

IN BRIEF

NY Wedding Photographer Who Refuses To Work Same-Sex Couples' Nuptials Secures Injunction

A western New York photographer who refused to provide her services for a same-sex union, and sued New York over its public accommodations laws that she argues threatens her ability to operate her business according to her Christian faith won a narrow preliminary injunction on Thursday.

U.S. District Judge Frank Geraci Jr. of the Western District of New York barred the Empire State's government from applying its public accommodation laws "peculiarly to compel expressive activity," as the photographer's federal lawsuit moves forward.

The ruling was entered in favor of Emilee Carpenter, who is represented by attorneys for the conservative organization Alliance Defending Freedom. Raymond Dague of Dague Law serves as her local counsel.

Geraci's order notes that New York public officials remain fully empowered to police the public marketplace and ensure that gay couples are not treated as "social outcasts."

The federal trial court in Rochester had originally dismissed the photographer's lawsuit, in December 2021, holding that the constitution doesn't prevent New York from ensuring all consumers in the marketplace, without regard to sexual origination, have equal access to publicly available goods and services.

But before Carpenter's appeal was decided by U.S. Court of Appeals for the Second Circuit, the U.S. Supreme Court issued a landmark decision in 2023, in a case captioned *303 Creative LLC v. Elenis*. The nation's top court held that states are barred from applying their public accommodation laws to expressive activity to compel speech.

303 Creative involved a Colorado graphic artist and website designer who challenged that state's law that forced her to express messages that violated her beliefs.

"Free speech is for everyone, and more courts are ruling consistent with that message," said ADF Legal Counsel Bryan Neihart. "As the Supreme Court reaffirmed in *303 Creative*, the



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government can't force Americans to say things they don't believe. The U.S. Constitution protects Emilee's freedom to express her own views as she continues to serve clients of all backgrounds and beliefs."

The Second Circuit vacated the federal trial court's dismissal of Carpenter's claim and remanded the case to the trial court for further proceedings.

New York's public accommodation laws threaten Carpenter with fines up to \$100,000, revocation of her business license, and up to a year in jail.

—Brian Lee

2 Oil Execs Sidelined by FTC During Khan Era Fight For Reinstatement

Two of the Federal Trade Commission's most controversial moves under former chair Lina Khan—orders banning two oil industry executives from serving on the boards of the companies they sold to—might get reversed now that she is out of the picture.

The agency in January 2024 cleared Exxon Mobil to complete its \$64 billion purchase of Pioneer Natural Resources on the condition that the Pioneer founder, Scott Sheffield, be barred from serving on the Exxon Mobil board. In January of this year, when the FTC OK'd Chevron's \$53 billion purchase of Hess, it imposed the same condition on Hess CEO John Hess.

The two CEOs in March petitioned the agency to reconsider, arguing the FTC

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Attorneys and Courts: Shaping Law, Showing Respect »6

Former AG Merrick Garland Returns to Arnold & Porter

BY ABIGAIL ADCOX

AFTER four years as attorney general, Merrick Garland is joining his old firm, Arnold & Porter Kaye Scholer, as a partner in its appellate and supreme court practice group based in Washington, D.C.

His hire marks one of the most high-profile laterals to join Big Law



COURTESY PHOTO

Merrick Garland served as attorney general from 2021-2025.

this year from the Biden administration. Garland's first day at the firm will be May 27.

"It is an honor to return to Arnold & Porter, where I first learned how to be a lawyer and about the important role lawyers can play in ensuring the rule of law," Garland said in a firm statement. "The firm has a culture of excellence, and I look forward to working with its exceptional group of highly sophisticated attorneys."

'They're Tenacious': Despite Hurdles, Private Equity Has High Hopes For Legal

BY JON CAMPISI

PRIVATE equity has successfully made its mark on a host of American industries, including some professional services businesses, and the law firm world is an enticing next target, even with rules of professional conduct for attorneys that serve as a stiff barrier for entry.

In all but two U.S. states, nonlawyers are generally prohibited from having an ownership stake in law firms. This has served as a hurdle for PE firms who eye the law firm business as a potential cash cow. But that doesn't mean that private equity has abandoned a desire to invest in legal businesses stateside. On the contrary, PE appears more interested than ever in investing in the law firm industry, which recently has seen an explosion in profitability.

"It's not going to go away. The thing about private equity is ... if nothing else, they're tenacious," said Cecy Graf, CEO and co-founder of Federate Legal, a company that provides back-office services to law firms.

Going after law firms' back-office operations is currently one method by which private equity firms appear to be making their mark in the legal field, given the obstacles that the American Bar Association's Model

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Garland wasn't available for an interview.

During his tenure as attorney general, Garland appointed three special counsel to oversee investigations. Garland initiated two criminal investigations of then-former President Donald Trump, one related to Trump's alleged role in efforts to overturn the results of the 2020 election, and another looking at his retention of classified documents at his Mar-a-Lago club after he left office. Garland appointed Jack Smith as special counsel to oversee the criminal investigations. The cases against Trump unraveled.

Garland also tapped Robert Hur as special counsel to investigate then-President Joe Biden's handling of classified documents in early 2023. Later that year, he appointed David Weiss as special counsel to oversee an investigation into Hunter Biden.

Prior to his tenure as attorney general, Garland served on the U.S. Court of Appeals for the D.C. Circuit from 1997 through 2020 and was chief judge from 2013 to 2020.

Before his time on the federal bench, Garland worked in the Justice Department in numerous positions, including as special assistant to the attorney general, assistant U.S. attorney, among other roles. Garland oversaw several high-profile investigations and prosecutions, including the Oklahoma City bombing, Unabomber, and Montana Freeman cases.

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RYLAND WEST/ALM

New York was the most active market during Q1, with 23% of total leasing volume and 17.5% of lease transactions in the U.S. within the report's size range.

Law Firm Leasing Is Booming, as Volume Doubles Year Over Year

BY BRENDA SAPINO JEFFREYS

LAW FIRM leasing boomed during the first quarter of 2025, with double the volume during the same period of 2024, and 68.8% of firms chose to stay in place, a significant increase from recent years, Savills' The Legal Tenant reports in its U.S. Law Firm Activity Report.

Among leases of at least 20,000 square feet, law firm leasing activity grew to 3.4 million square feet during the quarter, far outpacing the 1.7 million square feet of activ-

ity during the first quarter of 2024. While slightly trailing Q4 2024's record high of 3.8 million square feet, the surge signals a solid start to the year and "sustained momentum" in the legal sector, according to the report.

The number of leasing transactions was also up by 51.6% year over year.

The strong start to the year follows an active 2024, when leasing totaled 10.2 million square feet, exceeding the previous record of 8.4 million square feet in 2019.

This pace of growth,

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CHRISTOPHER GOODNEY/BLOOMBERG

The case involves two sets of litigation, both of which involve major books, including Bank of America, Barclays and Citigroup, that collectively control the vast majority of credit default swaps trading in the U.S.

2nd Circuit Backs Order Blocking Pension Funds' Antitrust Suit Against Banks

BY ALYSSA AQUINO

THE U.S. Court of Appeals for the Second Circuit refused to disturb a court order blocking claims from three New Mexico pension funds against some of the world's largest banks for allegedly rigging the credit default swaps market.

A unanimous, three-judge panel agreed with U.S. District Court Judge Denise Cote of the Southern District of New York that the suit, filed in 2021 in the New Mexico federal court, fell under a 2016 settlement resolving antitrust claims against the banks.

The panel explained that the 2021 suit involved the same set of facts as the case that gave rise to the earlier settlement, including the same time periods and parties, as well as claims that a group of

banks conspired to block participants from the credit default swaps market.

"Even if the settled claims and the funds' auction-rigging claims pertain to injuries occurring in different segments of the [credit default swaps] market, we discern no error in the district court's finding that they share a common factual predicate," the panel said on Thursday.

The circuit said that because the suit fell under the settlement, the district court hadn't expanded the scope of the 2016 settlement, as the New Mexico State Investment Council, the Public Employees Retirement Association of New Mexico and the New Mexico Educational Retirement Board had alleged.

In essence, the order blocking the suit had "merely

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Legal Ops Leaders Are Finding Ways To Blunt Impact Of Surging Big Law Rates

BY TRUDY KNOCKLESS

WITH outside counsel rates spiking as much as 20% in 2024, legal operations leaders are shifting work to smaller firms and using internal data to maintain budgets without sacrificing quality.

That was the big takeaway from a recent webinar hosted by the Buying Legal Council, where panelists discussed the findings of the 12th Annual LexisNexis CounselLink Trends Report, which provides in-depth data on associate and partner rates.

The conversation, moderated by LexisNexis CounselLink's Kris Satkunas, featured Jessica Williams of Geico and Amanda Reyes of OGE Energy Corp., who offered insights on how their legal departments are navigating aggressive rate hikes, redefining law firm relationships, and using benchmarking data to justify decisions in an increasingly cost-sensitive environment.

"This year we saw rate increases anywhere from 3% up to 20%," said Reyes, legal operations supervisor at OGE. "We expected it, we budgeted for it—but 2024 was definitely the spike."

After implementing a three-year rate freeze across all firms in 2021, OGE planned ahead, cushioning the blow in a way that avoided panic when partner rates surged. Still, Reyes noted that

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DECISIONS OF INTEREST

First Department

REAL ESTATE LAW: **Summary judgment denied in ejectment action.** *38 East 64th Street, LLC v. Nile, Inc., Supreme Court, New York.*

CREDITORS' & DEBTORS' RIGHTS: **Summary judgment denied, the Consumer Credit Fairness Act's requirements not fulfilled.** *Security Credit Services, LLC v. Boku, Supreme Court, Bronx.*

Second Department

REAL ESTATE LAW: **Court dismisses two related foreclosure actions as untimely.** *Wilmington Saving Funds Society v. Sinclair, Supreme Court, Kings.*

REAL ESTATE LAW: **Tenants denied preliminary injunction compelling restoration of access to terrace.** *Kelly v. Muss Development, Supreme Court, Kings.*

CRIMINAL LAW: **Indictment dismissed as prosecution failed to resubmit counts.** *People v. Delgado, Supreme Court, Queens.*

LITIGATION: **Court orders stay of sale of motorcycle, conference between parties.** *Flagg v. George, Civil Court, Queens.*

U.S. Courts

IMMIGRATION LAW: **Denial of status adjustment application is 'judgment' under 8 USC §1252(a)(2)(B)(i).** *Xia v. Bondi, 2d Cir.*

CIVIL PROCEDURE: **Reconsideration motion fails as untimely, on merits; 'Moseley' ruling not misapplied.** *Stevens & Co. Inc. v. Espat, SDNY.*

CONTRACTUAL DISPUTES: **Firm's entitlement to \$3 million in damages for contract, indemnification breach explained.** *The Money Source Inc. v. American Ken Inc., EDNY.*

EMPLOYMENT LITIGATION: **Doctor disqualified self from ESOP participation through 1042 election payment.** *Snyder v. Neurological Surgery Practice of Long Island, EDNY.*

EMPLOYMENT LITIGATION: **Office Depot denied reconsideration of partial summary judgment in job bias lawsuit.** *Kozak v. Office Depot Inc., WDNY.*

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Hundreds of International Harvard Law Students Could Lose Enrollment Status in Wake of DHS Mandate

BY CHRISTINE CHARNOSKY

HUNDREDS of Harvard Law School students could potentially lose their enrollment status in the wake of the U.S. Department of Homeland Security’s decision to bar foreign students from enrolling or attending the university.

Homeland Security Secretary Kristi Noem ordered the university a letter on Thursday to terminate Harvard University’s Student and Exchange Visitor Program (SEVP) certification. In addition to being unable to enroll foreign students, existing foreign students must transfer or lose their legal status, according to Homeland Security’s announcement.

The decision could affect more than 300 international students who are enrolled in Harvard Law’s J.D. and LL.M. programs, comprising roughly 17% of current enrollees for both programs, according to an analysis of current and archived data from the university website.

At least 8.5% of the nearly 1,700 J.D. students currently enrolled at



Homeland Security Secretary Kristi Noem ordered Harvard university a letter on Thursday to terminate Harvard University’s Student and Exchange Visitor Program (SEVP) certification.

Harvard Law — including the 2025 J.D. class, which is set to graduate May 28 — are also international students, according to the law school’s class of 2027 profile, as well cached versions of profiles for the then-incoming classes of 2025 and 2026, accessed via Internet Archive.

Many of Harvard Law’s international students are enrolled in the school’s one-year LL.M. program, with 97% of 187 students in the class of 2024-25 coming from outside of the U.S.

The law school also offers an S.J.D. program, but it was not immediately clear how

many international students are enrolled.

The announcement does not specify whether any graduate or other programs are intended to be excluded. Spokespersons for Harvard Law, Harvard University and DHS could not be reached for comment.

“This administration is holding Harvard accountable for fostering violence, antisemitism and coordinating with the Chinese Communist Party on its campus,” Noem said in a statement. “It is a privilege, not a right, for universities to enroll foreign students and benefit from their higher tuition payments to help pad their multibillion-dollar endowments.”

“Harvard had plenty of opportunity to do the right thing. It refused,” Noem continued. “They have lost their Student and Exchange Visitor Program certification as a result of their failure to adhere to the law. Let this serve as a warning to all universities and academic institutions across the country.”

According to the announcement from DHS, “Harvard’s leadership

has created an unsafe campus environment by permitting anti-American, pro-terrorist agitators to harass and physically assault individuals, including many Jewish students, and otherwise obstruct its once-venerable learning environment,” noting that “many of these agitators are foreign students.”

“Harvard’s leadership further facilitated, and engaged in coordinated activity with the CCP, including hosting and training members of a CCP paramilitary group complicit in the Uyghur genocide,” the statement continued.

In the letter, Noem gave Harvard 72 hours to complete a request to regain its SEVP certification.

Harvard’s International Office provided a U.S. immigration update on its website Thursday afternoon, saying: “The University is aware of the U.S. Department of Homeland Security order to terminate Harvard’s Student and Exchange Visitor Program (SEVP) certification for the 2025-26 academic year.”

“Harvard is committed to maintaining our ability to host our international students and scholars, who hail from more than 140 countries and enrich the University and this nation,” the notice read, adding that more information and updates would be provided as they become available.

In April 2025, 12 international students and recent graduates had their F-1 visa status terminated, according to immigration FAQs on Harvard’s website, which was last updated on April 27.

As of April 26, all 12 of those Harvard students and recent graduates have since had their visa status reverted to active status, according to the website.

Thursday’s letter follows a previous demand from Noem, who on April 16, 2025, demanded Harvard provide information about the criminality and misconduct of foreign students on its campus, and Noem warned that refusal to comply with this lawful order would result in SEVP termination.

According to the U.S. Immigration and Customs Enforcement website, the SEVP “collects, maintains, analyzes and provides information so only legitimate foreign students or exchange visitors gain entry to the United States,” and “ensures that the institutions accepting nonimmigrant students are certified and follow the federal rules and regulations that govern them.”

Sarah Tincher-Numbers contributed to this report.

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Defense-Side Appellate Lawyers See Boom in Trial Support Work

BY ALEEZA FURMAN

IT’S NOT uncommon for defendants in high-stakes cases to use appellate counsel at trial, but the practice seems to have taken off in recent years.

According to some defense attorneys, clients are increasingly bringing in appellate counsel to handle legal issues in the lead-up to and during trials.

“It really started quite a while ago,” said Marshall Dennehey appellate chair John Hare, “but the frequency of using appellant counsel definitely has increased since the pandemic, with the rise of the frequency and size of jury verdicts.”

Hare estimated that his practice has been involved in at least 25 trials a year in more recent years, which he said is about double what it was prior to the COVID-19 pandemic. “The appellate world is fairly small, so the people who do this kind of work have gotten even busier,” he said.

According to Hare, the increased use of appellate counsel at trial is happening nationally, but it is especially prevalent in jurisdictions like Philadelphia that have reputations for producing large verdicts.

“It’s become well understood that having appellate counsel at trial is especially important to protect the record in larger cases,” Hare said.

Appellate lawyers’ contributions at trial vary from case to case, but they generally deal with legal issues while the trial attorneys focus on making their case to the jury. Their roles can include handling motions in limine, writing bench briefs, arguing motions, and preparing for post-trial challenges.

According to Robert Palumbos, chair of Duane Morris’ appellate practice, “It frees up the trial counsel to do what they do best, which is to convince 12 lay people of their side of the story. To really be focused on the facts and on connecting with the jury.”

Palumbos said companies engaged in “programmatically litiga-

tion” have long employed appellate counsel at trial; however, the strategy has grown more common in the last three or four years across a wide range of industries and practices. He said the strategy has “flowed from those clients who go to trial more routinely to clients who are at risk a little bit less often, but nonetheless the word has gotten out about the value.”

Palumbos said most of the trials his appellate practice has covered in the last few years have been in products liability or medical malpractice cases, with a few commercial cases as well.

One Duane Morris client that recently began bringing in appellate counsel at trial is Temple University Health System.

Temple Health executive vice president John Ryan said the practice is now part of the hospital’s standard trial strategy—something it first employed in a medical malpractice case that went to verdict last summer.

In August 2024, Temple University Hospital was hit with a \$45 mil-



The increased use of appellate counsel at trial is happening nationally, but it is especially prevalent in jurisdictions like Philadelphia that have reputations for producing large verdicts, according to an expert.

lion verdict in the case of a patient who claimed he choked on food because the hospital prematurely discharged him. But four months later, a Philadelphia judge ordered a new trial, ruling that the verdict was illogical and exorbitant.

Ryan attributed the post-trial victory to the fact that the hospital had brought in Duane Morris’ Palumbos and Leah Mintz to cover the trial.

“They brought a level of insight and expertise on admittedly very complicated and novel legal

issues, such that we were in an extraordinarily strong position to file thoughtful and ultimately successful post-trial motions,” Ryan contended.

What’s Happening on the Plaintiffs Side?

Having an appellate lawyer cover a trial from beginning to end is a tactic that is somewhat unique to defendants.

Palumbos and Hare said it is unusual to see plaintiff-side appel-

late lawyers showing up at trials, with one exception being Charles Becker, who heads Kline & Spector’s appellate practice.

And even then, Becker’s role looks different from defense-side appellate counsel.

Becker said that, while there are trials where he advises trial counsel and argues motions, he does not cover every day of the trial in the way appellate lawyers on the defense side often do.

“This is a substantial investment by a party to have this kind of coverage and this sort of support,” Becker said. “Plaintiffs firms are just built on a totally different economic model.”

However, that does not mean plaintiffs overlook the importance of addressing legal issues.

Although plaintiffs firms do not really use appellate counsel at trial, Becker said, they may employ a more robust trial team where one lawyer is more focused on tackling legal issues.

And, Becker contended, plaintiffs lawyers have long acknowledged the importance of good strategy. He added, “We see plaintiffs counsel thinking earlier and earlier about the legal context in which their cases are unfolding.”

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Supreme Court Allows Trump To Fire Independent Labor Officials

BY JIMMY HOOVER

WASHINGTON, D.C.

THE U.S. Supreme Court said Thursday that President Donald Trump does not have to reinstate, for now, two independent federal labor officials he fired without cause, casting legal uncertainty over the independence of the various federal agencies outside the direct control of the White House.

In its decision, the high court granted the Trump administration’s request to pause lower court orders calling for the reinstatement of National Labor Relations Board member Gwynne Wilcox and Merit Systems Protection Board member Cathy Harris, two Biden appointees whom Trump summarily removed from their independent labor agencies. Wilcox and Harris had each challenged their firings as unlawful in light of existing federal statutes ensuring they can only be removed by the president for cause.

The Trump administration has

argued that those removal protections infringe on the president’s purported control over the government’s executive branch.

In a ruling that calls into question longstanding Supreme Court precedent on independent agencies, the court’s conservative supermajority said there are reasons to believe the job protections for NLRB and MSPB members are indeed unconstitutional because they exercise “considerable executive power.”

The court said it would leave the answer to that question for another day, given that Thursday’s case came to the court through an emergency request from the Trump administration.

[T]hat question is better left for resolution after full briefing and argument,” the court said.

The ruling means that Wilcox and Harris will remain out of office pending further litigation in the lower courts and, possibly, a future ruling on the merits by the Supreme Court.

The decision inspired a strong dissent from Justice Elena Kagan that was joined by the remaining two liberal justices, Sonia Sotomayor and Ketanji Brown Jackson.

Kagan called the majority’s ruling “nothing short of extraordinary,” while criticizing the court—and Trump—for disregarding longstanding precedent upholding independent agencies.

The majority’s ruling espouses the so-called “unitary executive theory” of constitutional law, in which the president enjoys sweeping authority on virtually all aspects of the executive branch. As the court said Thursday in its unsigned, per curiam, opinion, “the Constitution vests the executive power in the President” and “he may remove without cause executive officers who exercise that power on his behalf, subject to narrow exceptions recognized by our precedents.”

While the court stopped short of striking down the independence of the NLRB and the MSPB—agen-

cies with sweeping powers over the private labor sector and the federal workforce—it suggested the Trump administration has the better of the argument in asserting that they are unconstitutional.

The court stated its order “reflects our judgment that the Government faces greater risk of harm from an order allowing a removed officer to continue exercising the executive power than a wrongfully removed officer faces from being unable to perform her statutory duty.”

In her dissent, Kagan wrote that the court had disregarded the Supreme Court’s 1935 precedent *Humphrey’s Executor v. United States* upholding removal protections for the Federal Trade Commission. That landmark decision helped give rise to the creation of dozens of additional independent agencies outside the direct control of the White House.

“Not since the 1950s (or even before) has a President, without a legitimate reason, tried to remove

an officer from a classic independent agency—a multi-member, bipartisan commission exercising regulatory power whose governing statute contains a for-cause provision,” Kagan wrote.

“Today, this Court effectively blesses those deeds. I would not,” Kagan added. “Our *Humphrey’s* decision remains good law, and it forecloses both the President’s firings and the Court’s decision to award emergency relief.”

Kagan also took her conservative colleagues to task for using its emergency docket to make substantial changes to the existing law of independent agencies.

In their briefing to the Supreme Court, Wilcox and Harris had emphasized that allowing Trump to fire them without cause would imperil the independence of other federal agencies, including the Federal Reserve at a time of market volatility.

The Supreme Court’s conservatives rejected the argument, saying the Fed is “a uniquely structured,

quasi-private entity that follows in the distinct historical tradition of the First and Second Banks of the United States.”

Kagan took aim at the court’s reasoning in trying to distinguish the Fed from the NLRB and MSPB, suggesting they both come from the same “analytical foundations.”

The majority, she said, “favors the President over our precedent; and it does so unrestrained by the rules of briefing and argument—and the passage of time—needed to discipline our decision-making.”

“I would deny the President’s application,” Kagan wrote. “I would do so based on the will of Congress, this Court’s seminal decision approving independent agencies’ for-cause protections, and the ensuing 90 years of this Nation’s history.”

The case was docketed at the Supreme Court as *Trump v. Wilcox*, 24A966.

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TRUSTS AND ESTATES

Court Rules Terrorem Clauses Are Enforceable but Strictly Construed

It was of great interest for trusts and estates practitioners 16 years ago when the Court of Appeals granted leave to appeal and decided *Matter of Singer*, 13 N.Y.3d 447 (2009), one of the rare cases the highest court heard concerning *in terrorem* clauses.

An *in terrorem* clause is a provision in a will or trust that disinherits a beneficiary if they challenge the validity or provisions of the instrument.

In *Singer*, the Court of Appeals reversed two lower courts and held that a decedent’s son did not violate two *in terrorem* clauses in his father’s will when he took the deposition of a witness (his father’s former attorney), who was not listed in the then existing “safe harbor” provisions of EPTL 3-3.5 and SCPA 1404(4).

Similarly, when the Court of Appeals granted leave to appeal and decided to hear, for the first time, a case involving an *in terrorem* clause in a trust agreement, the trusts and estates bar anticipated the court’s opinion.

Last month, the Court of Appeals, in *Carlson v. Colangelo*, 2025 N.Y. slip op. 02264 (2025), considered, for the first time, an *in terrorem* clause in a trust agreement. An *in terrorem* clause is a provision in a will or trust that disinherits a beneficiary if they challenge the validity or provisions of the instrument.

In a 4-3 opinion, written by Judge Jenny Rivera (joined by Chief Judge Rowan Wilson and Judges Shirley Troutman and Caitlin Halligan), the court modified an order of the Appellate Division, Second Department (199 N.Y.S.3d 185 (2d Dep’t 2023)), and held that Kristine M. Carlson (or plaintiff), did not violate an *in terrorem* clause in a trust. Judge Michael Garcia (joined by Judges Anthony Cannataro and Madeline Singas) wrote the dissenting opinion.

Factual Background

Donald P. Dempsey (grantor) executed a pour-over will and revo-

IRMA K. NIMETZ and FRANK W. STRENG are partners at McCarthy Fingar and Co-Chairs of the firm’s Estate & Trust Litigation practice group.



By
Irma K. Nimetz



And
Frank W. Streng

cable trust. In his Trust, Dempsey bequeathed to Carlson: (a) a house; and (b) “a stream of income” of up to \$350,000. Crissy Colangelo (Trustee), is the Trustee and residuary beneficiary of the Trust. Dempsey also gave Colangelo all of his interest in a company called Dempsaco LLC. The Trust (and the Will) contained an *in terrorem* clause,

We further conclude that plaintiff has established her right to summary judgment on her first cause of action regarding her ownership rights to the premises and her motion should be granted to that extent.

which resulted in a forfeiture of any bequest if a beneficiary “shall contest any aspect of this Trust, or the distribution of the Grantor’s assets pursuant to his Last Will, *inter vivos* Trust Agreement, beneficiary designations or non-probate beneficiary designations, or shall attempt to set aside, nullify, contest, or void the distribution thereof in any way”

Waiting 2.5 years after the grantor died, the Trustee, through a letter from her counsel, notified Carlson that she was a beneficiary of the Premises and the \$350,000 “stream of income.”

The Trustee’s counsel also advised Carlson that she would not receive the “stream of income” bequest because the grantor allegedly “used precatory language,” and that the Trustee would only

distribute the premises if Carlson signed an agreement, which, among other things, provided for a waiver of the \$350,000 bequest and a release and indemnity in favor of Colangelo.

The Litigation

Carlson commenced an action against the Trustee and Dempsaco in the Supreme Court, Westchester County. In the complaint, she sought distribution of the bequests, and an accounting, and also alleged that she invested \$100,000 and became a 50 percent owner of Dempsaco.

Following limited discovery, the Supreme Court granted the Trustee’s motion for partial summary judgment, holding that plaintiff failed to establish an ownership interest in Dempsaco. 2021 N.Y. slip op. 32928(U) at *4 (Sup. Ct., Westchester Co. 2021).

The Supreme Court then granted defendants’ motion for summary judgment and held that plaintiff forfeited her bequests when she triggered the *in terrorem* clause, by unsuccessfully claiming a 50 percent ownership interest in Dempsaco; and, awarded attorneys’ fees to defendants. 2022 N.Y. slip op. 34678(U) (Sup Ct., Westchester Co. 2022).

On appeal, the Appellate Division, Second Department, 199 N.Y.S.3d 185 (2d Dep’t 2023), modified the Supreme Court’s order by denying defendants’ motion for attorneys’ fees, but otherwise affirmed.

The Opinion of The Court of Appeals

The Court of Appeals held: Because plaintiff’s lawsuit seeks to enforce the Trust provisions as written and intended by the grantor, plaintiff did not attempt to nullify the Trust or challenge its terms. Thus, plaintiff did not violate the *in terrorem* clause and defendant is not entitled to summary judgment.

We further conclude that plaintiff has established her right to summary judgment on
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LAWYER TO LAWYER

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TRIAL PRACTICE

‘Flanders v. Goodfellow’: Liability Shift for Injuries Caused by Animals

BY ROBERT S. KELNER, GAIL S. KELNER AND JOSHUA D. KELNER

For many years, New York followed what some have grimly referred to as the “one free bite rule” in cases arising from injuries caused by pets. If a dog attacked someone, the owner could only be held liable if the animal had prior dangerous propensities, of which the owner knew or should have known.

While this did not actually require a prior bite, it did require evidence that there was prior indication the animal was dangerous. The rule let animal owners off the hook for incidents caused by ordinary negligence, such as the failure to restrain a dog from running into the path of a car or bringing an animal to a crowded location where it might become agitated.

The rule that a person injured by an animal could not recover for its owner’s ordinary negligence was adopted in *Bard v. Jahnke*, 6 N.Y.3d 592 (2006). The rule proved controversial from the start, with critics pointing to its arbitrary outcomes and lack of a clear conceptual rationale.

This past April, in *Flanders v. Goodfellow*, 2025 NY Slip Op 02261 (2025), 2025 WL 1127772, the Court of Appeals overruled *Bard* and held that animal owners can be held liable in ordinary negligence after all.

In this column, we will discuss *Bard* itself, the cases that followed from it, and *Flanders*, which finally overruled it.

New York’s Pre-Bard Common law

Before *Bard* was decided in 2006, New York courts had followed a somewhat uneven trajectory in animal cases, without providing a clear answer to the question of whether an injured person could bring a negligence cause of action. Some cases had allowed negli-

gence claims, or at least suggested they might be allowable. *See, e.g., Hyland v Cobb*, 252 N.Y.325(1929) (“negligence by an owner, even without knowledge concerning a domestic animal’s evil propensity, may create liability”). Other cases were to the contrary. *See, e.g., Kennet v. Sossnitz*, 260 A.D. 759 (1st Dept. 1940) (“the owner is not responsible for such injury unless the vicious propensities of the animal are known to him or by the exercise of reasonable care the same could have been ascertained”) (quotations omitted), *aff’d*, 286 N.Y. 623 (1941).

In 2004, the court decided *Collier v. Zambito*, 1 N.Y.3d 444 (2004), in which a young boy was bitten by a dog. The court wrote that “the law of this state has been that the

The court also made clear that its holding did not address what should happen when dogs, cats, or other household pets were allowed to stray, deferring that issue to a future case.

owner of a domestic animal who either knows or should have known of that animal’s vicious propensities will be held liable for the harm the animal causes as a result of those propensities.”

It held that the dog at issue may have been rambunctious in the past, but that there was no indication of its viciousness. The court did not specifically comment on negligence as a potential alternative basis for liability.

‘Bard v. Jahnke’

In *Bard v. Jahnke*, 6 N.Y.3d 592 (2006), the Court conclusively foreclosed negligence as a possible basis for relief in cases arising from animal attacks. Plaintiff Bard was a carpenter hired to perform work in a dairy barn which was home to more than 100 cows.

Unbeknownst to Bard, a breeding bull named Fred was allowed to roam freely through the barn. While

Bard was working in the barn, the bull charged at him, and he suffered severe injuries.

Fred did not have a prior history of assaulting anyone, but plaintiff argued that “because Fred was not only a bull, but a breeding bull housed with the herd over whom he exercised dominance, Jahnke was negligent in failing to restrain Fred, or to warn non-farm personnel of his presence...” He adduced an affidavit from an expert to substantiate this argument.

Bard argued that he should be allowed recovery under a theory of common law negligence. He cited the Restatement (Second) of Torts §518, which provided that “[i]n determining the care that the keeper of a not abnormally dangerous domestic animal is required to exercise to keep it under control, the characteristics that are normal to its class are decisive, and one who keeps the animal is required to know the characteristics.”

Bard’s argument in the case – that Fred was not abnormally dangerous, but could become dangerous under particular circumstances – fit neatly within the common law negligence theory of liability embraced by the restatement.

The Court of Appeals majority held, however, that under New York law, ordinary negligence was not a basis for recovery, and that actions arising from injuries caused by animals could only lie if the plaintiff proved that the animal at issue had prior dangerous propensities of which the owner knew or should have known. It wrote:

As already noted, an animal’s propensity to cause injury may be proven by something other than prior comparably vicious acts. As a result, a common shorthand name for our traditional rule—the “one-bite rule”—is a misnomer.

We have never, however, held that particular breeds or kinds of domestic animals are dangerous, and therefore when an individual animal of the breed or kind causes harm, its owner is charged with knowledge of vicious propensities.

Similarly, we have never held that male domestic animals kept for breeding or female domestic animals caring for their
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Off the Front

Private Equity

« Continued from page 1

Rule 5.4 presents to nonlawyers owning stakes in law firms.

“Law firms are kind of like that last frontier of a segment of the economy, a big, huge segment of the economy, hundreds of billions of revenues per year, that I think private equity is now going after,” said Lee Minkoff, a managing director with private equity firm Renovus Capital Partners.

Some investors are eyeing Arizona, which eliminated its version of Rule 5.4 at the end of 2021, as a point of entry. In scrapping the state-level rule, Arizona created an alternative business structure program that paves the way for nonlawyers to own law firms. KPMG recently became the first of the Big Four accounting firms to successfully receive a license to operate an Arizona-based law firm.

But Arizona’s openness to outside investment appears to be spurring resistance outside its borders. Neighboring California—where a state bar task force exploring liberalizing professional rules met with furious backlash from lawyers six years ago—currently has a bill pending in the state assembly that would prohibit lawyers barred in California from sharing fees with a law firm that is partly owned by a non-legal entity, such as an Arizona ABS. The bill, AB 931, was introduced right around the time that KPMG was awarded its Arizona license.

The bill’s sponsor, Assembly Member Ash Kalra, did not return a request for comment on the legislation.

Investing in Regulated Industries

Despite the barriers to entry, those in the private equity industry do not seem deterred in their desire to make money off of the law.

“There’s lots of private equity firms that like investing in regulated industries,” said Minkoff of Renovus Capital. “We’ve done it in education. We’ve done it in government services.”

Washington, D.C., for example, permits nonlawyer ownership of law firms, but not through private equity funds, Minkoff said.

At this point, the main approach taken by PE firms is a direct private equity investment in a regulated Arizona ABS law firm. That is currently the only way a PE firm can have “true and direct equity ownership in an entity employing attorneys providing legal services,” Minkoff said.

The other approach is to create what are called managed services organizations, a model in which the law firm is separated into two distinct entities: one employing the attorneys and the other employing all nonattorneys who perform other business or operational tasks.

The PE firm can invest in the latter, but not the former.

Aside from the restrictions offered by Rule 5.4., Minkoff said another huge hurdle for private equity in the legal space is a lack of noncompete agreements.

“Noncompetes for attorneys don’t exist,” he said. “You cannot prevent an attorney from practicing law. You don’t have nonsolicits. You don’t have noncompetes.”

With managed services organizations, PE firms can obtain noncompetes from the nonattorney professional staff, while attorneys remain exempt.

And while PE firms can provide “bells and whistles” that aim to incentivize attorneys to stay on board after the purchase, there’s still nothing preventing attorneys from being able to “walk out the door the next day.”

“That is a challenge because the strongest thing that we get from a seller is their noncompete [agreements],” Minkoff said. “You know that they’re not going to turn around, take the money and go build the business again with the money we just paid them for the business, and the value of that business was predicated on their involvement going forward, and their know-how in their relationships.”

PE Wants a Piece of the Pie

Despite these hurdles, there’s still no denying that private equity today wants a bigger piece of the

legal market—which is purportedly worth around \$400 billion—and there are firms and investors out there who are trying their best to make the dream more of a reality. The appeal lies in the fact that returns on this type of investment potentially blow away those found in publicly traded companies.

“There’s a growing group of private equity funds that salivate at the thought of investing in law firms,” said Kent Zimmermann, a principal with law firm consultancy Zeughauser Group. “High-performing law firms tend to have extremely enviable profit margins [and] generate rapid growth of revenue and profitability.”

Even if outside investment in law firms becomes more permissible, it is likely the smaller firms, including plaintiffs firms, would be looking to take advantage of private equity, Zimmermann said. Larger law firms, however, probably do not need this type of cash infusion.

“I think the opportunities are probably limited at the moment in Big Law,” he said.

Zimmermann said private equity might seem appealing to law firms who desire to retain their independence and are willing to give up some ownership in order to do just that.

But even without the infusion of investor dollars, Zimmermann said there are currently “ample sources” of private capital that law firms can access without giving away ownership in the legal practice. Third-party litigation financing is one such avenue for extra capital.

“It is adjacent to litigation finance. It’s not exactly the same concept or capital market, but it’s certainly something that’s on my radar,” Charles Agee, CEO of litigation funding broker Westfleet Advisors, said of private equity.

Legal industry observers say those who worry that private equity may never be fully accepted in the legal world should look to other industries that have opened up to private capital investments in recent time, such as the accounting field.

Just like legal, there was some initial push-back in the accounting profession when private equity voiced a desire to get into the business, largely because regulated professional services industries, such as legal and accounting, all have associations, said Scott Mozarsky, a managing director with M&A advisory firm Jegi Clarity.

“I think it’s larger in legal,” he said. “I think the bar associations are much more focused on it and religious about it.”

For accounting, Mozarsky said, the hurdles were largely overcome by “basically demonstrating that having outside investment into the professional services organization benefits the clients and also benefits the organizations.”

Thus far, most state bar associations have been resistant, although a growing number of jurisdictions are currently exploring pilot programs that could pave the way for new entities to engage in work that was traditionally solely reserved for licensed attorneys.

“We have made a lot of comparison to the accounting world because they went through the exact same thing,” said Bob Maiden, a managing director with Focus Investment Banking, which specializes in middle-market M&A.

Maiden pointed to a variety of encouraging trends including ongoing law firm consolidation, KPMG’s licensing in Arizona and similarities to past PE investments in the accounting and advisory space. “We see tremendous opportunities to apply our 40-plus years of M&A experience to help Am Law 200 firms grow by strategic mergers,” Maiden said.

Retaining Professional Independence

One of the biggest concerns Maiden hears with regard to private equity in the legal field is the possibility of losing professional independence. But there are already existing ethical and moral rules that would generally prevent attorneys from being stripped of their independence, even if firms were theoretically bought by private equity, he said.

“They’ve done it successfully in other parts of the world,” Maiden said, referencing the United Kingdom and Australia, who have both liberalized their legal sectors.

While private equity firms are more interested in the bottom line, law firms have their own considerations, such as whether they would be able to continue doing certain types of pro bono work if outside ownership comes into play.

Private equity-owned firms simply may not want law firms spending money on things like pro bono legal services, said Bob Lipton, another managing director with Focus Investment Banking.

At the same time, other incentives could be even more powerful.

“They usually have to borrow money to invest in things like upgraded computer systems,” Lipton said. “PE could help them in this respect. The financial limitations, these constraints that these firms have to invest in their own businesses, is very, very challenging.”

Meanwhile, industry observers say the drive to bring private equity to the legal sphere is not expected to diminish anytime soon.

“Where there’s a will, there’s a way,” said Graf of Federate Legal. “There are a lot of other things going on pushing this industry into a forced evolution. There are certainly forces within law firms that are more open to this and especially for firms that are on the smaller side.”

Graf also noted that firms in the lower end of the Am Law 200 are more likely to recognize the appeal of private equity than their larger peers. These firms often have less ability to take advantage of economies of scale.

“There’s a perception that private equity can bring in additional rigor to streamline operations and make them more profitable,” Graf added.

Alternative Avenues for Investment

While private equity ownership of law firms is one thing, the legal world has already embraced other methods by which firms can receive a capital infusion: most significantly, third-party litigation financing.

Law firms are permitted to take on debt and borrow money, and they can also work with capital providers like Burford Capital, said Travis Lenkner, Burford’s chief development officer.

“It remains true that it is not snap-of-the-fingers easy for an outside investor or entity to have an equity ownership position in a law firm,” Lenkner said. “But ... other professions have gone in this direction. We’re seeing the beginning of that, and those other professions, too, have rules or restrictions around nonprofessional ownership of the practicing entity.”

Lenkner also noted the rise of managed services organizations separating law firm back-office functions from the attorneys focused on the practice of law itself.

“We’re seeing more of those service-company-type structures being explored as a means of outside capital coming into the space,” he said. “The U.S. is still at a very early stage, but it’s clear that there’s outside investor interest, and that, of course, leads to a host of questions for law firm leaders and managing partners about how to think about outside investment, what the reasons would be to seek it or take it, and what kinds of capital providers would be a good fit for a particular law firm or law firm structure.”

In order for the landscape to completely change, and permit PE firms to directly own law firms, more states must make changes to their nonlawyer ownership prohibitions similar to Arizona, said Agee of Westfleet Advisors. “What the state of Arizona has done in recent years to open up nonlawyer participation in law-firm economics, I think that has to be done at the national level, so that you’re not dealing with a regulatory patchwork for there to be real private equity involvement and investment into law firms,” Agee said. “Otherwise, the execution all lies in the structural workarounds, and ultimately I don’t think that’s an environment where the private equity floodgates open.”

“@ Jon Campisi can be reached at jcampisi@alm.com.

Outside Counsel

Gen Z Is Not Afraid To Change the Legal Workforce With Gen AI

Gen Z is entering the workforce and, as the most technologically literate generation, we have some opinions about what the tech stack we’re working with should look like. If it doesn’t match our criteria, why wouldn’t we seek out workplaces with more modern set-ups? Generative AI is already having an influence over the way law firms and in-house legal teams operate, and my generation—keen to not fall behind—are ready to fully integrate it into our day-to-day. In fact, I imagine that the top law firms of the future will feel very much like the social media platforms Gen Z thrive on—customizable, tech-led, and tailored to what suits us.

We expect a revolution. Traditional law firms may have plenty of people still willing to toil through long billable hours caused by manual reviews and archaic software that turns basic tasks into time sinks, but that doesn’t align with how Gen Z wants to work. According to a 2024 Deloitte survey, 64% of Gen Z respondents consider work-life balance a top priority when choosing an employer. Simultaneously, data from LexisNexis found that the number of legal professionals using generative AI more than doubled between July 2023 and January 2024. That means many of the best legal minds will look elsewhere for careers or lateral to firms with modern tools. Tech-driven change is fast approaching.

MARIA SEVLIEVSKA is a senior legal specialist at Robin AI, a company that uses data and legal expertise to build AI-native products for the legal sector.



By Maria Sevlievskaya

and to no surprise, it’s driven by young lawyers.

Time-consuming tasks like standardized contract reviews leave little room for creativity and deep thinking. Using Microsoft Word to manually edit contracts makes about as much sense to Gen Z as relying on a landline instead of a smartphone. AI tools can help

Generative AI is already having an influence over the way law firms and in-house legal teams operate, and my generation—keen to not fall behind—are ready to fully integrate it into our day-to-day.

prevent burnout and fuel more fulfilling legal careers. Young lawyers want to adopt technology that will make us better and faster at our jobs and legal teams need to follow suit to remain competitive and attract top-tier talent.

More importantly, as AI companies like OpenAI and Anthropic continue to release new models, we foresee an imminent future where advanced AI reaches artificial general intelligence (AGI), proving itself capable of autonomous action and decision making. AGI promises

to transcend limited human cognition and process mountains of data at digital speeds. In that context, having humans manually grind through standardized legal work feels like a missed opportunity.

Our goal in pushing for AI adoption is to achieve efficiency (and work-life balance) and to bring more flexibility, trust, and independence to the legal profession. By letting AI do the grunt work typically pushed onto junior lawyers, there’s potential for a more merit-based system with less hierarchy. We want technology that empowers young lawyers to think critically and creatively—not grind them down with repetitive tasks. If the industry actually modernizes, Gen Z lawyers can transform what it means to practice law.

Law firm partners might not want to hear this. If an AI tool lets young lawyers finish what used to require 2,000 billable hours in just 200, that’s 1,800 hours of lost revenue. But you can only ignore the realities of AI’s advantages for so long. Legal teams not leveraging generative AI effectively signal that they’re losing the war for talent.

The legal industry sits on the cusp of a new AI-powered epoch, but its future shines brightly if today’s leaders trust the vision of Gen Z. Empowering us to apply AI will not only benefit junior lawyers, but strengthen firms and serve clients more effectively. Without openness to new technologies, vast swathes of the legal industry will languish in the past, losing their most talented people to more forward-thinking teams. Progress waits for no one.

IN BRIEF

« Continued from page 1

had no authority to take those actions and did so on the flimsiest of evidence—vague allegations that both men talked with OPEC about colluding on oil prices. The pair assert the bans violated the pair’s constitutional rights to due process.

The FTC recently closed a public comment period on the petitions—which drew a mixture of support and opposition to reversing the bans.

Public Citizen argued for keeping the bans intact, asserting that “reopening this case appears to be part of the Trump Administration’s broader campaign of corporate clemency—ending enforcement actions against many of the largest and most powerful companies being investigated or accused of wrongdoing by federal agencies.”

When the FTC imposed the Hess ban in January, Khan issued a statement defending the restrictions on both men, alleging the commission had “uncovered troubling evidence of public statements” by both and communications between them and “high-level OPEC representatives” to cut back oil production—driving up gasoline prices.

“The consent orders,” Khan wrote, “directly address the risk for potential collusion by prohibiting these executives from serving on the board of—and thereby having direct decision-making input into—two of the largest multinational oil companies in the world.”

The Republican commissioners, Andrew Ferguson and Melissa Holyoak, who at the time were in the minority, were apologetic.

They complained the Democratic majority had used leverage in the Hart-Scott-Rodino process “to extract a consent from merging parties with no reason to believe the law has been violated” and that deprived the executives of their contractual rights.

Ferguson—who early this year was named by President Donald Trump to replace Khan as FTC chair—blasted the majority’s attempt to use Section 7 of the Clayton Act. He said Chevron and Hess combined would have a mere 2% market share.

“Even if one were to accept the majority’s fetish with concentration levels, postmerger Chevron would have a low single-digit share of the world market for oil and natural gas,” Holyoak wrote in a colorful dissent

In Sheffield’s petition, his attorneys wrote that the executive had exercised his First Amendment rights in various public statements about oil production over the years in a manner that the Democratic majority found objectionable.

“But protected activities cannot be the basis for a law enforcement action. The FTC’s claim

otherwise is a frontal assault on Mr. Sheffield’s constitutionally protected activities,” wrote attorney David Gelfand of Cleary Gottlieb Steen & Hamilton.

“Unless set aside, the order will preclude Chevron from fulfilling its contractual obligation to appoint Mr. Hess to the Chevron board upon closing of the merger, and deprive shareholders of the benefit of his service,” stated a petition written by Wachtell, Lipton, Rosen & Katz.

The firm added that the settlement “does not vindicate the rule of law but inflicts serious injury on the rule of law—and on the commission’s credibility.”

But opponents of reversing the bans commented that revisiting recent settlements would hurt the commission’s credibility.

“Reopening a final settlement, as the petition seeks, is a highly unusual practice that should be strongly disfavored by the agency,” wrote Public Citizen.

The Washington, D.C.-based group contends that the FTC’s ability to function will be on the line if settlements “are up for ongoing negotiation” or if parties and the public cannot rely on the permanency of settlements.

Several other groups also urged the FTC to leave the settlement intact.

The American Economic Liberties Project even applauded Khan’s approach in the Chevron-Hess merger of keeping Hess off the board as a “prophylactic” measure against collusion and board interlocks.

“Calling for a highly unusual ‘do-over’ on an enforcement action merely because of a change in administration undermines the FTC’s authority and raises the specter of political interference,” said a joint statement by seven progressive groups, including Demand Progress Education Fund and Friends of the Earth.

A former attorney in the FTC’s Bureau of Competition, Randall Marks, opposed the petition to set aside the order over what he called a transparent effort to obtain relief solely because of a change from Democratic to Republican control.

Marks wrote that eliminating the order less than six months after it was issued “creates an appearance of partisanship,” noting the two commissioners who initially dissented now comprise a majority.

A move that “reeks of raw politics” is likely to undermine the commission’s credibility before the courts, Congress and the public, Marks added.

Republican U.S. Rep. Jim Jordan, chairman of the House Judiciary Committee, wrote a letter supporting the reopening the merger cases.

He said the Democratic majority failed to use its own frame-

work for evaluating a potential merger, including whether there is a highly concentrated market and attempted coordination by firms possessing substantial market shares—arguing the deals fell far below that threshold.

“These legal infirmities described would have been exposed in court if the FTC had decided to litigate these decisions,” stated the letter, which was also signed by Sen. Mike Lee of Utah and Rep. Scott Fitzgerald of Wisconsin.

The former Democrat commissioners “effectively transformed merger review into a ‘pay-for-peace racket’ forcing the companies to ‘pay a toll to pass through the Hart-Scott-Rodino gate’ and extracting behavioral remedies from companies that faced the prospect of months of delay and millions of dollars in litigation costs,” the lawmakers wrote.

“This approach does not vindicate the rule of law but is instead sort of a tax on mergers.”

Bryan Johnston, an operations supervisor for Exxon Mobil, argued that the FTC should clear Sheffield to serve on the Exxon Mobil board.

Sheffield has decades of experience in the “responsible development of U.S. Energy resources,” Johnston wrote, making him “uniquely qualified to continue providing valuable oversight and strategic guidance to one of America’s most critical energy companies.”

“The unprecedented nature of this action risks setting a dangerous precedent that could discourage seasoned industry leaders from participating in public companies out of fear of regulatory overreach,” he added.

The docket to reopen the Exxon Mobil-Pioneer deal drew the most public comments—217. Most came from individuals opposed to reopening the case and who vilified Sheffield and other oil industry executives with a broad brush.

In contrast, the agency received only about 15 comments on the Chevron-Hess deal, most opposed to reopening that case.

Whether or when the commission will hold a vote to set aside or modify the merger agreements to allow Hess and Sheffield to join the boards of the merged companies is unclear.

“We have no comment,” said FTC spokeswoman Victoria Graham.

—Chris O’Malley

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No Virtual Causation For Virtual Assets?

When a virtual asset transaction is claimed to cause injuries to a plaintiff, what kind of causation must be shown between the injury and persons having some relationship to the transaction in order for the plaintiff to get relief from them?

When transactions take place on decentralized systems that involve many persons playing different roles, how does the law assess which of them properly may bear some responsibility when transaction activity is alleged to have caused the plaintiff's injury?

Will courts find that, if a platform or its developers or operators have provided the infrastructure through which harm is done, they have virtually caused the harm?

A cluster of recent court rulings in different contexts illustrate that courts are not generally embracing loose theories of what might be termed "virtual causation" for such claims.

Rather, for the most part, courts appear still to be seeking to apply longstanding principles about legal causation that were created decades ago, in contexts very different from the modern decentralized blockchain-based transactions from which injury claims may now arise.

Actual and Proximate Cause

At common law and under many U.S. statutes, the required element of causation has two components. The first is actual causation, in which

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ADOBE STOCKS

the court assesses whether the defendant's actions were a "but-for" cause of the harm.

The second component, which presents a more complex inquiry, is proximate causation. Proximate cause analysis looks at whether the harm suffered was a reasonably foreseeable result of the defendant's actions, and whether any intermediary or intervening actions or events represented a break in the causal chain. See, e.g., 57A Am. Jur. 2d Negligence §393 (2025).

Proximate cause analysis becomes all the more complex, though, when performed in the context of blockchain-based systems. Sometimes plaintiffs involved in blockchain-based transactions who have been injured may have no meaningful ability to obtain recourse from the core wrongdoers. e.g., because they cannot be identified or located, or have

no assets against which a judgment might be enforced.

Such plaintiffs thus may turn instead to seeking recovery from the platforms that host and enable these transactions, or from persons involved with those platforms. Courts

nature of blockchain systems. In many respects, blockchain systems can operate essentially autonomously without central control.

They may link together the actions of multiple persons, and those actions may not even all occur at the same time or in coordination.

Therefore, even when blockchain platforms may be used to facilitate illegal schemes, the link between actions of those platforms or persons related to them and the harm flowing from the illegal activities may seem attenuated, perhaps to the point where proximate causation may no longer be said to exist between the plaintiff's claimed injury and the defendant's complained-of conduct.

A number of recent court decisions have wrestled with the attenuation issues between conduct and injury that such claims present.

Platforms Where Scam Token Transactions Have Occurred

The Second Circuit's recent decision in *Risley v. Universal Navigation Inc.*, 2025 WL 615185 (2d Cir. Feb. 26, 2025), involved claims by plaintiffs who alleged they were injured

At common law and under many U.S. statutes, the required element of causation has two components. The first is actual causation, in which the court assesses whether the defendant's actions were a "but-for" cause of the harm.

are then forced to reckon with whether to hold these platforms or parties related to them liable, despite what may be an attenuated relationship with the wrong perpetrated by the true wrongdoer.

The challenge in doing so, however, arises from the decentralized

by transactions in "scam tokens" involved in "rug pull" and "pump and dump" schemes.

These plaintiffs bought these scam tokens on a cryptocurrency trading platform called the Uniswap Protocol, in which users trade tokens through token swaps.

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Buying Keyword Search In Competitor's Name Doesn't Breach Ethics Rules, 4-1 Ruling Says

BY CHARLES TOUTANT

PURCHASING a keyword search in the name of a competing lawyer isn't a violation of ethics rules, but doing so warrants a disclaimer of the arrangement, the New Jersey Supreme Court has ruled.

In its 4-1 decision, the justices declined to adopt positions taken by the New Jersey State Bar association and the Bergen County Bar Association, which called the practice in question unethical.

The Supreme Court's decision adopts, with modification, the position of the Advisory Committee on Professional Ethics. In its Opinion 735 of 2019, the committee said that purchasing an internet search engine advertising keyword that is a competing lawyer's name, in order to display the lawyer's own website in the search results when a person searches for the competing lawyer by name, is not a violation of RPC 8.4.

Keyword advertising is a common online marketing practice where advertisers bid on and purchase a keyword or phrase from search engines like Google, Yahoo or Bing. Some lawyers drive traffic into their own websites by buying up keyword searches under the names of competing lawyers or law firms.

But the Supreme Court said it would require a disclaimer for attorneys using this type of marketing in order permit the use of the most state-of-the-art technology while protecting the interests of the public.

The justices issued their ruling after a court-appointed special adjudicator, Jeffrey R. Jablonski, who was the Hudson County assignment judge but is now an Appellate Division judge, conducted a lengthy review. Jablonski had the help of three experts in digital marketing, search engine analytics and pay-per click advertising—John S. Miko, Ross A. Malaga and Steven W. Teppler.

Justice Michael Noriega, joined by Chief Justice Stuart Rabner and Justices Anne Paterson and Rachel Wainer Apter, wrote that the practice of purchasing a competitor's name as a keyword is not, by itself, unethical. Justice Fabiana Pierre-Louis did not participate.

"Given the absence of evidence showing any intent to mislead, the widespread and accepted nature of keyword advertising, and the functioning of modern search engines, we conclude that the practice of purchasing a competitor's name as a keyword—without more—does not constitute a violation of RPC 8.4(c)," Noriega wrote.

"Our profession's commitment to honesty and dignity does not require insulating lawyers from competition where no misrepresentation occurs. It requires, instead, a clear focus on client protection. The [Advisory Committee on Professional Ethics] correctly determined that keyword advertising—absent deception—does not violate RPC 8.4(c)," Noriega wrote.

Noriega added that the challenge of simultaneously enabling attorneys to advertise using state-of-the-art technology while protecting the interests of the public, the integrity of the legal profession and the administration of justice has periodically necessitated additional precautions as attorney advertising has evolved. To that end, the court said any attorney who purchases the name of a competitor attorney or law firm name as part of a keyword advertising campaign must now include a disclaimer on any landing page to which the paid ad directs a consumer.

The disclaimer says: You arrived at » Page 6

Predictive Litigation Startup Theo AI Raises \$4.2 Million in Seed Funding, Announces Leadership Hires

BY ELLA SHERMAN

ON MONDAY, AI litigation prediction platform Theo AI announced that it raised \$4.2 million in seed funding led by venture capital companies Next-View Ventures and Collide Capital. Other investors included Ripple Ventures, nvp capital, Beat Ventures and a number of angel investors.

The startup also announced the appointment of Jay Mandal as chief product officer. Mandal was previously co-founder and CEO of legal platform Law Pivot, which was acquired by Rocket Lawyer in 2013, and also served as the head M&A attorney at Apple.

Theo AI also appointed Rob Martorana as head of partnerships. Martorana was previously senior vice president at Burford Capital and founded litigation funding company REMO Litigation Finance.

Theo AI was founded in 2024 by Patrick Ip and Tiago Luchini, who now serve, respectively, as the startup's CEO and CTO. Ip was previously a global product lead at Google, while Luchini was previously the co-founder and CTO of biotech company Deep Origin.

Based in Palo Alto, California, Theo AI offers a platform that assists legal professionals, clients and litigation funds with making informed decisions regarding the probable outcomes of cases using proprietary data and gen AI-powered prediction engines.

"One of the most stressful things is you have a lawsuit, you go to two different lawyers, you get two different answers," Ip told Legaltech News. "No one really knows how to value litigation and we were like, oh, why don't we just create a database of lawsuits and when you have a lawsuit, we can find similar cases ... it's an objective, more math-oriented view on how a case should settle."

Theo AI plans to use its new funding to expand its data sets to expand into more litigation areas.

"We constantly want to improve the accuracy, we want to expand," Ip added. "We're in patent securities law, general business litigation today, but emerging areas obviously just in the space in general is [personal injury]—so things like motor vehicle accidents, slip and falls."

While there are prediction analytics providers for legal professionals such as Pre/Dicta and Predict.Law, Ip noted that unlike others, Theo AI is trying to focus on limiting the number of lawsuits individuals have to endure.

"There are a lot of legal tech companies that increase litigation in the world, they make it so easy for you to sue your neighbor, sue your friends, sue everybody and for us, we don't want to create a world that adds to that," Ip said. "We want those cases to go to court for justice to prevail, but if it's ... a frivolous claim where people are just suing to be a troll, we want to throw those out of the system."

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Legal AI Company Legora Announces \$80M Series B Funding Round

BY BENJAMIN JOYNER

ON WEDNESDAY, Stockholm-based legal artificial intelligence company Legora announced an \$80 million series B funding round. Led by ICONIQ and General Catalyst, the round also featured participation from existing investors Redpoint Ventures, Benchmark and Y Combinator.

Previously known as Leya, the company rebranded as Legora in February of this year.

The new funding follows a \$25 million Series A funding round in July 2024 and a \$10.5 million seed round in May of that year, bringing the company's total funding to over \$100 million.

In a press release announcing the funding round, founder and CEO Max Junestrand said that the new funds would allow Legora to continue focusing on building out its product offerings.

"This enables us to double down on what's always set Legora apart—deep collaboration with our clients—and to scale innovation and accelerate product development," Junestrand said.

Legora's platform leverages gen AI to help law firms automate a number of legal tasks, such as document review, document drafting and research, among others.

The new funding comes after a busy spring for Legora, which saw the company launch in the U.S. with a New York office in March. The company's platform has been adopted by several law firms including Cleary, Goodwin and Bird & Bird since February, and was updated to include agentic web search and new Microsoft Word integrations in March.

Several of Legora's investors have been active in the legal tech market recently. The Legora series B is the second legal tech investment for Y Combinator last week, following legal recruiting startup Flo Recruit's series A funding round on Tuesday. The accelerator has previously invested in legal tech companies such as Draftwise. Meanwhile, ICONIQ is an investor in e-discovery company RELATIVITY.

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Calendar of Events

TUESDAY MAY 27

NY State Bar (CLE)

Resurgence of Rhetoric? Criminal Antitrust Enforcement During the Biden Era and Beyond
<https://nysba.org/events/resurgence-or-rhetoric-criminal-antitrust-enforcement-during-the-biden-era-and-beyond/>
1 CLE credits
Virtual

WEDNESDAY, MAY 28

NY State Bar (CLE)

An Introduction to Suicide Prevention – For Lawyers
<https://nysba.org/events/an-introduction-to-suicide-prevention-for-lawyers/>
1 MCLE Credit
Virtual

Handling Prevailing Wage Matters in New York
<https://nysba.org/events/handling-prevailing-wage-matters-in-new-york-nyll-art-8/>
1.5 CLE credits
Virtual

Litigating High Stakes Trademark Infringement Cases: Insights from the PODS vs. U-Haul Verdict
<https://nysba.org/events/litigating-high-stakes-trade-mark-infringement-cases-in-sights-from-the-pods-vs-u-haul-verdict-and-spring-networking-reception/>

1 MCLE credit
New York City

NYC Bar (Non CLE)

The Afterlives of Books: A Discussion of Rare Books, Collection Histories, and International Cultural Heritage Law
6 p.m. – 7:30 pm
In-Person Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=HIST052825&mcode=NYLJ>
Location: 42 West 44th Street, New York
Contact:
Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

THURSDAY, MAY 29

Federal Bar Council (CLE)

Environmental Justice 101: Past, Present, and Future?
6:15pm – 7:30pm
Location: Hulton Andrews Kurth, LLP
CLE Credit TBD
<https://fbc.users.membersuite.com/events/a5720928-0078-c2d9-c5f3-0b4824802ee4/details>

NYC Bar (Non CLE)

Yoga for Lawyers
7 p.m. - 7:45 pm
Webinar Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=YOGA052925&mcode=NYLJ>
Location: Zoom

Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

FRIDAY, MAY 30

NY State Bar (CLE)

New York Appellate Practice in the Third Judicial Department and the Court of Appeals
<https://nysba.org/events/new-york-appellate-practice-in-the-third-judicial-department-and-the-court-of-appeals/>
4 CLE credits
Albany

NYC Bar (Non CLE)

Senior Lawyers Chatroom
12 p.m. - 1 p.m.
Webinar Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=SEN053025&mcode=NYLJ>
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

FRIDAY, JUNE 6

NY City Bar

Cannabis Law Conference
9 a.m. – 4 p.m.
Networking Reception 4:30 – 5:30
42 West 44th Street in Manhattan
Contact: Eli Cohen at ecohen@nycbar.org

Clauses

« Continued from page 3

her first cause of action regarding her ownership rights to the premises and her motion should be granted to that extent.

Plaintiff’s remaining causes of action were remitted to the Supreme Court.

The court found that plaintiff did not challenge the Trust by asserting a 50 percent ownership interest in Dempsaco. “Nowhere does the Trust declare that the grantor is the sole member of Dempsaco or that he holds a 100 percent interest in the company.”

“Since Dempsey could only transfer to Colangelo his own interests, plaintiff’s action to recognize her alleged 50 percent membership

receiving her legacy, the court held that the “Supreme Court erroneously held that plaintiff’s public policy claim ‘is trumped by plaintiff’s disregard for Grantor’s last wishes...[p]laintiff’s action to protect her interest in the premises was wholly consistent with the Grantor’s intent.”

The Dissent

In the dissent, Judge Garcia stated that plaintiff, by filing an action in the Supreme Court against the Trustee and Dempsaco, challenged the distribution of Decedent’s assets as provided for in the Trust and thus triggered the *in terrorem* clause.

The dissent charged that “the majority’s holding, based on a false construct that plaintiff

[Third] of Property [Wills & Don. Trans.] §8.5 [2003].”

In Terrorem Clauses After Carlson

What is the effect of *Carlson* going forward? The biggest upshot is that the Court of Appeals unequivocally held that *in terrorem* clauses in trust agreements, like those in wills, are enforceable, but not favored, and must be strictly construed consistent with New York’s long-standing public policy.

In addition, “the purpose of [an] *in terrorem* clause is to discourage challenges to the Trust that would upset the grantor’s distributive intent,” and thus, an action “meant to require the Trustee to distribute the Trust in accordance with its stated provisions, is not a challenge to the grantor’s distributive plan.”

For attorneys seeking to advise clients on trust agreements containing *in terrorem* clauses, there remain challenges, since New York does not have statutes setting forth procedures for litigation concerning trust agreements.

In response to *Matter of Singer*, the legislature, in 2011, amended EPTL § 3-3.5 and SCPA § 1404 to broaden pre-objection discovery in probate proceedings for wills containing *in terrorem* clauses.

We need analogous statutes pertaining to trust agreements that permit litigants the “right to investigate in order to evaluate the risk involved” in contesting a trust “notwithstanding the *in terrorem* clause.”

It is our understanding that numerous bar associations and committees, composed of practitioners, academics and judges, are studying these issues. In the meantime, until there are statutory changes, attorneys must exercise caution in representing clients on potential challenges to trust agreements that contain an *in terrorem* clause.

blended average matter rates aren’t rising as quickly. That’s due in part to legal departments changing how they assign work, leveraging less expensive timekeepers and shifting more matters to smaller, regional firms.

Reyes has seen measurable results from both strategies. “We’ve moved a lot of our longstanding work from large law to smaller firms,” she said. “The quality isn’t suffering, and those firms go the extra mile to win our business.”

Her team also started limiting the number of partners billing on matters and pushing more routine work to associates or paralegals. “There was a significant impact to our bottom line—and in a good way,” she noted.

Williams echoed that sentiment. “I’ve never—not even once—had a smaller firm produce work that wasn’t at the same quality level as the larger firm we were previously using,” she said.

At Geico, blended rates are now the standard for most matters, with individual rates reserved for specific niche expertise. “We’re setting our expectations with that in mind,” she noted.

Data, the panelists agreed, is what makes those changes possible—and defensible. “We’re always thinking, what story do I need to tell?” said Reyes. “For my GC, it might be about budgeting. For attorneys, it’s about timekeeper mix. For the business, it’s about

volume and who’s handling what.”

Williams said her team is building toward more predictive analysis by combining internal spend data with external benchmarks like CounselLink’s. “You start with what you have, but pairing it with external data helps you put rate requests in context,” she said. “It helps you justify decisions.”

“Good data builds credibility. And if your data’s clean, your decisions are harder to argue with,” Satkunas added.

Artificial intelligence was another topic that sparked debate. While some in the audience hoped AI would drive legal costs down, only a third believed that would happen. More than half expect hourly rates to continue rising as firms invest in new tech.

“AI is essentially an efficiency multiplier,” Williams said. “But we’re already seeing increased scrutiny around data usage and ownership. That’s going to get more complicated before it gets simpler.”

Reyes and Williams agreed that real cost control starts with asking law firms for more than just legal advice. “What else can you do for us?” Reyes said. “CLEs, trainings, shared services—those are ways firms can add value that justify the relationship even when rates go up.”

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Expert Analysis / Off the Front

Animals

« Continued from page 3

young are dangerous as a class. We decline to do so now, or otherwise to dilute our traditional rule under the guise of a companion common-law cause of action for negligence.

In sum, when harm is caused by a domestic animal, its owner’s liability is determined solely by application of the rule articulated in *Collier*.

Judge Robert Smith dissented. He noted that the Restatement approach was broadly followed in other states and that, until *Bard*, the New York Court of Appeals had never explicitly foreclosed general negligence as a potential basis for recovery in animal injury cases.

He wrote that the majority’s approach was contrary to “simple fairness” because, in most other contexts, individuals in society

had negligently turned it into “an instrumentality of harm” by calling it across the street. In the other case, *Dobinski*, the defendants Milagros and George Lockhart, owned a number of dogs. Milagros released the dogs from the house as the plaintiff was in the process of riding by on a bicycle.

The plaintiff hit one of the dogs and fell from her bike, suffering severe injuries. The defendants acknowledged that they sometimes would exercise their dogs by letting them chase after a vehicle on their property, but maintained that they never did so off their premises. They also admitted that their dogs had run into the road on prior occasions.

Plaintiff argued that the Dobinskis had negligently trained their dogs to chase after vehicles and that the dogs’ prior behavior in running into the roadway was notice they might chase after a bicyclist or motorist.

she was waiting, a veterinarian came to the area with a dog that had just undergone a procedure and handed it to its owner.

The dog, groggy and agitated from his procedure, saw the plaintiff’s cat and jumped towards it, injuring plaintiff. The court found that, because veterinarians are “equipped with specialized knowledge” and veterinary clinics can present special stressors for animals, the defendant owed a general duty of care to plaintiff under the circumstances, and *Bard* did not apply.

Flanders v. Goodfellow, 2025 NY Slip Op 02261 (2025), 2025 WL 1127772

This now brings us to *Flanders*. The plaintiff, a mail carrier, was injured by the defendants’ dog while delivering a package to their residence.

While she was standing on the porch and handing the package to the defendant, the dog came from behind him, lunged at her, and bit her shoulder. At their depositions, the defendants denied that the dog had ever previously been aggressive. Flanders submitted affidavits from three postal carriers who said they saw the dog bare its teeth, snarl, and jump at the window.

The Court of Appeals, in a unanimous opinion, made two significant holdings in the case. First, it concluded that “the record evidence creates a triable issue of fact as to whether the Goodfellows had constructive knowledge of their dog’s propensity to bite.”

While the Goodfellows denied knowledge of any such behavior and said no postal worker had ever reported it to them, “that response merely presents questions of credibility about the Goodfellows’ claimed ignorance of the dog’s behavior and the postal workers’ reasons for not reporting it...”

Second, it overruled *Bard*. It found that the *Bard* rule did not fit within the conceptual architecture of tort law. “Tort law seeks to incentivize us to be mindful of the risk that our behavior might harm others by imposing a duty to act with due care.

That is why, under ordinary principles of negligence, a victim may seek recovery by proving that a defendant failed to exercise due care and thereby proximately caused a victim’s injuries.” *Bard* “departed from these principles, and the standard incentives of our tort system” by shifting the cost of injuries caused by animals to the injured parties and removing from owners the responsibility to be mindful of their animals’ behavior.

The rule, which numerous lower court judges had also expressed reservations about following, also had been eroded by exceptions, such as in *Hastings* and *Hewitt*. The court determined as follows: “[T]o the extent we previously held that a plaintiff may not assert a common-law negligence cause of action against the owner of a domestic animal for harms caused by that animal, we now overrule that precedent.”

Conclusion

Post-*Flanders*, there are now two ways that a person injured by a domestic animal like a dog or cat can recover from the animal’s owner. First, owners remain liable, as before, when they know or should have known of an animal’s dangerous propensities.

Second, they can, as the court wrote in *Flanders*, “rely on rules of ordinary negligence and seek to prove that the defendant failed to exercise due care under the circumstances that caused their injury.” A plaintiff can plead, and potentially have recovery, under either or both theories in the same case.

Flanders brought New York’s law in line with that of most other states and with the general concept that, in most societal endeavors, individuals must act with reasonable care not to injure others.

The average New Yorker knows or ought to know that he or she will encounter insufficiently restrained pets, which are not confined to the owner’s premises and may harm others depending on the disposition of the pet and the degree of training it has received.

are charged with a duty of reasonable care in their actions. He asked “Why should a person who is negligent in managing an automobile or a child be subject to liability, and not one who is negligent in managing a horse or bull?”

He also predicted that the majority’s rule would prove unfair in its application and would force future courts to fashion ad hoc exceptions to avoid clear injustices.

The Post-Bard Case Law

Judge Smith’s dissent proved prophetic.

The Court adopted what appears to have been just such an exception in *Hastings v Sauve*, 21 N.Y.3d 122 (2013), in an opinion by Judge Smith himself. The plaintiff, a motorist, was injured when a cow wandered off a nearby farm and into his path.

The court found that the plaintiff could recover—even though the case involved no allegation of viciousness by the cow, either before or during the incident. The plaintiff’s argument was “fundamentally distinct from the claim made in *Bard* and similar cases: It is that a farm animal was permitted to wander off the property where it was kept through the negligence of the owner of the property and the owner of the animal.”

The court reasoned that, to apply *Bard* “in a case like this would be to immunize defendants who take little or no care to keep their livestock out of the roadway or off of other people’s property.”

It therefore held that, when a “domestic animal” (as defined by a statute relating to farm animals) is allowed to stray from the property where it is kept, the owner can be held liable in general negligence. The court also made clear that its holding did not address what should happen when dogs, cats, or other household pets were allowed to stray, deferring that issue to a future case.

The court considered the issue *Hastings* left undecided in *Doerr v. Goldsmith*, 25 N.Y.3d 1114 (2015). The case involved two separate matters, heard together. In the lead case, *Doerr*, the plaintiff, was riding his bicycle on a road in Central Park.

Defendants Smith and Goldsmith were playing with their dog, each on opposite sides of the road. As Doerr was approaching, Smith called for the dog to cross the roadway. The dog proceeded towards her, entered the roadway, and Doerr hit it with his bike, suffering injuries.

He argued that, even though the dog was not vicious, its owners

Rates

« Continued from page 1

increases were most concentrated at the top. “It was really geared toward more of our relationship partners, our lead partners in the law firms,” she said.

Williams, director of legal operations strategy and data at Geico, is seeing similar patterns—some even more aggressive. “We’re getting rate increases six or eight months after the initial engagement,” she said. “Some are 10%, some are 20%, and those requests are coming in fast and furious.”

Williams is trying to rein in those increases by putting firms on a two-year cycle, though not all are happy about it. “I’m getting a lot more pushback than I used to,” she said.

Behind the rate hikes is a broader shift in market behavior. According to the CounselLink report, average partner rates rose by 5.1% in 2024, but some firms—particularly the largest ones—raised rates by more than 7%. At the same time, associate rates have soared, with some now billing over \$1,900 an hour. Satkunas pointed out that law firm size is a key cost driver, with the largest firms charging 61% more than their mid-size counterparts. “That’s the highest differential we’ve seen,” she said.

But there’s a bright spot. While individual rates are going up,

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Technology Today

Assets

« Continued from page 5

The plaintiffs alleged that the Protocol’s smart contracts performed these token swaps through “liquidity pools,” where users are matched in a “peer-to-peer system” that “determines the relative prices of the tokens, sets the rate for the exchange, and facilitates the trade if approved by the user,” all without any “direct interaction with the original token issuer, the liquidity provider,” or with the lead defendant that was alleged to operate the Protocol.

This, they alleged, “allow[ed] the Protocol to operate as a decentralized exchange.” The plaintiffs further alleged that certain additional defendants, including the lead defendant’s CEO and certain venture capital investors, exerted operational control over the Protocol, including by having developed the automated “smart contract” computer code that facilitated these transactions.

Plaintiffs charged that in these scam token transactions conducted on the Protocol, these defendants had engaged in selling unregistered securities under §§5 and 12(a)(1) of the Securities Act of 1933, 15 U.S.C. §§77e, 77f(a)(1).

They also sought contractual rescission under §29(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78cc(b), and made claims under the “control person” liability provisions of both statutes, 15 U.S.C. §§77e, and 15 U.S.C. §78t. The Second Circuit affirmed the District Court’s rejection of all these claims.

Citing *Pinter v. Dahl*, 486 U.S. 622 (1988), the Second Circuit noted that to obtain recovery for claimed violations of §12(a)(1) of the Securities Act, “plaintiffs must prove that defendants either were the sellers of the tokens in question” — i.e., “were the owner who passed title, or other interest in the security, to the buyer,” — “or that, for their own financial gain, [they] actively solicited the sale of the tokens to plaintiffs.”

However, such liability would not extend to “participants[] collateral to the offer or sale” of the securities.

The court refused to find the defendants to be statutory “sellers” in these circumstances. It noted that in this decentralized platform, “the hosts of the Protocol do not hold title to the tokens placed in the liquidity pool by third party users of the platform.

Rather, the token issuers and liquidity providers make each particular token available for purchase.” Thus, “the token issuers and liquidity providers . . . retain title of their tokens through pool tokens that may be turned in at any time of their choosing to recover the value of their originally-deposited tokens that created the trading pool.”

The court held that the fact that smart contracts were involved did not change this. “The role of the smart contracts in the Protocol accords with that of base-level agreements for traders who access the stock market, whose [function] is solely to execute the trades,” and is collateral to the actual token sale.”

To impose liability here, it said, would be like holding NASDAQ and the New York Stock Exchange liable for “fraudulent stock purchases on their exchanges.” This would remain true, said the court, even if title to the tokens had “temporarily passed” to the Protocol for a “split-second” in the course of the transaction.

Even then, it said, “they would be ‘participants only remotely related to the relevant assets of

the sales transaction[s],” i.e., too attenuated from plaintiffs’ purchase of the scam tokens to be subject to liability.

Plaintiffs fared no better in accusing the defendants of having “solicited” the scam token transactions in violation of §12(a)(1).

The court held that defendants’ having promoted their platform on social media, or having used the platform to sell a token of their own, did not render them statutory sellers in this context, holding that “such conduct is too attenuated from plaintiffs’ purchase of scam tokens to show that defendants ‘successfully solicit[ed] the purchase [of a security], motivated at least in part by a desire to serve [their] own financial interests or those of the securities owner.’”

The court then rejected plaintiffs’ separate claim for rescission of contract for the allegedly unlawful transactions under §29(b) of the Exchange Act, which plaintiffs had based upon the “smart contracts” through which the Protocol operated.

Plaintiffs alleged that these smart contracts were “self-executing and self-enforcing computer programs that autonomously write the terms of an agreement between the traders of a certain cryptocurrency token into the program’s code, obviating the otherwise traditional, centralized role that exchanges, broker dealers, and their banks, lawyers, or accountants would play in facilitating trades.”

The rub, however, as noted by the Second Circuit, is that “only unlawful contracts may be rescinded, not unlawful transactions made pursuant to lawful contracts.” In a §12(a)(1) claim, “the purportedly unlawful contract is between the token issuer or liquidity provider and the purchaser—not between the purchaser and defendants.”

But the plaintiffs here, it said, “have failed to adequately allege the existence of an unlawful contract between defendants and plaintiffs capable of rescission under Section 29(b).”

Here, said the court, “th[e smart] contracts are not subject to rescission because they are more analogous to overarching user agreements than to securities transactions conducted by traditional broker dealers.”

It noted that “the transaction-specific terms of a token swap are not determined as a result of the conduct of defendants” in creating the smart contracts. Thus, “defendants’ smart contracts were, at best, collateral to the third parties’ scam token activities and the type of tangential activity that falls outside of Section 29(b).”

For all these reasons, the Second Circuit held, ‘it ‘defies logic’ that a drafter of a smart contract, a computer code, could be held liable under the Exchange Act for a third-party user’s misuse of the platform.” The court thus affirmed the district court’s dismissal of plaintiffs’ federal securities claims.

Exchanges Receiving Proceeds of “Pig Butchering” Schemes

Licht v. Binance Holdings Ltd., 2025 WL 625303 (D. Mass. Feb. 5, 2025), *report and recommendation adopted*, 2025 WL 624025 (D. Mass. Feb. 26, 2025), involved a motion to dismiss RICO claims brought by plaintiffs who claimed that they lost money in so-called cryptocurrency “pig butchering” schemes, and that the assets stolen from them were ultimately “laundered” through the Binance cryptocurrency exchange.

In “pig butchering” schemes, “scammers lure victims into investing money, often beginning

with contact on social media.” Next, they “convince the victims to invest money in supposedly safe and lucrative opportunities.

Then, they falsify information showing that the ‘investments’ are increasing in value, luring the victims into investing more money. Eventually, the scammers disappear, along with the money.”

Plaintiffs did not allege, however, that Binance or any of its personnel were themselves the “butcherers,” or that they purportedly lured a plaintiff, on Instagram, into buying and transferring cryptocurrency, before laundering and cashing out the cryptocurrency and disappearing.

Rather, they alleged that Binance and its related defendants had willfully failed to comply with United States laws imposing certain requirements on money transmitting businesses (MTBs).

They alleged that if the defendants had complied with the laws, their cryptocurrency transactions, which had first passed through various intermediary exchanges,

These plaintiffs bought these scam tokens on a cryptocurrency trading platform called the Uniswap Protocol, in which users trade tokens through token swaps.

“would have been flagged as suspicious by Binance, the scammers’ accounts would have been frozen, and the suspicious transactions would have been reported to regulators, allowing law enforcement officials to investigate and then seize the cryptocurrency and return it to plaintiffs, thus stopping the schemes before the ‘butchering.’”

Plaintiffs sought relief against the Binance defendants under RICO’s private cause of action provision, 18 U.S.C. §1964(c), which provides a treble-damage remedy to any person injured in his business or property “by reason of” a substantive RICO violation under 18 U.S.C. §1962.

The court noted that under this provision, a civil RICO plaintiff must “show that the defendant’s actions were not only a ‘but for’ cause of the plaintiff’s injury, but the proximate cause as well” (cleaned up) (citing, *inter alia*, *Holmes v. Sec. Inv. Prot. Corp.*, 503 U.S. 258 (1992)).

The court explained: “Proximate cause is a flexible concept that does not lend itself to a black-letter rule that will dictate the result in every case, yet the central question in the RICO context is whether the alleged violation led directly to the plaintiff’s injuries. Proximate cause requires some direct relation between the injury asserted and the injurious conduct alleged. A link that is too remote, purely contingent, or indirect is insufficient.” (Cleaned up.)

Despite plaintiffs’ argument that proximate causation is typically an issue of fact for the jury, the court stated that in an appropriate case a lack of proximate causation can be found as a matter of law based on the pleadings in a motion to dismiss.

In addition to noting “the absence of non-conclusory, non-speculative allegations in support of a plausible conclusion that the scammers’ transactions in these pig butchering schemes would have been flagged as suspicious by Binance and their accounts would have been frozen and the suspicious transactions reported to FinCEN,” the court determined proximate cause to be absent given their allegations in any event:

“The cause of plaintiffs’ injury was a set of actions (pig butch-

ering schemes) entirely distinct from the operation of Binance as an unlicensed, unregistered MTB (defrauding the United States), and even entirely distinct from putative money laundering.”

The court elaborated on the “attenuation” in causation presented by these allegations. Even though defendants’ “fraud on the third party - the United States—purportedly made it easier for a fourth party—the scammers—to cause harm to the plaintiffs, the pig butchering scheme victims,” the defendants’ “obligation was to register with FinCEN, not the pig butchering scheme victims, and the victims’ harm was directly caused by the scammers, not [the defendants].”

Plaintiffs’ allegation that the stolen assets first passed through one or more intermediary exchanges before reaching Binance further attenuated the chain of causation, the court noted. “Plaintiffs do not explain how Binance’s non-compliance with United States laws or putative money laundering would

have contributed to the intermediary cryptocurrency exchange’s non-compliance.”

Faced with all these difficulties, the court concluded that “plaintiffs have failed to plausibly allege causation” in their claims against the Binance defendants, and accordingly determined that dismissal was warranted.

Regulatory Non-Compliance Allegedly Enabling Terrorist Acts

Binance appeared in another recent decision that presented a more mixed and nuanced causation analysis. The plaintiffs in *Raanan v. Binance Holdings Ltd.*, 2025 WL 605594 (S.D.N.Y. Feb. 25, 2025), brought claims against Binance under the civil liability provision of the Antiterrorism Act (ATA), 18 U.S.C. §2333(a), and the Justice Against Sponsors of Terrorism Act (JASTA), 18 U.S.C. §2333(d).

The plaintiffs were “40 alleged victims, or representatives of victims, of the October 7, 2023 attacks perpetrated by Hamas and Palestine Islamic Jihad (PIJ) in Israel,” who “allege[d] that the defendants’ provision of financial services to Hamas and PIJ substantially contributed to those attacks.”

Plaintiffs alleged “that the defendants knew, or at least willfully disregarded, that Hamas and PIJ were using Binance to finance their terrorist activities” through cryptocurrency transactions, but that they “knowingly flouted” their legal obligations “to establish anti-money laundering (AML) programs, perform due diligence on customers through ‘Know Your Customer’ (KYC) investigations, and file suspicious activity reports (SARs) with regulators, among other things.”

They alleged that “Binance’s willful failure to implement the necessary internal controls and disclosure requirements . . . enabled Hamas and PIJ to use the platform to fund their terrorist activities, including the Oct. 7, 2023 attacks,” and thus sought to impose liability on Binance under the ATA and JASTA.

An ATA civil liability claim requires “plaintiffs [to] allege plausibly that they were injured ‘by reason of an act of international terrorism”’ (quoting 18 U.S.C. §2333(a)). The court noted that “[t]he words ‘by reason of’ . . . restrict[] the imposition of [ATA] liability to situations where plaintiffs plausibly allege that defendants’ actions proximately caused their injuries.”

(Quotations and citations omitted.) Citing other cases where courts had rejected ATA claims against banks who were accused of providing financial services to terrorists, the court held:

“The plaintiffs’ allegations do not support the conclusion that the defendants committed a terrorist act. The Amended Complaint alleges that the defendants enabled customers associated with Hamas and PIJ to engage in cryptocurrency transactions. * * * [P]laintiffs allege only that Hamas and PIJ (or wallets associated with Hamas and PIJ) were able to transact on the Binance platform, not that the defendants donated money directly to Hamas or PIJ[, or] facilitated transactions . . . clearly earmarked for terrorist activity.” (Quotations and citations omitted.)

The court further held that “the Amended Complaint fails to allege that the defendants’ conduct proximately caused the plaintiffs’ injuries,” stating that “[a]s alleged, the causal link between Binance’s provision of financial services and the plaintiffs’ injuries is too attenuated to support a plausible finding of proximate cause.”

“At most, the plaintiffs’ allegations plausibly support the following inferences: Hamas and PIJ (and affiliates of Hamas and PIJ) engaged in cryptocurrency transactions on the Binance platform to fund the groups’ operations; the defendants knew that terrorist groups and affiliates were transacting on the platform; the defendants knew that Hamas and PIJ might use those funds for terrorist activity; and the defendants nonetheless continued to facilitate these transactions.”

This, said the court, was insufficient to plead “nonconclusory allegations that the defendants’ actions were a ‘substantial factor’ in causing the October 7, 2023 attacks and that the attacks would have been ‘reasonably foreseeable’ to the defendants as a ‘natural consequence’ of the defendants’ actions,” so as to make out an ATA violation.

However, the court’s analysis was more favorable to the plaintiffs on their claim under JASTA, which provides for civil liability against “‘any person who aids and abets, by knowingly providing substantial assistance’ to an act of international terrorism” (citing 18 U.S.C. §2333(d)).

This provision imposes liability upon a defendant who “consciously and culpably participated” in a terrorist act that injured the plaintiff “so as to help make it succeed” — an analysis that “call[s] for the balancing of ‘the nature and amount of the assistance on the one hand and the defendant’s scienter on the other.’”

The court allowed the JASTA claim against Binance to proceed.

It noted that the Amended Complaint “sufficiently alleges that the defendants were generally aware that they were playing a role in international terrorism at the time when Hamas and PIJ (and their affiliates) were transacting on the Binance platform,” and alleged “that the defendants failed to comply with—indeed, intentionally evaded—[AML, KYC and SAR] regulatory requirements, thus fostering a financial ecosystem on which illicit actors, including terrorist organizations like Hamas and PIJ, transacted freely.”

Moreover, the plaintiffs alleged that the defendants did this “intentionally . . . in order to retain illicit actors on the platform” as customers.

Thus, despite the lack of a “close nexus” between the defendants’ activities and the Oct. 7, 2023 attacks, the court held that “the plaintiffs have alleged plausibly

that the defendants knowingly and substantially assisted the Oct. 7, 2023 attacks.” The defendants’ motion to dismiss the JASTA aiding-and-abetting claim against the defendants was therefore denied.

Conclusion

While it has become fashionable among some to decry the application to the FinTech world of certain legal doctrines that were developed many decades earlier in contexts utterly unlike that of modern decentralized, autonomous and often international blockchain-based transactions, there has been little hesitation so far to apply age-old legal principles of proximate causation and attenuation to avoid liability to modern-day plaintiffs for injuries claimed to have arisen out of this new technology.

Recent cases suggest that causation principles and limitations developed in the context of local railway, automobile and factory accidents — that would have been familiar a century ago to Cardozo and Oliver Wendell Holmes — continue to hold sway for the most part even in this new modern setting.

Will there come a point where courts decide that the commercial and financial changes presented in a world of decentralized, autonomous blockchain-based system require a different and perhaps more liberal approach to thinking about causation in that world — that some kind of more attenuated “virtual causation” might in that setting suffice?

We can look back a century ago, for example, when Cardozo loosened the strictures of direct privity for consumers bringing claims in a new mass production economy that was operating through layers of distribution not previously seen, in cases like *MacPherson v. Buick Motor Co.*, 217 N.Y. 382, 111 N.E. 1050 (1916) (product liability), and *Glanzer v. Shepard*, 233 N.Y. 236, 135 N.E. 275 (1922) (tort duties owing to commercial third parties), while at the same time insisting that the permissible bounds of attenuation in law must not be unlimited, see, e.g., *Palsgraf v. Long Island R.R.*, 248 N.Y. 339, 162 N.E. 99 (1928) (bystander’s ability to recover for injuries sustained in the vicinity of negligent conduct was limited by the reasonable foreseeability of the risk); *Ultramares Corp. v. Touche*, 255 N.Y. 170, 174 N.E. 441 (1931) (third parties have no negligence claim against accountant who erroneously certified client’s balance sheet).

Bearing in mind Oliver Wendell Holmes’ famous admonition that development in the law is driven by factors such “experience[,] [t]he felt necessities of the time, the prevalent moral and political theories, [and] intuitions of public policy, avowed or unconscious,”

O.W. Holmes, *The Common Law*, Lecture I (1881), might some later-day jurist at some point determine that something similarly expansive needs to be done in regard to attenuation principles to facilitate effective avenues of recovery by injured persons in our new blockchain world?

Seventeen years after the putative invention of blockchain in 2008, we are still in early days. Legitimately injured plaintiffs in search of effective recovery will no doubt continue to push at the boundaries of legal responsibility in blockchain-related cases.

It remains to be seen whether at some point judges might advance any revolution in legal thinking applicable to this area, or whether cases like the recent ones that stick with longstanding notions of causation requirements will continue to hold sway.

Matter of Andrew Scott Hurwitz, a suspended attorney

Motion No. 2025-01355

Appellate Division, First Department

Kennedy, J.P., Friedman, Scarpulla, Higgitt, Rosado, JJ.

Decided: May 20, 2025

Jorge Dopicco, Chief Attorney, Attorney Grievance Committee, New York (Andrea B. Carter, of counsel), for petitioner

Respondent, pro se.

Per curiam—Respondent Andrew S. Hurwitz was admitted to the practice of law in the State of New York by the Third Judicial Department on May 12, 1998, under the name Andrew Scott Hurwitz. Respondent was also admitted in Pennsylvania. Respondent’s last registered address was in the First Judicial Department.

On February 5, 2008, this Court suspended respondent from the practice of law, as part of a mass

suspension proceeding, for failure to file attorney registration statements and pay biennial registration fees in violation Judiciary Law §468-a (51 AD3d 1 [1st Dept 2008]). To date, respondent has not been reinstated and he remains suspended in New York. Respondent was also administratively suspended from the practice of law by the Disciplinary Board of the Supreme Court of Pennsylvania (PA Disciplinary Board) in October 2014.

In March 2021, respondent filed a petition for reinstatement from his administrative suspension with the PA Disciplinary Board. In his supporting affidavit, respondent acknowledged that while under administrative suspension, he drafted contracts, held himself out on the website Linkedln as in house counsel, and held himself out on the internet as an attorney and general counsel for a company he founded.

In December 2021, respondent and the Pennsylvania Office of Disciplinary Counsel (ODC) filed a joint petition in support of discipline on consent in which respondent admitted that by engaging in the aforementioned conduct, he violated Pennsylvania Rules of Professional Conduct rules 5.5(a), 5.5(b)(1), 8.4(c), and Pennsylvania

Disciplinary Proceeding

Rules of Disciplinary Enforcement rule 217(j). The parties stipulated to certain remedial actions and agreed that a six-month suspension was the appropriate sanction for respondent’s misconduct.

By order entered February 25, 2022, the Supreme Court of Pennsylvania suspended respondent for six months on consent for having engaged in the unauthorized practice of law and holding himself out as a licensed attorney while under administrative suspension. On March 13, 2023, the Supreme Court of Pennsylvania found that respondent had complied with the terms of his six-month disciplinary suspension and returned him to administrative suspension status.

By motion dated February 5, 2025, the Attorney Grievance Committee (AGC) seeks an order, pursuant to Judiciary Law §90(2), the Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.13, and the doctrine of reciprocal discipline, finding that respondent has been disciplined by a foreign jurisdiction, directing him to demon-

strate why discipline should not be imposed in New York for the misconduct underlying his discipline in Pennsylvania, and suspending him for six months, or sanctioning him as this Court deems appropriate. Respondent has not appeared in this proceeding.

In a proceeding seeking reciprocal discipline under 22 NYCRR 1240.13, respondent may raise the following defenses: (1) lack of notice or opportunity to be heard in the foreign jurisdiction constituting a deprivation of due process; (2) an infirmity of proof establishing the misconduct; or (3) that the misconduct for which the attorney was disciplined in the foreign jurisdiction does not constitute misconduct in this state (see *Matter of Milara*, 194 AD3d 108, 110 [1st Dept 2021]).

None of the enumerated defenses to reciprocal discipline could prevail here. First, respondent received notice of the allegations against him. Second, respondent freely and voluntarily entered the joint petition with the ODC admitting his misconduct

and consenting to the discipline imposed with full awareness of his right to consult with counsel before doing so. Third, the record fully supports the Supreme Court of Pennsylvania’s misconduct findings. Fourth, respondent’s misconduct in Pennsylvania would also constitute misconduct in New York in violation of Rules of Professional Conduct (22 NYCRR 1200.0) rules 5.5(a) (“[a] lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction”) and 8.4(c) (it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation”).

With respect to the sanction, this Court generally defers to the sanction imposed by the jurisdiction in which the charges were originally brought because the foreign jurisdiction has the greatest interest in fashioning sanctions for the misconduct (see *Matter of Milara*, 194 AD3d at 111; *Matter of Tabacco*, 171 AD3d 163, 165 [1st Dept 2019]; *Matter of Blumenthal*, 165 AD3d 85, 86 [1st Dept 2018]). Here, a six-month suspension is the appropriate reciprocal discipline because it is commensurate with the discipline imposed by Pennsylv-

ania and is consistent with this Court’s precedent involving arguably comparable misconduct for which suspensions have ranged between three months and one year (see e.g. *Matter of Beskardes*, 209 AD3d 85 [1st Dept 2022]; *Matter of McHale*, 162 AD3d 117 [1st Dept 2018]; *Matter of Block*, 138 AD3d 223 [1st Dept 2016]; *Matter of Koenig*, 104 AD3d 221 [1st Dept 2013]).

Accordingly, the AGC’s motion should be granted and respondent is suspended from the practice of law for a period of six months, effective immediately, and until further order of this Court, with his current suspension for failure to meet his registration obligations to remain extant (*Matter of Milara*, 194 AD3d at 111).

All concur.

Letters Welcome

The Law Journal welcomes letters from its readers for publication. They must contain the names and addresses of correspondents. Letters should be of reasonable length and submitted with the understanding that all correspondence is subject to the editorial judgment of the newspaper in considering duplication, length, relevancy, taste and other criteria. Letters may be e-mailed to:

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Litigation

Why Law Firms Are Shifting To Contingency and Alternative Fee Structures

BY EVAN MEYERSON
AND DOROTHY SPENNER

Once rare in Big Law, contingency and success-based fee arrangements are gaining traction as law firms respond to a clear client mandate: Align costs with outcomes.

As the billable hour faces increasing scrutiny, especially amidst looming economic uncertainty, leading litigators are embracing alternative fee arrangements (AFAs) to solidify value-driven relationships with clients.

In a recent roundtable hosted by legal finance firm Burford Capital, law firm leaders from Kasowitz Benson, Kobre & Kim and Reichman Jorgensen shared insights into what’s fueling the shift—and how firms can navigate it.

Clients Want Predictability And Law Firms Are Listening

More than just a shift in pricing models, the growing interest in contingency and performance-based fee arrangements reflects changing client expectations for their law firm relationships.

Clients increasingly want their law firms to have “skin in the game”, sharing both risk and reward in complex litigation. But while clients may be the catalyst, some law firms are not just reacting—they’re leading the way.

“Clients are making it clear they want more predictability and risk-sharing, especially on high-stakes matters,” said Christine Lehman, Managing Partner at Reichman Jorgensen and former partner at Finnegan. “We built our firm on AFAs because they align us with client goals—not hours billed.”

That ethos—meeting clients where they are while also guiding them through structural innovation—was echoed by Marc Kasowitz, founding and managing partner at Kasowitz Benson Torres.

“While most of our revenue is generated through hourly billing, at the outset of every litigation, we work collaboratively with our clients to devise a fee structure that reflects the merits and risks of the case,” he explained. “These discussions are a win-win. They ensure that we are jointly aligned with our clients from the start.”

For Steve Kobre, co-founder of Kobre & Kim, these models are not a trend—they are a natural extension of his firm’s client-first approach to complex litigation. “We often guide our cli-

EVAN MEYERSON is a Managing Director who leads Burford’s US commercial investment team, with responsibility for overseeing the underwriting and origination functions. DOROTHY SPENNER is a Vice President with responsibility for originating new business with law firms and companies as part of Burford’s US commercial investment team.



ents through situations they’ve never encountered before,” he said, citing multijurisdictional disputes and high-value claims. “Tying our fees to the value we create is just another part of the larger solution we offer.”

Building a Risk-Based Practice Means Rethinking The Billable Hour

Transitioning from hourly billing to risk-based models requires both cultural and structural change. Implementing AFAs requires rethinking how value is measured, how teams are incentivized and how firm economics are managed.

“Rewiring a firm’s legacy culture of hourly billing... demands wholesale change,” said Christine Lehman. “It’s not just operational. It’s financial and cultural. You need predictive analytics, reworked KPIs and new financial models that allow you to measure success differently.”

Kobre noted that his firm has tackled this challenge head-on by aligning interests internally before pitching an AFA to a client. “We have a dedicated team that evaluates the risks and rewards of alternative fee arrangements and works closely with our attorneys to use them strategically,” he said. “The key

is alignment—not just between the firm and the client, but within the firm itself.”

For Kasowitz, the cultural shift is also about knowing when not to take risk. “A key challenge—and it’s a good problem to have—is knowing when to turn down a risk-based opportunity,” he said. “Not every case is suit-

More than just a shift in pricing models, the growing interest in contingency and performance-based fee arrangements reflects changing client expectations for their law firm relationships.

able. When we do step forward, the challenge becomes maintaining the proper balance between efficient litigation and a strong trial posture.”

Legal Finance As a Strategic Lever

As they consider how to take on risk, legal finance is a powerful tool law firms use to manage the unique cash flow issues that contingency fees can create and,

even more so, to amplify their opportunity to work with clients on a contingent basis.

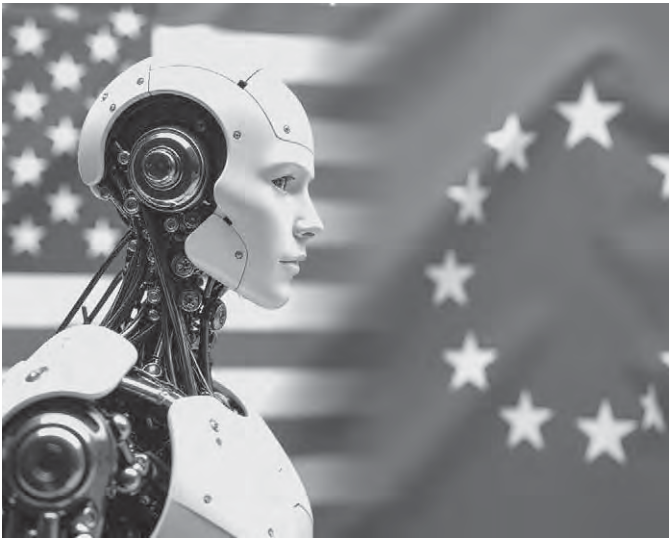
For Big Law and other firms, legal finance is increasingly being used to unlock strategic growth and expand access to high-stakes litigation.

“Legal finance does more than just mitigate the financial risks of contingency work,” said Lehman. “It empowers firms to pursue high-stakes opportunities without jeopardizing financial stability—and to do so with confidence.”

Kasowitz sees legal finance as a catalyst for firm-wide innovation. “We don’t just view legal finance as an economic transaction,” he said. “We collaborate with Burford to identify trends, pursue opportunities and tap into their expertise. These joint efforts have translated directly into new business for our firm.”

Kobre agreed, emphasizing the added value of a truly strategic relationship with a legal finance partner. “Good sources of legal finance have capital to invest. Great sources have insights to share,” he said. “Our most productive relationships are ones where we understand the funder’s business, and they understand ours. That kind of collaboration creates real opportunity.”

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ADOBE STOCKS

U.S. and EU Regulators on Diverging Paths Over AI Training Data

BY DAVID OWEN
AND KEN RITZ

Generative artificial intelligence (AI) has emerged as one of the most potentially transformative technological innovations of our time, and a race is on among governments and tech companies around the world to harness and control this fast developing and disruptive technology.

While most users of ChatGPT likely never consider the amount of training data (the dataset that is used to teach a model how to perform a task) that was assimilated in order to generate useful content in response to their prompts, it is an immense volume of material.

The training data used by GPT-4, OpenAI’s latest model, reportedly includes an incredible 1 petabyte of data, the equivalent of 1 million gigabytes, or roughly 22 times the Library of Congress’s entire book collection.

AI training data can include anything that can be scraped from accessible digital sources. Data that is doubtful, biased and false is generally a part of the package, as well as social media postings, often including private content that is inadvertently exposed.

The provenance of the data is typically unimportant, sweeping up hacked content and anything inadequately secured. Because AI models cannot effectively train themselves on their own output, known as synthetic data, they require the regular infusion of new training data to evolve and maintain integrity.

As a result, there is now a rapidly expanding demand and market for usable AI training data and for innovative ways to capture more data and refine it to new applications.

While the awesome size and diversity of data available to the public offer enormous potential and opportunity, the indiscriminate gathering and assimilation of data carries a variety of risks and policy concerns.

People whose information or work product has been assimilated improperly or illegally are essentially without any remedy. In addition, flawed and biased training data can yield inaccurate results, amplify prejudices, produce socially harmful output,

and expose users to injury from unreliable results.

Against these concerns is pitted the national and commercial urgency to advance this technology as quickly as possible.

EU Takes a Hands On Approach

Acknowledging the risks of this massive consumption of data into AI models, European Union (EU) regulators have begun to contemplate limitations on the types of data that are permissible for use in AI training sets, including limits on the assimilation of information that is publicly available.

The recently adopted Artificial Intelligence Act (the EU AI Act), among other important measures, sets forth standards for data set quality, validation, and testing in an effort to protect people against risks to health, safety, fundamental rights, and other public interests.

The EU AI Act provides notably coercive authority to regulators, including hefty fines for non-compliance, potentially reaching

In addition, flawed and biased training data can yield inaccurate results, amplify prejudices, produce socially harmful output, and expose users to injury from unreliable results.

the higher of 7% of a provider’s annual turnover or €35 million, and specifically addresses the issue of data quality in the training of AI models.

Article 10 of the EU AI Act, which is ostensibly effective on Aug. 2, 2026, mandates that training data sets must be “relevant for the intended purpose, representative of the target population, accurate, consistent, unbiased, and complete.”

The EU AI Act also calls for transparent and ethical data collection practices especially with respect to certain categories of personal data, which are subject to enhanced safeguards to protect individual rights and freedoms.

A fair amount of uncertainty and disagreement surrounds virtually every element of these new AI proscriptions, along with an expectation that they may be subject to change.

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It’s Not Easy Being Green: Navigating Greenwashing Litigation in New York

BY MEGHANA SHAH
AND MELISSA FOX

In today’s marketplace, it pays to go green. Consumer-facing companies, from fashion brands to food and personal care companies tout their products as environmentally friendly, describing them using terms like “carbon-neutral”, “eco-friendly” or “sustainable.” Indeed, a recent joint study from McKinsey and NielsenIQ, revealed a clear link between environmental marketing claims and consumer spending. As such green claims proliferate, so do questions about their accuracy—and the potential legal exposure they invite.

The Federal Trade Commission (FTC) and state attorneys general

New York remains one popular venue for such claims, given the objective reasonable consumer standard, availability of statutory damages, and evolved precedent surrounding GBL§349 and §350.

have typically been the primary watchdogs for deceptive environmental marketing and these agencies still bring claims on their own initiative. But amid delayed federal rulemaking and sometimes uneven state enforcement, private litigation is playing a meaningful part in shaping the greenwashing landscape.

Such litigation is especially impactful in New York, where robust consumer protection laws, like Sections 349 and 350 of New York’s General Business

Law (GBL)—prohibiting deceptive acts and false advertising—are increasingly being invoked in putative class actions targeting environmental marketing claims.

This article will examine key greenwashing precedent in New York, offering insight into where courts might find actionable deception, and address the risks and practical implications for companies marketing the environmental attributes of their products and services.

What is Greenwashing?

Greenwashing is not a legally defined term. Greenwashing occurs when an organization makes false, unsubstantiated, or outright misleading statements or claims about the sustainability of a product or a service, or about business operations more broadly.

Representations that form the basis of greenwashing claims can occur anywhere a company communicates about its products or services to consumers, investors, and the public. These representations often relate to environmental, social and governance (ESG) practices or goals,

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MEGHANA SHAH and MELISSA FOX are partners at Eversheds Sutherland.

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BY JOHN C. CLEARY AND JONATHAN E. SCHMALFELD

Hochul’s Plan To Expand Medical Access and Implications for Carriers

BY FEMI GBEDE
AND BOLA AWUJOOLA

Governor Kathy Hochul’s 2025 *State of the State* address unveiled a transformative agenda to modernize New York’s Workers’ Compensation System. Central to her proposal is the expansion of medical access for injured workers, a change that promises to reshape the experience for claimants, healthcare providers, and insurance carriers alike.

Framed under her broader “Fighting for Your Family” initiative, the plan seeks to eliminate inefficiencies, promote equity, and realign the system with modern healthcare realities.

While these reforms aim to improve outcomes for injured workers, they also introduce significant operational and financial challenges for insurance carriers that require proactive planning and adaptation.

Universal Provider Authorization: A System Shift

The New York Workers’ Compensation Board (the Board) currently requires all healthcare providers to obtain authorization from the Board before treating injured workers and getting paid.

The Board reports that only 10% of medical practitioners in New York have joined the system which results in delayed medical care particularly in rural and underprivileged areas.

The treatment delays faced by injured workers lead to increased exposure for carriers in both indemnity and litigation situations. Injured workers who experience delayed care tend to develop worsening medical conditions which extend their disability duration and lead to higher legal representation expenses.

The Workers Compensation Research Institute research backs the connection between restricted provider choice and longer claims and increased legal costs in their study. The Governor’s proposed legislation removes current authorization requirements allowing all eligible New York-licensed healthcare providers in good standing to provide services to workers’ compensation claimants without additional approval from the Board.

Expanding the provider pool would relieve medical appoint-



Governor Kathy Hochul announces agreement has been reached for the 2026 New York State Budget

ment backlogs and allow claimants to receive care from their regular providers, improving both continuity and trust. However, this shift increases risk for carriers.

The National Council on Compensation Insurance (NCCI) warns that broader provider access may result in inconsistent documentation, billing variability, and difficulty identifying outlier treatments.

Authorized providers currently follow Board-mandated practices, such as the Medical Treatment Guidelines, which differentiate between treatments that are pre-authorized and those that require approval.

Under the proposed change, providers unfamiliar with Workers Compensation protocols may unknowingly misapply these rules, either performing unauthorized treatments without approval or unnecessarily requesting authorization.

These errors are likely to lead to more objections from carriers and an uptick in litigation over billing and treatment disputes. Carriers may find it necessary to push for the adoption of uniform standards and practices applicable to all healthcare providers participating in the workers’ compensation system.

Increasing Provider Participation Through Reimbursement Adjustments

To enhance provider engagement in the workers’ comp system, Hochul plans to enhance reimbursement rates. Providers

The New York Workers’ Compensation Board (the Board) currently requires all healthcare providers to obtain authorization from the Board before treating injured workers and getting paid.

who render treatments to injured workers receive payments under a fee schedule, which is assumed to set generally lower fees than under private insurance or Medicare.

As a result, many providers decline to accept workers compensation insurance. Even if the proposed legislation opens access to treatment by injured workers to all medical facilities, some facilities could still potentially refuse injured workers treatment if the fees set under the fee schedule remain universally low.

To address this concern, the proposed legislation would increase the fee rates set in the fee schedule; and such payment increase could potentially target specialists who typically decline participation because of low payments. Yet, the increase in the fee schedule would result in higher medical expenses per claim, especially for insurers.

The medical benefit costs in New York have shown a continuous rise during the past five years. Medical expenses comprise more than 45% of total workers’

compensation costs in New York State according to the New York Compensation Insurance Rating Board.

Carriers will need to prepare for potential growth in medical costs because faster treatment and broader utilization may increase expenses. At the same time, quicker treatment and improved recovery timelines may reduce indemnity (lost time) costs, creating the possibility of long-term savings.

Furthermore, internal procedures such as bill review and utilization review and provider credentialing processes will require modification to handle expanded and possibly decentralized provider networks.

Payment of Medical Bills On Disputed Claims

A particularly notable reform would codify a 2006 opinion by the New York State Department of Financial Services, which permits health insurers to pay for treatment on disputed workers compensation claims and later seek reimbursement from the workers compensation carrier if the claim is established.

This proposal raises practical concerns. Health insurers unfamiliar with workers compensation rules may approve treatments that are not compensable under workers compensation, potentially burdening workers compensation carriers with payments for unauthorized services.

The mechanics of reimburse-

ment and dispute resolution between health insurers and workers compensation carriers remain unclear and could trigger new forms of administrative and legal friction.

One-Year Treatment Payment Without Prejudice

The proposal also expands a concept similar to Workers Compensation Law (WCL) Section 21-a, which currently allows carriers to accept indemnity claims without admitting liability for up to one year.

Hochul proposes a similar structure for medical-only claims, giving carriers up to 12 months to investigate a claim while still providing care during that period.

Although this reform offers flexibility, its effectiveness depends heavily on its drafting. The current WCL Section 21-a is a framework that is often misunderstood and misapplied, leading to inadvertent claim acceptance when carriers fail to meet specific procedural requirements.

If Hochul’s version eliminates these technical pitfalls, it could reduce unnecessary litigation by allowing investigations without the immediate pressure to dispute. Still, carriers must maintain strict oversight to avoid unintentional liability.

As with California’s temporary liability rules, administrative errors and missed deadlines could trigger automatic acceptance, creating long-term exposure.

Academic Integration and Expanding Urban Capacity

The Governor’s proposal promotes academic medical center cooperation through resident and fellow involvement in the care process. The measure would boost urban provider numbers while speeding up the process of initial diagnostic evaluations and treatment development.

The coordination between academic facilities presents potential issues because these institutions operate with different billing systems, supervision structures and institutional procedures. National or multi-state carriers who use centralized processing models may experience increased complexity in their claims workflows due to this implementation.

Balancing Speed, Access, and Cost

The Governor’s plan effectively addresses serious system prob-

lems. Expanding provider networks along with fast-track treatment initiation and enhanced physical and mental health services reduces both disabilities and adversarial claims handling.

The advantages of these changes need assessment against both increased costs and difficulties during implementation. Medical inflation together with expanded access will outpace savings from shorter recovery times according to NCCI if organizations fail to properly handle these trends.

Carrier Readiness: Key Action Items

The following steps will help carriers prepare for probable reforms adoption:

- Evaluate provider networks for geographic and specialty gaps.
- Develop criteria for educating and reviewing treatment plans for newly eligible providers.
- Establish systems for tracking pre-liability timelines and automated alerts.
- Engage with regulators and industry coalitions in the rule-making process.
- Train claims staff on anticipated procedural changes, including billing updates and telemedicine handling.

Conclusion: A System Reset With Strategic Stakes

New York State’s workers’ compensation system would undergo a complete reset according to Governor Hochul’s proposal. The new framework aims to serve injured workers better by removing barriers to care while decreasing unnecessary administrative and legal expenses.

These reforms will succeed only if the implementation process includes thorough planning and straightforward guidelines alongside active industry involvement.

Insurance companies which begin adapting their systems now, by developing modern infrastructure while revising protocols and investing in staff development, will achieve better performance under the new regulatory environment.

This is more than a healthcare update. It’s a full system reset. Insurers face an important decision regarding their readiness for upcoming changes rather than the question of whether changes will occur.

Expulsion Clauses in Law Firm Partnerships: Abuse of Power

BY J. NELSON HAPPY
AND LORIN NIMONAJ

A quiet but consequential trend is unfolding inside many of New York’s most prestigious law firms: the growing use of partnership expulsion provisions to remove high-performing but politically vulnerable partners.

These expulsions, often justified under vague standards like “the best interests of the firm,” can mask deeper motives—retaliation, financial opportunism or the elimination of dissent.

While LLP agreements often grant firms significant discretion over internal governance, this power is not absolute. While generally deferential to contract terms, New York courts have shown a willingness to intervene when expulsion actions contravene the implied



covenant of good faith, breach fiduciary duties or operate in bad faith.

In an era of lateral hiring and guaranteed compensation, some firms use expulsion clauses to remove partners before draws vest or to reallocate clients and revenue. In *Dawson v. White & Case*, 88 N.Y.2d 666 (1996), the Court of Appeals allowed a claim to proceed where a partner was excluded through a strategic dissolution and re-formation of the firm,

While firms may reserve broad discretion in managing their internal affairs, they cannot use expulsion as a tool of retaliation, financial self-interest or political discipline.

effectively bypassing contractual obligations without a formal expulsion clause.

In *Pokoik v. Pokoik*, 115 A.D.3d 428 (1st Dep’t 2014), the Appellate Division sustained fiduciary breach

claims involving capital interest manipulation. This illustrates how courts are willing to look beyond form when internal governance veers into abuse.

Recent cases reflect a judicial

willingness to scrutinize expulsion-related actions when intersecting with protected activity or internal governance disputes.

In *Roche Freedman LLP v. Cyrulnik*, 703 F. Supp. 3d 404 (S.D.N.Y. 2023), the court refused to grant summary judgment where a founding partner alleged he was expelled under a “for cause” clause as a pretext to deprive him of a multimillion-dollar interest in a litigation recovery. The court found that internal communications could support a finding of bad faith, and the case settled before trial.

New York law implies a covenant of good faith and fair dealing in all contracts, including LLP agreements. As reaffirmed in *Dalton v. Educational Testing Service*, 87 N.Y.2d 384, 389 (1995), this principle prohibits conduct that deprives a party of the contract’s benefits.

While firms may reserve broad discretion in managing their internal affairs, they cannot use expulsion as a tool of retaliation, financial self-interest or political discipline.

To avoid liability, expulsion decisions must be grounded in process and purpose. Courts are

likely to examine whether the expelled partner received notice and a meaningful opportunity to respond, whether the justification for expulsion was genuine and consistently applied and whether the action served a legitimate business interest rather than a concealed financial or political motive.

Judicial intervention in law firm governance should remain the exception, not the rule. But courts must remain vigilant when expulsion clauses are misused to consolidate power, punish dissent or frustrate contractual expectations.

Just as partnership agreements are enforceable contracts, so too are the duties of fairness and fiduciary responsibility they imply.

As law firms face increasing pressures—from competition, generational turnover and diversity commitments—the temptation to invoke “firm interest” clauses for strategic purposes may grow.

By reinforcing the limits of such discretion and requiring expulsion to meet standards of good faith, the judiciary can preserve the balance of trust and accountability that defines genuine partnership.



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Pixels, Privacy, and Precedent: Shifting Legal Landscape of Web Tracking Class Actions

BY JOHN C. CLEARY
AND JONATHAN E. SCHMALFELD

State and federal courts continue to grapple with an influx of class action lawsuits targeting website analytic technologies and practices. These suits typically allege a range of injuries based on common law privacy rights, breach of contract, and federal and state statutory schemes with “per violation” penalties.

Adding to the complexity, the cited statutes often involve wiretapping laws or other privacy protection laws enacted before the dawn of the modern internet. Litigants and courts are left with daunting statutory interpretation issues, applying antiquated terms and concepts to transmission or receipt of third-party information through internet-enabled technologies such as pixels, beacons, tags, cookies, or scripts or, perhaps in the not-to-distant future, artificial intelligence tools and apps.

These cases and their pretrial rulings, often on issues of first impression, have been applied to e-commerce and data collection practices that, until recently, were widely regarded as non-injurious, lawful and low-risk.

Despite the volume of litigation, results in these cases remain mixed, with few definitive decisions on the merits and a great deal of legal uncertainty still surrounding core issues.

Ongoing Battles Against Big Tech

Much of the attention and judicial activity in this area has centered on litigation against “Big Tech” companies. These companies provide innumerable services and web capabilities to individuals. They also supply businesses with software and analytics services using that software to help leverage marketing and advertising opportunities on their platforms.

Cases alleging that the use of such software violates consumer privacy rights were initially situated largely in California, where courts are sorting through complex issues concerning user consent, data sharing, and the application of decades-old privacy statutes to modern internet architecture.

Those lawsuits have since been brought across the country after attempts at early dismissals of the California cases against Big Tech companies were often unsuccessful.

Suits Against Players Other Than Big Tech

The enterprising members of the privacy plaintiffs class action bar



Arbitration agreements and accompanying provisions such as class action waivers and jury trial waivers can be a valuable tool for defendants seeking to reduce exposure and procedural complexity.

have not hesitated to side-step Big Tech in new cases and are simply filing direct suits or “aider and abettor” suits against website owners and hosts and other e-commerce players in courts across the country.

Though some rulings in early high-profile cases have provided helpful reference points for litigants and courts nationwide, the cases as a whole have yet to produce comprehensive guidance.

Indeed, not surprisingly, court-to-court and even judge-to-judge variability in legal interpretation continues to plague this area—both as to substantive privacy law as well as the procedural options available to defendants to dispose of cases fairly and efficiently at the earliest possible juncture.

Many of the longest running web-tracking suits are entering their fourth or fifth year, bogged down by pretrial motion practice and discovery disputes. This volatility leaves many companies using technologies which have become ubiquitous across the modern internet in the crosshairs of similar litigation.

This is especially disruptive for small and mid-sized e-commerce businesses, which are left with little option but to independently litigate these claims, often without a clear legal roadmap. Relief from courts, Congress, or state legislatures appears unlikely in the near term.

Class Certification And Arbitration Hurdles

To date, no major web-tracking class action has proceeded to trial on the merits, and relatively few have reached definitive rulings on contested motions for class certi-

fication. However, certain themes are emerging in judicial decisions that merit close attention.

First, the consent defense is proving to be a formidable obstacle to class certification. Increasingly, courts are recognizing that whether a user consented to data tracking is a fact-intensive inquiry that varies significantly based on the specific context of the interaction.

This includes considerations such as the device used, the nature of disclosures made, and the user’s pre-existing knowledge and expectations and individual behavior on the website at issue. These factual nuances often render the consent issue unsuitable for class-wide resolution and undermine the typicality and predominance elements required under Federal Rule of Civil Procedure 23 and similar state rules of civil procedure.

Second, issues of ascertainability continue to impede certification efforts. Plaintiffs often struggle to identify a clearly defined class or to propose a reliable method for determining class membership without individualized fact-finding.

Courts have repeatedly emphasized the difficulty in drawing administrable lines around who was “tracked,” when, and under what circumstances—particularly when website visits are anonymous or involve dynamic identifiers.

Even after discovery, it can be difficult to ascertain which website users were tracked and the extent of that tracking on an individual or collective basis. *See Martinez v. D2C, LLC*, Case No. 23-21394-Civ-Scola, 2024 WL 4367406, at *7-8 (S.D. Fla. Oct. 1, 2024) (denying class certification due to individual

issues negating the ability to show numerosity of allegedly affected individuals).

Arbitration agreements and accompanying provisions such as class action waivers and jury trial waivers can be a valuable tool for defendants seeking to reduce exposure and procedural complexity. However, their enforcement is not without challenge.

Plaintiffs may argue that the arbitration clause is unenforceable, poorly disclosed, or inapplicable to their claims. Courts are often skeptical of efforts to apply arbitration agreements to users if the user’s consent to arbitrate is tenuous or ambiguous.

Moreover, while a successful motion to compel arbitration can end litigation in court, it may also fragment the defense strategy and increase the risk of inconsistent outcomes across multiple forums.

All that said, the recent class certification decision in the *Flo Health* case, *Erica Frasco v. Flo Health Inc., et al.*, No. 3:21-cv-00757 (ND Cal. May 20, 2025) bears mention. In *Flo Health*, a California District Court granted class certification in a healthcare web tracking case, finding that common issues of law and fact—such as uniform privacy representations by Flo Health and consistent data-sharing practices—predominated over individual ones, thereby satisfying Rule 23 requirements.

It also rejected the defendants’ arguments that arbitration clauses, class action waivers, and implied consent defeated certification, holding the waiver unconscionable, the arbitration defense undeveloped, and the consent defense unsupported by evidence sufficient to bar class wide adjudication.

The different rulings in *D2C, LLC* and *Flo Health* typify the difficulties companies face in determining how a particular court will rule and creating a meaningful risk/benefit assessment in the course of adopting the latest available technologies

and defending those technologies when faced with a web-tracking litigation matter.

New York Courts and Jurisdictional Dynamics

New York courts are increasingly engaged in adjudicating web-tracking class actions. These cases typically find their way into the state through forum selection clauses in consumer agreements or the physical and economic presence of major e-commerce players in the New York area.

As with other jurisdictions, New York judges are being asked to interpret statutes drafted in pre-digital eras and to apply them to ubiquitous internet technologies. While trial and appellate courts in New York have yet to crystallize a definitive approach, practitioners and their clients should expect more robust jurisprudence to emerge in the coming year.

To the surprise of many, the Massachusetts Supreme Judicial Court jumped out in front of New York (and California) last year in its ruling in *Vita v. New England Baptist Hosp.*, No. SJ-13542, 243 N.E.3d 1185 (2024), curtailing the most strained aspects of the Massachusetts state privacy law that were being cited in support of class action liability in the health care sector for web-tracking functionality.

In a lengthy ruling, the court parted company with the approach taken in recent California cases and instead ruled that the legislature could not have contemplated and therefore could not have intended to prohibit the web-tracking capabilities in suit.

In federal courts, the Second Circuit recently upheld the dismissal of a web-tracking class action brought against digital streaming provider Flippis Media Inc. alleging the use of such technologies violated the federal Video Privacy Protection Act (the VPPA). *See Solomon v. Flippis Media, Inc.*, Case No. 23-7597 (2nd Cir. May 1, 2025).

In its ruling, the court in *Flippis Media* sided with the Third and Ninth Circuits and held that the VPPA’s prohibition on the disclosure of personally identifiable information does not extend to computer code which an ordinary person would not be able to use to identify a consumer’s video-watching habits.

The New York legislature recently passed the New York Health Information Privacy Act (New York HIPA), which would require companies to seek and obtain written consent to track health data use beyond necessary processing. That legislation is awaiting signature from the Governor to become law.

If enacted, even though it has no private right of action, this law can be expected to spawn further interest in web-tracking litigation against New York healthcare providers just as the federal Health Insurance Portability and Accountability Act (HIPAA) has been invoked by plaintiff lawyers to but-

tress web-tracking claims against healthcare providers across the country.

The New York HIPA is the type of law that companies need to be monitoring for, because even if it does not explicitly call out web-tracking technologies or provide for a private right of action, it has privacy mandates and implications that are intended to “raise the bar” of privacy compliance.

As with so many of its predecessors, it will prompt some regulated companies to step up their compliance, while others will fall behind, and yet others will be baffled as to what more can be expected of them. It is no surprise that this can be a breeding ground for yet further web-tracking litigation.

Addressing Website Tracking Litigation Risk

The most straightforward way to minimize website tracking litigation risk is to avoid deploying third-party tracking tools to website domains, subdomains, or discrete sections of websites at all. However, a complete ban on these tools could significantly hinder business objectives.

A more strategic approach can preserve marketing advantages while complying with current law and mitigating legal exposure. Elements to be considered in the formulation of such a plan would include:

Using in-house or external legal and technical resources to identify and characterize any third-party tracking technologies and other tools in use. This should include regular scrutiny of web-tracking technologies, including pixels, cookies, session replay tools, and third-party integrations, as well as the contractual requirements and insurance frameworks applicable to these technologies.

Developing a user consent management platform with geofencing or use case-specific opt-in features, and reconfirming that consent mechanisms are conspicuous, comprehensible, and tailored to jurisdiction-specific requirements, especially in jurisdictions where much of this litigation is brought such as California and other states with privacy statutes which implicate website analytics technologies.

In line with business processes and priorities regarding dispute resolution, review and revise terms of use to include enforceable arbitration clauses, class action waivers and jury trial waivers, keeping in mind the latest jurisprudential trends and prerequisites affecting their use and enforceability.

With these steps, companies can better navigate the competing imperatives of vibrant and robust marketing versus the need for compliance with current law governing websites and tracking activities, all toward the end goal of minimizing the risk of online tracking class actions while being in a strong posture if a suit is filed and needs to be defended.

AI Training

« Continued from page 9

The European Commission has also announced plans to launch a General-Purpose AI Code of Practice, which aims to detail the manner in which providers may comply with their obligations under the EU AI Act and includes a template for summarizing training data used in general-purpose AI models in order to ensure transparency, trust, and compliance with laws in the development and deployment of AI systems.

Most recently, in April 2025, the EU announced its AI Contingent Action Plan, aimed at making Europe a global leader in AI. The Action Plan asserts that it focuses on promoting the advancement of Europe’s competitiveness in the marketplace and prioritizes the trustworthiness of AI tools, safeguarding and advancing democratic values, upholding fundamental rights, and addressing safety risks specific to AI systems.

Together with the advancement of these new guidelines, the European Commission has actively investigated U.S. tech companies and their data practices relating to AI. In March 2024, the EU launched a probe aimed at companies such

as Meta, Microsoft, Snap, TikTok, and X Corp., focusing on how these providers manage the risks of generative AI while offering consumer-facing AI tools.

EU regulators have also opened inquiries regarding big tech’s gathering of personal data to develop AI models, citing privacy concerns. These inquiries include inquiries of Google and Meta by the Ireland Data Protection Commission (DPC) concerning whether EU users’ personal data is adequately protected before being assimilated into AI models, which led to the delay of Meta’s EU launch.

The DPC noted that these inquiries were part of its wider initiative to regulate the processing of personal data in the development of AI models and systems. In April 2025, the DPC announced an investigation of X Corp. over the use of personal data of EU users to train its AI system Grok.

Notably, the inquiry includes a review of the processing of personal data obtained from publicly-accessible social media posts and the extent to which consumers retain control of their personal data even when placing it in the public domain.

If the EU prohibits AI providers from assimilating public postings over potential privacy concerns, it

could have a very significant effect on the amount of data that is lawfully available.

The U.S. Signals A Hands Off Approach

In contrast to the EU’s developing regulatory posture, the current

The EU AI Act also calls for transparent and ethical data collection practices especially with respect to certain categories of personal data, which are subject to enhanced safeguards to protect individual rights and freedoms.

U.S. administration has signaled that it favors a mostly unfettered use of public data for training by U.S. AI companies. President Donald Trump revoked a previous order by then-President Joe Biden (the Biden Order), which had outlined a framework for managing the proliferation of AI, including provisions for promoting the safety, security, and trustworthiness of AI systems.

Trump issued his own “Order for Removing Barriers to American Leadership in AI” (the Trump Order), calling for federal agencies to revise or rescind all actions under the Biden Order that are

“inconsistent with, or present obstacles to” the stated goal of “enhanc[ing] America’s global AI dominance.”

Other Trump administration officials have explicitly criticized the EU AI Act itself, with Vice President Vance announcing at an AI summit in Paris that “[t]he AI future

will not be won by hand-wringing about safety.”

Regarding AI training data, the Trump Order asserts only that systems should be free from “ideological bias or engineered social agendas.” The current administration also recently declined to sign a pledge by 60+ countries to make AI safe, ethical, and transparent.

U.S. Companies Forge Ahead Under Diverging Regulatory Regimes

Consistent with the evolving U.S. regulatory posture, U.S. tech giants are pushing back against

EU regulations, stating that they are stifling innovation and delaying the roll-out of products to consumers.

Driven by the belief that more training data will produce better AI, U.S. companies are reportedly expanding AI data collection unabated, including new plans to harvest and assimilate public data into their AI models. Underlying their determination is a belief that any supposed harms from their AI data collection and processing efforts are mostly abstract and speculative, while the benefits of the AI systems that flow from them are concrete and obvious.

Notably, content creators and others who have objected to AI training data collection practices in the U.S. have had relatively little success with their claims and difficulty identifying specific harm to allege.

Against this backdrop, a recent €30.5 million (\$33.7 million) fine issued by the privacy watchdog in the Netherlands to the U.S. company Clearview AI illustrates the growing divide between AI regulators on both sides of the Atlantic.

Clearview is a private company that provides facial recognition technology and an investigative platform primarily to law enforcement and other government agen-

cies. The company has reportedly collected billions of publicly available photos and undertaken to biometrically analyze every face for recognition purposes.

As noted by the Dutch regulators purporting to impose the fine: “Facial recognition is a highly intrusive technology. . . . If there is a photo of you on the Internet – and doesn’t that apply to all of us? – then you can end up in the database of Clearview and be tracked.” The company’s response was equally pointed:

“This decision is unlawful, devoid of due process and is unenforceable,” noting that the company “does not have a place of business in the Netherlands or the EU . . . , does not have any customers in the Netherlands or the EU, and does not undertake any activities that would otherwise mean it is subject to the [General Data Protection Regulation].”

While it seems currently impractical and inefficient for the large U.S. tech companies involved in the AI race to disengage from the EU and its regulators as Clearview has, the rapidly diverging regulatory and enforcement approaches in the U.S. and the EU will likely accelerate consideration of new ways to comply without getting out of the race.

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Alternative Fee

« Continued from page 9

The Role of Legal Technology and AI

As firms take on more financial risk in their portfolios, operational efficiency becomes even more critical—and that’s where AI and legal technology come in.

Participants noted that the rise of powerful analytics and automation tools has made it more feasible than ever to structure and manage high-performing AFA portfolios.

Lehman pointed to her firm’s investment in AI-powered eDiscovery and patent litigation tools that “automate processes, streamline workflows and enhance document analysis accuracy.” These technologies allow her team to deliver results faster, more efficiently—and at lower risk.

Kobre noted that embracing innovation requires a break from old billing norms. “When your revenue is tied to billable hours, there’s a negative incentive toward innovation,” he said. “That’s why we’re focused on shifting more of our revenue base to premium fixed

fees and AFAs—so we can make the most of technical advancements across the practice.”

Kasowitz added that AI is helping his attorneys work smarter, not harder. “AI has supercharged our attorneys’ ability to move through their cases efficiently,” he said. “From predictive analytics to case planning tools, these technologies give us an edge in decision-making and case valuation.”

He noted that this kind of innovation is especially encouraged by contingency models, which reward efficiency and outcomes rather than hours billed.

The Road Ahead: The Future of AFAs

So, what comes next? All three leaders agreed: The future of legal fee structures will be defined by flexibility, strategic alignment and a renewed focus on client outcomes.

Kasowitz sees blended billing arrangements—with discounted hourly rates plus contingency components—becoming more common. “Our clients are gravitating toward creative fee structures,” he said. “I’m proud to say that some of

our largest settlements and wins in recent years involved AFAs.”

Kobre predicts a move toward case-by-case customization. “In some situations, pure contingency is the right answer. In others, a hybrid approach makes more sense,” he said. “The key is understanding the value you’re delivering—and structuring fees accordingly.”

Lehman believes trust will drive the next phase of adoption. “Clients are craving simplicity and transparency,” she said. “Fixed fees, hybrid models and portfolio arrangements turn legal costs into predictable investments. They foster confidence—and they’re how we build true partnerships.”

The era of the billable hour isn’t over—but its dominance is fading. AFAs and contingency models are giving firms new ways to align with clients, manage risk and grow strategically.

The firms that lead this shift aren’t just changing how they bill—they’re changing how they do business. And in doing so, they’re setting a new standard for what it means to be a trusted advisor in complex commercial litigation.

Greenwashing

« Continued from page 9

sustainability, composability, recyclability, and environmental certifications.

Typically, these claims are brought under state consumer protection statutes or sound in false advertising, or fraud.

New York remains one of the key jurisdictions for private litigants bringing these types of cases, often seeking to recover statutory damages on a class wide basis under GBL §349 and §350 in New York federal courts.

The statutory damages available under §349 and §350 are relatively

should be structured to avoid misleading consumers.

Recent dismissals in the greenwashing context highlight that specific, transparent, and substantiated representations are most likely to survive dismissal.

In *Duyver v. Allbirds, Inc.*, 598 F. Supp. 3d 137, 145 (S.D.N.Y. 2022), for example, the plaintiff challenged Allbirds’ use of life cycle assessments (LCAs) and the Higg Material Sustainability Index (Higg MSI) to measure the environmental impact of its wool shoes, alleging that the company’s sustainability claims—such as having a “low-carbon footprint” and “reversing climate change”—were misleading.

The court dismissed the com-

ing statements. As the jurisprudence evolves, pleading of such claims will become increasingly sophisticated and specific. Recent dismissals provide instructive guidance on how to structure environmental messaging—but also reveal the contours of the next wave of pleadings.

To minimize risk, companies should review existing representations against existing precedent and the FTC Green Guides, carefully evaluate the content of and support for any new environmental representation, review and weigh the benefits of such representation against the risk of litigation.

Notably, even truthful statements can create exposure if there is a plausible argument that a reasonable consumer may be misled by the statement. So, companies should not only consider the truthfulness of a statement but also the prospect that consumers may interpret the statement to mean something else.

Properly calibrating litigation risk includes considering the potential for class wide statutory damages, like those under §349 and §350 (if available), and the difficulty in prevailing under the reasonable consumer standard on a motion to dismiss, particularly as the jurisprudence evolves and pleading becomes more sophisticated.

Companies are often hard pressed to prevail when defending environmental marketing claims subject to that standard short of winning at trial. Defending these claims can be quite costly and time-consuming.

Pending legislation would only further increase the likelihood that companies will face greenwashing suits in New York. As of May 20, 2025, a proposed amendment to GBL §349 to specifically prohibit certain deceptive acts or practices concerning environmental marketing claims is pending before the New York state legislature.

The bill was originally introduced in 2024 as S.9889 but died in Committee. The bill was reintroduced this year as S841 and has been assigned to the Senate Consumer Protection Committee as of this writing.

Although it is too early to tell whether the proposed amendment to §349 will become law, we do not see any sign that these greenwashing claims will cease. Consumer research confirms that powerful consumer segments continue to seek out products they perceive to be more environmentally sustainable.

Accordingly, the prevalence of greenwashing claims from private plaintiffs is likely to increase as companies seek to appeal to environmentally conscious consumers.

So, while the threat of federal and state regulatory enforcement may vary over time, companies will continue to face the threat of greenwashing claims from private litigants fueled by the prospect of recovering statutory damages.

New York will remain a frequent venue for these types of claims given its dense consumer market, sophisticated plaintiffs’ attorneys, evolved jurisprudence and availability of statutory damages.

First Department

APPELLATE DIVISION

CALENDAR FOR THE JUNE TERM

TUESDAY, MAY 27

2 P.M.

23/1713 People v. Kamal Dockery
24/3382 Symczyk v. Hudson 36
22/5411 M. Children
24/2742N avarro v. Joy Construction
21/633 People v. Sophia Fearing
24/463 Rubin v. Sabharwal
24/348(2) Spin Capital v. Golden Foothill Insurance
23/2079 People v. Sean Bryan
20/2147 People v. Pedro Vega
24/3450 Felton v. St. Joseph Hospital
24/1168 Providence Construction v. Silverite Construction
23/629 People v. Dominick Tarazona
24/5204(3)N Slabakis v. Poyiadjis
24/3721N Associated Industries v. Farahniki

WEDNESDAY, MAY 28

2 P.M.

23/5635 People v. Joyquin McCall
24/3476 Toomer v. NYC Housing Authority
24/5095 J. Jeselle v. Alexis J.
22/4211 People v. Dante Thomas
24/3092 Chatham Capital v. Platinum Asset
24/1510 People v. Shanasier Frasier
24/4099 Wollman v. Seven Seas Union
19/2853 People v. Josue Maldonado
24/1955 People v. Jawaun Sims
24/4524N aitional Community v. Midtown Coalition
24/2297 Palmer v. City of NY
24/4520(2)N Arena Limited v. Chalets LLC
24/5964N Wyse v. Amrtrust North America
24/5801N Idahosa v. MFM Contracting

THURSDAY, MAY 29

2 P.M.

22/5759 People v. Lisandro Cabrera
23/6379 Abrams v. Abrams
24/6705 M. J’Quan v. Zhonvel B.
24/2301 Hasan v. Mecerich Company
23/5980 People v. Rockeem M.
24/6749 Cooper v. Arbor Realty Trust
23/6001 Goon v. Grand Central Partnership
19/4355 People v. Akram Joudeh
23/4355 McCoy v. Lvovsky
24/5780 American Infertility of NY v. Kushnir
23/3936 People v. Kareem Lowmdes
24/5061N Spay, Inc. v. ASMF Holdings
24/7800(3)N AT&T Mobility v. Grupo Salinas

TUESDAY, JUNE 3

2 P.M.

23/3918 People v. Daniel Citalan
23/4995(2) 600 Associates v. Illinois Union Insurance
24/589 P. Juan v. Wendy R.
24/2304(1) Engley v. 639 Jefferson Place
24/6083(1) Engley v. City of NY
24/1734 People v. Jaiden Goldbart
24/7029(6) Ametek, Inc. v. DeChabert
25/1066 Board of Managers v. 45 East 22nd St.
24/7033 L/S. Children
23/3375 People v. Charles Kenyatta
24/2274 People v. Anthony Messina
24/1568 Tavaréz v. 920 E 173rd St.
24/5424N Passantino v. City of NY

WEDNESDAY, JUNE 4

2 P.M.

22/2808 People v. Kayjon Citalan
24/3395 Badesch v. Fort 710 Associates
24/4865 S. Jodeci v. Sheila M.
24/3927(1) Zhang v. Chu
24/2373(1) Zhang v. Chu
24/514 People v. Sterling Stewart
24/1108 Pereira v. 509 W 34th
24/7534 Kohler v. West End 84 Units
24/2207 Cedenov v. Bollyky
24/741(1) People v. Jeffer Dominguez
23/6133(1) People v. Jeffer Dominguez
24/3196 Robles-Lopez v. E.S.H. Family Corp.
25/1312N Stafford v. A&E Real Estate
24/3247(2)N Board of Managers v. World-Wide Holdings

THURSDAY, JUNE 5

2 P.M.

20/2149 People v. Nicholas Wallace
17/2821 Etrade Bank v. DelValle
23/2411 U. Cheryl v. Ehigie U.
18/3966 People v. Eric Keaton
20/569 People v. Jevon Eddy
24/5315 State Division Human Rights v. C & A Central
23/5737(6) J. Carey Smith v. 11 West 12 Realty
24/7901 Board of Managers v. Park Associates
23/1348 People v. Rigoberto Deleon
23/4914(2) Alcan Harbor v. Assurant Group
24/2458 People v. Sonia Taylor
25/669N Ghatak v. McKinsey & Company
25/1060N 1240 El Grant Highway v. 1240 Edward Grant

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

Renwick, P.J., Manzanet, Kapnick, Webber and Kern, JJ.
WEDNESDAY, MAY 28

10 A.M.

654176/22 BankUnited v. Gray-Line
THURSDAY, MAY 29

11:45 A.M.

29/755/20 Santana v. Concordia Pharmacy

FRIDAY, MAY 30

1 P.M.

652880/23 Abramson Law Group v. Rosenberg

MONDAY, JUNE 2

9 A.M.

25304/20 Davis v. S.A.M. Osher Realty

TUESDAY, JUNE 3

10 A.M.

9153/19 Anderson v. Anderson

WEDNESDAY, JUNE 4

10 A.M.

652901/24 Rego Park Lender v. Golyan

12 P.M.

304608/15 Lebron v. Bronx Heights Beulah

FRIDAY, JUNE 6

9:15 A.M.

156628/20 Leonardo v. Hamilton Heights Associates

12:30 P.M.

813160/23 Balde v. National DCP

MONDAY, JUNE 9

9 A.M.

35436/19 Harris v. Jack Resnick & Sons

10 A.M.

650210/24 510 42nd Street v. Merchants Hospitality

11 A.M.

33332/18 Pulcino v. Tishman Construction

1 P.M.

158948/19 Gorman v. Myron Leo LLC

THURSDAY, JUNE 12

10:30 A.M.

365148/21 Panos v. Panos

MONDAY, JUNE 16

10 A.M.

159048/24 Hubert-Ross v. Lane

12 P.M.

816082/21 Torres v. SAD Associates

TUESDAY, JUNE 17

2 P.M.

152481/15 Weyrauch v. City of NY

WEDNESDAY, JUNE 18

10 A.M.

655057/23 Houlihan Lokey v. Charah Solutions

31833/19 Wray v. NYC Transit Authority

FRIDAY, JUNE 20

10 A.M.

813946/21 Liu v. Consolidated Scaffolding Inc.

TUESDAY, JUNE 24

10 A.M.

952142/23 Bowman v. Cosby

FRIDAY, JULY 11

9:30 A.M.

650756/24 Cowen & Company v. ReKTGlobal Holding

12:30 P.M.

655910/24 ACM Zoomcar v. Zoomcar Holdings

3:30 P.M.

850031/25 Santander Bank v. 558 West 151st Street

New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term Part

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

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

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

IAS PARTS

1 Silvera: 300 (60 Centre)
2 Sattler, J.: 212 (60 Centre)
3 Cohen, J.: 208 (60 Centre)
4 Kim: 308 (60 Centre)
5 King: 320 (60 Centre)
6 King: 351 (60 Centre)
7 Lebovitz: 345 (60 Centre)
8 Kotler: 278 (60 Centre)
9 Waterman-Marshall: 355 (60 Centre)
11 Frank: 412 (60 Centre)
12 Stroth: 328 (80 Centre)
13 Silvera: 300 (60 Centre)
13 Schumacher 304 (71 Thomas)
14 Bluth: 432 (60 Centre)
15 Johnson: 116 (60 Centre)
17 Hagler: 335 (60 Centre)
18 Tisch: 104 (71 Thomas)
19 Sokoloff: 540 (60 Centre)
20 Kaplan: 422 (60 Centre)
21 Tsai: 280 (80 Centre)
22 Clynes: 136 (80 Centre)
23 Schumacher 304 (71 Thomas)
24 Katz: 325 (60 Centre)
25 Tingling: 1254 (111 Centre)
26 Perry, P.: 684 (111 Centre)
27 Dominguez: 289 (80 Centre)

28 Tingling: 543 (60 Centre)
29 Ramirez: 311 (71 Thomas)
30 McMahon: Virtual (60 Centre)
32 Kahn: 1127B (111 Centre)
33 Rosado: 442 (60 Centre)
34 Ramseur: 341 (60 Centre)
35 Perry-Bond: 684 (111 Centre)
36 Saunders: 205 (71 Thomas)
37 Engoron: 418 (60 Centre)
38 Nock: 1166 (111 Centre)
39 Clynes: 307 (80 Centre)
41 Moynie: 327 (80 Centre)
42 Morales-Minera: 574 (111 Centre)
43 Reed: 222 (60 Centre)
44 Pearlman: 321 (60 Centre)
45 Patel: 428 (60 Centre)
46 Latis: 210 (71 Thomas)
47 Goetz: 1021 (111 Centre)
48 Masley: 242 (60 Centre)
49 Chan: 252 (60 Centre)
50 Sweeting: 279 (80 Centre)
51 Chesler: 543 (60 Centre)
52 Johnson: 307 (80 Centre)
53 Borrok: 238 (60 Centre)
54 Schecter: 228 (60 Centre)
55 d’Auguste: 103 (71 Thomas)
56 Kelly: 204 (71 Thomas)
57 Kraus: 218 (60 Centre)
58 Cohen, D.: 305 (71 Thomas)
60 Crane: 248 (60 Centre)
61 Bannon: 232 (60 Centre)
59 James, D.: 331 (60 Centre)
62 Sweeting: 279 (80 Centre)

MFPKahn: 1127B (111 Centre)
MMSP-1: 1127B (111 Centre)
IDMV Dawson: 1604 (100 Centre)

PART 40TR

JUDICIAL MEDIATION

On Rotating Schedule
Adams 300 (60 Centre)

EARLY SETTLEMENT

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

SPECIAL REFEREES

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

JHO/SPECIAL REFEREES

80 Centre Street
81R Hewitt: Room 321
87R Burke: Room 238
89R Hoahing: Room 236

SPECIAL REFEREE

71 Thomas Street
Judicial Hearing Officers
Part 91 Hon. C. Ramos
Part 93 Hon. Marin

SUPREME COURT Motion Calendars Room 130, 9:30 A.M. 60 Centre Street

SUPREME COURT Motion Dispositions from Room 130 60 Centre Street

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

Motion Calendar Key:

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

60 CENTRE STREET

Submissions Part TUESDAY, MAY 27

Submission
1 100481/25 Newman v. Aegis Capital Corp.
2 100492/25 Razis v. N.Y.C. Dept. of Health And Mental Hygiene

WEDNESDAY, MAY 28

Submission
1 100213/25 Culpepper v. Schley
2 100261/25 Elgeton v. NYC Dept. of Finance

Paperless Judge Part TUESDAY, MAY 27

152445/25 467 Entities LLC v. Dept. of Housing Preservation And Dev. For NYC Et Al
65944/24 60 Ninth Ave. Group v. Delshah 60 Ninth
651250/23 A. M. Richardson v. Iron Oak, Inc. Et Al
158429/24 Abdelhakim Baoumy v. Baron
659733/24 Aline Studio v. Sutton Manor Apts., Inc.

159975/22 Allocca v. NYCTA Et Al
153949/19 Alp, Inc. v. Park West Galleries, Inc.
160236/23 Altman v. NYC Et Al
152976/24 American Express Nat. Bank v. Mangiapane
161053/23 American Express Nat. Bank v. Mathew
651603/25 American Transit Ins. Co. v. Govt. Employees Ins. Co.
650314/25 Apmfs Investor LLC v. Pm Mezz Buyer LLC Et Al
158675/24 Araujo v. The NY And Presbyterian Hosp. Et Al
651579/25 Ataldi v. Yoon
159717/20 Awe v. Wk Ivy LLC
153709/23 Baker v. Urban Outfitters, Inc.
190102/25 Battista v. 3m Co. Et Al
650350/25 Bds III La The Garage LLC v. Wisznia
151353/23 Benavides Santana v. 777 West End Ave. Associates LLC
150621/19 Benitez Palalao v. Park Regis Apt.
150235/23 Berger v. Rock Rink
655713/24 Bradesco S.A. v. Mendonca De Barros
652976/24 Braze, Inc. v. Efuse, Inc.
162114/24 Bsd Hester LLC Et Al v. Fontana Rlty. Corp.
190256/21 Burgess v. A.O. Smith Water Prods. Co., Et Al
160808/22 Burke v. 287 East 10th LLC Et Al
154224/20 Carlton Spivey v. NYC 652359/22 Chan v. Havemeyer Hldgs. LLC
150583/25 Chen v. Shah
45231/424 Comm’rs. of State Ins. Fund v. Ana Bdg. Services Inc.
160746/24 Cordero v. Zara USA
153730/25 Curry v. 112-114 East 98th St. H.D.F.C. Et Al
650707/22 Dar v. Saj Transportation Northeast LLC Et Al
654558/23 Davidoff Hutcher & Citron Lip Et Al v. Giuliani
650158/25 De Lage Landan Financial Services, Inc. v. Systems4pt
153993/25 De Mello-Drew v. Highgate Hotels Ip Et Al
650441/25 Deel, Inc. v. Aptivto, Inc.
157295/24 Diaz v. 420 West Investors LLC Et Al
152930/25 Doe v. Alexander
157778/24 Dorf v. 24 Hour Fitness USA
161289/24 Easyship Inc. v. Zeng
100248/20 El-Bey v. NYC Police
650717/24 Enhance Encore Hldgs. LLC v. Powerback Rehabilitation
190260/24 Evans v. Air & Liquid Systems Corp.
151333/24 Farmer v. Cab East LLC. Et Al

161346/17 Finerman v. Con Ed
654763/24 Fletcher v. Board of Mgrs. of Chatham in Chelsea Condominium Et Al
65302/24 Fox And Main v. Pyramid-Bmc Hldgs.
152961/21 Garcia v. New Puck Corp.
156254/20 Garcia v. Nunez
150647/20 Gawnrski v. Global 1845 B’way, LLC
154021/23 Gjongceaj v. Vornado Rly. L.P.
653955/23 Gker Ltd. v. Clarkson Bu LLC Et Al
159002/24 Gonzalez v. Bethell
160608/20 Great Northern Ins. Co. A/s/o Bradley Zipper v. Urban
651412/21 Green Capital Funding LLC Et Al v. Esj Towers, Inc. D/b/a Mare St. Clair Et Al
160668/24 Greenbaum v. 628 West End LLC
150754/19 Greene v. Lendlease (us) Const.
159000/22 Grisham v. Sensio, Inc., D/b/a Bella Housewares
652802/25 Grossman v. Zahler
161443/23 Herrera v. 181st Washington Heights Associates LLC
655923/24 Hillman Housing Corp. v. Sheldon J. Stern
100203/25 Hintermaier v. Hands of Hope Physical Therapy & Wellness, Inc.
153996/24 Holland v. Jpmorgan Chase & Co.
190146/25 Hooker v. Block Drug Co. Inc. Et Al
150709/25 Horry v. Fine Food Cuisine
154285/25 Hytmiah v. Moore
160129/24 In The Matter of The Application of Natasha Cleary v. NYC Dept. of Correction Et Al
100248/25 Jerel Cardenas v. Niantic, Inc.
153965/22 Johnson v. NYC Et Al
152080/25 Khalili v. Yeshiva Univ. Et Al
659185/24 Koch v. Vincent
162090/23

159540/23 Palma-Castro v. Madison Plaza Apt. Corp. Et Al
655066/22 Patterson Belknap Webb & Tyler Llp v. Hoganwilling
451532/25 People of The State of NY v. Fluxline Time LLC
153285/25 Perez v. Hereford Ins. Co.
152428/23 Perkins v. 184 Thompson St. Owner LLC Et Al
155026/23 Pisano v. NYC Et Al
156941/24 Plant Craft Foods, Inc. v. Arcua
157347/23 Queiroz Cantisano v. Westmore Owners Corp. Et Al
190113/21 Richard M. Stanley As Personal Representative For The Estate of Clarence R. Stanley v. Aero Int'l, Inc. Et Al
162317/19 Rizwan v. Nuwest Logistics LLC
650450/23 Roche v. Hochfelder 154772/25 Stagliano v. NYS Dept. of Health And Mental Hygiene
152758/25 State Farm Fire And Casualty Co. v. Aa Comprehensive Medical Care
653464/24 State Farm Mutual Automobile Ins. Co. v. For A Judgment Staying The Arbitration Commenced Chrysosalantou Diakopoulos
652604/25 State Farm Mutual Automobile Ins. Co. v. Lawrence
651218/24 Strycker's Bay Apts., Inc. v. Hong
155418/25 Swift Financial v. Bank of America
651209/24 Terranos Dev. Group, Inc. v. Webuild, Inc.
153444/25 Thumbs Capital Group v. Something Short LLC Et Al
850311/24 Toorak Capital Partners LLC v. West 125 St. Rlty. LLC Et Al
152308/19 Tumminello v. Wiesner Law Firm
850284/17 U.S. Bank Na v. Gallant
850093/23 U.S. Bank Nat. Assoc. v. 1880 B'way, Retail
850108/24 U.S. Bank Trust Nat. Assoc. v. Archer
650387/25 Ukrainets v. Murtuzayev
656144/23 Valley Nat. Bank v. Murray Hill 32 LLC Et Al
151597/23 Vantage Motor Works v. Ingray
160574/21 Walker St. LLC v. Prop. Creative LLC Et Al
652783/24 Wesco Ins. Co. v. Range Builders LLC Et Al
850432/23 Wilmington Savings Fund Society v. Thukral
850282/24 Wilmington Savings Fund Society v. Jalazo
850060/23 Wilmington Savings Fund Society v. Quashie
156564/19 Zi Chang Rlty. Corp. v. Chen

WEDNESDAY, MAY 28

653353/23 1 Park Row Development v. Mjm Associates Construction
659728/24 4200 Rsb v. Fetman
651757/20 40 Broad Associates No. 3 LLC v. 40 Broad Commercial LLC
653980/24 Akl Inc v. Cool-Leo Ac & Heat
655249/24 Akl Inc. v. Nebb's Recycling
652600/25 Akl Inc. v. Asr Retail LLC Et Al
655894/24 Akl Inc. v. Pierre Pierre LLC Et Al
655361/24 Akl, Inc. v. Direct Tile Buy Inc. Et Al
157805/23 Aleman v. NYC Et Al
659160/24 Allaks v. Ashkenazie
160846/20 American Transit Ins. Co. v. Passaic Orthopedics Group
157832/23 American Transit Ins. Co. v. St. Lukes Roosevelt Hosp. Center A/o Rock Gomes
157833/23 American Transit Ins. Co. v. St. Lukes Roosevelt Hosp. Center A/o Rock Gomes
159284/22 Argueta Gomez v. NYC Et Al
190036/23 Aronson v. Aero Int'l
656239/23 Atlantic Specialty Ins. Co. v. First Garden Corp. Et Al
154579/24 Aulicino v. Sun Lau Rlty. Corp
154432/21 Ayala v. Trans World Equities Co., L.P. Et Al
159701/24 Barber v. Loreal USA, Inc. Et Al
157357/20 Bautista v. 1650 Corp.
161417/23 Bell v. Alfa Int'l Corp. Et Al
154471/20 Bermeo v. Master Plumbing And Heating
150058/20 Buffalino v. NYC
155075/20 Caeceres v. NYC
805205/24 Campbell v. The Mount Sinai Hosp. Et Al
160733/19 Carneiro Barbosa v. Avalon Yonkers Ati Site
450807/25 Center For Appellate Litigation Et Al v. NYC Police Dept.
151829/25 Cervini v. NYC Et Al
152300/25 Chan v. Gouverneur Gardens Housing Corp. Et Al
152741/25 Chieke v. Wiley
157538/16 Childs v. Sadaf Group
451002/24 NYC Police Dept. v. Noboa
159516/24 Clark v. NYC Et Al
160489/22 Clarke v. NYCTA Et Al
160020/19 David v. Museum of Modern Art
151388/23 Degrace v. It Cosmetics
100044/25 Deloach v. Assurant
159588/16 Diaz v. NYC
160597/23 Dillala v. NYC Et Al
153087/25 Di Pietro v. The Df Et Al
952167/23 Doe v. Archdiocese of NY Et Al
850169/24 Emigrant Bank v. Narkis
150928/24 Fed. Ins. Co. A/s/o Bd Hotels LLC v. Mercer Rubber Corp.
155413/20 Fernandez v. Planetary Movers Inc.
151598/18 Foiles v. Eastman
155475/24 Fora Financial Asset Securitization 2021 v. Teona Ostrov Public Relations
190184/22 Foster Jr. v. Aero Int'l, Inc. Et Al
160806/18 Frank Lagrippio v. 95th And Third LLC.
155604/22 Goldman v. Riverview Equities Corp Et Al
100369/23 Gray v. Nassau Life Ins. Co.
155638/25 Great West Casualty Co. v. Alistate Ins. Co.
652364/18 Greenway Mews Rlty. v. Liberty Ins.
153804/24 Guerrero De Oleo v. Lampkin
159117/24 Guerrero v. NYC Et Al
154264/24 Herzane v. John W. Williams Inc. Et Al
153731/25 Hereford Ins. Co. v. Interventional Spine & Surgery Group LLC
850483/24 Hilton Resorts Corp. v. Harvey
850481/24 Hilton Resorts Corp. v. Lefebvre
650248/25 Huang v. Chibaola, Inc., D/b/a Uluh Et Al
652652/25 In The Matter of The Application of NYC Municipal Labor Committee v. NYC
151719/25 In The Matter of Tradix Gmbh & Co. Kg v. E. Mishan & Sons, Inc.
651253/25 Insured Advocacy Group v. Restoration Doctor
651151/19 Jamie Oh Consulting Co. v. Dubow
152151/21 Jimenez v. 509 W 34

152478/23 Jody Simmons v. NYCTA Et Al
150970/22 Johnson v. Empire State Dev. Corp. Et Al
653066/20 Kaptus Servicing, Inc. v. Southern Source, Inc.
805295/20 Kate Shevack And Brett Shevack v. O'Malley
951103/21 Kellermann v. Archdiocese of NY Et Al
805042/25 Khan v. The Mount Sinai Hosp. Et Al
155822/25 Kimerling v. NYC Et Al
160485/17 King v. NYC
155753/25 Koch v. O'Connor
154827/24 Koller v. Solkam Chosen
157448/20 Kozak v. Kushner Village 329 East
156775/20 Lapsley v. Triborough Bridge And Tunnel
805097/16 Leiman v. White Md
655977/23 Liberty Mutual Ins. Co. Et Al v. Pagan
650724/25 Liberty Mutual Ins. Co. Et Al v. Suarez
190253/14 Logiudice v. American Talc Co.
154767/22 Martinez v. Parm Mulberry LLC Et Al
162157/24 Massachusetts Bay Ins. Co. v. Manim Ag Et Al
150575/25 McCann v. Tisch
151982/19 McCann v. Ship Wrecked Bar And Grill
150058/22 Menassche v. NYU Medical Center Et Al
157233/24 Miller v. Dankner
654563/24 Mt. Hawley Ins. Co. v. Eliyah Mgmt LLC
657181/21 Napolitano v. Bounce 21
190117/24 Navaretta v. Sumitomo Corp. of Americas Et Al
158126/20 Nemni v. Poole
159952/24 New My Mgt. LLC v. Wilmington Trust
453315/23 NYCHA v. Lewis
850105/24 Newrez LLC D/b/a Shellpoint Mortgage Servicing v. Chrysostom-Flemming
156177/21 Noel v. 336 E 95th Rlty. LLC
659698/24 Norguard Ins. Co. v. Cre Hospitality Group
159952/23 North Lite Ltd. Et Al v. First Garden Corp. Et Al
161421/24 Nunez v. NYC Et Al
850112/25 NYC Multifamily Portfolio LLC v. 20-22 Prince LLC Et Al
850110/25 NYC Multifamily Portfolio LLC v. 420 W 51 LLC Et Al
159124/19 O'Brien v. One Penn Plaza LLC
650984/25 Offenhardt v. Walker
151704/25 Orchard Const. Group, Inc. v. Bailey
654614/23 Ordela v. Townhouse Builders Inc. D/b/a Promont Et Al
651171/23 Pamela Equities Corp. v. Casarona
805403/21 Perry v. NYU Langone Hosps.
155420/23 Petito v. Zozo Taxi
157299/24 Pettit v. NYCHA Et Al
150002/23 Police Officer Dana Harge v. NYC Et Al
451331/25 Port Auth. of NY & New Jersey v. Nunoo
451335/25 Port Auth. of NY & New Jersey v. Severino
451197/25 Port Auth. of NY & New Jersey v. Taymis
153450/25 Port Auth. of NY And New Jersey Et Al v. Skanska USA Bldg. Inc. Et Al
156468/24 Posillico v. Simon Prop. Group, Inc. Et Al
157783/18 Presinal Tejeda v. 57th & 6th Ground LLC.
150937/25 Price v. Dominguez Toledano
150913/19 Quezada v. NYC
152141/21 Quintanilla v. Khurshid Erkinov Et Al
150479/25 Rabinowitz v. Uber Technologies, Inc. Et Al
659538/24 Ria R Squared, Inc. v. Shinhan Securities Co., Ltd.
154467/17 Richter v. Davis
155294/20 Rivera v. Planetary Movers Inc.
151895/24 Rivera v. 104 Delancey St. Sm
153678/23 Rodriguez v. The Langston Condominium Et Al
158841/19 Rojas v. 444-451 Orange Bldgs.
190232/22 Rosalie Bonavise As Executrix For The Estate of Dominick Bonavise v. Aero Int'l
650450/25 Safeco Ins. Co. Et Al v. Artega
655980/23 Safeco Ins. Et Al v. Nozalis
153258/24 Sanchez v. NYC
160000/24 Sapini v. Ferrara
154137/21 Schoepflin v. Trinity Builders of NY Inc. Et Al
162249/23 Sek v. Sensio, Inc. Et Al
850464/24 Sig Cre 2023 Venture LLC v. Thor 195 Bowery LLC Et Al
152834/24 Smith v. Bsp B'way. 1 LLC Et Al
157439/24 Sow v. Del Rosario
650582/22 Spin Capital v. Golden Foothill Ins. Services
154107/25 Srs Capital Funds, Inc. v. The Spillman Organization Inc. Et Al
159404/24 State Farm Fire And Casualty Co. v. Gogitidge
161649/23 Stein Adler Dabah & Zelkowitz Llp v. Moskovits
161180/21 Tatis v. The Chinatown Planning Council Housing Dev. Fund Co., Inc. Et Al
160441/23 Teixeira De Carvalho v. McB-Eagle Newpaltz LLC Et Al
450735/25 NYC v. The Land And Bldg. Known As 153 West 36th St.
153776/24 NYC Et Al v. Board of Mgrs. of The Howard Mansion Condominium Et Al
453815/24 NYC Et Al v. Katz
453816/24 NYC Et Al v. Nuzze
451786/24 NYC Et Al v. The Board of Mgrs. of The 144 Middleton St. Condominium Et Al
158177/24 Thomas v. The NYCTA Et Al
651107/25 Timmons v. Guggenheim 160569/24 Tipp Floor Covering Inc. v. Citibank
155497/24 Tomasulo v. Neutron Hldgs., Inc., D/b/a Lime
160397/17 Trinchese Const. v. Robert Malta
161137/24 United Farm Family Ins. Co. v. Campbell
155163/23 Utak v. Hope Community, Inc. Et Al
152106/22 Valdez v. NYC Et Al
650680/25 Videoapp Inc. v. Dark Alley Media
157410/24 Ward v. Bpc Mgt. LLC Et Al
850192/22 Wells Fargo Bank v. Wang
151793/21 Wesco Ins. Co. on v. United Hood Cleaning
451379/22 White v. Harlem Urban Dev. Corp. Et Al
652009/23 Zhang v. Miz Co Ltd. Et Al
158183/20 Ziembienksi v. NYC Et Al
451907/19 Zuleta v. Broome Prop. Owner Jv

COURT NOTES

MAYOR’S ADVISORY COMMITTEE ON THE JUDICIARY

Committee To Hold Public Hearing On Fitness of Judicial Candidates

A public hearing will be held by the Mayor’s Advisory Committee on the Judiciary on Wednesday, June 4 at 9 a.m. at the Office of Administrative Trials and Hearings, 100 Church Street, 12th Floor, New York. The public hearing will be conducted in-person, for the purpose of receiving information concerning the fitness of the following candidates who are nominees for appointment by Mayor Eric Adams as judges of the courts indicated below:

Criminal Court:
Orville Reynolds
Shirin Zarabi.

Interim Civil Court:
Jacqueline Cabrera
Lauren Norton-Lerner
Erik Pinsonnault
Scott Schwartz

A concise written signed statement of any information or testimony intended for presentation at the hearing must be received no later than 10:00 a.m. on Tuesday, June 3, 2025 at the Mayor’s Advisory Committee on the Judiciary, Attention: Ms. Ayanna Sorett, Executive Director, via Email: judiciary@city-hall.nyc.gov.

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

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Applications Being Accepted for Federal Public Defender for the Northern District of NY

Application Deadline Is Now June 13

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

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

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

Applicants must satisfy the following conditions:

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

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

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

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

(4) have a reputation for integrity; and

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

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

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

Applications are posted on the Court’s website at <http://www.ca2.uscourts.gov>. Completed application packages must be in the format required by the Second Circuit and received no later than June 13, 2025.

NEW YORK STATE COURT OF APPEALS

Deadline for Amicus Curiae Motions in ‘Onondaga County v. State of New York’

The Court has calendared appeals in ‘Onondaga County v. State of New York’ (APL 2025-00088) for argument on September 8, 2025. Appellants’ briefs are due by June 12, 2025. Respondents’ briefs are due by July 10, 2025. Appellants’ reply briefs are due by July 24, 2025.

Motions for permission to file a brief amicus curiae must be served no later than August 5, 2025 and noticed for a return date no later than August 18, 2025.

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

ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THE STATE OF NEW YORK

Pursuant to article VI, § 28(c) of the New York State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective July 7, 2025, sections 24.6(g), (n) and 25.18 of the Rules of the Chief Judge, by adding the underlined material and removing the [bracketed] material, to read as follows:

PART 24. TIME AND LEAVE

Section 24.6. Other Leaves With Pay

(g) Conferences. Four days’ leave per annum without charge to an employee’s leave credits may be allowed to attend conferences of recognized professional organizations. Such conferences must be directly related to the employee’s profession [of] or professional duties. This leave is subject to the prior approval of the administrative authority and to the staffing needs of the court or agency.

(n) The Chief Administrator of the Courts or [his or his] their designee may grant leaves with pay for reasons not itemized in this Part.

PART 25. CAREER SERVICE

Section 25.18. Establishment of a Continuing Eligible List

The Chief Administrator of the Courts may establish a continuing eligible list for any class of positions for which [inadequate numbers of qualified persons are found available for recruitment or appointment] such lists are appropriate. The Chief Administrator may only establish continuing eligible lists for any class of positions filled through open competitive examination. Names of eligibles shall be inserted in such list from time to time as applicants are tested and found qualified in examinations held at such intervals as may be prescribed by the Chief Administrator. Such successive examinations shall, so far as practicable, be constructed and rated so as to be equivalent tests of the merit and fitness of candidates. The name of any candidate who passes any such examination and who is otherwise qualified shall be placed on the continuing eligible list in the rank corresponding to his or her final rating on such examination. The period of eligibility of successful candidates for certification and appointment from such continuing eligible list, as a result of any such examination, shall be fixed by the Chief Administrator but, except as a list may reach an announced terminal date, such period shall not be less than one year; nor shall such period of eligibility exceed four years, except as provided in section 25.17 of this Part. Subject to such conditions and limitations as the Chief Administrator may prescribe, a candidate may take more than one such examination; provided, however, that no such candidate shall be certified simultaneously with more than one rank on the continuing eligible list. With respect to any candidate who applies for and is granted additional credit in any such examination as a disabled or nondisabled veteran, and for the limited purpose of granting such additional credit, the eligible list shall be deemed to be established on the date on which his or her name is added thereto.

Chief Judge of the State of New York

Dated: May 14, 2025

U.S DISTRICT COURT

Southern District

Court Seeks Candidates For Criminal Justice Act Panel

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

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

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

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

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

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

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

Continued on page 18

E-Filing Submission Part
Adjourned for Working Copies Part

Part 1

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

Part 2

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

TUESDAY, MAY 27

154275/23 135 East 57th Street v. Pierre Michel, Inc. D/b/a Pierre-Michel Et 57, Inc.
650458/23 14 Gay St. v. A & Nyla Const. Corp. Et Al
151756/20 274 Madison Co. LLC v. Vieira
153688/19 Allen v. NYCHA
154849/23 Arista Air Conditioning Corp. v. Interior Mgt. I Inc. Et Al
152437/23 Comm-U LLC v. Charnin-Aker
155984/21 Dan v. Verschleiser
656992/22 Davidoff Hutcher & Citron Llp v. Zakaria
153728/22 Evanston Ins. Co. Et Al v. Old Republic Ins. Co. Et Al
653936/23 G.S. 505 Park v. Sherry-Lehmann, Inc. D/b/a Sherry-Lehmann Wine & Spirits Et Al
653955/23 Gker Ltd. v. Clarkson Bu LLC Et Al
650099/23 Home Bay Trading Corp. v. New Perfect Star Inc. Et Al
650991/22 Kmr v. Aminzadeh
652968/23 Lawrence v. Nucor Const. Corp.
651186/22 P & S Ventures LLC v. Gateway Privileged Fund LLC Et Al
656473/21 Rosemex, Inc. Et Al v. Srs Enterprises, Inc.
652541/22 Seneca Ins. Co., Inc. v. Lock3c
656730/22 Sharp v. Bar Fluid LLC Et Al
Et Al
655435/21 Sicuranza v. Signature Kitchens of Ny, Inc. Et Al
653924/21 Srs Enterprises, Inc. v. Rosemex, Inc. Et Al
652319/18 Triantafillakis v. Madden
651675/17 Zhongging Wang Individually v. Zhang

Motion

650458/23 14 Gay Street v. A & Nyla Const. Corp. Et Al
151756/20 274 Madison Co. LLC v. Vieira
153688/19 Allen v. NYCHA
152437/23 Comm-U LLC v. Charnin-Aker
656992/22 Davidoff Hutcher & Citron Llp v. Zakaria
652968/23 Lawrence v. Nucor Const. Corp.
656730/22 Sharp v. Bar Fluid LLC Et Al
Et Al
653924/21 Srs Enterprises, Inc. v. Rosemex, Inc. Et Al
652319/18 Triantafillakis v. Madden
WEDNESDAY, MAY 28
162163/14 16 West 8th LLC v. Gluckman
654845/21 2111 Seventh Ave. v. Hana Sushii, Inc. Et Al
650071/20 Anthony T. Rinaldi v. Lexin NY 815 LLC
159348/20 Ellison Systems, Inc. Et Al v. Shine & Co. Llp Et Al
151127/23 Greenberg v. C72 LLC
65723/23 Martin v. Sahgal
151982/19 McCann v. Ship Wrecked Bar And Grill
656592/20 Surratt Beauty v. Surratt Cosmetics

Motion

162163/14 16 West 8th LLC v. Gluckman
159348/20 Ellison Systems, Inc. Et Al v. Shine & Co. Llp Et Al

Part 3

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

TUESDAY, MAY 27

654742/20 App Hldgs. Two LLC v. Certain Underwriters At
850096/22 Bank Hapoalim B.M. v. 225 Bowery LLC Et Al
652203/24 Berkovec v. Blue Matrix I
650717/24 Enhance Encore Hldgs. LLC v. Powerback Rehabilitation
650061/25 Ghoulam v. Bentivoglio
651469/18 J.G. Jewlry Pte. Ltd. v. Tjc Jewelry, Inc.
654627/21 Jac Operating v. Hna Hew I Intermediate
652669/24 Lsc West 36th & 39th St LLC v. 28 W. 36th St. Sole Member LLC Et Al
655727/23 McWilliams v. Empire Agricultural Systems
651987/22 Medley Mgt., Inc. v. Lowenstein Sandler
650018/24 Telco Insights v. Telco Experts
652047/21 Vector Media Hldg. Corp. v. Iconic Digital Displays

Motion

651987/22 Medley Mgt., Inc. v. Lowenstein Sandler
WEDNESDAY, MAY 28
650925/23 Ace Prop. & Casualty Ins. Co. Et Al v. Arrowood Indemnity Co. Et Al
650294/21 McGuigan v. Reiss Gendell

Motion

650925/23 Ace Prop. & Casualty Ins. Co. Et Al v. Arrowood Indemnity Co. Et Al
650294/21 McGuigan v. Reiss Gendell

Part 6

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

TUESDAY, MAY 27

805143/20 Dorsey v. Patel
805402/20 Ghelarducci v. Struhl
805319/19 Ryan v. Rock
WEDNESDAY, MAY 28
805295/20 Kate Shevack And Brett Shevack v. O'Malley
805042/25 Khan v. The Mount Sinai Hosp. Et Al

Part 7

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

TUESDAY, MAY 27

652506/13 274 Madison Ave. Co. LLC v. Caam
653714/23 655-35 Qb LLC v. United King Const. Corp Et Al
650441/25 Deel, Inc. v. Aptivio, Inc.
656109/23 Estel America Inc. v. 50 Hymc Owner LLC Et Al
152103/24 Ettinger v. Upper East Side Rehabilitation And Nursing Center
655923/24 Hillman Housing Corp. v. Sheldon J. Stern
152080/25 Khalili v. Yeshiva Univ. Et Al
651676/23 Machuca v. Collins Bldg. Services, Inc.
651006/24 Specialty Food Assoc., Inc. v. Dixit Contractor
155766/24 Stevens v. Whole Foods Market Group, Inc. Et Al
150215/24 Toxtle v. 215 West 28th St. Prop. Owner LLC Et Al
155875/24 Wesco Ins. Co. v. Nat. Psychological Assoc. For Psychoanalysis, Inc. Et Al

Motion

652506/13 274 Madison Ave. Co. LLC v. Caam
653714/23 655-35 Qb LLC v. United King Const. Corp Et Al
651676/23 Machuca v. Collins Bldg. Services, Inc.

WEDNESDAY, MAY 28

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LIMITED LIABILITY ENTITIES

IMPACT MEDICAL CARDIAC IMAGING PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 04/10/2025. Office loc: Westchester County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 1133 Westchester Avenue N-010, Suite A, West Harrison, NY 10604. Purpose: To Practice The Profession of Medicine. 8067 a29-Tu ju3

SUM HANJIS MEDICAL, PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 04/10/2025. Office location: NY County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 99 White Plains Road, Bronxville, NY 10708. Purpose: To Practice The Profession of Medicine. 8070 a29-Tu ju3

Bane Law, PLLC filed with SSNY on 05/07/2025. Office in: NASSAU County. SSNY design. agent of LLC upon whom process against it may be served. SSNY shall mail process to 499 CHESTNUT STREET, SUITE 215, CEDARHURST, NY, 11516. Purpose: Law. 9049 My20 T J24

NOTICE OF FORMATION of SWINSON LCSW PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 1/13/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 555 Kappock St, Apt 7C, Bronx, NY 10463. Purpose: Any lawful act. 6639 A22 T My27

NOTICE OF FORMATION of LOTUS ACUPUNCTURE PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 1/27/25. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 1959 Front St, Ste 405, East Meadow, NY 11554. Purpose: Any lawful act. 6334 My06 T J10

NOTICE OF FORMATION of SALT ACUPUNCTURE, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 1/16/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 210 Canal St, Ste 307, New York, NY 10013. Purpose: any lawful act. 8074 My13 T J17

NOTICE OF FORMATION of CORINNE AGMAN, NP IN FAMILY HEALTH, PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/23/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corinne Agman, NP in Family Health, PLLC, 290 Ninth Avenue, Apt 14J, New York, NY 10001. Purpose: to practice the profession of Nurse Practitioner in Family Health. 9005 my20-Tu ju24

NOTICE OF FORMATION of CORINNE AGMAN, NP IN FAMILY HEALTH, PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 04/23/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corinne Agman, NP in Family Health, PLLC, 290 Ninth Avenue, Apt 14J, New York, NY 10001. Purpose: to practice the profession of Nurse Practitioner in Family Health. 9005 my20-Tu ju24

NOTICE OF FORMATION of THERAPY WITH AB, MENTAL HEALTH COUNSELING, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 4/23/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 875 6th Ave, Ste 2300, New York, NY 10001. Purpose: any lawful act. 9197 My27 T Jy01

LIMITED LIABILITY ENTITIES

JERICHO TPKE. FLORAL PARK HOLDING LLC, Arts. of Org. filed with the SSNY on 05/23/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Gary Schoer, Esq., 6800 Jericho Turnpike, Ste 108 W, Syosset, NY 11791. Purpose: Any lawful Purpose. 9452 my27-Tu ju1

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For information, contact
Carol Robertson at 212.457.7850 or E-mail crobertson@alm.com

LIMITED LIABILITY ENTITIES

3956 Route 9W LLC Art of Org. filed with the SSNY on 01/15/2025. Office: New York. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the YELIZAVETA PETROVA 7 FOREST DR, GREENWOOD LAKE, NY 10925. Purpose: Any lawful purpose. 7606 A22 T My27

J.M. OCASIO COACHING AND CONSULTING LLC. Art of Org. filed with the SSNY on 03/07/2025. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 545 West 148th Street Apt 6A, New York, NY 10031. Purpose: Any lawful purpose. 7607 A22 T My27

1798 THIRD AVENUE ASSOCIATES LLC. Arts. of Org. filed with the SSNY on 05/31/22. Latest date to dissolve: 03/31/2050. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Helene W. Hartig, Esq., 143 Madison Avenue, New York, New York 10016. Purpose: Any lawful purpose. 7760 a22-Tu my27

A Notice of Formation of LQTW Management LLC, Art. of Org. filed Secy. of State of NY (SSNY) on 7/2/2024. Office location: Nassau County. SSNY Designated as agent of LLC upon whom process against it may be served. SSNY shall mail copy of process to: The LLC, 100 Schoolhouse Road, Levittown, NY 11756. Purpose: Any lawful purpose. 7737 a22-Tu my27

D & F WOODSIDE, LLC. Arts. of Org. filed with the SSNY on 03/14/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 100 Schoolhouse Road, Levittown, NY 11756. Purpose: Any lawful purpose. 7736 a22-Tu my27

EAST 13TH STREET REALTY LLC, Arts. of Org. filed with the SSNY on 03/24/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 482 Cliff Street, Fairview, NJ 07022. Purpose: Any Lawful Purpose. 7761 a22-Tu my27

JFK FIONA VILLAGE PARKING LLC, Arts. of Org. filed with the SSNY on 04/17/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 420 Great Neck Road, Great Neck, NY 11021. Purpose: Any Lawful Purpose. 7755 a22-Tu my27

JLA PROPERTIES NY, LLC Art. Of Org. Filed Sec. of State of NY 8/21/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to: The LLC, 57 Island Point, Bronx, NY 10464, USA. Purpose: Any lawful act or activity. 7759 a22-Tu my27

JRAVIS, LLC Articles of Org. filed NY Sec. of State (SSNY) 2/24/25. Office in NY Co. SSNY design. agent of LLC upon whom process may be served. SSNY shall mail process to 245 East 93rd St, #24J, NY, NY 10128, which is also the principal business location. Purpose: Any lawful purpose. 7732 a22-Tu my27

MYSTIC POINTE 2805 LLC. Arts. of Org. filed with the SSNY on 04/10/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, Attn: Geny P. Perepada, 345 East 46th Street, New York, NY 10017. Purpose: Any lawful purpose. 7731 a22-Tu my27

OZ BEVERAGES, LLC, Arts. of Org. filed with the SSNY on 04/17/2025. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 9 Carlton Dr, Mount Kisco, NY 10549. Purpose: Any Lawful Purpose. 7757 a22-Tu my27

NOTICE OF FORMATION of Dorsey Research LLC. Articles of Organization filed with the NY Department of State on April 29, 2025. Its office is located in New York County. The Secretary of State has been designated as agent of the Company upon whom process against it may be served, and a copy of any process shall be mailed to 225 East 39th Street, Apt. 21A, New York, NY 10016. Its purpose is any lawful business. 8365 My13 T J17

LIMITED LIABILITY ENTITIES

150 FOCH LLC Art. Of Org. Filed Sec. of State of NY 4/23/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: 28 Lambert St, Roslyn Heights, NY 11577, USA. Purpose: Any lawful purpose. 8002 a29-Tu ju3

1867 WILLIAMSBRIDGE LLC Art. Of Org. Filed Sec. of State of NY 2/10/2025. Off. Loc. : Bronx Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to The LLC, 1867 Williamsbridge Road, Bronx, NY 10461, USA. Purpose: Any lawful act or activity. 8039 a29-Tu ju3

A&A DAVIDSON LLC. Arts. of Org. filed with the SSNY on 04/18/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to process to the LLC, 224 W 30th Street, Suite 301, New York, NY 10001. Purpose: Any lawful purpose. 7979 a29-Tu ju3

BEEFORGE STUDIOS LLC, Arts. of Org. filed with the SSNY on 04/24/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Joseph T Nelson, 38B Kirkwood Road, Port Washington, NY 11050. Reg Agent: Joseph T Nelson, 38B Kirkwood Road, Port Washington, NY 11050. Purpose: Any Lawful Purpose. 8068 a29-Tu ju3

BWF ENTERPRISES LLC, Arts. of Org. filed with the SSNY on 04/23/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 338 Jericho Tpke., #186, Syosset, NY 11791. Purpose: Any Lawful Purpose. 8071 a29-Tu ju3

G & W SUPERIOR HOLDINGS LLC. Filed 5/11/23. Office: NY Co. SSNY design. as agent for process & shall mail to: 99 Wall St, Ste 2558, NY, NY 10005. Purpose: General. 4406 a29-Tu ju3

HEADROOMZ LLC, Arts. of Org. filed with the SSNY on 04/25/2025. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: C/O Tesser, Ryan & Rochman, LLP, 15 Fisher Lane, 2nd Fl., White Plains, NY 10603. Purpose: Any Lawful Purpose. 8073 a29-Tu ju3

JLAM 327 LLC, Arts. of Org. filed with the SSNY on 04/25/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Louis Ruggiero, 155 Walnut Lane, Manhasset, NY 11030. Purpose: Any Lawful Purpose. 8072 a29-Tu ju3

LICHTENSTEIN FAMILY HUBB, LLC Articles of Org. filed with the SSNY on 4/8/25. Office in NY Co. SSNY design. agent of LLC whom process may be served. SSNY shall mail process to c/o Kaplan Fox & Kilshheimer, LLP, Attn: Jason P. Reska, Esq., 800 3rd Ave., 36th Fl., NY 10022, which is also the principal business location. Purpose: Any lawful purpose. 8049 a29-Tu ju3

MIDDLETON WHITE SELECTIONS, LLC. Arts of Org. filed with the SSNY on 02/04/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 125 Woodbury Road, Hicksville, NY 11801. Purpose: Any lawful purpose. 7980 a29-Tu ju3

MONOGRAFF LLC, Arts. of Org. filed with the SSNY on 04/04/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 201 West 16th Street, Apt. 10A, NY, NY 10011. Purpose: Any Lawful Purpose. 8069 a29-Tu ju3

PETER'S HOME INSPECTIONS LLC, Arts. of Org. filed with the SSNY on 03/28/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 3792 Regent Lane, Wantagh, NY 11793. Purpose: Any lawful purpose. 7977 a29-Tu ju3

NOTICE OF FORMATION of il bambina vintage LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/27/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 251 E 2nd St, Apt PHA, New York, NY 10009. Purpose: any lawful act. 7753 My06 T J10

LIMITED LIABILITY ENTITIES

174-176 1ST AVENUE OWNER LLC Art. Of Org. Filed Sec. of State of NY 3/14/2018. Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o Highpoint Property Group, 64 2nd Avenue, 2nd Floor, New York, NY 10003, USA. Purpose: Any lawful purpose. 8743 my13-Tu ju17

1975 LAFONTAINE LLC Art. Of Org. Filed Sec. of State of NY 1/13/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to The LLC, 3152 Albany Crescent, Bronx, NY 10463, USA. Purpose: Any lawful act or activity. 8753 my13-Tu ju17

202 AVE A OWNER LLC Art. Of Org. Filed Sec. of State of NY 11/8/2017. Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o Drew N/A Popkin, 64 2nd Avenue, 2nd Floor, New York, NY 10003, USA. Purpose: Any lawful purpose. 8723 my13-Tu ju17

223 W 29TH OWNER LLC, Arts. of Org. filed with the SSNY on 04/25/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 431 W 37th Street, #2A, New York, NY 10018. Purpose: Any lawful purpose. 8766 my13-Tu ju17

231 WEST 20TH STREET OWNER LLC Art. Of Org. Filed Sec. of State of NY 3/17/2020. Off. Loc: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o The Company, 211 East 31st Street, Suite 1, New York, NY 10003, USA. Purpose: Any lawful purpose. 8722 my13-Tu ju17

243 EAST 7TH STREET OWNER LLC Art. Of Filed Sec. of State of NY 4/10/2020. Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o The Company, 211 East 31st Street, Suite 1, New York, NY 10016, USA. Purpose: Any lawful purpose. 8721 my13-Tu ju17

268 EAST 7TH STREET OWNER LLC Art. Of Org. Filed Sec. of State of NY 8/13/2019. Off. Loc: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: 64 2nd Avenue, 2nd Floor, New York, NY 10003, USA. Purpose: Any lawful purpose. 8724 my13-Tu ju17

50 COURT STREET HOLDINGS LLC. Filed with SSNY on 04/24/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 553 PARK AVE, NEW YORK, NY 10065. Purpose: Any Lawful Purpose. 8268 my13-Tu ju17

64 2ND AVENUE OWNER LLC Art. Of Org. Filed Sec. of State of NY 12/8/2017. Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o Highpoint Property Group, Attn: Drew Popkin, 64 2nd Ave., 2nd FL, New York, NY 10003, USA. Purpose: Any lawful purpose. 8738 my13-Tu ju17

AMEENADIA VENTURES LLC, Arts. of Org. filed with the SSNY on 04/27/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 23 Ravine Ave, Unit B, Glen Cove, NY 11542. Purpose: Any Lawful Purpose. 8768 my13-Tu ju17

NOTICE OF FORMATION of AASAAN TECHNOLOGIES LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/4/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 311 E 75th St, 6C, New York, NY 10021. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 8108 My06 T J10

US GALAXY STAR LLC, Arts. of Org. filed with the SSNY on 03/31/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail copy of process to the LLC, 25 Park E, New Hyde Park, NY 11040. Purpose: Any Lawful Purpose. 8407 my6-Tu ju10

TECH RIDE AUTO LLC, Arts. of Org. filed with the SSNY on 04/25/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Tuch & Cohen LLP, 1025 Old Country Road, Suite 101, Westbury, NY 11590. Purpose: Any lawful purpose. 8419 my6-Tu ju10

LIMITED LIABILITY ENTITIES

R & J 1623 LLC. Arts. of Org. filed with the SSNY on 05/02/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 60 Riverside Boulevard, #2601, New York, NY 10069. Purpose: Any lawful purpose. 8749 my13-Tu ju17

SHARE YOUR VIZION LLC, Arts. of Org. filed with the SSNY on 05/08/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 1634 Kent Drive, Hewlett, NY 11557. Purpose: Any Lawful Purpose. 8769 my13-Tu ju17

THE FRANKLIN MSR FUND B LLC, Arts. of Org. filed with the SSNY on 05/01/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 4 Canterbury Road, Brookville, NY 11545. Purpose: Any lawful purpose. 8765 my13-Tu ju17

CHRISOAR LLC filed with SSNY on 02/28/2025. Office in: NEW YORK County. SSNY design. agent of LLC upon whom process against it may be served. SSNY shall mail process to 155 W 70TH ST APT 8H, NEW YORK, NY, 10023. Purpose: General. 9052 My20 T J24

CRASHOUT STUDIOS L.L.C. Art of Org. filed with the SSNY on 04/16/2025. Office: New York County. SSNY is designated as the agent of the LLC for service of process. Any legal documents served to the LLC through SSNY will be forwarded to LEGALCORP SOLUTIONS, LLC 11 BROADWAY SUITE 615, NEW YORK, NY 10004. Purpose: Any lawful purpose. 8756 My20 T J24

506WOCR LLC. Arts. of Org. filed with the SSNY on 04/17/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 435 Maple Avenue, Westbury, NY 11590. Purpose: Any lawful purpose. 9092 my20-Tu ju24

NIA ENTERPRISES LLC. Arts. of Org. filed with the SSNY on 05/09/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 3000 Marcus Avenue, Suite 1W5, Lake Success, NY 11042. Purpose: Any lawful purpose. 9121 my20-Tu ju24

ROMEO 2362, LLC. Arts. of Org. filed with the SSNY on 05/09/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 3000 Marcus Avenue, Suite 1W5, Lake Success, NY 11042. Purpose: Any lawful purpose. 9121 my20-Tu ju24

AJM 17 CONSULTING LLC. Filed with SSNY on 02/27/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 1071 ST NICHOLAS AVE, APT 24, NEW YORK, NY 10032. Purpose: Any Lawful purpose. 8267 my13-Tu ju17

1148 44DR NY LLC. Arts. of Org. filed with the SSNY on 05/05/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 120 New Hyde Park Rd, Franklin Square, NY 11010. Purpose: Any lawful purpose. 9439 my27-Tu ju1

FUEL 4 LESS LLC, Arts. of Org. filed with the SSNY on 11/06/2019. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 360 Westchester Ave Apt 503, Port Chester, NY 10573. Purpose: Any Lawful Purpose. 8770 my13-Tu ju17

196-52 45TH REALTY LLC, Arts. of Org. filed with the SSNY on 04/28/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 154-36 23rd Avenue, Whitestone, NY 11357. Purpose: Any lawful purpose. 9446 my27-Tu ju1

NOTICE OF FORMATION of SGC Digital Consulting LLC. Arts of Org filed with Secy of State of NY (SSNY) on 4/11/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 144 W 18th St, Apt 4E, New York, NY 10011. Purpose: any lawful act. 9068 My20 T J24

LIMITED LIABILITY ENTITIES

1 CLARA LLC. Arts. of Org. filed with the SSNY on 05/16/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 3000 Marcus Avenue, Suite 1W5, Lake Success, NY 11042. Purpose: Any lawful purpose. 9443 my27-Tu ju1

24-7 PLAN B LLC. Arts. of Org. filed with the SSNY on 05/16/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 76 S. Tyson Avenue, Floral Park, NY 11001. Purpose: Any lawful purpose. 9445 my27-Tu ju1

251 NORTH MAIN, LLC. Arts. of Org. filed with the SSNY on 05/13/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 418 Shore Road, Bellmore, NY 11710. Purpose: Any lawful purpose. 9436 my27-Tu ju1

30 COMMERCIAL CT LLC, Arts. of Org. filed with the SSNY on 04/15/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 120 New Hyde Park Rd, Franklin Square, NY 11010. Purpose: Any lawful purpose. 9440 my27-Tu ju1

36 BAYBERRY LANE LLC, Arts. of Org. filed with the SSNY on 05/22/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Carlos F. Lopez, 239 Nassau Rd Suite B, Roosevelt, NY 11575. Purpose: Any Lawful Purpose. 9451 my27-Tu ju1

CANG GROUP LLC. Arts. of Org. filed with the SSNY on 11/26/24. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 132 East 237th Street, Bronx, NY 10470. Purpose: Any lawful purpose. 9437 my27-Tu ju1

FA BELTS & ACCESSORIES LLC. Arts. of Org. filed with the SSNY on 05/14/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 9 Sagamore Way North, Jericho, NY 11753. Purpose: Any lawful purpose. 9433 my27-Tu ju1

FA BELTS & ACCESSORIES LLC. Arts. of Org. filed with the SSNY on 05/14/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 9 Sagamore Way North, Jericho, NY 11753. Purpose: Any lawful purpose. 9433 my27-Tu ju1

GVK BUILT LLC, Arts. of Org. filed with the SSNY on 05/14/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 153 Sunrise Highway, Merrick, NY 11566. Purpose: Any lawful purpose. 9448 my27-Tu ju1

KKR HOSPITALITY SOLUTIONS LLC. Arts. of Org. filed with the SSNY on 05/16/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Kim Russen, 515 E 18th Street, Apartment 810, New York, NY 10011. Purpose: Any lawful purpose. 9442 my27-Tu ju1

MY HAPPY PLACE DAYCARE 2, LLC. Arts. of Org. filed with the SSNY on 05/05/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2006 Seamans Neck Road, Seaford, NY 11783. Purpose: Any lawful purpose. 9434 my27-Tu ju1

RABI SHIMON LLC, Arts. of Org. filed with the SSNY on 05/22/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 111 Great Neck Rd, Suite 202A, Great Neck, NY 11021. Purpose: Any Lawful Purpose. 9450 my27-Tu ju1

SPIRIT OF USS, LLC. Arts. of Org. filed with the SSNY on 04/04/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 433 Stewart Avenue, North Bellmore, NY 11710. Purpose: Any lawful purpose. 9435 my27-Tu ju1

LIMITED LIABILITY ENTITIES

UVDR GEORGETOWN PROPERTIES, LLC. Arts. of Org. filed with the SSNY on 05/06/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 446 Nassau Street, Princeton, NJ 08540. Purpose: Any lawful purpose. 9449 my27-Tu ju1

VALLEY GREEN MT KISCO LLC. Arts. of Org. filed with the SSNY on 05/06/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 20 Vanderverter Avenue, Suite #100 East, Port Washington, NY 11050. Purpose: Any lawful purpose. 9447 my27-Tu ju1

VISION FIRST LLC, Arts. of Org. filed with the SSNY on 11/26/24. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 132 East 237th Street, Bronx, NY 10470. Purpose: Any lawful purpose. 9438 my27-Tu ju1

2 LEE GRAY CT LLC, Arts. of Org. filed with the SSNY on 05/01/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 67 Viola Dr, Glen Cove, NY 11542. Purpose: Any Lawful Purpose. 8412 my6-Tu ju10

311 EAST COLUMBIA LLC, Arts. of Org. filed with the SSNY on 05/01/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Dora I Bonilla, 42 Leigh Street, Huntington, NY 11743. Purpose: Any Lawful Purpose. 8413 my6-Tu ju10

450 TIMPSON REALTY GROUP, LLC Art. Of Org. Filed Sec. of State of NY 4/7/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to The LLC, 3152 Albany Crescent, Bronx, NY 10463, U.S.A. Purpose: Any lawful act or activity. 8158 my6-Tu ju10

7 GERARD ST LLC. Arts. of Org. filed with the SSNY on 04/24/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 114 Long Drive Court, Dix Hills, NY 11746. Purpose: Any lawful purpose. 8414 my6-Tu ju10

Chavi Vending LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 2/18/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 1044 Broadway, Woodmere, NY 11586. Purpose: any lawful act. 8272 my6-Tu ju10

CuramX, LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 4/1/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 1044 Broadway, Woodmere, NY 11586. Purpose: any lawful act. 8307 my6-Tu ju10

DEEPAK CHOPRA, LLC. Arts. of Org. filed with the SSNY on 04/25/25. Office: New York County. SSNY designated

SALES

NOTICE OF SALE

SUPREME COURT
COUNTY OF BRONX,
NYCTL 2021-A TRUST,
AND THE BANK OF NEW
YORK MELLON AS COL-
LATERAL AGENT AND
CUSTODIAN FOR THE
NYCTL 2021-A TRUST,
Plaintiff, vs. THOMAS LEE,
ET AL, Defendant(s). Pur-
suant to a Judgment of
Foreclosure and Sale dated
March 11, 2025 and duly en-
tered on March 17, 2025, I,
the undersigned Referee
will sell at public auction at
the Bronx County Supreme
Court, Courtroom 711, 851
Grand Concourse, Bronx,
NY 10451-2937 on June 9,
2025 at 2:15 p.m., premises
known as 3060 Coddington
Avenue, Bronx, NY 10461.
All that certain plot, piece
or parcel of land, with the
buildings and improve-
ments thereon erected, situate,
lying and being in the
Borough of and County of
Bronx, City and State of
New York, Block 5366 and
Lot 0028. Approximate
amount of judgment is
\$58,871.44 plus interest and
costs. Premises will be sold
subject to provisions of filed
Judgment. Index
#012976/2022E. April Bowie,
Esq. Referee Bronster, LLP,
156 West 56th Street, Suite
703, New York, New York
10019, Attorneys for Plain-
tiff
8811 m13-Tu ju3

LIMITED LIABILITY ENTITIES

W.J. REALTY LLC. Arts. of
Org. filed with the SSNY on
04/11/25. Office: Nassau
County. SSNY designated as
agent of the LLC upon whom
process against it may be
served. SSNY shall mail copy
of process to the LLC, 16
Park Lane, Massapequa, NY
11758. Purpose: Any lawful
purpose.
7735 a22-Tu my27

MSR 1051 FRANKLIN FUND
A LLC. Arts. of Org. filed with
the SSNY on 05/01/25. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, 4 Canterbury Road, Old
Brookville, NY 11545. Pur-
pose: Any lawful purpose.
8764 my13-Tu ju17

THE LITERACY VIEW, LLC.
Arts. of Org. filed with the
SSNY on 05/06/25. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, c/o Mitchell T.
Borkowsky, Esq., 200 Broad-
hollow Road, Suite 207,
Melville, NY 11747. Purpose:
Any lawful purpose.
9093 my20-Tu ju24

155 WEST 70 STREET, 8F,
LLC. Arts. of Org. filed with
the SSNY on 05/14/25. Office:
New York County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, c/o Michael I. Meltzer,
Esq., 600 Mamaroneck Ave-
nue, Suite 400, Harrison,
NY 10528. Purpose: Any law-
ful purpose.
9441 my27-Tu jy1

J&T GRAMERCY GROUP,
LLC. Arts. of Org. filed with
the SSNY on 01/27/25. Office:
New York County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, c/o Jae H Yang, 121 East
17th Street, New York, NY
10003. Purpose: Any lawful
purpose.
8420 my6-Tu ju10

LYNYC MEDIA LLC. Arts. of
Org. filed with the SSNY on
02/28/25. Office: New York
County. SSNY designated as
agent of the LLC upon whom
process against it may be
served. SSNY shall mail copy
of process to the LLC, c/o
Liu, Yiyi, 4357 Union Street,
Unit 5C, Flushing, NY 11355.
Purpose: Any lawful pur-
pose.
8421 my6-Tu ju10

PERCEPTA AUTO LLC. Arts.
of Org. filed with the SSNY
on 04/25/25. Office: Nassau
County. SSNY designated as
agent of the LLC upon whom
process against it may be
served. SSNY shall mail copy
of process to the LLC, c/o
Tuch & Cohen LLP, 1025 Old
Country Road, Suite 411,
Westbury, NY 11590. Pur-
pose: Any lawful purpose.
8415 my6-Tu ju10

QUICK DRIVE AUTO LLC.
Arts. of Org. filed with the
SSNY on 04/25/25. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, c/o Tuch & Cohen LLP,
1025 Old Country Road, Suite
411, Westbury, NY 11590. Pur-
pose: Any lawful purpose.
8416 my6-Tu ju10

RESERVED AUTO LLC.
Arts. of Org. filed with the
SSNY on 04/25/25. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, c/o Tuch & Cohen LLP,
1025 Old Country Road, Suite
411, Westbury, NY 11590. Pur-
pose: Any lawful purpose.
8417 my6-Tu ju10

RYDER ROSE CONSULTING
LLC. Arts. of Org. filed with
the SSNY on 12/14/24. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, 4 Knolls Ln, Manhasset,
NY 11030. Registered Agent
address c/o United States
Corporation Agents, Inc.,
7014 13th Avenue, Suite 202,
Brooklyn, NY 11228. Purpose:
Any lawful purpose.
8424 my6-Tu ju10

SMART RIDE AUTO LLC.
Arts. of Org. filed with the
SSNY on 04/25/25. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, c/o Tuch & Cohen LLP,
1025 Old Country Road, Suite
411, Westbury, NY 11590. Pur-
pose: Any lawful purpose.
8418 my6-Tu ju10

To place your ad Contact:
Carol Robertson
Phone: 212.457.7850
Email: crobertson@alm.com

LIMITED LIABILITY ENTITIES

STERN ROCK CAPITAL
LLC. Arts. of Org. filed with
the SSNY on 04/30/2025. Of-
fice loc: Nassau County.
SSNY has been designated
as agent upon whom process
against the LLC may be
served. SSNY shall mail
process to: THE LLC, PO Box
231192, Great Neck, NY
11023. Purpose: Any Lawful
Purpose.
8406 my6-Tu ju10

WILD GINGER RVC LLC.
Arts. of Org. filed with the
SSNY on 04/22/25. Office:
Nassau County. SSNY desig-
nated as agent of the LLC
upon whom process against
it may be served. SSNY shall
mail copy of process to the
LLC, 424 Sunrise Highway,
Rockville Centre, NY 11570.
Purpose: Any lawful pur-
pose.
8422 my6-Tu ju10

NOTICE OF FORMATION
of OneStop IT LLC. Arts.
of Org filed with Secy. of
State of NY (SSNY) on
4/10/25. Office location: Nas-
sau County. SSNY designat-
ed as agent upon whom process
may be served and shall mail
copy of process against LLC
to 64 Florence Avenue, Mass-
apequa, NY 11758. Purpose:
any lawful act.
7677 A22 T My27

NOTICE OF FORMATION
of Pamela Sole Jewelry
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 1/9/25. Office location: NY
County. SSNY designated as
agent upon whom process
may be served and shall mail
copy of process against LLC
to Pamela Sole, 112 East 74th
St, Apt 6N, New York, NY
10021. Purpose: any lawful
act.
7751 A22 T My27

NOTICE OF FORMATION
of PGLHB 1 LLC. Arts of
Org filed with Secy. of State
of NY (SSNY) on 4/9/2025. Of-
fice location: Nassau County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to 475
5th Ave, 9th Fl, New York,
NY 10017. Purpose: any law-
ful act.
7613 A22 T My27

NOTICE OF FORMATION
of PINNACLE COVER-
AGE GROUP LLC. Arts of
Org filed with Secy. of State
of NY (SSNY) on 12/16/2024.
Office location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to 228
Park Ave, 8, 8B1467, New
York, NY 10003. R/A: US Corp
Agents, Inc. 7014 13th Ave,
#202, BK, NY 11228. Purpose:
any lawful act.
7599 A22 T My27

NOTICE OF FORMATION
of Sloane Haus LLC. Arts
of Org filed with Secy. of
State of NY (SSNY) on
3/5/2025. Office location: NY
County. SSNY designated as
agent upon whom process
may be served and shall mail
copy of process against LLC
to Entify Protect Registered
Agent Services LLC, 447
Broadway, 2nd Fl #3000, New
York, NY 10013. P/B/A: 564
Liberty Ave, door 2F, Brook-
lyn, NY 11203. Purpose: any
lawful act.
7685 A22 T My27

NOTICE OF FORMATION
of T-Spoon Solutions
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 3/31/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to Entify Protect Registered
Agent Services LLC, 447
Broadway, 2nd Fl #3000, New
York, NY 10013. P/B/A: 276
5th Ave, Ste 704, New York,
NY 10001. Purpose: any law-
ful act.
7739 A22 T My27

NOTICE OF FORMATION
of HealOrah LLC. Arts of
Org filed with Secy. of State
of NY (SSNY) on 11/1/2024.
Office location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to 136
Madison Ave, F15 and 6, New
York, NY 10016. R/A: Regis-
tered Agents Inc., 418 Broad-
way Ste R, Albany, NY 12207.
Purpose: any lawful act.
7730 A29 T J03

NOTICE OF FORMATION
of NOHEM NEW YORK
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 3/12/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to 40 W 24th St, 6E, New
York, NY 10010. R/A: US Corp
Agents, Inc. 7014 13th Ave,
#202, BK, NY 11228. Purpose:
any lawful act.
8066 A29 T J03

NOTICE OF FORMATION
of RYAN HINES LLC.
Arts of Org filed with Secy.
of State of NY (SSNY) on
3/22/2025. Office location: NY
County. SSNY designated as
agent upon whom process
may be served and shall mail
copy of process against LLC
to 309 Lexington Ave, 3R,
New York, NY 10065. Pur-
pose: any lawful act.
7749 A29 T J03

NOTICE OF FORMATION
of WorkFlow IQ LLC. Arts
of Org filed with Secy. of
State of NY (SSNY) on 1/9/25.
Office location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to 175 E
96 St, 4E, New York, NY
10128. R/A: US Corp Agents,
Inc. 7014 13th Ave, #202, BK,
NY 11228. Purpose: any law-
ful act.
5239 A29 T J03

NOTICE OF FORMATION
of AIP GovCo LLC Arts.
of Org. filed with Secy. of
State of NY (SSNY) on
05/14/25. Office location: NY
County. SSNY designated as
agent of LLC upon whom
process against it may be
served. SSNY shall mail
process to Corporation Ser-
vice Co., 80 State St., Albany,
NY 12207-2543. Purpose: Any
lawful activity.
9064 May20 tu Jun24

NOTICE OF FORMATION
of 534 WEST 149TH
STREET LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 4/3/2025. Of-
fice location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to Ilya
Smirnov, 370 W 118th St, Apt
5A, New York, NY 10026. Pur-
pose: any lawful act.
8260 My06 T J10

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION
of BROKEN MIRROR
PICTURES LLC. Arts. of Org
filed with Secy. of State of
NY (SSNY) on 12/29/2024. Of-
fice location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy of
process against LLC to 201 W
80th St, Apt 2W, New York,
NY 10024. R/A: US Corp
Agents, Inc. 7014 13th Ave,
#202, BK, NY 11228. Purpose:
any lawful act.
8203 My06 T J10

NOTICE OF FORMATION
of FRASER TECH CON-
SULTING LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 4/3/2025. Of-
fice location: NY County. SSNY
designated as agent upon
whom process may be served
and shall mail copy of
process against LLC to 228
Park Ave S, PMB 835627, New
York, NY 10003. R/A: US Corp
Agents, Inc. 7014 13th Ave,
#202, BK, NY 11228. Purpose:
any lawful act.
8357 My06 T J10

NOTICE OF FORMATION
of GREEN LORO MEDIA
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 4/3/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to Alejandra Ramirez, 1425
Amsterdam Ave, Unit 4D,
New York, NY 10027. Pur-
pose: any lawful act.
8363 My06 T J10

NOTICE OF FORMATION
of KEROKEV IMAGES
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 1/9/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to 954 Lexington Ave, PMB
3006, NY, NY 10021. R/A: US
Corp Agents, Inc. 7014 13th
Ave, #202, BK, NY 11228. Pur-
pose: any lawful act.
7786 My06 T J10

NOTICE OF FORMATION
of The Banerjee Group
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 3/22/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to 60 West 13th St, Apt 8C,
New York, NY 10011. Pur-
pose: any lawful act.
8447 My06 T J10

NOTICE OF FORMATION
of TIGERTHORN 10C
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 3/3/25. Office location:
Nassau County. SSNY desig-
nated as agent upon whom
process may be served and shall
mail copy of process against
LLC to 50 West 30th
St, Apt 19C, New York, NY
10001. Purpose: any lawful
act.
6339 My06 T J10

NOTICE OF FORMATION
of A GAME IN HAND
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 4/5/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to C T Corporation System, 28
Liberty St, New York, NY
10005. Purpose: any lawful
act.
8794 My13 T J17

NOTICE OF FORMATION
of AKIBA BOWERY
LLC. Arts of Org filed with
Secy. of State of NY (SSNY)
on 5/5/2025. Office location:
NY County. SSNY designated
as agent upon whom process
may be served and shall mail
copy of process against LLC
to 116 Bowery, New York, NY
10013. Purpose: any lawful
act.
8693 My13 T J17

NOTICE OF FORMATION
of HARD SHADOW
FILMS LLC. Arts of Org filed
with Secy. of State of NY
(SSNY) on 4/9/2025. Office
location: NY County. SSNY
designated as agent upon
whom process may be served
and shall mail copy of
process against LLC to 432 E
9th St, New York, NY 10009.
Purpose: any lawful act.
8252 My13 T J17

NOTICE OF FORMATION
of QUANTFLOW TECH-
NOLGY LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 2/21/2025. Of-
fice location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to 356
Ridge Ave, Brooklyn, NY
11220. Purpose: any lawful
act.
8623 My13 T J17

NOTICE OF FORMATION
of RELATO STORE LLC.
Arts of Org filed with Secy.
of State of NY (SSNY) on
3/19/2025. Office location: NY
County. SSNY designated as
agent upon whom process
may be served and shall mail
copy of process against LLC
to Andrea Bridge Londono,
211 W 56th St, Apt 33E, New
York, NY 10019. Purpose: any
lawful act.
8403 My13 T J17

Notice of formation of
RMG PRODUCTIONS,
LLC. Articles of Organization
filed with the Secretary of
State of New York (SSNY) on
01/19/2025. Office located in
NEW YORK. SSNY is desig-
nated for service of process.
SSNY shall mail a copy of
any process served against
the LLC to 10 TIMES
SQUARE 3RD FLOOR,
SUITE 3101, NEW YORK,
NY 10018, USA. Purpose: any
lawful purpose.
3856 My13 T J17

NOTICE OF FORMATION
of Roger's Software Con-
sulting LLC. Arts of Org filed
with Secy. of State of NY
(SSNY) on 4/14/2025. Office
location: NY County. SSNY
designated as agent upon
whom process may be served
and shall mail copy of
process against LLC to 228
Park Ave S, #839777, New
York, NY 10003. R/A: US Corp
Agents, Inc. 7014 13th Ave,
#202, BK, NY 11228. Purpose:
any lawful act.
8754 My13 T J17

NOTICE OF FORMATION
of Fastbreak Strategy &
Solutions, LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 4/21/2025. Of-
fice location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy
of process against LLC to 167
Madison Avenue, Ste 205,
#545, New York, NY 10016.
Purpose: any lawful act.
9075 My20 T J24

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION
of ISLAND BWOY
KITCHEN LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 4/15/2025. Of-
fice location: NY County.
SSNY designated as agent
upon whom process may be
served and shall mail copy of
process against LLC to 15
139Th St, Apt 12R, New York,
NY 10037. Purpose: any law-
ful act.
8890 My20 T J24

NOTICE OF FORMATION
of THE LIMINA COL-
LECTIVE LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 5/7/2025. Of-
fice location: NY County. SSNY
designated as agent upon
whom process may be served
and shall mail copy of
process against LLC to 501 E
87th St, Apt 4B, New York,
NY 10128. Purpose: any law-
ful act.
9070 My20 T J24

NOTICE OF FORMATION
of VOTES OF CONFLI-
DENCE LLC. Arts of Org
filed with Secy. of State of
NY (SSNY) on 4/7/2025. Of-
fice location: NY County. SSNY
designated as agent upon
whom process may be served
and shall mail copy of
process against LLC to 228
Park Ave S, #348233, New
York, NY 10003. Purpose: any
lawful act.
8842 My20 T J24

NOTICE OF FORMATION
of MERCER DOLLER
TIVE LLC. Arts of Org. filed
with Secy. of State of NY
(SSNY) on 04/24/2025. Office
location: New York County.
SSNY designated as agent of
LLC upon whom process
against it may be served.
SSNY shall mail process to:
RESIDENTAGENT, INC.,
ROCKEFELLER PLAZA,
SUITE 1204, NEW YORK, NY
10020, also the registered
agent upon whom process
may be served. Purpose: any
lawful activities.
9018 my20-Tu ju24

NOTICE OF FORMATION
of NPC Films, LLC. Arts.
of Org. filed with Secy. of
State of NY (SSNY) on
05/02/2025. Office location:
New York County. SSNY des-
ignated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: NPC Films, LLC,
26 Broadway, Suite
1301, New York, NY 10004.
Purpose: any lawful activi-
ties.
9019 my20-Tu ju24

NOTICE OF FORMATION
of Pirouette America,
LLC. Arts. of Org. filed with
Secy. of State of NY (SSNY)
on 03/27/2025. Office location:
Nassau County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: Delaney Corp-
orate Services Ltd., 99 Wash-
ington Avenue, Suite 805A,
Albany, NY 12210. Purpose:
any lawful activities.
9051 my20-Tu ju24

NOTICE OF FORMATION
of Rise Therapy Part-
ners LLC. Arts. of Org. filed
with Secy. of State of NY
(SSNY) on 04/29/2025. Office
location: New York County.
SSNY designated as agent of
LLC upon whom process
against it may be served.
SSNY shall mail process to:
310 W 72nd Street, Suite 1G,
New York, NY 10023. Pur-
pose: any lawful activities.
9021 my20-Tu ju24

NOTICE OF FORMATION
of Strange Bird Podcast
LLC. Arts. of Org. filed with
Secy. of State of NY (SSNY)
on 05/01/2025. Office location:
New York County. SSNY des-
ignated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: Strange Bird Pod-
cast LLC, 26 Broadway, Suite
1301, New York, NY 10004.
Purpose: any lawful activi-
ties.
9022 my20-Tu ju24

NOTICE OF FORMATION
of LOGIC LAB LLC. Arts
of Org filed with Secy. of
State of NY (SSNY) on
3/25/2025. Office location: NY
County. SSNY designated as
agent upon whom process
may be served and shall mail
copy of process against LLC
to 95 Wall St, Apt 1020, New
York, NY 10005. Purpose: any
lawful act.
8112 My27 T Jy01

NOTICE OF FORMATION
of 38 Fairview GN LLC.
Arts. of Org. filed with Secy.
of State of NY (SSNY) on
05/06/2025. Office location:
Nassau County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: the Company, 6
Forest Drive, Port Washing-
ton, New York 11050. Pur-
pose: any lawful activities.
9389 my27-Tu jy1

NOTICE OF FORMATION
of 5838 Bayside LLC.
Arts. of Org. filed with Secy.
of State of NY (SSNY) on
05/06/2025. Office location:
Nassau County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: the Company, 6
Forest Drive, Port Washing-
ton, New York 11050. Pur-
pose: any lawful activities.
9390 my27-Tu jy1

NOTICE OF FORMATION
of 75 Wall 31P LLC. Arts.
of Org. filed with Secy. of
State of NY (SSNY) on
08/10/2009. Office location:
New York County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: ROSABIANCA &
ASSOCIATES, 40 WALL ST,
31ST FL, NEW YORK, NY
10005. Purpose: any lawful
activities.
9423 my27-Tu jy1

NOTICE OF FORMATION
of AROMAR REAL ES-
TATE LLC. Arts. of Org. filed
with Secy. of State of NY
(SSNY) on 04/18/2025. Of-
fice location: New York County.
SSNY designated as agent of
LLC upon whom process
against it may be served.
SSNY shall mail process to:
LAW OFFICES OF MAR-
GARITA R. SOLIS, 5190 GOV-
ERNOR DRIVE, SUITE 108,
SAN DIEGO, CA 92122. Pur-
pose: any lawful activities.
9424 my27-Tu jy1

NOTICE OF FORMATION
of EDGEINSIGHT
TECHNOLOGIES LLC. Arts.
of Org. filed with Secy. of
State of NY (SSNY) on
05/07/2025. Office location:
Nassau County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: 17 Cortland Ave.,
Jericho, NY 11753. Purpose:
any lawful activities.
9391 my27-Tu jy1

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION
of JL MANAGEMENT 25
LLC. Arts. of Org. filed with
Secy. of State of NY (SSNY)
on 05/09/2025. Office location:
Nassau County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: THE LLC, 95
SPRUCE STREET, ROSLYN,
NY 11576. Purpose: any law-
ful activities.
9392 my27-Tu jy1

NOTICE OF FORMATION
of LEGACY DONUT
HUDSON 2 LLC. Arts. of Org.
filed with Secy. of State of
NY (SSNY) on 05/08/2025. Of-
fice location: New York
County. SSNY designated as
agent of LLC upon whom
process against it may be
served. SSNY shall mail
process to: THE LLC, 240
WEST 40TH STREET, NEW
YORK, NY 10018. Purpose:
any lawful activities.
9426 my27-Tu jy1

NOTICE OF FORMATION
of OSZMIAN REALTY I
LLC, AMENDED TO
OSZMIAN REALTY LLC.
Arts. of Org. filed with Secy.
of State of NY (SSNY) on
05/05/2025. Office location:
New York County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: 120 E 81ST
STREET, APT. 4F, NEW
YORK, NY 10028. Purpose:
any lawful activities.
9428 my27-Tu jy1

NOTICE OF FORMATION
of Platen Magazine, LLC.
Arts. of Org. filed with Secy.
of State of NY (SSNY) on
04/30/2025. Office location:
New York County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: THE COMPANY,
135 CROSSWAYS PARK DR,
STE. 300, WOODBURY, NY
11797. Purpose: any lawful
activities.
9393 my27-Tu jy1

NOTICE OF FORMATION
of SHOMER7, LLC. Arts.
of Org. filed with Secy. of
State of NY (SSNY) on
05/07/2025. Office location:
Nassau County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: THE COMPANY,
135 CROSSWAYS PARK DR,
STE. 300, WOODBURY, NY
11797. Purpose: any lawful
activities.
9393 my27-Tu jy1

NOTICE OF FORMATION
of Tivoli Partners NY
LLC. Arts. of Org. filed with
Secy. of State of NY (SSNY)
on 05/01/2025. Office location:
New York County. SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: Registered
Agents, Inc., 418 Broadway,
STE R, Albany, NY 12207.
Address required to be
maintained in DE: 16192
Coastal Hwy., Lewes, DE
19958. Arts of Org. filed with
the Secy. of State, 401 Fed-
eral St., Ste 4, Dover, DE
19901. Purpose: any lawful
activities.
9432 my27-Tu jy1

FOUNDATIONS

The Annual return of
Raphael Foundation Inc for
the calendar year ended De-
cember 31st, 2024 is avail-
able at its principal office lo-
cated at 48 West 37th street,
9th floor, New York, NY 10018
for inspection during regular
business hours by any citizen
who requests it within 180
days hereof. Principal Man-
ager of the Foundation is
Maurice Shamah.
9208 my27

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