from its New York business. It attempts to “silo” its New York presence, noting that its engineers, web-crawlers, and computer infrastructure are located primarily in California. It argues that the part of its business responsible for any tortious conduct is not located in

New York, so any harm cannot “arise out of” its New York business activity.

The court rejects this overly formal analysis, noting that the claims relate to Perplexity’s website: sales are made into New York through the website, and any infringing results are presented there. Since the entire company supports the website, in both California and New York, the claims sufficiently arise out of the New York business presence to support jurisdiction under §3201(a)(1).

Having found jurisdiction under §302(a)(1), the court also looks to

§302(a)(3) as a separate basis for its ruling. Under that section, specific personal jurisdiction is available over a defendant who commits a tort outside of New York that causes harm within the state, if the defendant could reasonably have expected the act to have consequences in New York and derives substantial revenue from interstate or international commerce. This test has several factors, all of which the court addresses, but the most interesting is the place of the injury.

The alleged infringements of plaintiffs’ trademarks and copyrights are qualifying torts, and those torts “occur” in California and Virginia, where Perplexity’s website is created and hosted. The alleged tortious conduct thus occurs outside of New York; but where is the harm felt? In internet trademark cases, the in state injury requirement “is satisfied by harm and threatened harm resulting from actual or potential confusion and deception of internet users” in New York.

Here, plaintiffs allege that internet users in New York use the Perplexity answer engine and are confused, believing that sometimes erroneous generated content comes from the *Wall Street Journal* or the *New York Post*. This kind of customer confusion as to source is sufficient to form the basis for jurisdiction in New York.

In copyright cases, harm in New York can include loss of business or customers in New York, which plaintiffs allege here. But not all on-line misappropriation of intellectual property passes this test, and the analysis can become fairly involved.

Here, plaintiffs allege that Perplexity’s unauthorized use of their materials caused the loss of advertising, licensing, and sales revenues from New York customers. The court analogizes these claims to “digital piracy” cases, in which the Second Circuit has held that a New York copyright holder whose works are uploaded to the internet for widespread sharing suffers injury in New York.

Recognizing that these cases have traditionally been limited to claims of internet filesharing, the court examines plaintiffs’ claims and alleged injuries and determines that, despite the different context, the piracy caselaw is a good jurisdictional fit. It therefore finds “the situs of injury to be New York, where plaintiffs hold the copyright to their works.”

The court then briefly addresses the remaining elements of Section 302(a)(3), holding that Perplexity could reasonably foresee being sued in New York (given its advertising and business efforts here) and that it derives substantial revenue from international commerce. It therefore finds personal jurisdiction proper under CPLR §3201(a)(3).

Having established personal jurisdiction under New York’s long-arm statute, the court also undertakes the required federal constitutional due process analysis. This analysis requires that a defendant have minimum contacts with the forum state and that trial of the matter in the selected forum “comport with fair play and substantial justice.”

Perplexity claims that it is “an early-stage startup with limited resources for cross-country litigation,” but the court notes plaintiffs allegation that defendant “recently raised \$500 million and is valued at \$9 billion,” making its assertion ring somewhat false. It therefore holds that trial in New York does not offend due process.

Finally, the court addresses and denies Perplexity’s motion to dismiss under Rule 12(b)(3) for improper venue. The standard on this motion includes numerous factors, most of which the court finds irrelevant or neutral where, as here, both litigants are large companies with nationwide reach.

The court notes that both the Southern District of New York and the Northern District of California are familiar with the governing federal intellectual property laws, and that alleged “docket congestion”

is not a reason to favor one court over another.

It further holds that, in the age of electronic discovery, the physical location of evidence is no longer relevant, and that Perplexity’s forum selection clause is not applicable to plaintiffs, as they were not customers. It therefore holds that plaintiff’s choice of form is appropriate, and the case can go forward in the Southern District of New York.

**Why It Matters: The Economics of AI and Search**

The *Dow Jones* opinion is long and thorough and offers excellent analysis of the issues around personal jurisdiction on the internet, but one might ask why it exists. To an outsider, many of the arguments presented seem barely colorable. Why is Perplexity fighting so hard to get out of New York and back to its home court in California?

This case, and others like it (including a very similar one filed in September by Meriam-Webster and Encyclopedia Britannica) challenge the fundamental economics of AI search. One of the most widespread use cases for generative AI is as a replacement for Google: rather than Google a question, many people now “ask ChatGPT”.

The result is an answer generated by an LLM using RAG (or a similar technology) on results pulled from the open web. The upshot is that users can get answers (albeit of varying quality) without ever “clicking-through” to the pages that own and publish the content.

That supports the business of the AI companies—in fact they argue they could not exist without it—but the web publishers that rely on clicks for advertising or subscription revenue are deprived of that revenue and lose the incentive to create or sponsor more content.

Without some rebalancing of those economics, the success of the “answer engines” will likely lead to the death of the open web that built them.

Given that these could be existential issues for both sides, it’s not surprising that the litigants are fighting hard for any advantage, and the AI companies apparently believe that the courts serving Silicon Valley will be more tech-friendly, and less protective of traditional media, than those in New York. With *Dow Jones* going forward in the SDNY, we will soon find out if they are right.

SEC

« Continued from page 3

ere an agency of the U.S. is saying, in effect, ‘although we claim that these defendants have done terrible things, they refuse to admit it and we do not propose to prove it, but will simply resort to gagging their right to deny it.’”

**Previous Attempts To Challenge Rule 202.5(e)**

As we reported in a prior article, courts have rejected several challenges to Rule 202.5(e), in part on procedural grounds. See “*SEC No-Deny Consent Policy Continues to Withstand Challenge While Remaining Subject to Constitutional Scrutiny*,” NYLJ (Aug. 11, 2024).

In *S.E.C. v. Romeril*, for example, the Court of Appeals for the Second Circuit held that the consent judgment there did not violate Romeril’s First Amendment rights because

Romeril waived his right to deny the allegations publicly. “A defendant who is insistent on retaining the right to publicly deny the allegations against him has the right to litigate and defend against the charges. Romeril elected not to litigate.” *Romeril*, 15 F.4th at 172. The Supreme Court later denied certiorari.

In *S.E.C. v. Novinger*, the Fifth Circuit denied defendants’ request for relief from judgment under Federal Rule of Civil Procedure 60(b) (4) and (5). The defendants had previously settled a civil enforcement action brought by the SEC.

Five years later, they sought relief from the final judgments to the extent that they incorporated Rule 202.5(e) requirements, arguing that their First Amendment and Due Process rights were violated.

The court affirmed the district court decision to deny the request. Both courts found that the defendants did not meet their burden under either Rule 60(b)(4) or 60(b) (5). 40 F.4th at 307-08.

More notably, Judge Edith H. Jones and Stuart Kyle Duncan Jones, two members of the three-judge panel, wrote a separate concurrence criticizing the SEC policy, noting that “nothing in the opinion...approves of or acquiesces in the SEC’s longstanding policy.” 40 F.4th at 308 (Jones, J., concurring).

“If you want to settle, SEC’s policy says, ‘Hold your tongue, and don’t say anything truthful—ever’—or get bankrupted by having to continue litigating with the SEC. A more effective prior restraint is hard to imagine.”

In *SEC v. Moraes*, 2022 WL 15774011, at \*3 (S.D.N.Y. Oct. 28, 2022), District Court Judge Ronnie Abrams approved a Consent Agreement containing Rule

202.5(e) restrictions, but only given the precedent set in *Romeril*. She did so “with reluctance in light of the SEC’s continued and misguided practice of restraining speech.”

She pointed out that the rule denies the public the ability to scrutinize the government’s enforcement practices because, in preventing defendants from speaking about their case, it creates the impression that the Commission sanctioned them without basis.

As such, Abrams posed the rhetorical question: “What is the SEC so afraid of? Any criticism, apparently—or, rather, anything that may even “create the impression” of criticism—of that government agency.”

**Conclusion**

While the rule has to date withstood constitutional challenge, future practice under Rule 202.5(e) may subject the rule to further scrutiny. Additional appellate proceedings in *Powell* seem likely. Jonathan Stempel, *US appeals court upholds SEC ‘gag rule’ over free speech objections*, Reuters (Aug. 6, 2025).

Commissioner Hester Peirce’s dissent may be indicative of a potential shift on the Commission itself, especially given recent changes in the Commission’s composition. As is true in most complex litigation, parties settle SEC proceedings for a variety of different reasons, including the costs and distractions of litigation, reputational harm and changes in circumstances and priorities, not merely their assessment of the merits or the risk of defeat.

As a policy matter or as a matter of fundamental fairness the Com-

mission may choose not to enforce the rule in certain cases or may be more open to requests by settling defendants to reopen existing settlements and obtain relief from the rule’s restrictions.

Further, the court in *Powell* was careful to leave open the possibility for “as applied” constitutional challenges,” specifically noting that it upheld Rule 202.5(e) without prejudice to “future challenges on more particularized records.”

For example, the court explicitly observed that whether the government’s interests may wane over time so that a denial bar should not apply in perpetuity is the type of particularized issue that may be addressed in future individual cases.

As Abrams aptly stated in *Moraes*, “the fact that defendants may waive their First Amendment rights does not mean that the government should be in the business of demanding that they do so.” *Moraes*, 2022 WL 15774011, at \*3.

Dr. A.I.

« Continued from page 4

to wrestle with the concept of treating it that way. So if a doctor has decision-making authority to use it, and the software developer makes the decision regarding the means to carry out those orders, then by logic extension there is an argument for AI third-party liability that is tasked with a further independent decision to put both of those concepts together in executing the requested action.

In light of the concept of litigant AI, it is by no means an understatement to therefore suggest that the degree of AI’s use in medicine could have significant implications when raising concerns over informed patient consent and likely redefine the fundamental tenements of tort law liability when it comes to professional services.

**Legal Conundrum**

To use AI or not to use AI is not so much a question as it is already the answer. Liability attached to using AI is being well-debated in many legal circles, but what about a medical professional who decides not to use AI as part of any diagnosis or course of treatment? Two crossing professional constructs

instantly become clear—negligence (legal) and an ethical duty of care and competence (medical). Doctors must not only be competent to provide treatment, but they must also keep up-to-date with the latest research and medical guidelines or risk malpractice.

Thus, in being required to act in the best interest of their patients, doctors must likewise afford their patients both accurate and timely information about their diagnosis and options for treatment. AI may certainly have to be included in that equation, by definition no less, or a medical professional may arguably risk violating an oath to provide action in the best interest of the patient.

**Proposed Metrics Around AI Liability**

From a legal standpoint, domestic regulatory agencies may not be taking definitive action (yet) but are certainly taking notice. The European Union (EU) has in predictable fashion put its foot forward on the issue with the European Parliament adopting on March 13, 2024 the Artificial Intelligence Act (AI Act). According to news agencies, the AI Act could set a standard of sorts on how technology like AI is applied in business and impacts the lives of everyday people.

Likewise, the European Commission put out in September 2022 two (2) proposed directives, i.e., AI Liability Directive (AILD) and Product Liability Directive (PLD), that examined the intersection of liability and AI. The Commission recently withdrew the proposal for

Traditional views of the law will need to evolve with the times—and fast. As any experienced attorney knows, this is undeniably a tall order. Lawmakers, and to a large extent the public, should view AI through the prism of fact versus science fiction.

an AILD, but the PLD was adopted last year after a major overhaul and will be implemented by late next year.

Domestically, the Federal Trade Commission (FTC) proposed in April 2020 guidelines for businesses on “Using Artificial Intelligence and Algorithms.” It stressed then that “while the sophistication of AI and machine learning technology is new, automated decision-making is not.”

Accordingly, and in unequivocal terms, the business guide set forth that “[t]he FTC’s law enforcement actions, studies, and guidance emphasize that the use of AI tools should be transparent, explainable, fair, and empirically sound, while fostering accountability.”

The last proposal, i.e., accountability, is of particular note given the aforementioned discussion centered on third-party exploitation of AI from lapses in cybersecurity and data integrity practices.

The FTC warned operators of an AI algorithm to “ask questions before you use the algorithm,” “protect your algorithm from unauthorized use,” and “consider your accountability mechanism.” All valuable points leading back to the earlier mandate for the responsible use of AI and potentially reducing, among other things, errors and injury toward the patients that the algorithm was meant to serve.

With case law still at the early stages and legislators trying to catch up here in the United States and elsewhere worldwide, contracting around liability may be the most realistic near-term solution. For example, writing into the contract any exoneration from civil liability, setting both a liability ceiling and floor, apportioning damages based on factors like error or misconduct, defining duty of care

and attendant penalties for disregarding any such professional standards (reckless or otherwise negligent), presetting degree of fault based on acts and omissions, and so forth. In that vein, pooling risk under AI liability insurance may also be an avenue to not only mitigate liability but spread out the costs as well.

For the healthcare industry specifically, a list of issues and legal questions arise when it comes to AI technology. For example, patient notices should at least consider mentioning AI, and the law should likewise examine at least the parameters of patient consent to the use of AI in their treatment. More to the point, no one should overlook or misconstrue the benefits to be gained—raising diagnostic accuracy and predicting medical events are tremendous advances for health and welfare. But by focusing on the end, we must not disregard the means we employed to get there.

**Conclusion**

Legal recourse is after all sometimes the only way to achieve meaningful reform of certain policies, achieve higher ethical standards governing the use and development of emerging technologies like AI, compensate an injured party arising from negligence and

use of such technology, and challenge established but likewise unjust procedures. As the functionality of AI grows, one can easily see ethical questions arising around the area of medicine and professional conduct, redefining the meaning of a doctor’s duty of care while remaining moored to the traditional principle of doing no harm.

No doubt a high bar when it comes to setting boundaries, but one that can be achieved with a proactive mindset in meeting the rising legal challenges of digital technologies around AI. Because ready or not, AI is here to stay. Noble intentions must not eclipse any pitfalls on the road ahead and where carefully thought-out legal guardrails beforehand could head off any consequences stemming from liability, unintended or otherwise.

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Judicial Ethics

Opinions From the Advisory Committee on Judicial Ethics

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1. Death Gamble Legislation

The judge first asks if he/she may contact his/her state representatives and urge them to vote for legislation to abolish the so-called “death gamble” for judges. As explained in the New York Law Journal (paragraph break omitted):

Under the current law, the beneficiaries of justices who die in office are entitled to a one-time lump sum payment equal to three times their annual salary. If the justice retires before dying, those beneficiaries are entitled to the full amount of the pension reserves to which the justice has contributed, which is often a significantly higher amount for justices with longtime service. Making matters worse, the lump sum benefit is reduced 4% for each year the judge continues in service after turning 60.

(Brian Lee, On Governor’s Desk: NY “Death Gamble” Bill That Seeks to Correct Pension Anomaly for Judges, NYLJ, Dec. 6, 2024). As the judge notes, the proposed legislation would directly affect the personal financial interests of the judge and his/her family.

We have previously advised that a judge may publicly support or oppose proposed legislative changes affecting “the terms or conditions of judicial service” and may do so by, inter alia, advocating in person or in writing to public officials (Opinion 19-120). The proposed conduct is therefore permissible on that ground.

We have also advised that “judges may engage in certain public advocacy activities where the judge has a clear and direct personal interest at stake” (Opinion 17-38 [citing prior opinions]). Here, the legislation affects the judge’s direct personal interests, and the proposed conduct is therefore permissible for that independent reason as well (see e.g. Opinions 23-61; 23-26).

2. Efforts to Rescind Citizenship of Naturalized Citizens Based on Their Performance of Judicial Duties

The judge is a naturalized citizen of the United States and is concerned about calls for “denaturalizing US citizens and deporting them based on their political views” in light of recent executive orders and actions. In this context, the judge asks if it is permissible to “call my two US Senators and tell them that I think they should take a harder line or whatever steps are possible including filibustering every single vote on all legislation to make sure that my citizenship, which was obtained through legal channels [some years ago], not be rescinded due to statements that I make in my decisions.”

The inquiring judge has identified a uniquely non-speculative and personalized interest—the judge’s interest as a naturalized citizen in retaining U.S. citizenship—which here dovetails with the need to protect the judicial independence of a judge who is a naturalized citizen, given that a judge must “not be swayed by partisan interests, public clamor or fear of criticism” (22 NYCRR 100.3[B](1)).

Accordingly, we conclude this judge may speak to government officials, including federal legislators, to urge them to oppose proposed or enacted executive orders, policies, or legislation which seek to rescind citizenship of naturalized citizens based on their performance of judicial duties, including their judicial decisions or other statements made in their official capacity as judges (see e.g. Opinion 19-120). Such issues clearly impact the law, the legal system, and the administration of justice as well

as the inquiring judge personally.

In doing so, however, the judge should neither comment on unrelated legislation nor request the legislators take particular positions on such legislation (cf. Opinions 23-15 [advising judge not request federal and state legislators protect power grids from electromagnetic nuclear attack]; 17-38 [prohibiting judges from calling senate committee to express opinion on proposed executive branch appointment unrelated to law, legal system, or administration of justice, or direct personal interest of inquirers]).

Therefore, the judge may not suggest “filibustering every single vote on all legislation.”

3. Judicial Independence and the Rule of Law

The judge is concerned that “federal judicial orders have been ignored recently” which undermines the law, the legal system, and the administration of justice. The judge suggests that open disregard of federal judicial orders “affects me professionally/personally because I often issue orders to get to the resolution of the proceeding and if those are ignored then the toolset I use to dispense justice has been destroyed.” Thus, the judge asks if it is permissible to call federal legislators “and urge them to uphold the adherence to judicial orders by any means necessary up to and including not voting on unrelated legislation.”

A judge may speak publicly about the importance of judicial independence and the rule of law (see e.g. Opinion 17-54), and therefore may speak to federal legislators on this topic (see generally Opinion 19-120). In doing so, however, the judge again should not comment on what positions the legislators should take with respect to unrelated legislation (cf. Opinions 17-38; 23-15).

4. Other Federal Executive or Congressional Decisions, Including the Shuttering of Certain Federal Agencies or Divisions

Finally, the judge asks “to what extent can I reach out to my legislators/executives and tell them how to act?” The judge argues that “the majority of federal executive and congressional decisions affect me personally.” By way of illustration, the judge suggests that (1) “the eradication of the EPA” could affect “my and my family’s health” and (2) as a member of a minority group, “the Department of Education’s shutting down of its Civil Rights investigatory body” could affect the judge’s “child’s ability to avoid discrimination in [his/her] primary education.”

Whether a particular federal executive or congressional decision affects a judge personally requires a fact-specific analysis. On the minimal facts provided, the judge has not identified any cognizable personal interest of the judge that will be affected by the shutdown of the specific bodies described, but instead a generic public interest—much like a public interest in protecting the power grids from electromagnetic nuclear attack—that is not particularized to the judge (compare Opinion 23-15 [prohibiting judge from advocating for protecting power grids from electronuclear attack] with Opinion 23-61 [permitting judge to publicly advocate about planned discharge upstream from the waterfront town where judge resides]). Thus, we conclude the judge may not reach out to legislators or executive branch officials on a proposed shutdown of the Environmental Protection Agency or the Department of Education’s Civil Rights investigatory body.

DECISIONS DATABASE

The Law Journal’s decision editors find and summarize rulings by New York’s federal and state judges that help members of the bench and bar stay on the cutting edge. This decision and many more are stored on our comprehensive, searchable database at <https://www.law.com/newyorklawjournal/case-digest/>

Innovation

Continued from page 2  
on rates to make up for the anticipated short-term drop in revenue and possible impact on profitability that may be attributed to efficiency-enhancing technologies.

Big corporate practices and large litigation departments tend to be the most lucrative for law firms in part because of the hours devoted to the work and in part because of the human advice element. But these are

also some of the areas that are most ripe for innovation, since AI can do things like review information, conduct due diligence, review depositions and other tasks more efficiently. In the short term, this may lead to a drop in revenue, but as law firms reshape their labor pools among other changes, higher profits are possible in the long run.

Kent Zimmermann, a strategic law firm adviser with Zeughauser Group, maintains that a firm’s data is more likely to differentiate it from other firms more so than

“The firms with a mix of more scale and market leadership in given areas of focus will be in a position to collect, harvest and use more data to their advantage in pitches, work product and getting results for clients,” Zimmermann said. “That’s because more data often translates into a firm’s ability to know the market better than clients and therefore provide more value to them.”

John Campisi can be reached at [jcampisi@alm.com](mailto:jcampisi@alm.com).

Court Calendars

First Department

APPELLATE DIVISION

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

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

THURSDAY, OCT. 2

10 A.M.

654488/22 Cyberbit, Inc. v. Cloud Range Cyber

1 P.M.

650671/21 Tahari v. Narkis

FRIDAY, OCT. 3

10 A.M.

603111/05 Lee v. Luk

MONDAY, OCT. 6

10 A.M.

816210/22 Martin v. Poe Affiliates, L.P.

12 P.M.

811164/24 Jimenez v. Sixt Rent A Car

1 P.M.

365136/24 Weinstein v. Weinstein

3 P.M.

365102/24 Margolies v. Margolies

WEDNESDAY, OCT. 8

10 A.M.

656443/22 Bank of Utah v. Abouhazale

652387/22 Board of Managers v. World-Wide Holdings

FRIDAY, OCT. 17

10 A.M.

650314/24 Exceptional Media Lit. v. Chainalysis, Inc.

TUESDAY, OCT. 21

10 A.M.

650681/18 Government of Saint Lucia v. 126 E 36th Street

2 P.M.

654264/24 Qualified Industries v. Legends Hospitality

FRIDAY, OCT. 24

9:30 A.M.

153055/23 McGeehan v. 14th Street HK Realty

308421/18 Ferreira v. Mega Contracting

WEDNESDAY, OCT. 29

10 A.M.

656798/21 901 Properties v. Bear Glass Inc.

Wednesday, Nov. 29

10 A.M.

650973/17 Talking Capital Windup v. Omanoff

CALENDAR FOR THE OCTOBER TERM

TUESDAY, SEPT. 30

2 P.M.

24/7638 People v. Latiqua Gibbs

25/2403 Liberty Mobility v. Port Authority

24/4189 F. Michayla

25/1461 Lema v. 1148 Corporation

25/1240 McGregor v. Manhattan Nursing Home

24/4235 Bennigson v. Solomon Guggenheim Foundation

23/785 People v. Jeury Marte

24/6591 Suarez v. City of NY

25/1701 Ancart v. Crespo

24/5700 Flores-Grgas v. NYS Office of Children

23/6751 G.R., Children

24/6097 U.S. Bank v. Tiburico

25/918 Gamble v. MTA Bus Company

24/7483(2) Owen v. Johnson

25/178 Godfrey-Peters v. Dangelo

24/5828 People v. Jahfonne Johnson

25/1984N Malekan v. Malekan

24/4536(3)N Allmen v. Kimmel

WEDNESDAY, OCT. 1

2 P.M.

24/6230 People v. Rodrick Hatten

25/514 Mancilla & Fantone v. Liu

25/1160 R., Keira

24/2179 Twersky v. Yeshiva University

25/19 Kasai v. Trump Management

24/1151 Will B. Sandler Disclaimer Trust v. Swersky

25/809 Salis v. Zolin

24/742 Cullins v. themaguba

24/6794417 N Comanche v. Emres II

24/756 People v. Amadou Diallo

24/453 Lee v. Lee

24/7683 K., Peter v. Mayumi M.

24/6152 Reyes v. Benton

24/959 Wilmington Savings Fund v. Scaffidi

25/400 Bodenchak v. 5178 Holdings

23/6489 People v. Kori Powell

24/3895N Zimmerman v. 410-57 Corporation

24/5303N Doe v. Matta

THURSDAY, OCT. 2

2 P.M.

24/6750 People v. Lawrence Downey

24/6747 Martinez v. Martinez

25/1238 H., Torbis

25/941 Nationstar Mortgage v. O’Connor

24/6949 Healy v. Kruger

24/4816(1) Vakuel v. NYC Taxi & Limousine

24/2051(1) Vakuel v. NYC Taxi & Limousine

22/4545 People v. Cameron Golphin

24/7200 Law Firm of Jennifer Zuch v. Lemus

24/2127(3) HSBC Bank v. Wu

24/3517 Bonilla v. BPP St Owner

25/1784 M., Mylah

24/512 Reclaim the Records v. City of NY

24/4701 Contreras v. Parkash

24/5450 Peck v. Milbank LLP

23/3957 People v. Jonathan Luna

24/2958N Vasquez v. Bronx Lebanon Hospital

24/7639N Sabr Chemicals v. Northeast Chemicals

TUESDAY, OCT. 7

2 P.M.

24/1273 People v. Ralph Berry

24/7332 Pacheco v. Georgetown Eleventh

25/2566(1) F., Regla v. Dustin F.

25/2565(1) F., Regla v. Dustin F.

24/406(3) Astraea NYNY v. Ganley

24/5358 Peralta v. Hunter Roberts Construction

24/474 People v. Mbarek Lafrem

25/665 Cortes v. Camplone

23/492 Ramos v. City of NY

24/1882 Giangrande v. Gracie Gardens Owners

24/4450 Funt v. Andrews

25/5545 Kapitus Servicing v. Ragtime Gourmet

24/4647 382 McDonald v. NYC Industrial Development

25/715 Lovett v. 2600 Seventh Avenue

24/6530 Itzhak v. Briarwood Insurance

22/1503 People v. Antoine Gee

25/596N Pritchett v. American Golf

24/5099(2)N Clares v. 600 West 183rd Street Realty

WEDNESDAY, OCT. 8

2 P.M.

21/2052 People v. Prince Bryan

24/5854 Medina v. Medina

25/119 H., Alisa v. Ayana B.

24/3632 Rosario v. Gentry Tenants

24/7807 Sendibel Trading v. Petroleos de Venezuela

24/2919(1) Forster v. Bejjani

24/3560(1) Forster v. Bejjani

24/5706(1) Forster v. Bejjani

24/624 People v. Luis Ortiz

24/605 S.C., Children

24/3926 Reyes v. 45 & 47 Wadsworth Ave.

25/2280 People v. AT&T Mobility Holdings v. Grupo Salinas

24/6498 Hereford Insurance v. 21

24/6147 Pilapanta v. Hudson 888 Education

24/6543 Perez v. Norman’s Cay Group

19/4061(1) People v. Raymond Clarida

25/1214N Anandarama v. Icahn School of Medicine

23/6567(2)N Leslie Digital Imaging v. Empower Information

THURSDAY, OCT. 9

2 P.M.

19/5333 People v. Joshua Buchanan

24/5974 Diamond Films v. TV Azteca

24/4578(1) S., Tabitha v. Kyle G.

25/2269 Espinal v. City of NY

24/7931 People of the State of NY v. Sirius XM Radio

24/7651 Rahal v. Taormina

25/73 Innovative Securities v. OBEX Securities

24/817 People v. Kenyatta Elvin

23/2464(3) Genna v. Klempner

25/1279 Kozeli v. Renali Realty

25/4319 M., Damineh v. Bedouin J.

24/3889 Verma v. NYC Dept of Education

24/6401 Parker Colt Administration v. One West Bank

24/7721 Ramirez v. 79-05/77 Jackson Heights

24/5787(2) 579 Fifth Avenue v. Sargoy, Stein, Rosen

23/298(1) People v. Geoffrey Tracy

24/6130N Leslie J. Garfield & Co. v. Evans

24/146N Muroff v. Heerdt

TUESDAY, OCT. 14

2 P.M.

19/1856 People v. Gary Jacques

24/3132 Jennings v. City of NY

24/7879 T., Cygne

24/4251 De-Rivas v. Esplanade 99

24/8280(1) Glenmede Trust v. Infinity Q Capital

24/1354(1) Glenmede Trust v. Infinity Q Capital

25/3294 27th Street Property Owner v. Karpati

24/1001 People v. Kahreem Perry

24/5218 Blanca Realty v. NYC Dept of Buildings

25/222 Mejias v. Basch

25/2621 Pacheco v. Catholic Guardian Services

24/6309 Canales-Diaz v. City of NY

24/4731 Thomas v. Concourse Rehabilitation

24/2388 People v. Glenn Pointdexter

23/1470(2)N Sherman v. Zampella

25/3633N EPAC Technologies v. Interforum

WEDNESDAY, OCT. 15

2 P.M.

23/5574 People v. Davon Best Kelly

25/2451 Rosenblatt v. Rosenblatt

24/7939 M.T., Children

24/1951 Coltroneo v. Van Wagner

25/1782(1) AMF Trust Ventures v. 180 Group

25/1781(1) Hemingway Group v. 180 Group

24/1808 People v. Albert Holguin

24/1511 Partners for Payment De III v. Crooks

24/7233 Academic Health v. Ahluwalia

24/1758 Malave v. Kini

23/6499 134 Lexington v. Bhawani Maa

25/2814 Icahn Partners v. AllianceBernstein

24/6033 Bethpage Federal Credit Union v. BR 52

23/4240 People v. Quintin Rodriguez

24/3189 Lotrean v. 3M Company



25/1507 Citigroup Global Markets v. SCIP Capital (NY 651031/2019)  
24/3014 City of NY v. Board Collective Bargaining (NY 452449/2022)  
24/7239 City of NY v. Way.com (NY 452304/2024)  
25/3501 CLNC 19/PL1 Funding v. Bennett (NY 651851/2023)  
24/6708 Cochancela v. Sutton Place South (NY 162498/2019)  
24/7743 Cohen v. Cohen (NY 655036/2022)  
25/2154 N Continuo Acquisition v. Dawson (NY 154267/2014)  
24/5153 Contingum Energy v. Iron Oak (NY 657219/2021)  
24/7360 Cook v. Hudson River Park Trust (NY 155891/2017)  
24/4574 Corbex, Inc. v. NYC School Construction (BX 809231/2022)  
25/2172 Coronel v. Marcal Contracting Co. (BX 34145/2020)  
25/161 Corvus Capital v. Strand Hanson Ltd. (NY 651020/2024)  
24/7942 Cotto v. 685 First Realty Company (NY 157456/2019)  
24/3592 Country-Wide Insurance v. National Identity (NY 65116/2024)  
25/1 Couteller v. Mamakos (NY 160767/2021)  
23/5340 Crespo v. Francini (BX 21281/2013)  
24/6041 Cruz v. 987 Amsterdam Ave. (NY 159711/2020)  
24/5394 Cruz v. Construction Technology (NY 159595/2021)  
25/038 CS Leveraged Loan v. Bank of America (NY 652151/2023)  
24/6679 Cui v. City of New York (NY 153478/2024)  
24/543 Cummings v. City of NY (BX 80243/2023)  
24/6508 D&S v. GE Healthcare (NY 653909/2023)  
25/678 D. Alhassane (BX D36049/2023)  
24/5775 D., Children (BX B14015/2022)  
24/682 D., Children (BX N10336/2021)  
24/3491 D., Justice (BX D952/2024)  
24/6025 D., Nyla (BX N4202/2022)  
25/3064 D./M., Children (BX N37255/2023)  
25/1582(2) Davidoff Hatcher & Citron LLP v. McLendon (NY 653409/2023)  
25/978 N Davis v. Port (NY 654027/2013)  
24/6289 De Perez v. Fordham Valentine (BX 817049/2022)  
23/5554 DeJesus Jimenez v. Rodriguez (BX 23754/2020)  
24/59 Deleon v. 560-568 Audubon Realty (NY 154546/2022)  
25/4000 Denmark v. New Chapter Capital (NY 152207/2023)  
24/4806 Detering v. NYC Environmental (NY 159847/2023)  
25/2399 Deutsche Bank National v. Washington (BX 35982/2014)  
24/544 Dewinter v. Equinox Greenwich Ave. (NY 150176/2021)  
25/1674 DI Francesco v. McEnroy (NY 62466/2024)  
24/5765 DIJ Mortgage Capital v. Adler (NY 850324/2018)  
24/6062 Docu v. Imperial (BX 818878/2023)  
24/3052 Doe v. Metropolitan Dental (NY 952062/2023)  
19/195 N Dogwood Residential v. Stable 49 (NY 157621/2015)  
18/4746 N Domogoni v. Korpenll LLC (NY 158520/2013)  
24/4518 Dorville v. Structure Tone (NY 154832/2017)  
24/7390 E., Children (BX V31388/2023)  
24/085 N Edward Tyler Nahem Fine Art v. Lee (NY 653982/2023)  
24/5086 Edward Tyler Nahem Fine Art v. Lee (NY 653982/2023)  
24/433 N Edward Tyler Nahem Fine Art v. Lee (NY 653982/2023)  
25/1400 Ellen's Stardust v. Sturm (NY 651690/2021)  
24/7007 Elmaz v. CNY Construction (BX 29782/2017)  
25/687 Encarnacion v. St. Barnabas Hospital (BX 302564/2016)  
23/485 Encarnacion v. St. Barnabas Hospital (BX 302564/2016)  
24/7311 N Etage Real Estate v. Stern (NY 656322/2019)  
24/7087 Etage Real Estate v. Stern (NY 656322/2019)  
24/6940(2) Elkin v. Sherwood Residential (NY 655734/2021)  
25/3235 E.E. an Infant v. Dr. Ebrahim (BX 22260/2012)  
24/6308 Falcao v. Metropolitan Transportation Authority (NY 154962/2018)  
25/2482 Familia v. Kiewit-Weeks Massman, A JV (BX 31087/2018)  
24/4801 Feliciano v. Caban (NY 151251/2024)  
24/4192(2) Fernandez v. SUB 412 (NY 161024/2017)  
24/6421 Fiondella v. 345 West 70th Tenants (NY 656664/2019)  
24/7212 Fiondella v. 345 West 70th Tenants (NY 152957/2021)  
24/6254 Fishman v. Bunty and Jyoti (NY 155838/2012)  
24/1648 Fishman v. Fishman (BX 3695/2019)  
25/349 Flexjet, LLC v. Honeywell International (NY 651078/2023)  
24/4338 Flores v. NYC Health & Hospitals (BX 27869/2018)  
24/5399 Foronjy v. Hewitt School (NY 159931/2017)  
24/6799 Francois v. Lamburt (NY 500746/2023)  
24/3531 Friedman v. Garnet Wines (NY 155385/2021)  
25/3544 Fuentes v. Parkchester South Condominium (BX 31356/2018)  
24/2062 G., Aaliyah (BX 624377/2022)  
25/120 G., Cayanna (BX N37263/2023)  
24/7440 G., Tahira (NY N2188/2024)  
24/4680 Gad v. CCC NFP (NY 654581/2021)  
24/493 Garcia v. 100 Church Fee Owner (NY 158554/2018)  
24/3967 Garcia v. Citymeals-on-Wheels (NY 160938/2016)  
25/4930 Geostar Inc. v. Bank of Nova Scotia (NY 651187/2024)  
24/4649 Golden Ox Realty v. Board of Managers (NY 159693/2014)  
24/3292 Gonzalez v. Delpozzo (BX 815077/2021)  
24/461 Gordon v. Peck (NY 652345/2023)  
25/122 Gordon v. Triumph Construction (NY 656523/2022)  
23/571 Graves v. Brookdale University Hospital (BX 306857/2020)  
24/6371 Green v. Whole Foods Market (NY 155089/2020)  
24/5167 Greenland Asset v. Microcloud Hologram (NY 651701/2023)  
24/471 Greenman v. Miller (NY 653094/2017)  
24/471 Greenway Mews v. Liberty Insurance (NY 652364/2018)  
25/4182 Grey v. IC Development Owner (NY 151699/2022)  
24/133 GT Securities v. Nurture Life (NY 652875/2023)  
24/3069 Gu v. Henry (NY 101237/2021)  
24/5104 Guaman v. 240 West 44th Street Two (NY 157343/2018)  
25/3050 H., Bianca v. Bobby H. (NY 0472/2024)  
24/697 H., Children (NY N3624/2019)  
25/1025 H., Geannette v. John H. (BX V32464/2017)  
25/2136 Haimovici v. Castle Village Owners (NY 156094/2022)  
24/5179 Halperin v. Held & Hines LLP (NY 652124/2019)  
25/1643 Hanslck v. UG2 (NY 156052/2022)

COURTNOTES

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.

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 dcainychousing@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.

FIRST DEPARTMENT

Appellate Term

Filing Dates for the November Term

The November 2025 Term of the Court will commence on Nov. 3, 2025.

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

The Clerk's Return, Record on Appeal, Appendices, Notice of Argument and Appellant's Briefs must be filed on or before Sept. 10, 2025.

Respondent's Briefs must filed on or before Oct. 3, 2025.

Reply Briefs, if any, must be filed on or before Oct. 10, 2025.

U.S. DISTRICT COURT EASTERN DISTRICT

Notice Regarding Change of Procedures Related To Filings Sealed Document in Criminal Matters

Pursuant to Administrative Order 2025-10, effective August 8, 2025, the United States District Court for the Eastern District of New York will no longer accept sealed documents in CMJ/ECF in criminal matters. Please see the Court's web site www.nyed.uscourts.gov for Administrative Order 2025-10 and instructions under the Attorney tab. Dated August 8, 2025, by Brenna B. Mahoney, Clerk of Court.

U.S. DISTRICT COURT SOUTHERN DISTRICT

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

24/5564 Milchin v. Milchin (NY 305293/2019)  
23/3877 Miller v. Board of Mgrs, Alfred Condo (NY 153764/2022)  
25/4313 Milne Travel Agency v. ALTOUR Delaware (NY 654380/2024)  
24/6527 Mindley v. State of NY (NY 135007)  
24/4279 Moghtader v. Apis Capital (NY 650287/2020)  
24/7722 Molina v. Appula Management (BX 28863/2020)  
24/5268 Molina v. Mount Sinai Morningside (NY 161113/2021)  
24/5803 Molner v. Molner (NY 301261/2012)  
24/318 N Morales v. 58-66 East Fordham (BX 25194/2020)  
24/6114 Mt. Hawley Insurance v. Michelle Kow Corp. (NY 656474/2021)  
24/5585 Muce v. City University of NY (BX 818230/2023)  
24/6168 Mueller v. Seel Invest Technology (NY 653225/2023)  
23/6574 Mujaj v. Devash LLC (NY 151529/2018)  
24/4710 Mendez v. City of NY (BX 27362/2020)  
25/3486 Menkes v. Beth Abraham Health (NY 156094/2022)  
23/732 Miami Firefighters v. Icahn (NY 657447/2019)  
24/158 Michael Gross Diamonds v. Vaknin (NY 651396/2014)

23/2698 N Myrtle Point v. B3 Ridgewood Holdings (NY 650869/2023)  
24/50 N., Naomi (BX B7177/2014)  
23/6362 N N47 Associates v. Jemso Realty (NY 159215/2020)  
25/3022 Najera-Ordonez v. 260 Partners L.P. (NY 160546/2017)  
24/4524 National Community v. Midtown Coalition (NY 652675/2021)  
25/1132 Nationstar Mortgage v. Vassi (NY 810060/2012)  
24/7195 Neubauer v. Archdiocese of NY (BX 70055/2021)  
25/2119 New Gold Equities v. AmGuard Insurance (BX 26968/2020)  
24/4782 Ng v. Figueroa (NY 155023/2018)  
25/80 Nguyen v. Phan (NY 311651/2017)  
25/527 Norris v. Integral Yoga Institute (NY 952220/2023)  
24/6457 NRD GP v. McCarthy (NY 654694/2022)  
25/2195 NYC Transit Authority v. Local 100 TWU (NY 452726/2024)  
25/2936 NYS Division of Human Rights v. Dawn Homes Management (BX 813522/2024)  
25/458 NYS Division of Human Rights v. Engolos LLC (NY 451501/2020)

24/4036 NYS Unified Court v. NYS Public Employment (NY 161972/2023)  
25/321 O'Brien v. Tectonic Builders (NY 150670/2019)  
24/5784 Odnorolov v. Weiner (NY 805088/2018)  
24/6858 O'Flaherty v. Columbo (NY 157250/2017)  
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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.

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## 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, OCT. 6

**Tisch, J.P., Perez, Alpert J.J.**  
  
21/011-22/064 People v. Collazo, Frank  
22/078 People v. McLaurin, Isiah  
22/102 People v. Martinez/Perez, Arismendi  
23/092 People v. Campbell, Jonathan  
25/036 People v. Elias, Bishop M.  
25/051 Jacin Investors v. Von Vogt, Charlotte  
25/078 Bop Mw Residential v. Heard, Janiah T.  
25/089 Esplanade Gardens v. Wright, Geoffrey  
25/097 Ati/Whga Mn/11e v. Wiggins, Anthony  
25/100 Okeke, Hillary v. Renaissance Times Square  
25/101 Kruglov, Dmitry v. Holland America Line N.Y.  
25/102/104 IGT/City's Prop. v. Ben Moses Jewelry  
25/1051am, frank v. Bddw Studio, LLC  
25/111 138 west 46th st v. Hunter, Bernadette Cella  
25/112 Siomkos, Stella v. Nouinou, Fatimazohra

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

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**Tisch, J.P., Perez, Alpert J.J.**  
  
25/073 332-4 West 47TH St. v. Buxo, Jeannie  
25/086 Bronx Park East v. Berisha, Fehmi; et al  
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659340/24 Penny Hart v. Allen Rosenberg Et Al  
159356/24 Perez v. Cats 3531 B'way.  
151244/24 Ramirez Donis v. 83  
Warren Rtl. LLC Et Al  
153712/25 State Farm Mutual  
Automobile Ins. Co. v. Velazquez  
157769/24 Travis v. Dp 49 LLC Et Al  
155875/24 Wesco Ins. Co. v.  
Nat. Psychological Assoc. For  
Psychoanalysis, Inc. Et Al

**Part 9**  
**Justice Linda M. Capitti**  
**60 Centre Street**  
**Phone 646-386-3848**  
**Room 355**

**MONDAY, SEPT. 29**  
365204/22 Eng v. Eng

**TUESDAY, SEPT. 30**  
365228/25 Guevara v. Mekeburg  
300142/25 Hassan v. Razzaque

**Motion**  
365228/25 Guevara v. Mekeburg

**Part 11**  
**Justice Lyle E. Frank**  
**60 Centre Street**  
**Phone 646-386-3314**  
**Room 412**

**MONDAY, SEPT. 29**  
655411/24 Ainsworth, Inc. v.  
Manhattan Country School Et Al  
652648/24 Carello v. Collegiate  
School Inc. Et Al  
654284/23 Castle Village Owners  
Corp. v. Girardi  
653874/22 Cohen v. Moskovitz  
652143/24 Employers  
Compensation Ins. Co. v. Bandb  
Services Inc.

653234/22 Endurance American  
Ins. Co. Et Al v. Stonex  
Commercial Solutions  
161064/23 Hertz Vehicles v. 5-Star  
Chiropractic Services  
158901/25 Lafayette-Astor  
Associates v. Croman  
652682/25 Skyline Scaffolding  
Group, Inc. v. Positive Electrical  
Associates, Inc. Et Al  
157106/24 Tbf Financial v.  
Whitmore And  
452294/24 NYC Et Al v. Ea 132nd  
LLC

**Motion**  
652133/24 Employers  
Compensation Ins. Co. v. Bandb  
Services Inc.

**TUESDAY, SEPT. 30**  
160145/25 251 Ft. Rty. LLC v.  
Benitez  
153031/23 325 East 48 LLC v. Choi  
153085/25 701 Elton Residence  
LLC v. NYC Dept. of Housing  
Preservation & Dev.  
651250/23 A. M. Richardson v. Iron  
Oak, Inc. Et Al  
650797/24 Ahmed v. Choudhry  
157193/25 Ben David Yosef v.  
Huang

652336/22 Brown v. Gomez  
652406/24 Contractors Sheet Metal  
LLC v. Mps Mechanical  
952312/23 Doe v. McDaniel  
654985/23 Eggerud v. West End 84  
Units LLC Et Al  
154346/24 Grande Gusto Ristorante  
LLC v. Jerome G. Stable  
150213/25 Hoshino v. Rose  
Associates Et Al  
654911/19 Linda Garcia Rose Lcsw  
And v. Garcia

153122/25 Montgomery Garden  
Partners LLC v. NYC Dept.  
of Housing Preservation & Dev.  
655265/21 Neuwelt v. 33072 Owners  
Corp.

655114/24 Nouveau Elevator  
Industries v. 881 Fifth Ave. LLC  
158748/22 Pgs Prods. of New York,  
Inc. v. 31st St. Zef LLC Et Al  
151151/25 Phoenix Owners Corp. v.  
Mindel

650748/25 S3 Design Group v.  
Rainbow Apparel Distribution  
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653248/24 Sacks v. Baruch  
156288/25 Shah v. NYC  
653101/24 Shahirfar v. Franchey  
653701/24 Stone Security Service &  
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652880/23 The Abramson Law  
Group v. Rosenberg  
650436/24 Tkj Atrium Hosp.ity Inc.  
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159374/18 Torres v. 120 B'way.  
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653867/24 Trinity Builders of New  
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654911/19 Linda Garcia Rose Lcsw  
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15151/25 Phoenix Owners Corp. v.  
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650748/25 S3 Design Group v.  
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**Part 12**  
**Justice Leslie A. Stroth**  
**60 Centre Street**  
**Phone 646-386-3273**  
**Room 232**

**MONDAY, SEPT. 29**  
158578/20 Brannigan v. One  
Vanderbilt Bldg. v. Foster  
152830/25 Doe v. Alexander  
152119/16 Gkoumas v. Lewis Const.  
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654669/24 Abg-Nine West v.  
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157496/24 Aig Prop. Casualty Co. v.  
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650699/25 American Transit Ins.  
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650422/25 American Transit Ins.  
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655201/24 Ameris Bank v. Artisan  
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154558/20 Atlantic Specialty Ins.  
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156410/24 Bahr v. A.K.S. Int'l Inc.  
154585/23 Canales Canales v.  
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160089/19 Cavallo v. 1515 B'way.  
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157593/23 Confesor v. Jrm Const.  
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652028/25 Dellimore v. Allen  
152549/25 Doe v. Elsesser Kulha  
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150434/21 Downing v. Diamondrock  
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157602/23 D'Ambrosio v. Rxr Hb  
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161421/21 Diaz v. 76 Wadsworth  
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151252/25 Ghose v. Strawberry 2  
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161965/24 Harrington v. 40 Broad  
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452320/24 Love v. NYCHA&HC Corp.  
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655402/24 Madison Sixty Owner  
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155571/23 Madoo v. March  
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157265/21 Miller v. 50 Hymc Owner  
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157119/22 Nullet v. Collaborative  
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150753/25 Old Friend Photobooth v.  
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161618/21 Raby v. Rockefeller  
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151396/23 Reyes Obando v. Skyline  
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101020/24 Ronald N. Inouye v.  
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151276/25 Schwartz v. J. Nazmial,  
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153948/20 Shanikwa Coleman v.  
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151281/23 Shaw v. Listom Inc Et Al  
156655/18 Tabor v. 148 Duane LLC  
151945/22 Tabor v. Swig  
153128/24 The Cincinnati Ins. Co.  
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154604/23 Thomas v. NYC Et Al  
153869/20 W. v. Pozernick

**Part 14**  
**Justice Ariene P. Bluth**  
**60 Centre Street**  
**Phone 646-386-3219**  
**Room 432**

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656954/22 Chazen v. Ma  
656085/20 Tompkins Park Mansion  
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161411/19 Thavers Prop. v. Vema  
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656954/22 Chazen v. Ma

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155039/19 Jones v. Columbia Univ.

**Part 15**  
**Justice Jeanine R. Johnson**  
**60 Centre Street**  
**Phone 646-386-4462**  
**Room 116**

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3207/27/24 Alvarado v. Alvarado  
304678/21 Diggs v. Vasquez  
320353/25 Felton v. Fellon  
3652/24 Gilbert v. Gilbert  
32172/24 Hetherington v. Hsu  
321686/24 Martinez v. Romero  
322041/24 Oh v. Shkuratov  
365257/25 Roccos v. Smithmyer  
303080/22 Satchell v. James

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303040/14 Flythe v. Flythe  
320513/24 Singer v. Sealy-Singer

**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**

**Part 24**  
**Matrimonial Part**  
**Justice Michael L. Katz**  
**60 Centre Street**  
**Phone 646-386-3285**  
**Courtroom 325**

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365652/23 Copko v. Achar—2 P.M.

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155873/25 Chan v. Chan  
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**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**

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321057/24 Eid v. Eid  
300194/24 Jones v. Jones  
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320593/23 Malerba v. Malerba

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321228/24 Campbell v. Derfler  
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**Part 30V**  
**Justice Judith N. McMahon**  
**60 Centre Street**  
**646-386-3275**

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805335/19 Fulton v. NYU Langone  
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805250/20 Lara v. Mount Sinai  
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450633/20 Ruth Ann Rancourt As v.  
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**Part 33**  
**Justice Mary V. Rosado**  
**60 Centre Street**  
**Phone 646-386-3894**  
**Room 442**

**MONDAY, SEPT. 29**  
151568/24 Devita v. Walgreen Co. Et Al  
158442/12 Holston v. NYCHA  
151156/23 Mangino v. 155 Wooster  
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158931/22 Lopez v. Protek Locating Inc. Et Al  
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156244/24 McCune v. Pa Mgt. Inc. Et Al  
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160496/22 Mitchell v. Nilda Limon.  
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160252/22 Morillo v. Con Ed Co. of New York, Inc. Et Al  
150527/23 Murillo Urbina v. Bhuyan  
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150177/24 Oka v. Herrera Medina  
154553/23 Oquendo Figueroa v. Whalen  
150788/24 Osmond v. Lam  
150753/22 Ozorio v. Amazon Logistics Inc. Et Al  
153352/23 Ozorio v. Portmore Delivery Service Corp. Et Al  
152007/23 Padilla v. NYC Et Al  
162306/23 Paez Lora v. Encore Group (USA)  
155500/20 Pearo v. Lux Credit Consultants  
157974/22 Peralta v. Garcia  
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158901/23 Perviykovik v. Cedano  
161693/23 Picardo v. Filarakia 2 Inc. D/b/a Solletto Et Al  
152299/23 Piton v. Lkb Meats Inc Et Al  
160159/24 Qosja v. Port Auth. of NY And New Jersey Et Al  
154787/23 Quinones v. State Const. Inc. Et Al  
150243/23 Ramirez v. Martin  
161615/21 Ramirez v. Levy  
153375/23 Reyes v. Giardina  
154166/23 Richardson v. Gonzalez  
155725/24 Richardson v. New Jersey Transit Corp. A/k/a New Jersey Transit Bus Operations  
158729/23 Rodriguez v. Shrago  
159894/23 Rodriguez v. Rock  
160111/23 Roffey v. Stretch Hacking LLC Et Al  
157584/23 Rothman v. Rivera  
153877/23 Saleh-Mohamed v. Cole  
150053/24 Singleton v. Bulkovitch-Jacoby  
156030/22 Son Cha Cardena v. Marcelino Antonio Lora Severio  
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158701/22 Stevens v. Professional Transportation Enterprises, Inc. Et Al  
158832/23 Stuart v. Kg Pumping Corp  
159898/22 Taram v. Porcelli III  
151982/23 Taram v. Cooper  
162373/23 Tejada v. Longworth Jr.  
160145/20 Torres v. Victoria  
156291/21 Vandunk v. U-Haul Co. of NY And Vermont, Inc.  
158306/19 Wallach v. New Jersey Transit Corp.  
155711/23 Wascher v. Papitto Const. Co., Inc. Et Al  
159416/22 Williams v. Topbuild Corp. Et Al  
150642/24 Wright v. Pride Transportation Services Inc. Et Al  
152221/23 Yang v. Singh  
153445/24 Zaman v. P.v Hldg. Corp.  
152033/23 Zensky v. Qi  
155658/24 Zhang v. Marks

**TUESDAY, SEPT. 30**  
157201/21 Askew v. Mohamed  
154274/21 Benigno v. Drame  
155767/20 Harris v. 1915 Lexington Food Corp.  
161118/21 Leo v. Yim  
155328/21 Luff v. Politz  
159286/21 Martinez v. Martinez  
150244/25 Matos v. Gjonbalaj  
155007/23 Mehan v. Cattarelli  
159493/23 P v. Hilzikz  
159739/22 Parsehian v. Con Ed Co. of New York, Inc. Et Al  
155436/25 Pearson v. Gursukh Mgt. Inc. Et Al  
158701/22 Stevens v. Professional Transportation Enterprises, Inc. 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**

**MONDAY, SEPT. 29**  
158541/19 Batista v. NYCHA  
153962/22 Brown v. Fairstead Mgt. LLC Et Al  
151575/23 C v. Neighborhood Charter School of Harlem  
155879/19 Cruz Pucha v. W&Hm Rlty. Partners Co., LLC  
152075/23 Farrauto v. Manhattan School of Music  
156406/21 Henriquez v. 55th St. Apts., Inc. Et Al  
157917/22 Johnson v. NYCHA  
157608/16 Maldonado Barajas v. Turin Housing Dev.  
152726/20 Pilapanta v. Hudson 888 Owner LLC  
158773/20 Ramirez v. Kbc Food Corp D/b/a C-Town  
156474/13 Richardson v. NYCHA  
159053/21 Rivera v. NYCHA Et Al  
150623/23 Romanos v. Cabrini Blackfront LLC Et Al  
159969/19 Sanchez v. 181st St. Medical  
155777/22 Wright v. T.U.C. Mgt. Co., Inc. Et Al

**TUESDAY, SEPT. 30**  
150165/17 Aig Prop. Casualty v. Sf Const. Services, Inc.  
156892/20 Caseres v. 222 East B'way Prop.  
160786/21 Elsaray v. The Trustees of Columbia Univ. in NYC  
156511/21 Enright v. Yvonne Palace Theater Co. Et Al  
150856/22 Graham v. B'way. Palace Theater Co. Et Al  
156999/17 Hernandez v. 122 East 42nd St.  
154522/22 Jackson Ram v. NYCHA  
155059/21 Maldonado v. 605 West 55th St.  
156153/21 Navarro v. 207 Sherman Associates  
158476/18 Palazzo v. Chanel, Inc.  
150671/18 Pickett v. Ambiance Wine LLC D/b/a  
450691/19 Ramirez v. Teixeira Bakery

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

**MONDAY, SEPT. 29**  
150757/22 Amy Gaiser v. Fatima Ayala-Seck  
156754/22 Ariza Rincon v. Gold  
154769/22 Beltré Matos v. Singh  
152061/21 Bligen-Simon v. Yokum Transit LLC. Et Al  
158896/22 Cabrera v. Rodriguez  
156673/22 Cagle v. Roundton LLC Et Al  
160147/22 Capasso v. Makhyu  
156224/22 Castillo v. Con Ed Et Al  
150949/21 D.M.M. v. Marriott  
155246/20 Dugan v. Perviaz  
159956/22 Fairley v. Micinnisi  
160531/23 Fatilowicz v. Lacayo  
154802/22 Fana v. Senakey  
158538/12 Fishman v. Bunty And Jyoti  
157477/22 Flores v. Miah  
157080/23 Galeano v. Todd Harris Co., Inc. Et Al

154322/21 Heft v. Memorial Sloan-Kettering Cancer Center Et Al  
158769/23 Kriss v. United Parcel Service, Inc. Et Al  
151322/23 Lee v. Hernandez  
159328/22 Lehn v. Gilston Electrical Contracting  
155654/23 Marcus v. Seminara  
150788/24 Osmond v. Lam  
155500/20 Pearo v. Lux Credit Consultants  
152299/23 Piton v. Lkb Meats Inc Et Al  
161615/21 Ramirez v. Levy  
153375/23 Reyes v. Giardina  
158729/23 Rodriguez v. Shrago  
150053/24 Singleton v. Bulkovitch-Jacoby  
159898/22 Taram v. Porcelli III  
155711/23 Wascher v. Papitto Const. Co., Inc. Et Al  
152033/23 Zensky v. Qi

**TUESDAY, SEPT. 30**  
151932/23 Ali v. Hubert  
154274/21 Benigno v. Drame  
157549/23 Cespedes v. NYC Et Al  
161564/23 Evans v. NYC Et Al  
153528/21 Luff v. Politz  
159286/21 Martinez v. Martinez  
151542/24 Pena v. Evans

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

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

**MONDAY, SEPT. 29**  
160802/25 402 Sixth Ave. LLC v. Lynch  
653212/24 Bagel Boss of Nyc, Inc. v. Bubbeleh Bagels Inc. Et Al  
160299/22 Bren-Erljy, LLC v. Planetarium Travels Inc. Et Al  
653641/18 Heykal Properties v. 450 West 31st St. Owners  
650823/24 Omori v. Mijg Int'l, Inc. Et Al  
154471/21 Oportunity Int'l Inc. Et Al v. Dliendorf  
152126/12 Perez v. Northport Ford Inc.;  
652572/24 Rizzi Hldgs. LLC v. Nassau John Investors LLC Et Al  
652043/24 The Apostolic Church of New York, Inc. Et Al v. Penn-Star Ins. Co.  
160441/25 Vavra v. Christie's Inc.

**Motion**  
653212/24 Bagel Boss of Nyc, Inc. v. Bubbeleh Bagels Inc. Et Al  
652043/24 The Apostolic Church of New York, Inc. Et Al v. Penn-Star Ins. Co.

**TUESDAY, SEPT. 30**  
450405/22 Allen v. Warcholik  
153037/24 Colony Ins. Co. Et Al v. Hudson Excess Ins. Co.  
653651/25 Copenhagen v. Ddc Enterprise Ltd. Et Al  
653134/24 Faber v. The Board of Mgrs. of The Loft 14 Condominium  
150340/24 Oaks Prospects Inc. v. Borovinsky  
651516/23 Simmons v. Baccarat Inc. Et Al

**Motion**  
653134/24 Faber v. The Board of Mgrs. of The Loft 14 Condominium  
150340/24 Oaks Prospects Inc. v. Borovinsky

**Part 50**  
**Justice J. Machelie 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**

**MONDAY, SEPT. 29**  
365743/23 Cesbron v. Terny  
365023/24 Goldman v. Ross  
300737/23 Jeffrey v. Jeffrey  
365386/22 Mueller-Seewald Saary v. Saary  
301792/21 You v. Cheng

**Motion**  
365743/23 Cesbron v. Terny  
365023/24 Goldman v. Ross  
300737/23 Jeffrey v. Jeffrey

**TUESDAY, SEPT. 30**  
365153/22 Adabanya v. Adabanya  
365182/25 Bettis v. Cosme Bettis  
154624/25 Davis v. Davis  
365472/22 Faruolo v. Faruolo  
365041/23 Kim v. Gim  
304905/17 Pean-Fredericks v. Fredericks  
312630/08 Schneiderman v. Schneiderman

**Motion**  
365153/22 Adabanya v. Adabanya  
154624/25 Davis v. Davis  
365472/22 Faruolo v. Faruolo  
312630/08 Schneiderman v. Schneiderman

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

**MONDAY, SEPT. 29**  
154708/22 Wadhawan v. Brus Chambers LLC  
**TUESDAY, SEPT. 30**  
150165/17 Aig Prop. Casualty v. Sf Const. Services, Inc.  
156045/20 Braganca-Ferreira v. Step 10th Ave. Venture LLC  
158844/20 Velez v. Omnibuild Const. Inc.

**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**

**TUESDAY, SEPT. 30**  
111407/09 32-42 B'way, LLC v. Panam Mortgage & Financial

**Part 87R**  
**Special Referee**  
**Justice Joseph P. Burke**  
**80 Centre Street**  
**Phone 646-386-5581**  
**Room 238**

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

**TUESDAY, SEPT. 30**  
157701/20 Stern v. Al-Hashimi

# Court Calendars

**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**

**MONDAY, SEPT. 29**  
190114/19 Araeich v. American Honda Motor Co.  
190173/15 Licul v. A.O. Smith Water Prods. Co.  
190205/22 Pollizzotto v. Amchem Prods., Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc Et Al  
190084/20 Tambouras v. Abb, Inc. Individually

**TUESDAY, SEPT. 30**  
190069/23 Bacsin v. Avon Prod., Inc. Et Al  
190031/24 Borthwick v. Sumitomo Corp. of Americas Et Al  
190052/24 Deluca Jr v. A.O. Smith Water Prods. Co Et Al  
190065/24 Kmioetk v. A.O. Smith Water Prods. Co Et Al  
190089/24 Susan Digiamo As Administratrix For The Estate of Salvatore Gambino v. Amchem Prods., Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc Et Al  
190180/21 Zullo v. Aercio Int'l

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

**MONDAY, SEPT. 29**  
152968/23 Chubb Nat. Ins. Co. A/s/o Amanda Ginzburg v. Fatboy Slims Moving Company  
155391/23 Coloma v. Kalache Rlty. LLC  
153704/25 Erie Ins. Co. of NY v. Charles  
156821/23 Walsh v. Mob Garden City

**TUESDAY, SEPT. 30**  
157235/23 Dobis v. 72 West 36th Street  
100405/25 Swanna Sands v. Wilmington Savings Fund  
157592/25 Valentino v. NYC Et Al

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

**MONDAY, SEPT. 29**  
169505/20 McGill v. NYS Office of Children And Family Services

**TUESDAY, SEPT. 30**  
158245/18 Bregoli v. Fsf Soho  
160095/18 Schnur v. Balestriere  
160023/20 Xicotenatl v. Castcapa Const.

**Motion**  
160095/18 Schnur v. Balestriere

**Part 46**  
**Justice Richard Latin**  
**71 Thomas Street**  
**Phone 646-386-3279**  
**Room 210**

**MONDAY, SEPT. 29**  
161273/21 Abriano v. 207 Madison Owners LLC Et Al—2 P.M.  
160281/22 Colon v. Con Ed Co. of New York, Inc.—11 A.M.  
151912/23 Dimauero v. The Mount Sinai Hosp. Et Al—10:30 A.M.  
158401/23 Gong v. New Wellng Physical Therapy And Acupuncture—11:30 A.M.  
952135/23 Hines v. Gorovoy—10 A.M.  
161231/21 Jesus Vega v. Brookfield Properties 9th Ave. LLC Et Al—10:30 A.M.  
152145/23 Morse v. 875 Washington St. Owner LLC. Et Al  
153210/23 Ross v. Prince/eliza-beth—9:30 A.M.  
159242/23 Tracey v. Hudson Square Rlty.—11 A.M.

**TUESDAY, SEPT. 30**  
150400/15 Bacon v. Nygard  
451105/20 Hairdo Or Dye, Inc. v. Corulla  
952284/23 Hawthorn-Connelly v. Cordova—10 A.M.  
151690/23 Monique Pean Fine Jewelry LLC v. Sf Acquisition I LLC Et Al  
161277/23 The Cincinnati Ins. Co. v. 7 Essex St.

**Motion**  
150400/15 Bacon v. Nygard  
451105/20 Hairdo Or Dye, Inc. v. Corulla

**Part 55**  
**Justice James D'Auguste**  
**71 Thomas Street**  
**Phone 646-386-3289**  
**Room 103**

**MONDAY, SEPT. 29**  
159604/20 Brice v. Consultantzee, Inc.  
655332/23 Freedman Norman Friedland Lip v. Axos Nevada  
152398/24 Lawson v. Baptiste  
150120/24 Prendergast v. Jordan

**TUESDAY, SEPT. 30**  
157856/23 438 West 20 St. LLC v. Chelsea Square  
156608/25 Morrison Cohen Lip v. Dearborn Capital Group LLC Et Al  
155629/25 NY Civil Liberties Union v. NYC Police Dept. Et Al  
161668/25 Susana Villalba LLC Et Al v. Secretary of State of The State of NY  
151113/24 Tomkiel & Tomkiel v. Main St. American Assurance Co. Et Al  
655238/23 Umberto Const. v. North American Elevator, Inc.  
100089/24 Wexler v. Minc

**Motion**  
151113/24 Tomkiel & Tomkiel v. Main St. American Assurance Co. Et Al

**Part 58**  
**Justice David B. Cohen**  
**71 Thomas Street**  
**Phone 646-636-3347**  
**Room 305**

**MONDAY, SEPT. 29**  
100996/25 Arborela v. N.Y.C. Dept. of Health And Mental Hygiene

**TUESDAY, SEPT. 30**  
161037/25 68 Henry Fs LLC Et Al v. NYC Et Al  
654502/25 Akf Inc v. Anytime Claims  
150371/19 Aquino v. Super H Mart, Inc.  
151289/20 Bautista v. Hope East of Fifth Housing  
161120/23 Bedeau v. NYCHA  
100206/25 Blackney v. Restore  
100247/25 Cardenas v. Narrow Security  
151676/20 Carmona Prieto v. Bpp Pcv Owners  
154251/20 Castano v. Korpenll LLC  
161720/23 Caverro Rosales v. Bq 29  
157615/25 Chacon Perez v. Mosley  
162230/24 Cody v. Harlem Nail Bar, Inc.  
159194/19 Cruceta v. Reneue Systems of Ny-Nj LLC  
160370/21 Cruz v. Jgn Const. Corp. Et Al  
160373/24 D'Amico v. Queens Center Spr  
150657/25 Delgado v. Bathroom Lodge LLC Et Al  
161422/25 Demaria v. Jacaranda Club LLC Et Al

150970/23 Dollard v. Near Two Churches  
162454/19 Duchimaza Angamarca v. River Tower Owner  
151093/21 Fed. Ins. Co. v. Lester Schwab Katz & Dwyer  
153212/25 Ferris v. NYCHA  
152378/25 Florencio v. 609 West Associates  
161103/24 Gao v. Sephora USA, Inc., Et Al  
161026/24 Garcia Guerrero v. 1w3 LLC Et Al  
161967/24 Gashvi v. Surrey Investors of Consumer And Worker Protection  
157401/24 Gazzetti v. Pearlfisher Inc.  
100618/25 Gil v. NYC Dept. of Housing Preservation & Dev. (HPD)  
160942/24 Gillotti v. Memorial Sloan-Kettering Cancer Center Et Al  
152024/24 Green v. 42nd And 10th Hotel  
158353/25 Huang v. The Motor Vehicle Accident Indemnification Corp.  
100888/25 Hughley Jr. v. NYC Dist. Attorney's Office Et Al  
101033/21 Hussein v. William J Robb  
160201/24 Iossi v. West 30th St. LLC Et Al  
158574/24 Kashap v. Reser's Fine Foods, Inc. Et Al  
152649/21 Kee v. Eric & Co Trading Group LLC  
155544/16 Kilogier v. Amb Const., Inc.  
150939/24 M. v. G.  
153947/25 Mandel v. 301 Hldgs.  
151337/25 Marin v. Sutton Gardens Owners Corp. Et Al  
150310/25 Marks v. 235 West 75th St. Condominium Et Al  
161371/20 Martinez Toribio v. Walter Schik, Inc.  
154105/25 Matos v. Rbd Real Estate LLC Et Al  
155873/24 McGuinness v. Turner Const. Co. Et Al  
161191/24 McMillan Jr v. Cvs Pharmacy, Inc. Et Al  
150936/25 Merritt v. Suffolk Const. Co., Inc. Et Al  
152898/25 Miller v. 210 Shore Road LLC Et Al  
161051/19 Moletteri v. NY County Defender  
154775/25 NY Lawyers For The Public Interest v. NYC Dept. of Transportation  
157450/24 O'Connor v. NYC  
152267/23 O'Shaughnessy v. Stackpole  
156567/19 P v. NYCHA  
161873/25 Papademetriou v. Hans Namuth  
153255/24 Parks v. NYCHA  
157533/21 Philadelphia Indemnity Ins. Co. As Subrogee of 202 Fifth Ave. LLC v. Addison Phs Corp.  
152165/25 Polanco Trinidad v. 401 West 14th St. Fee LLC Et Al  
155485/18 P.v Hldg. Corp. Including v. Damadian Mri in Canarsie  
150679/25 Ramirez v. Hachette Book Group  
150179/19 Rector v. Bdg Gotham Residential  
156303/22 Ressler v. Village People  
158614/24 Rodriguez v. Huntington Union Free School Dist.  
150244/21 Rodriguez v. Gvs Properties Iv  
151170/24 Roldan Mena v. Stone 33  
153470/21 Samantha Torres v. NYCHA  
153566/24 Seaton v. Babad  
154737/22 Vasquez v. Taprobane  
156851/17 Vizzelli v. S & A Unified Home Care, Inc.  
155515/24 Williams v. NYCHA  
157346/25 Woodrooffe v. Almanzar

**Motion**  
654502/25 Akf Inc v. Anytime Claims  
151676/20 Carmona Prieto v. Bpp Pcv Owners  
161142/25 Demaria v. Jacaranda Club LLC Et Al  
158353/25 Huang v. The Motor Vehicle Accident Indemnification Corp.  
100888/25 Hughley Jr. v. NYC Dist. Attorney's Office Et Al  
150939/24 M. v. G.  
153470/21 Samantha Torres v. NYCHA

**Part 56**  
**Justice John J. Kelley**  
**71 Thomas Street**  
**Phone 646-386-5281**  
**Room 204**

**MONDAY, SEPT. 29**  
452939/21 Bivona v. Gupta  
805808/24 Kleber v. Ligresti  
805344/15 Lynn Sare Kornblau v. Sauter  
805199/19 P. v. Duron  
805169/24 Sanchez v. Avantis Renal Therapy NY  
805075/25 Wood v. Rubin Dds

**TUESDAY, SEPT. 30**  
805477/23 Benson v. Dodies Pa.  
805002/24 Desrosiers v. Patel D.M.D.  
805201/21 Elaine Fitzgerald v. Tierny M.D.  
805192/21 French v. NYU Langone Medical Center Et Al  
157561/24 Jose Nunez v. Terence Cardinal Cooke Health Care Center  
805205/23 Pierre-Outerbridge v. Reid's M.D.  
805172/21 Thomas v. Silbert Md  
805349/24 Varghese v. St. Luke's-Roosevelt Hosp. Center Et Al

**111 CENTRE STREET**

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

**Part 35**  
**Justice Phaedra F. Perry**  
**111 Centre Street**  
**Phone 646-386-3016**  
**Room 684**

**MONDAY, SEPT. 29**  
655293/25 Citibank v. Atala  
650661/25 Cyrus Knits v. Saadia Group LLC  
155953/23 Feliciano v. NYCHA  
161480/23 Gheissari v. Lf East 21 Prop. Co.,Llc Et Al  
659027/24 Seneca Ins. Co., Inc. Et Al  
151 New Dumbo Bldg. Supply, Inc. Et Al

**TUESDAY, SEPT. 30**  
151978/24 Beleshi v. The Argo Corp. Et Al  
161951/23 Bernal v. Italic Rlty.  
153877/24 Chan v. The Chinese Consol. Benevolent Assoc. NY Et Al  
160578/23 Collazo v. South St. Seaport Ltd. Partnership Et Al  
154488/24 Duque v. Hudson 37 LLC Et Al  
162476/23 Gomes v. NYC Et Al  
151409/24 Gomez Ruiz v. Pavarini McGovern  
152680/25 Griffith v. Suffolk Const. Co., Inc. Et Al  
155424/25 Horrigan v. Empire City Subway Co. (Itd.) Et Al  
161005/23 Juanach v. Lf Driscoll Co. LLC Et Al

161087/24 Kilvert v. City Winery  
153496/24 Lawrence v. NYCHA  
152847/24 Leon Yapanqui v. 23-30 Borden Ave. Owner LLC Et Al  
157523/24 Marquez v. Hilary Gardens Co. LLC Et Al  
157566/24 Maybank v. Total Wines, Inc.  
154089/16 Nat. Collegiate Student Loan Trust 2007-2 v. Fullard  
161039/25 O'Malley v. NY Presbyterian Hosp. Weill Cornell Medical Center Et Al  
158143/25 Patel v. NYC Dept. of Consumer And Worker Protection  
160986/23 Pecm Mgt. Corp. v. Kcm Plumbing & Heating Corp.  
656307/23 Phillip v. Bloomberg L.P.  
160972/23 Pozner v. Courtney House  
162255/23 Quishpe Pilatasig v. Rennon Const. Corp. Et Al  
152422/23 Ringen v. McCormick & Schmick Restaurant Corp. D/b/a Mastro's Steakhouse Et Al  
161099/23 Rivera Jr. v. Banana Republic  
153875/24 Roach-Robertson v. West 116th St. Associates I LLC Et Al  
151051/24 Robles v. Coyne  
155352/25 Romero v. 56 Third Food Corp. Et Al  
162304/24 Saad v. Planet Fitness  
152298/25 Sambula v. Coast Group Corp Et Al  
156652/22 Sanchez v. Weitz  
160084/23 Sanchez v. Billiard Balls Mgt. LLC D/b/a State Et Al  
654320/23 Schlos v. Thorne  
653907/24 Schottenstein v. Axia Rlty.  
152278/23 Schwartz v. B & H Foto & Electronics Corp.  
153113/24 Singh v. NYC Et Al  
155044/24 Smart v. Lenoxville Associates  
154504/23 Socha v. West End Ave. Equities  
155656/24 State Farm Fire And Casualty Co. A/s/o 111 W 57 T70 LLC v. Renovation Partners Inc. Et Al  
653004/25 T.R. Joy & Associates Inc. v. Integrated Const. Enterprises, Inc. Et Al  
160921/24 Taveras v. NY Life Ins. Co.  
152266/23 Taylor v. Con Ed Co. of NY  
159482/23 Tellez v. Barrett Hill Apts.  
16039/20 Torres v. Aldad & Sons Rlty., Inc.  
158797/25 Tricomi v. Jordan  
153645/24 Wade v. 748 Ninth Ave.  
159943/23 Whalen v. Bop Se LLC Et Al  
161781/23 Whitley M.D. v. Montefiore Medical Center Et Al  
653505/24 Wsk Renovation Inc. v. Biv Mgt. Inc. Et Al  
153498/22 Yoshi v. Amg Glasstechnik  
653128/24 Zladia Duek v. Duek

**Part 31**  
**Justice Kathleen C. Waterman-Marshall**  
**111 Centre Street**  
**Phone 646-386-4296**  
**Room 623**

**MONDAY, SEPT. 29**  
651162/25 59th Street Associates v. Alsiedi

**TUESDAY, SEPT. 30**  
653038/25 Akf Inc. v. Food And Life Enterprise LLC Et Al  
653625/25 Cool Apts v. Murphy  
156670/25 Doe v. Hansen  
156888/25 Gates of Hope Inc. v. 651362/24 Newmark & Co. Real Estate, Inc. v. 752 Wea LLC Et Al  
156654/25 Tatis v. Door Dash Inc.  
159376/23 Stanley v. City Univ. of NY  
156554/25 Tatis v. Door Dash Inc.

**Motion**  
653038/25 Akf Inc. v. Food And Life Enterprise LLC Et Al  
156670/25 Doe v. Hansen  
156888/25 Gates of Hope Inc. v. 651362/24 Newmark & Co. Real Estate, Inc. v. 752 Wea LLC Et Al  
156654/25 Tatis v. Door Dash Inc.

**32**  
**Mortgage Foreclosure Part**  
**Justice Francis A. Kahn, III**  
**111 Centre Street**  
**Phone 646-386-5607**  
**Room 1127B**

**MONDAY, SEPT. 29**  
850221/25 Citibank v. Healey  
850265/24 Hny Club Suites Owners Assoc. Inc. By And Through Its Board of Directors v. Taranto  
850279/19 Jpmorgan Chase Bank v. East River Plaza LLC Et Al  
850419/24 Sig Cre 2023 Venture LLC v. Ref 46 St. LLC Et Al  
15243/24 Computershare Trust Co. v. 81-23 Catherine St Co LLC Et Al  
152004/22 Dozier v. Grenaider Rlty. Corp. Et Al  
850083/20 Malayan Banking Berhad v. Park Pl. Dev.  
850419/24 Sig Cre 2023 Venture LLC v. Ref 46 St. LLC Et Al  
850279/21 U.S. Bank Nat. Assoc. v. 1694-96 Lexington Ave LLC. Et Al

**Motion**  
850189/21 215th St. Multifamily LLC v. 208-214 E. 25th St  
850443/24 Computershare Trust Co. v. 21-23 Catherine St Co LLC Et Al  
850083/20 Malayan Banking Berhad v. Park Pl. Dev.  
850279/21 U.S. Bank Nat. Assoc. v. 1694-96 Lexington Ave LLC. Et Al

**Part 38**  
**Justice Ashlee Crawford**  
**111 Centre Street**  
**Phone 646-386-3235**  
**Room 1166**

**MONDAY, SEPT. 29**  
156716/18 Marquez Mendez v. Rockefeller Center, Inc.  
155712/25 Moore St. Bldg. Corp. v. Abbott Mortgage Co., Inc. Et Al

**TUESDAY, SEPT. 30**  
654955/19 Bath & Body Works v. Miner Fleet Mgmt. Group  
655604/18 Hoggard v. Cheever Dev. Corp.  
162103/23 Matchett v. The Board of Mgrs. of The 322 West 57th St. Condominium Et Al

**Motion**  
655604/18 Hoggard v. Cheever Dev. Corp.

**Part 42**  
**Justice Emily Morales-Minerva**  
**111 Centre Street**  
**Phone 646-386-3237**  
**Room 574**

**MONDAY, SEPT. 29**  
153518/25 10 West 65th St. Tenants Assoc. v. NYS Div. of Housing And Community Renewal  
153787/25 186 Bleecker Prop. Owner LLC v. Figaro NYC LLC  
153962/22 Brown v. Fairstead Mgt. LLC Et Al  
159569/25 Mendoza Interior Services, Inc. v. Industria

155442/21 Morales v. Blue Millennium Rlty.  
452293/24 NYC Et Al v. 251 Boerum Rlty. LLC

**Motion**  
153787/25 186 Bleecker Prop. Owner LLC v. Figaro NYC LLC

**TUESDAY, SEPT. 30**  
652672/25 David York Agency v. Green  
652710/25 Galpern v. The Home Depot, Inc. Et Al  
100115/25 Sage v. Walden Macht & Haran  
152207/25 Tbf Financial v. Vistar Group LLC Et Al

**Part 47**  
**Justice Paul A. Goetz**  
**111 Centre Street**  
**Phone 646-386-3743**  
**Room 1021**

**MONDAY, SEPT. 29**  
652012/25 Great American Risk Solutions Surplus Lines Ins. Co. v. Tms Plumbing & Heating Corp.  
160324/25 Guevara v. The NYCHA  
161889/25 Han v. Mta



111 Centre Street  
Room 687, 9:30 A.M.

**Part 99**  
**Justice Burke**  
Phone 646-386-4099  
Fax 212-401-9270  
100 Centre Street  
Room 1530, 9:30 A.M.

**Part N-SCT**  
**Justice Peterson**  
Phone 646-386-4014  
Fax 212-401-9272  
100 Centre Street  
Room 218, 9:30 A.M.

**Part IDV**  
**Justice Dawson**  
Phone 646-386-3579  
Fax 212-884-8938  
100 Centre Street  
Room 1604, 9:30 A.M.

**SURROGATE'S COURT**

**Surrogate Hilary Gingold**  
**Surrogate Rita Mella**  
31 Chamber's Street  
New York, NY

See court's webpage for information about appearances: Visiting Surrogate's Court | NYCOURTS.GOVs

**Bronx County**

**SUPREME COURT**

**EX PARTE AND URGENT MOTIONS PART**

The Following is the List of Sittings in the Ex Parte Urgent Motions Part on the Dates Specified:

-

**TRIAL TERM**  
**718-618-1248**

**Day Calendar**

**Court Notices**  
**Key to Submission**  
**Motion Calendar**

FS = Fully submitted.  
FSN = Fully Submitted, No Opposition  
ADJ=adjourned to the marked date for oral argument in the above calendar part. Answering papers are to be submitted on the original return date in Room 217.

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**Mental Hygiene Part**

**Justice TBA**

A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted virtually at Bronx Supreme Court-Civil Term, 851 Grand Concourse, Bronx, NY 10451, Room TBA, every Wednesday, commencing at a time TBA.

A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted in person at Bronx Supreme Court-Civil Term, 851 Grand Concourse, Bronx, NY 10451, Room TBA, every Thursday, commencing at a time TBA.

A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted virtually for the Community Assisted Outpatient Treatment Calendar at Bronx Supreme Court- Civil Term, 851 Grand Concourse, Bronx, NY 10451, Room TBA, every 2nd and 4th Friday of each month, commencing at a time TBA.

**MORTGAGE FORECLOSURE SALES**

Mortgage foreclosure sales in the Supreme Court of the State of New York, County of Bronx, are conducted at the Bronx County Courthouse, located at 851 Grand Concourse, Courtroom 711, commencing at 2:15 p.m.

Auction information is available at the following link: [https://ww2.nycourts.gov/courts/12sd/brooklyn/civil/civil\\_Foreclosure-Information.shtml](https://ww2.nycourts.gov/courts/12sd/brooklyn/civil/civil_Foreclosure-Information.shtml)

Contact Information:  
Email: [bxforeclosure@nycourts.gov](mailto:bxforeclosure@nycourts.gov)  
Phone: 718-618-1322.

**Trial Assignment Part**

**Justice Joseph E. Capella**  
**Phone 718-618-1201**  
**Room 711, 9:30 A.M.**

**MONDAY, SEPT. 29**

25033/17 Adams v. Legacy Carting Corp.  
28283/16 Adams v. Knights Auto Repair Service  
25382/18 Alexander v. Medalliance Medical Health  
21215/13 Anthony v. Smina  
34353/20 Asamoah v. Atkinson  
33505/18 Batista v. Ifabawoo  
81767/201 Benny Plaza v. Odalis N. Romero-Castro Et Al  
28406/20 Bettie McElrath v. Morningside Acquisition I  
808195/22 Brown v. Ortega  
806140/22 Brown v. Murphy  
24795/18 c v. West Farms Family Practice  
25131/19 C. v. Diallo  
811449/21 Case v. Persaud  
815229/23 Cerisier v. Andrew Hinds  
27968/16 Claudio v. Jin Hua Inc.  
32971/19 Cotto v. Bautista  
26784/20 Davis v. 1132 Olmstead Hldg. Corp.  
817160/22 Demeritt v. Motor Vehicle Accident Indemnification Corp.  
27455/19 Figueroa v. Jimenez-Gonzalez  
816506/21 Gilmore v. A & N Appliance Corp.  
21576/16 Gonzalez v. Montefiore Medical Center  
32396/20 Gopee v. Cvs Albany  
808929/22 Gray v. Ventura  
802914/23 Hammond v. Extch Bldg. Matris Inc. Et Al  
806178/22 Hernandez v. Port Auth. of NY & Nj  
806178/22 Hidalgo-Gato v. Vargas-Sibaja  
808503/22 Hodge v. McDonalds Corp. Et Al  
32051/19 Jimenez v. Rios  
307195/11 Johnson-Fitzwilliam v. NYC  
801363/21 King v. Kebe  
21539/17 Lopez v. NYC  
24769/16 Marehna v. Collins  
302586/15 Martinez v. Contreras  
307933/08 McGinty v. Structure Tone, Inc.  
815127/22 McCreddi v. Terron  
25561/19 Morris v. Rivera  
803953/22 Moyet v. O Transport  
26320/18 Nunez v. Mortazavi  
300661/14 Oputa v. NYCTA  
21764/18 Parker v. Ferrentino  
27723/20 Peoples v. Jones  
802448/21 Peeper v. Gupta  
26227/18 Perkins v. Mahy

802628/21 Persaud v. Next Solutions C.S.  
809410/21 Powell v. Mount Hope Community Center, Inc. Et Al  
802871/22 R. v. Bh & S Leibman Inc. Et Al  
22772/18 Ramirez Reguli v. Sessoms  
810821/21 Reyes v. Bernard  
27846/20 Roldan Francisco v. Schmuelian  
27830/20 Salas v. Lee  
2381/19 Schiffano v. Santiago  
22882/14 Scott v. Logan Bus Co. Inc.  
21564/18 Soto v. Zhang  
802825/22 Soukouna v. 200 LLC Et Al  
29193/18 State Farm Fire & Casualty v. Bewry  
808578/21 Stricker v. Woodlands Owners Inc.  
24640/17 Teliz v. 699 Venture Corp.  
23196/16 Torres v. Montefiore Medical Center  
28628/17 Walker v. Goldberg  
23984/17 Westbrook v. Fernandez  
29909/20 White v. Harlem Center For Nursing  
810735/22 Williams v. Venture Leasing LLC Et Al  
816212/22 Wpr Partners LLC v. Chowdhuri

**TUESDAY, SEPT. 30**

811983/21 Ahmed v. Guzman  
300909/16 Alcantara v. Shrivinor Mgt. Co.  
29837/20 Alston v. Spanish Transportation  
70006/20 B. v. Archdiocese of NY  
815896/21 B. v. Ramsarran  
819881/23 Bohan v. Pagan  
21605/20 Brown v. Greene  
25396/19 Bunce-Bagayoko v. NYCTA  
807872/21 Caraballo v. Caraballo  
24904/16 Castro Flores v. Lumaj  
33320/20 Collado v. Diakite  
807182/21 Colon Martinez v. White Plains Senior Housing Owner  
3443/19 Delgado v. Nyp Hldgs., Inc.  
813376/23 Diaz Jr. v. Lennox Hill Hosp. Et Al  
22755/16 Dimarco v. 616 First Ave. LLC  
800310/21 Dolmo v. Acacia Sendero Verde II  
22844/19 Domenech-De Taveras v. Asc Cross County Mch LLC  
812889/21 Fermiin v. Simmond  
23608/19 Gomez-Coto v. Win Glenmore Housing  
815917/21 Guzman v. Bogopa Bruckner Inc Et Al  
29550/18 Harewood v. American United  
813857/21 Hernandez v. Hart  
30591/18 Hernandez v. George Jewelry Creations, Inc.  
801384/21 Hunter v. Cruz Echavarria  
33550/20 Jahjaga v. Feliciano  
21603/19 Lara-Diaz v. Mta  
801153/21 Leonard v. NYC Et Al  
27574/16 Lima v. Lincoln Medical And Mental  
802441/22 Lopez v. Mascott Properties Inc.  
22791/20 Martinez v. Derieux  
20700/17 Mata v. 371 1st St.  
25052/20 Mateo v. Arep Unity Ave. LLC  
801579/21 Mercado v. Diallo  
812150/22 Nadinga v. Christian  
804979/21 Nunami v. Dalesandro  
20756/20 Parra v. Diaz  
803386/21 Payton v. Berrosa Auto Corp.  
265759/16 Peralta-Estrella v. Delarosa  
26801/19 Perez v. NYCTA  
27090/20 Polanco v. Hub Truck Rental Corp.  
303635/16 Porcher v. Local Express LLC  
806707/22 Rankines v. Martinez  
804949/21 Rhoden v. Kingsbridge Optometric Eye Care  
25016/20 Rosa v. Greathouse  
80004/21 Sanchez v. Associated Produce, Inc.  
801535/22 Santana v. 2286 D&D Laundromat Corp. Et Al  
23227/20 Santibagno v. Duncan  
22771/19 Seabrooks v. O'Toole  
35347/20 Segueda v. Melo  
810573/22 Seise v. Tirado  
23106/20 Sevilla v. City Works NY Inc.  
305121/11 Shwiprasad v. NYC1&HC  
812370/21 Shkrelli v. Franklin  
21017/16 Toala v. Parra  
2842/20 Vereen v. Monza  
24796/18 Waite v. Tom  
812587/21 Washington v. Lopez  
27419/18 Webb v. Jefri  
801196/21 Webster v. Beth Abraham Health Services A.K. Beth Abraham Services Et Al  
815618/21 White v. Morris Park Rehabilitation And Nursing Center Et Al  
816386/22 Williams v. McDonald's Corp. Et Al  
818232/22 Zapata v. Banana Kelly Housing Dev. Fund Corp.

**WEDNESDAY, OCT. 1**

24977/17 Aldex v. NYCH&HC And 22349/18 Andranovitch v. 506 West Assets Inc.  
803716/22 Ball v. Torres Apts. Housing Dev. Fund Corp. Et Al  
33839/20 Bennett v. Vargas  
803752/22 Biney-Amissh v. Pimentel-Mejia  
80307/122 Bovell v. S.L. Benfica Transportation Inc. Et Al  
808687/22 Caraballo v. 1632 Crosby Ave  
2647/15 Carney v. Dankner  
808695/22 Casiano v. Riverbay Corp.  
24519/20 Chalco v. Islam  
34525/20 Clarke v. NYC  
22077/18 Cole Quinlan v. Sukholinskiy  
30654/18 Crespo v. Dominguez  
23688/17 Cullins v. themaguaba  
800475/22 Goins v. East 149 Rlyt. Corp. Et Al  
32580/18 Hernandez v. S. Neza  
32580/18 Hernandez v. S. Neza  
27783/19 Jimenez-Collado v. Fuerces Gun Hill Rlyt  
20460/12 Lai v. Goldberger & Dubin  
21770/19 Machado v. NYC  
31256/20 Marcelino v. Shibani  
802677/23 Mianti v. Guavas  
2560/18 Molina v. Alpine Home Health Care LLC  
812591/21 Morales Jr. v. American United Transportation Inc. Et Al  
26998/18 Ortega v. Hammouri  
24699/19 Ortiz v. Ullah  
809853/22 Paulino v. 1776 Castle Hill Apt. Owners  
817574/22 Pedrosa v. Motor Vehicle Indemnification Corp.  
812129/23 Precision Window Systems, Inc. v. Qbe Ins. Corp.  
20424/18 R. v. Exclusive Rlyt. Corp.  
808764/22 Reyes v. Doe  
28936/18 Rivera v. River Rede v. Corp.  
808329/21 Rosario-Vasquez v. 1900 Grand Concourse LLC  
309147/17 Soares v. Rahmatullov  
804625/21 Sone-Martinez v. Rouben LLC  
26501/20 Suarez v. NYC  
28632/20 Taveras v. Burgos  
807327/21 Thomas v. Hilton  
211778/21 Torres v. Deeper Life Bible Church, Inc.  
28669/16 Velasquez v. Vadi  
22499/19 Villalta v. NYC  
29373/16 Ward v. Williams  
801761/23 Wilson v. Kinstel

**ADR Part**

**Phone 718-618-3081**  
**Room 701A**

**Part 2**

**Justice Elizabeth A. Taylor**  
**Phone 718-618-1275**  
**Room 710, 9:30 A.M.**

**TUESDAY, SEPT. 30**

809194/24 Burgos v. Donlen Trust Et Al

810299/24 Giron Valeriano v. Med Cab Corp. Et Al  
806050/24 Hernandez v. Bay Park Center For Nursing And Rehabilitation  
807698/24 Jimenez Cabrera v. Landmark Excavating & Developing  
814690/24 Murga v. Equity One (northeast Portfolio), Inc. Et Al  
812634/24 Reyes Gutierrez v. West Farms Square Housing Dev. Fund Corp. Et Al

**WEDNESDAY, OCT. 1**

814228/25 Concourse Village, Inc. v. 770 Concourse Village West  
812738/25 Mp Gretty Rlyt. LLC v. 1018 Morris Park Ave. Rlyt. Inc.

**Part 3**

**Justice Mitchell J. Danziger**  
**Phone 718-618-1207**  
**Room 707, 9:30 A.M.**

**MONDAY, SEPT. 29**

34240/19 Abraca v. City of New York  
812554/23 Agosto v. NYC  
804116/23 Alvarado v. NYC Et Al  
803800/23 Amanda Van Stry As Ltd. Administrator of The Estate of Javier Velasco v. NYC Et Al  
20749/20 Arzu v. NYC  
802367/23 B. v. NYC Et Al  
805501/21 B. v. The Dept. of Education v. NYC Et Al  
24413/14 Baker v. NYC Et Al  
807353/23 Barbosa v. NYC Et Al  
800733/23 Barrie v. NYC  
812468/22 Bass v. NYC Et Al  
817584/22 Batista Reyes v. NYC Et Al  
22989/19 Bautista v. NYC  
34830/19 Bela v. NYC  
32776/20 Benitez-Colon v. NYC  
808505/24 Bido v. NYC  
308354/10 Boatwright v. NYC  
28026/19 Bottego v. NYC  
22178/17 Brooks v. NYC  
810903/23 Brown v. NYC Et Al  
817244/23 Brown v. NYC Et Al  
243830/23 Brown v. NYC  
20868/16 Brown-Clarke v. NYC  
33905/19 Byrd v. NYC  
818496/22 Caballero v. NYC  
23945/19 Caballero v. NYC  
805229/22 Calderon v. NYC Et Al  
820450/23 Campbell v. NYC Et Al  
27843/20 Castro Guang v. Cuevas  
805908/23 Castro v. 1800 Mlk  
35189/20 Colon v. NYC  
307317/10 Conde v. NYC  
809373/23 Cooper v. NYC Et Al  
310959/11 Coronado v. Delacruz  
819723/23 Costello v. NYC Et Al  
804323/24 Cruz v. NYC Et Al  
813060/23 Cymachevskiy v. NYC Et Al  
801003/24 De Aza v. NYC Et Al  
813232/22 De Los Santos v. Velez  
816485/22 Deleon-Perdomo v. Ean Hldgs.  
20491/12 Donalde v. NYC Dept. of Education  
800671/23 Duarte v. NYC Et Al  
805204/23 Dunn v. NYC Et Al  
31561/19 Duran v. NYC  
818746/22 E. v. NYC Et Al  
802383/21 Edmonds v. NYC  
803769/24 Edwards v. NYC Et Al  
29240/19 F v. Dept. of Education  
800693/24 Fabian Aquino v. NYC Et Al  
808400/23 Fabian v. NYC Et Al  
801563/24 Ferrer v. NYC Et Al  
814386/23 Flores v. NYC Et Al  
802073/23 Garcia v. NYC Et Al  
813552/23 Garcia v. NYC Et Al  
817525/21 Gerri v. Hp Soundview Family Housing Dev Fund Co., Inc. Et Al  
802464/24 Gibbs v. NYC Et Al  
25456/19 Gonzalez v. NYC  
814615/23 Gonzalez v. Huber  
805780/24 Graham v. NYC  
35301/19 Green v. NYC  
804579/21 Green-Love v. NYC Et Al  
28162/16 Gritta v. NYC  
804644/24 Guaba Morillo v. Giardino  
815871/23 Guevara v. NYC Et Al  
807924/21 Guzman v. NYC Et Al  
29101/18 H. v. NYC  
808936/21 Hale v. NYC Et Al  
806642/21 Hall v. NYC Et Al  
801158/21 Hampton v. NYC  
812997/22 Haque v. NYC  
80331/24 Henry v. Bldg Bronx Owner LLC Et Al  
27554/19 Herrera-Paniagua v. NYC  
802093/23 Hinks v. NYC Et Al  
815265/21 Horta v. NYC  
25422/14 Howlette v. NYC  
811627/221 v. NYC Et Al  
818643/22 Ifitkhar v. NYC Et Al  
810611/231. v. Board of Education of NYC Et Al  
26767/18 Jackson v. NYC  
818339/22 Jacobs v. NYC  
27235/18 James v. Con Ed Co.  
24552/20 Jimenez v. NYC  
807343/24 Jimenez v. NYC  
28277/16 Johnson v. NYC  
801240/23 Johnson v. NYC Et Al  
801243/23 Johnson v. NYC Et Al  
813895/23 Johnson v. NYC  
801587/23 Jones v. NYC  
819764/23 Martinez v. NYC Et Al  
806187/23 Jones v. City  
802540/23 Jordan v. NYC Et Al  
22145/17 Joseph v. NYC Dept.  
817560/23 Joseph v. Ahmed  
804881/23 Jurech v. NYC  
301396/15 Kadri v. NYC  
803322/22 Kasugi v. NYC  
810256/22 Krigger v. NYC Et Al  
803061/21 L. v. NYC Dept. of Education Et Al  
805412/22 Lamb v. Kaufman 8th Ave. Associates L.P. Et Al  
305849/08 Larrui v. NYC  
27764/19 Lebron v. Restani Const. Corp.  
304849/14 Lopez v. NYC  
23807/20 Lopez v. NYC Et Al  
25075/18 Lora v. NYC  
800396/21 Lucero v. Con Ed Co. of New York, Inc. Et Al  
808999/23 Luna-Castillo v. NYC Et Al  
809421/22 Lundy v. NYC Et Al  
24800/20 M v. NYC  
20398/12 M.T.D. Halal Inc. v. NYC  
801145/22 Mangum v. NYC  
801828/22 Manso v. NYC Et Al  
801765/122 Marte v. NYC Et Al  
805147/22 Martinez v. Doe  
80911/22 Matthews v. NYC Et Al  
27486/20 McCullum v. NYC Et Al  
30072/19 McDowell v. NYC  
801410/22 McGriff v. NYC  
25673/20 Medina v. NYC  
29265/17 Mejia v. City  
817219/21 Melendez Lopez v. NYC  
26017/19 Mencia v. NYC  
811917/23 Miller v. NYC Et Al  
804504/22 Miranda v. NYC Et Al  
22398/06 Mohan v. NYC  
26034/19 Moncion v. Caballero  
20564/15 Morel v. NYC  
300930/17 Moreno v. NYC  
801230/21 Nieves v. NYC  
33372/20 Nava v. NYC  
801543/24 Nunez v. NYC Et Al  
807227/24 Nunez v. NYC Et Al  
33776/20 Oforti v. Reyna  
804501/22 Orazio v. NYC And Et Al  
811025/23 Ortiz v. NYC Et Al  
811026/23 Ortiz v. NYC Et Al  
28626/19 Ortiz v. NYC  
806122/25 Tancredi v. NYC Et Al  
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33372/20 Nava v. NYC  
801543/24 Nunez v. NYC Et Al  
807227/24 Nunez v. NYC Et Al  
33776/20 Oforti v. Reyna  
804501/22 Orazio v. NYC And Et Al  
811025/23 Ortiz v. NYC Et Al  
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806122/25 Tancredi v. NYC Et Al  
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30072/19 McDowell v. NYC  
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25673/20 Medina v. NYC  
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26017/19 Mencia v. NYC  
811917/23 Miller v. NYC Et Al  
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22398/06 Mohan v. NYC  
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804501/22 Orazio v. NYC And Et



## TUESDAY, SEPT. 30

819573/24 Castillo v. Garcia  
814434/22 Mack v. Rodriguez Diaz  
807297/25 Ohene-Karikari v. Fugah  
6343/23 Sandoval Garcia v.  
Rodriguez Orantes  
819046/24 Stevens v. Stevens

## WEDNESDAY, OCT. 1

550/24 Bell v. Hicks  
866104/24 Edwards v. Edwards  
1979/22 Ike v. McCoy  
3396/11 Lutchman v. Lutchman

## Part 19

**Justice Alicia Gerez**  
**Phone 718-618-1377**  
**Room 600, 9:30 A.M.**

## MONDAY, SEPT. 29

29865/18 Edwards v. Zung

## TUESDAY, SEPT. 30

28660/16 De Jesus Tavarez v.  
Bronx-Lebanon Hosp. Center  
31578/20 Gleason v. Providence  
Rest Nursing Home  
808149/23 Grisel Santiago As  
Administrator of The Estate of  
Carmen Santiago v. Premier  
Home Health Care Services, Inc.  
Et Al  
809413/22 H.L. v. Jang M.D.  
818535/23 Kpovieb v. Montefiore  
Medical Center Et Al  
31416/18 Leverett v. Andrus on  
Hudson  
806063/22 Lipscomb v. Tcprnc  
LLC D/b/a The Plaza Rehab And  
Nursing Center Et Al  
800703/24 Lissette Santos As  
The Executor of The Estate  
of Barbara Vargas v. Laconia  
Nursing Home, Inc.  
35185/20 Mable v. Osvath M.D.  
30638/18 Mitchell v. Pathay  
21693/19 Pemberton v. Jacobi  
Medical Center  
22105/17 Ramos v. Paul Kleinman  
803995/21 Rodriguez v. Zhao  
807837/21 Rosario v. Petersen M.D.  
20054/15 Rofeort v. Bronx Lebanon  
Hosp. Center  
34659/20 Sanchez Sanchez v.  
NYCH&HC And  
806958/22 Sanchez v. Gutfreund  
812943/21 Thompson v. Tcprnc  
28115/18 Ubricavo v. NYC  
811108/22 Ynoa v. Miller M.D.

## WEDNESDAY, OCT. 1

70050/21 Bowen v. NYC Dept. of  
Education Et Al  
23786/16 Connell v. King Harbor  
Multicare Center  
22504/15 Cotto v. Saint Barnabas  
Hosp.  
801760/23 Crucita Gonzalez As  
Temporary Administrativ of The  
Estate Crucelis Cordero v. NYC  
NYCH&HC Corp. Et Al  
24743/13 D'Ercole v. Throggs Neck  
Extended Care  
809418/23 David Escobar v.  
Morningside Acquisition I  
33034/19 Garcia v. Solomon  
24405/19 Guerrero v. NYCH&HC  
And  
32990/20 Lewis v. Amsterdam  
Nursing Home  
809891/24 Medlock v. Wayne Center  
For Nursing & Rehabilitation  
814686/24 Millwood-Biggs v.  
Pongnon M.D.  
801008/22 Pennyfeather v. Tcprnc  
LLC Et Al  
32274/18 Pineda v. NYC NYCH&HC  
24392/17 Rodriguez v. The NY And  
Presbyterian Hosp. And The  
Trustees of Columbia Univ. Et  
The NYC, Inc.  
3584/23 Rouse v. Bainbridge  
Nursing  
24233/20 White v. NYCH&HC

## Part 20

**Justice Veronica G. Hummel**  
**Phone 718-618-1240**  
**Room 408, 9:30 A.M.**

## MONDAY, SEPT. 29

804498/24449 Bolton Ave LLC v.  
Tchoudieu  
811348/22A. v. Sparrow Realtors  
34898/19 Abreu v. NY Sma Ltd  
807797/23 Abril v. Lemle & Wolff,  
Inc. Et Al  
809870/24 Adams v. Vasquez  
811411/24 Alcantara Suero v. Live  
Asle Trucking LLC Et Al  
33977/20 Alcantara v. Concourse  
Estate LLC  
802506/24 Almansouri v. Center  
Bldv LLC Et Al  
801960/24 Alo v. Bajraktari  
809193/24 Alvarado v. UI Hqa Fnu  
815301/24 American Transit Ins.  
Co. v. Electrodiagnostic &  
Physical Med Pc  
811700/24 Antigua Plaza v. M 1861-  
1881 Sedgwick LLC  
811068/24 Approved General  
Contracting, Inc. v. Delphi  
Plumbing & Heating Inc. Et Al  
811261/24 Arias Batista v. Melville  
814882/24 Arias De La Cruz v. Lucid  
Group USA, Inc. Et Al  
817673/23 Arias v. Bay Plaza West  
812786/24 Armijos Dutan v. NYC  
School Const. Et Al  
818581/24 Arroyo v. Sirrom Estates  
LLC Et Al  
817421/23 Arroyo v. Hunts Point  
Housing Dev. Fund Corp. Et Al  
811782/22 Aulet v. Holder Transport  
Inc. Et Al  
808161/21 Ayikuli v. 1223 Rity. Corp.  
Et Al  
812862/22 Barroso v. Ryer 2180 LLC  
Et Al  
29063/20 Bee v. NY And  
802070/21 Begum v. Ppc  
Commercial  
2371/20 Bell v. Hudson Pointe  
Acquisition LLC  
812378/23 Bernardo v. Fusco  
810755/24 Bernier v. Cohen  
816713/24 Blair v. Castro  
813367/24 Boasiako v. Gloster  
805104/23 Bodie De Pena v. 149th  
St. Rity. Associates  
802515/24 Bonifacio De Fernandez  
v. Grant Ave Bronx Rity. Corp.  
811314/22 Booth v. U.S. Security  
Associates, Inc. Et Al  
80064/21 Bowers v. Super Laundry  
Equipment Corp.  
817493/24 Brown v. Laboy  
811194/24 C. v. Diallo  
806836/24 Cabrera v. Xcreh  
814133/21 Calo v. River Park Bronx  
Apts., Inc. Et Al  
820047/24 Campusano Troncoso v.  
Quality Touchpoints LLC Et Al  
32447/20 Caraballo v. Galaxy 1 Mgt.  
802418/24 Caraballo v. 225  
810557/21 Carmona v. Silas Metro  
Hdgs. Corp.  
801193/23 Castillo Padillo v. Ryer  
Rity. Hdgs. 2108  
813373/22 Castillo v. American  
Transit Ins. Co.  
27077/20 Castillo v. Diffo Properties  
Corp  
804549/22 Ceasay v. African Rose  
Inc.  
816922/24 Cespedes v. Thakoordial  
800602/22 Charles v. Pichardo-  
Herrera  
812850/24 Checo v. Chowdhury  
812003/21 Chery v. El Maco  
Restaurant Corp. Et Al  
819619/23 Chourio Chourio v. 1310  
LLC Et Al  
806510/23 Cintron v. Fitness Int'l  
811411/23 Clark-Hausting Dev. Fund  
Corp. Et Al  
807357/25 Coaxum v. Flecha  
32478/19 Cobbinah v. Fordham  
Studios Co.  
814656/22 Colbert v. 625 Fordham  
808442/21 Collins v. Concourse  
Village, Inc., Et Al  
811822/23 Corbett v. Pimentel  
811972/24 Cordero v. Children's  
Transs., Inc. First Steps Transs.,  
Inc., John Doe And/or Jane Doe  
First And Last Names Being  
Fictitious As Unknown Driver  
22679/20 Corley v. Aecom Tishman  
14907/03 Cortez v. Rohoman

809935/24 Cotto v. Beacon B'way.  
Co.  
802915/23 Cotton v. Zerega Stop  
Deli & Grocery Corp. Et Al  
802459/24 Cruz Martinez v. Zekai  
810922/24 Cruz v. Rezaui Haque  
808147/22 Cruz v. Seg 320 LLC  
808198/21 Cruz v. Underhill Rity.  
LLC

803397/23 Curiel v. Amazing Home  
Care Services  
802951/21 D. v. 15 East 208th St.  
Rity.  
812391/24 Dauria v. Iona Univ.  
802444/23 Dautaj v. 2130  
Williamsbridge Road LLC Et Al  
816487/22 Davidson v. NY Univ.  
801129/24 Davis v. Jopal Bronx  
814400/24 De Jesus Portorreal Diaz  
v. Refrigerated Transfer Carrier  
LLC Et Al  
801583/24 De Leon v. Mid-Bronx  
Housing Dev. Fund Corp. Et Al  
807934/25 Del Carmen Adames  
Polo v. Alexi Delacruz  
Transportation LLC Et Al  
801127/24 Deleon v. Lulu67  
806026/23 Deleon v. Sherman  
Creek Rity. Corp. Et Al  
812181/23 Delgado Avelanada v.  
709 East 216 St. Et Al  
815387/24 Demetrius v. Elton  
Crossing Condominium Et Al  
818721/24 Diaz v. Ibs-Bldg. Service  
Contractors, Inc.  
817811/22 Digirolamo v. 514-518 E  
138 LLC Et Al  
2571/220 Doe v. Parker  
810545/20 Dorn v. Cuevas  
801842/20 Dorn v. Hutch Tarrytown  
806462/23 Douglas v. Prospect  
Union Associates Et Al  
801736/21 Dugue v. The  
Parkchester South  
Condominium Inc  
810620/24 Duplessi v. Turcsanyi  
815238/24 Ebony Agostov v. Michael  
K. Valvera Et Al  
817406/22 Escalera v. Janusz  
Sendowski  
28598/20 Escobar v. NYC  
803540/21 Espinal Ortega v. Zeisser  
Rity. LLC  
818960/23 Espinoza v. Reidy  
Contracting Group LLC Et Al  
808823/23 Estrella v. Telestar  
Locksmith  
807480/22 Estrella v. 935 Ogden  
Ave. Corp. Et Al  
802460/22 Familia v. Fordham Hill  
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819251/24 Fearon v. NYCHA  
813004/24 Feagin v. Koumbem  
806745/23 Felix v. Rivulet Ror  
Associates LLC Et Al  
813767/22 Fernandez Gomez v.  
Parkash 2487 LLC Et Al  
22009/18 Fernandez v. A & R  
Davidson Mgt LLC.  
801941/22 Fernandez v. NYCHA  
810220/24 Fletcher v. Marte  
800419/24 Fleurant v. Lyle  
816613/24 Ford v. Santos  
809272/21 Foreman v. 1068 Gerard  
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814148/24 Francis v. K&D Unltd.  
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816430/21 Franco v. Coster Apts.  
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819932/23 Garcia v. Enterprise  
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814408/23 Garcia v. Joseph Schweid  
817933/23 Garrigv v. C. Deep  
Cleaner Corp.  
812814/24 Gatton v. 155w162 St.  
807382/25 Gautreaux v. Casilla  
809607/24 Golden v. Shannon  
810434/21 Goldja v. Saint Joseph's  
Medical Center Et Al  
820108/23 Gonzalez Pascual v.  
Webb Ave. 1 LLC Et Al  
816588/22 Gonzalez v. 1233 Leland  
Equities  
817013/24 Gonzalez v. United  
Parcel Service, Inc. Et Al  
27728/20 Gourdine v. Burgos  
819988/23 Graham v. Seddicue  
819256/23 Guaman v. 2233  
Bathgate Partners  
810340/22 Guerrero v. Berrios-  
Castillo  
801669/24 Guevara v. Er-Loom Rity.  
LLC Et Al  
818666/22 Guzman v. East 174th St.  
Inc. Et Al  
804210/22 Guzman v. Community  
Housing Solution  
811068/21 Guzman v. NYC Tropical  
Hosp. Inc.

801960/24 Alo v. Bajraktari  
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801960/24 Alo v. Bajraktari  
809193/24 Alvarado v. UI Hqa Fnu  
815301/24 American Transit Ins.  
Co. v. Electrodiagnostic &  
Physical Med Pc  
811700/24 Antigua Plaza v. M 1861-  
1881 Sedgwick LLC  
811068/24 Approved General  
Contracting, Inc. v. Delphi  
Plumbing & Heating Inc. Et Al  
811261/24 Arias Batista v. Melville  
814882/24 Arias De La Cruz v. Lucid  
Group USA, Inc. Et Al  
817673/23 Arias v. Bay Plaza West  
812786/24 Armijos Dutan v. NYC  
School Const. Et Al  
818581/24 Arroyo v. Sirrom Estates  
LLC Et Al  
817421/23 Arroyo v. Hunts Point  
Housing Dev. Fund Corp. Et Al  
811782/22 Aulet v. Holder Transport  
Inc. Et Al  
808161/21 Ayikuli v. 1223 Rity. Corp.  
Et Al  
812862/22 Barroso v. Ryer 2180 LLC  
Et Al  
29063/20 Bee v. NY And  
802070/21 Begum v. Ppc  
Commercial  
2371/20 Bell v. Hudson Pointe  
Acquisition LLC  
812378/23 Bernardo v. Fusco  
810755/24 Bernier v. Cohen  
816713/24 Blair v. Castro  
813367/24 Boasiako v. Gloster  
805104/23 Bodie De Pena v. 149th  
St. Rity. Associates  
802515/24 Bonifacio De Fernandez  
v. Grant Ave Bronx Rity. Corp.  
811314/22 Booth v. U.S. Security  
Associates, Inc. Et Al  
80064/21 Bowers v. Super Laundry  
Equipment Corp.  
817493/24 Brown v. Laboy  
811194/24 C. v. Diallo  
806836/24 Cabrera v. Xcreh  
814133/21 Calo v. River Park Bronx  
Apts., Inc. Et Al  
820047/24 Campusano Troncoso v.  
Quality Touchpoints LLC Et Al  
32447/20 Caraballo v. Galaxy 1 Mgt.  
802418/24 Caraballo v. 225  
810557/21 Carmona v. Silas Metro  
Hdgs. Corp.  
801193/23 Castillo Padillo v. Ryer  
Rity. Hdgs. 2108  
813373/22 Castillo v. American  
Transit Ins. Co.  
27077/20 Castillo v. Diffo Properties  
Corp  
804549/22 Ceasay v. African Rose  
Inc.  
816922/24 Cespedes v. Thakoordial  
800602/22 Charles v. Pichardo-  
Herrera  
812850/24 Checo v. Chowdhury  
812003/21 Chery v. El Maco  
Restaurant Corp. Et Al  
819619/23 Chourio Chourio v. 1310  
LLC Et Al  
806510/23 Cintron v. Fitness Int'l  
811411/23 Clark-Hausting Dev. Fund  
Corp. Et Al  
807357/25 Coaxum v. Flecha  
32478/19 Cobbinah v. Fordham  
Studios Co.  
814656/22 Colbert v. 625 Fordham  
808442/21 Collins v. Concourse  
Village, Inc., Et Al  
811822/23 Corbett v. Pimentel  
811972/24 Cordero v. Children's  
Transs., Inc. First Steps Transs.,  
Inc., John Doe And/or Jane Doe  
First And Last Names Being  
Fictitious As Unknown Driver  
22679/20 Corley v. Aecom Tishman  
14907/03 Cortez v. Rohoman

801583/24 De Leon v. Mid-Bronx  
Housing Dev. Fund Corp. Et Al  
807934/25 Del Carmen Adames  
Polo v. Alexi Delacruz  
Transportation LLC Et Al  
801127/24 Deleon v. Lulu67  
806026/23 Deleon v. Sherman  
Creek Rity. Corp. Et Al  
812181/23 Delgado Avelanada v.  
709 East 216 St. Et Al  
815387/24 Demetrius v. Elton  
Crossing Condominium Et Al  
818721/24 Diaz v. Ibs-Bldg. Service  
Contractors, Inc.  
817811/22 Digirolamo v. 514-518 E  
138 LLC Et Al  
2571/220 Doe v. Parker  
810545/20 Dorn v. Cuevas  
801842/20 Dorn v. Hutch Tarrytown  
806462/23 Douglas v. Prospect  
Union Associates Et Al  
801736/21 Dugue v. The  
Parkchester South  
Condominium Inc  
810620/24 Duplessi v. Turcsanyi  
815238/24 Ebony Agostov v. Michael  
K. Valvera Et Al  
817406/22 Escalera v. Janusz  
Sendowski  
28598/20 Escobar v. NYC  
803540/21 Espinal Ortega v. Zeisser  
Rity. LLC  
818960/23 Espinoza v. Reidy  
Contracting Group LLC Et Al  
808823/23 Estrella v. Telestar  
Locksmith  
807480/22 Estrella v. 935 Ogden  
Ave. Corp. Et Al  
802460/22 Familia v. Fordham Hill  
Owners Corp. Et Al  
819251/24 Fearon v. NYCHA  
813004/24 Feagin v. Koumbem  
806745/23 Felix v. Rivulet Ror  
Associates LLC Et Al  
813767/22 Fernandez Gomez v.  
Parkash 2487 LLC Et Al  
22009/18 Fernandez v. A & R  
Davidson Mgt LLC.  
801941/22 Fernandez v. NYCHA  
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806571/24 Garcia v. Spjenjan  
819932/23 Garcia v. Enterprise  
Hdgs., Inc. Et Al  
814408/23 Garcia v. Joseph Schweid  
817933/23 Garrigv v. C. Deep  
Cleaner Corp.  
812814/24 Gatton v. 155w162 St.  
807382/25 Gautreaux v. Casilla  
809607/24 Golden v. Shannon  
810434/21 Goldja v. Saint Joseph's  
Medical Center Et Al  
820108/23 Gonzalez Pascual v.  
Webb Ave. 1 LLC Et Al  
816588/22 Gonzalez v. 1233 Leland  
Equities  
817013/24 Gonzalez v. United  
Parcel Service, Inc. Et Al  
27728/20 Gourdine v. Burgos  
819988/23 Graham v. Seddicue  
819256/23 Guaman v. 2233  
Bathgate Partners  
810340/22 Guerrero v. Berrios-  
Castillo  
801669/24 Guevara v. Er-Loom Rity.  
LLC Et Al  
818666/22 Guzman v. East 174th St.  
Inc. Et Al  
804210/22 Guzman v. Community  
Housing Solution  
811068/21 Guzman v. NYC Tropical  
Hosp. Inc.

801960/24 Alo v. Bajraktari  
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Bathgate Partners  
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Castillo  
801669/24 Guevara v. Er-Loom Rity.  
LLC Et Al  
818666/22 Guzman v. East 1



**TUESDAY, OCT. 14****10 A.M.****Court To Be Held in Brooklyn, NY****Genovesi, J.P., Ford, Ventura and Quirk, J.J.**

17/12234 People v. Mejia, Ariel (Q)  
22/05625 People of State of New York v. Mejia (Q)  
20/09089 People v. Gross, Jennifer E. (N)  
03/09932 People v. Cabrera, Thomas (Q)  
23/02267 People v. Johnson, Jason (N)  
23/06457 People v. Johnson, Jason (N)  
24/08657 Matter of L. (Anonymous), Samynee; F. (Anonymous), Dazinee; Administrator (Q)  
24/08660 Matter of F. (Anonymous), Dazinee; Administration for Children's Servt (Q)  
24/06136 Matter of McCook v. Delbrune (N)  
24/06614 Matter of G. (Anonymous), Amari (RI)  
24/02104 US Bank v. Congregation (K)  
22/10157 Matter of Westchester Plaza Tenants Coalition v. New York State Division (W)  
20/08963 Boyd v. 16 Bartlett St. LLC (K)  
22/00601 Valittuto v. Staten Island University Hospital (RI)  
23/01448 McKory v. Incorporated Village of Muttontown (N)  
22/01436 Madeo v. Singh (Q)  
22/04001 Madeo v. Singh (Q)  
22/04003 Madeo v. Singh (Q)  
21/07146 Hernandez v. L. & L. Painting Co., Inc. (K)  
24/11569 Bonilla v. Betances (K)  
24/11513 Matter of American Transit Insurance Company v. Long Island Jewish Medi (K)  
24/11515 American Transit Insurance Company v. SCOB, LLC (K)  
25/04292 M. P. v. Wilson (N)  
24/1048611 Grace Lane, LLC v. East Norwich Land Company, LLC (N)

**TUESDAY, OCT. 14****10 A.M.****Court To Be Held in New City, NY****Dillon, J.P., Christopher, Warhit and Landicino, J.J.**

18/04785 People v. Greenland, Ronald (W)  
22/03261 People v. Paucar, Jaime O (W)  
23/05249 People of State of New York v. Ferguson (W)  
23/05252 People of State of New York v. Ferguson (W)  
25/00187 People v. Horace, Owen J. (O)  
22/00570 People of State of New York v. Reyes (W)  
24/05438 Matter of Halverson v. Karwas (O)  
24/09175 Matter of Tierney v. Tierney (RO)  
24/11110 Matter of Sgarabella v. Summers (D)  
22/07063 Matter of BKP Harrison, LLC v. Town/Village of Harrison (W)  
22/05015 Rodriguez v. Weber (W)  
22/01026 Matter of Scott v. Ruppert (RO)  
21/01702 Matter of Bronxville Field Club, Inc. v. City of Mount Vernon (W)  
22/02664 Matter of Goldiron Farming LLC v. Town of Stanford (D)  
22/02666 Matter of Goldiron Farming LLC v. Town of Stanford (D)  
20/04179 Liese v. Hennessey (O)  
20/04180 Liese v. Hennessey (O)  
22/01120 Nolan v. Edison Property Investing, LLC (P)  
22/03164 Nolan v. Edison Property Investing, LLC (P)  
21/07444 Matter of Sekul v. New York State Division of Human Rights (D)  
24/09164 Vetaique v. Kistler Service Corp. (RO)  
25/01041 Matter of Casa Lajas, LLC v. Village of Nyack (RO)  
24/01016 Matter of Gannett Co., Inc. v. City of Mount Vernon Police Department (W)  
24/07896 Matter of Board of Managers of Westgate Towers East Condominium v. Plann (W)

**WEDNESDAY, OCT. 15****10 A.M.****Court To Be Held in Brooklyn, NY****Iannacci, J.P., Brathwaite Nelson, Dowling and Golia, J.J.**

22/08012 People v. Xavier, Lucas M. (O)  
24/04283 People of State of New York v. Anderson (N)  
24/02634 People of State of New York v. Prince (S)  
22/01142 People of State of New York v. Barrett (K)  
24/09797 Joseph v. Marmolejos (K)  
23/02772 Potanovic v. Nikolarkis (W)  
22/02928 Matter of Curatolo v. Donahue (N)  
22/02745 Naeef v. State of New York (NYS9)  
24/07303 New York Annual Conference of the United Methodist Church v. Union Meth (Q)  
24/01144 Goode v. Bespoke Motor Group LLC (N)

**THURSDAY, OCT. 16****10 A.M.****Court To Be Held in Brooklyn, NY****Connolly, J.P., Chambers, Voutsinas and Goldberg Velazquez, J.J.**

23/02225 People of State of New York v. Garcia-Restrepo (S)  
23/04116 People v. Holmond, Tyron (K)  
21/01574 Carafello v. Ruvo (O)  
20/08883 New Residential Mortgage Loan Trust 2017-1 R-PL1 v. Haflerkamp (S)  
20/08884 New Residential Mortgage Loan Trust 2017-1 R-PL1 v. Haflerkamp (S)  
21/09507 AIX Specialty Insurance Company v. Steel Fab NY, Inc. (K)  
21/02314 Piacquadio v. Visiting Nurse Services in Westchester, Inc. (W)  
21/05695 Westchester Fitness, LLC v. Retrofitness, LLC (S)  
24/03957 Matter of Integrated Specialty ASC LLC v. American Transit Insurance (N)  
24/03962 Matter of American Transit Insurance Company v. Citimed Surgery Center (K)  
24/03976 Matter of American Transit Insurance Company v. Bay Ridge Surgi-Center (K)  
24/03978 Matter of American Transit Insurance Company v. Smart Choice Medical (K)  
24/07339 Trombetta v. Ekkecco Newco LLC (RO)  
22/02942 Travers v. Briarcliff Manor Investments LLC (W)  
24/02939 US Bank v. Jones-Boakai (K)  
24/04475 US Bank v. Jones-Boakai (K)  
25/03323 BCVAWCA-DOE v. Cerone (W)  
24/12528 Ramjattan v. Auringer (Q)  
24/05333 Haimov v. Haimov (N)  
24/12738 Astoria Federal Savings & Loan Association v. Aliperti (N)  
22/03587 Mercacaj v. Mercacaj (W)

**FRIDAY, OCT. 17****10 A.M.****Court To Be Held in Brooklyn, NY****Miller, J.P., Wooten, Taylor and McCormack, J.J.**

23/00179 People of State of New York v. Perez (K)  
23/01972 People v. Sweat, Saqun (K)  
19/01656 People v. Jones, Ernest (K)  
22/03821 Schmidt v. Capone (Q)  
21/06227 Heims v. Public Storage, Inc. (S)  
22/06480 Heims v. Public Storage, Inc. (S)  
21/06365 Fontana v. LaRosa (S)  
21/06653 Fontana v. LaRosa (S)  
21/02137 Lamb v. Unknown Offices of Mental Hygiene Department (S)  
21/04602 Lamb v. Unknown Offices of Mental Hygiene Department (S)  
23/00086 Wilmington Trust National Association v. Borkuhov (N)  
25/01232 Wilmington Trust National Association v. Borkuhov (N)  
22/04016 Wells Fargo Bank N.A. v. Cato (K)

22/06213 Matter of Barberan v. Town of Eastchester (W)  
22/00425 HSCB Bank USA National Association v. Welter (RT)  
24/06373 Nationstar Mortgage LLC v. Oliveri (N)  
23/02640 Argo v. New York City Employees Retirement System (K)  
24/07391 Wynara LLC v. Gansevoort Hotel Group, LLC (N)  
24/13121 Hakim v. Laïs (K)  
25/01110 Badiou v. City of New York (K)  
24/08212 Delfo v. Nilsky (S)  
24/13194 Allena v. Pannell (K)  
25/01087 Bajana v. Alvarado (N)

## Kings County

**SUPREME COURT**

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.

Please see the Justices' information sheets for further instruction regarding Uniform IAS practices and procedures.

**Part Assignments/RJI****Intake Part**

**360 Adams Street**  
**Phone 347-296-1592**  
**Room 282**

**MONDAY, SEPT. 29**

503755/251941 Coney Island Ave LLC v. Walker Jr.  
516339/25 Amir v. Mouzeb  
512480/25 Bronshteyn v. Zalman  
512779/25 Candalaria v. Rivera  
501881/25 Carreno v. Grymes Hill Apts. Del LLC  
514628/22 Cashable LLC v. Edwin Rosales D/b/a Five Star Tint Et Al  
517041/25 Castellanos Mastaziegros v. Badzio  
517042/25 Castillo De Castellanos v. Badzio  
517794/25 Chen v. Sokol  
512652/24 Cocha v. Allstate Ventures LLC Et Al  
512236/25 Cunningham v. Arberm Hawthorne LLC Et Al  
512710/23 Dawson v. Postgraduate Center For Mental Health Et Al  
523725/24 De La Luz Octaviano v. Baran  
525975/24 Draz v. Re-Earth of Stroudsburg Inc. Et Al  
524757/25 Fazlindov v. Synergy Trucking, Inc. Et Al  
511415/25 Finch v. Blackman  
521991/25 Forte v. 409 Rity. Corp.  
512314/25 Frankie Marcy v. S&J Operational  
504343/25 Funding Futures LLC v. Veterans Cash Systems LLC Et Al  
535175/24 G. v. 48 Somers LLC  
63124 Gilbert v. Municipal Credit Union  
503456/25 Granville v. Lexia  
517035/25 Graves v. Badzio  
804/24 Guivendaa v. Errio  
504939/25 Hercules Antoine v. Kaplan  
505171/25 Herz v. NYC Shoprite Associates, Inc., D/b/a Shoprite of Ave. I Et Al  
532089/24 Himmelstein v. Flatlands Ave. LLC Et Al  
511971/25 Holmes III v. Vame Transportation Inc Et Al  
502182/25 Humphrey v. Barry  
511924/25 Hyppolite v. NY Fine Wines & Spirits  
506551/22 Ira And Larry Weinstein v. Jtb Industries  
511788/25 Jiang v. Thomas  
533944/24 Kail v. Gellis  
502398/25 Ketsbaia v. Mohammed  
517044/25 Lopez Ortiz v. Badzio  
524998/25 Louissaint v. Hall  
514976/25 Machitidze v. Smith Jr  
514128/25 Mancina v. Padron  
668/24 Marazhapov v. Uber  
520457/24 Melgarejo v. Santo  
515106/25 Nrt NY LLC v. Biddanda  
507843/25 Otayorov v. Inter Renovation Inc Et Al  
512201/25 Parker v. Uddin  
520286/24 Ramirez-Roman v. Romero  
507769/25 Rodriguez v. George W. Luke, Inc. Et Al  
515722/25 Roman v. NYC Et Al  
515571/25 Saint-Jean v. Li  
508066/25 Salem v. Anderson  
520186/24 Scales v. Td Bank  
522661/25 Silverline Services, Inc. v. Silver Sky Trucking  
510292/25 Sokovikov v. Crist  
501733/25 Stanziale v. Pomerantz  
512123/25 Suazo v. Zergoun  
532487/24 Sujon v. Shore View Corp. Et Al  
518342/25 Sze v. Patel  
508867/25 Taub v. Pokalar. Kiran  
510793/24 The 329 LLC Et Al v. Kns Bldg. Restoration Inc Et Al  
509180/25 Tonya Foy-Williamson As The Administrator of The Estate of Docia Hunter v. Parkshore Healthcare  
503928/25 Trident General Contracting LLC v. Jds Const. Group LLC Et Al  
506382/25 Truong v. Sanchez  
524497/24 USAA Casualty Ins. Co. v. Teletemp Mechanical Corp Et Al  
508873/25 Vance v. Duval  
509517/25 Vasquez v. Martirosyan  
508397/23 Wachtel Missry Lip v. Benefeld  
508533/24 Watson v. Queens Plaza Associates Trust Et Al

**TUESDAY, SEPT. 30**

504314/25 Anderson v. Target Corp.  
520495/24 Armstrong v. NY Smis Ltd. Partnership Et Al  
529409/24 Asc of NY v. Extended Milt 516635/25 Asse v. Four Corners Contracting LLC Et Al  
517713/16 Bank of America v. Moore  
501340/25 Barseghyan v. Garcia Gomez  
512136/25 Ben-Tov v. Lux Credit Consultants LLC Et Al  
506056/25 Berman v. Long Island Univ. Et Al  
505254/25 Brown v. 3 Stars Express LLC Et Al  
500402/25 Bustamante v. Bedford Beverly Acquisitions LLC Et Al  
515226/25 Castellanos Gonzalez v. Badzio  
520294/24 Chevalier v. B And M Leasing Corp Et Al  
509782/25 Cho v. Tsimbalenko  
514373/21 Clarke v. Veloz Livery Rentals Inc. Et Al  
509554/25 Colony Ins. Co., Inc. Et Al v. Acceptance Indemnity Ins. Co. Et Al  
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501836/25 Rivas v. Joseph  
516100/25 Roman-Seidman v. Foodco Distributors Inc. Et Al  
518129/25 Romero v. Gillani  
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516061/25 Spruill v. Lin  
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503190/25 Velocity Capital Group LLC v. Panchita's Pl. Inc. Et Al  
502923/25 Washington v. Hunter  
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**Part ADR-COMM**

**Justice Richard Montelione**  
**360 Adams Street**  
**Phone 718-500-4012**  
**Courtroom 574**

**TUESDAY, SEPT. 30**

520590/24 American Transit Ins. Co. v. Advanced Orthopaedics

**Commercial Division Part 4**

**Justice Lawrence Knipel**  
**360 Adams Street**  
**Phone 347-296-1630**  
**Room 774**

**MONDAY, SEPT. 29**

507473/2217 Lexington Ave. LLC v. Alison Six Star LLC Et Al  
505331/24 Wilmington Savings Fund Society v. Aalege Inc. Et Al

**Motion**

507473/2217 Lexington Ave. LLC v. Alison Six Star LLC Et Al

**TUESDAY, SEPT. 30**

522013/24 Halberstam Assets LLC v. Myrtle Housing USA LLC Et Al  
522154/22 Midfirst Bank v. Roebling Dev. Group LLC Et Al  
503779/14 Wells Fargo Bank v. Brull

**Commercial Division Part 6**

**Justice Lawrence Knipel**  
**360 Adams Street**  
**Phone 347-296-1630**  
**Room 774**

**MONDAY, SEPT. 29**

507473/2217 Lexington Ave. LLC v. Alison Six Star LLC Et Al  
505331/24 Wilmington Savings Fund Society v. Aalege Inc. Et Al

**Motion**

505331/24 Wilmington Savings Fund Society v. Aalege Inc. Et Al

**TUESDAY, SEPT. 30**

522013/24 Halberstam Assets LLC v. Myrtle Housing USA LLC Et Al  
522154/22 Midfirst Bank v. Roebling Dev. Group LLC Et Al  
503779/14 Wells Fargo Bank v. Brull

**Motion**

522013/24 Halberstam Assets LLC v. Myrtle Housing USA LLC Et Al  
522154/22 Midfirst Bank v. Roebling Dev. Group LLC Et Al

**Commercial Division Part 8**

**Justice Leon Ruchelsman**  
**360 Adams Street**  
**Phone 347-296-1604**  
**Room 276**

**MONDAY, SEPT. 29**

514234/22 Advance Service Group LLC v. Kb Interior  
523201/20 Duggins v. NYC Et Al

**TUESDAY, SEPT. 30**

509495/21 All Care Energy Corp v. Direct Energy Services LLC  
502762/21 Ace v. Capital Plats Housing Dev. Fund Corp. Et Al  
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500011/24 Cruel v. NYC Et Al  
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524431/20 Diaz v. NYC Et Al  
513457/16 Douglas v. NYCTA  
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527631/21 Dume v. Zen  
530240/23 Feder v. NYC Et Al  
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514316/23 Ghazaryan v. NYC Et Al  
533514/23 Holliday v. NYCTA  
509585/23 Jacobs v. Lopez  
512136/23 Mairsuradze v. Whole Foods Market Group, Inc. D/b/a Whole Foods Market Et Al  
512708/23 Malik v. The Children's Village  
891/24 Mizrahi v. The Mount Sinai Hosp. Et Al  
501705/22 Morales v. Rg Ortiz Funeral Home Inc  
516510/18 Nunez v. Singh  
510509/20 Omozusi v. NYC Et Al  
525525/18 Otero v. 339 Knickerbocker

520912/23 Parlow II v. NYC Et Al  
534318/22 Perez Vinas v. Chestnut Commons Housing Dev. Fund Corp. Et Al

506730/21 Reyes v. Fastman  
523219/23 Rodriguez v. NYC Et Al  
278/11 Rolle v. NYC  
502873/20 Toribio v. 6215 14 Ave. LLC Et Al

533153/23 Williams v. NYC Et Al  
510538/23 Williams v. NYC Et Al  
522351/19 Wright v. NYC

**Commercial Division Part 10**

**Justice Larry D. Martin**  
**360 Adams Street**  
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**Room 741**

**Commercial Division Part 12**

**Justice Reginald Boddie**  
**360 Adams Street**  
**Phone 347-401-9127-1594**  
**Room 366**

**MONDAY, SEPT. 29**

529549/23 Atradius Trade Credit Linc. As Assignee To S&S Activewear LLC v. Shop & Smile LLC  
278/012 Rehman v. Khan

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527223/24 140 Skool Street v. Djukic  
513029/2326 Court Associates v. Tenenbaum Esq.  
518415/24507 Myrtle LLC v. Daly  
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506255/24 County Agency Inc. v. Match One Staffing  
518653/25 Horizon Capital NY L.P. v. Right Time Automotive LLC Et Al  
503666/19 Lercara Provisions, Inc. v. Boar's Head Provisions Co.  
523025/18 Musso v. Otr Media Group, Inc.  
503327/24 P.C. Richard & Son Long Island Corp. v. 9 Dekalb Fee Owner LLC  
509854/23 Premier Ford Ny, Inc., Et Al v. Ford Motor Co.  
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508744/25 Ziggy's Electrical Contracting Corp. Et Al v. Adam's European Contracting, Inc. Et Al

**Med Mal Trial Readiness Part**  
**Justice Ellen M. Spodek**  
**360 Adams Street**  
**Phone 347-296-1620**  
**Room 723**  
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506771/16 Helferty v. Argulian  
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500997/20 Peter v. Brookdale Hosp.  
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520374/22 Douglas v. Congregational Snf LLC  
518010/19 Efimova v. Klein Md  
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3305/08 Francois v. Goswamy  
506485/18 Friedman v. Moshenyat  
525617/19 J. v. Boro Park Ob/gyn  
505137/19 Milante v. Dignity Home Care, Inc.

513392/21 Mitchell Delemos v. Fashakin  
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518180/25 Perkins v. Mendez Md  
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**Med Mal Early Settlement Part 5**  
**320 Jay Street**  
**Phone 347-296-1082**  
**Courtroom 18.36**

**Med Mal Early Settlement Part 6**  
**Justice Genine D. Edwards**  
**360 Adams Street**  
**Phone 347-401-8799**  
**Courtroom 775**

**Med Mal Early Settlement Part 7**  
**Justice Consuelo Mallafre Melendez**  
**360 Adams Street**  
**Phone 347-401-9405**  
**Courtroom 361**

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508284/24 Audra Henningham Archibold As Administratrix of The Goods v. NYC NYCH&HC  
525683/19 Celena Cousins As Administrator of The Estate of Charlene Robinson v. NYCH&HC Corp.  
510383/25 In The Matter of The Application of C. v. Chevronsky  
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502165/24 Mario Brierre As The Proposed Administrator of The Estate of Edgar Brierre v. NYCH&HC Corp.  
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531333/24 Prothro v. NYCH&HC Corp.  
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518863/23 Rodriguez v. NYC NYCH&HC Corp./Kings County Hosp. Et Al  
509409/24 Shabashkevich v. NYCH&HC Corp. Et Al  
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**Courtroom TBA**  
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31724 Alcalá v. Office of Crime Victim Services  
510188/24 American Express Nat. Bank v. Chen  
515401/24 American Express Nat. Bank v. Hossain  
518536/24 American Transit Ins. Co. v. 123 Medical Group Plc Et Al  
522071/24 American Transit Ins. Co. v. Active Life Chiropractic P.C. Et Al  
518873/24 American Transit Ins. Co. v. Advanced Medical Imaging Professionals Al Et Al  
523397/24 American Transit Ins. Co. v. Advanced Orthopaedics  
517720/24 American Transit Ins. Co. v. Advanced Orthopedics And Joint Preservation  
518537/24 American Transit Ins. Co. v. Advanced Recovery Solution Inc Et Al  
520610/24 American Transit Ins. Co. v. Advanced Supplies of NY Corp. Et Al  
520682/24 American Transit Ins. Co. v. Advanced Supplies of NY Corp Et Al  
519296/24 American Transit Ins. Co. v. Asm Diagnostic, Inc. Et Al  
526816/24 Aminov v. Diaz  
524603/22 Bela v. Mp Woodhull LLC  
506930/25 Blackwell v. Mof-B 422a Gates LLC Et Al  
510475/25 Blaustein v. 379 12th St. LLC Et Al  
518028/24 Cabrera v. Jw Contractor Inc. Et Al  
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526656/24 David Boxwill v. Oxford Nursing Home, Inc.  
505191/24 Diversitas Hldgs. LLC v. Reachable Media LLC Et Al  
502700/25 Donohue v. Donohue  
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517525/20 Folks v. Fancy Nail Care  
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506359/25 Hutson v. Zoom Rivers Group Corp. Et Al  
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530307/24 Jannaskhvil v. Jd Rockaway LLC Et Al  
521987/24 Jimenez v. Liodakis  
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530573/22 Les Capital v. Barden  
520524/24 Leaf Capital Funding v. 127



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