

IN BRIEF

On the Move

- Paul, Weiss, Rifkind, Wharton & Garrison has added Linda Barrett as a partner in the firm's executive compensation department. She was previously a partner at Simpson Thacher.
- Jovana Crnčević has joined Faegre Drinker as a partner in its litigation practice. She joins from Withers where she was special counsel.
- Stuart Alter has joined Milbank as a partner in its tax group. He joins from Akin where he was also a partner.
- Foley Hoag has added Jason Hipp as a partner in its litigation department. He joins from Jenner & Block.
- Sumita Ahuja has joined Sidley as a partner in the firm's global finance practice. She joins from Wachtell, Lipton, Rosen & Katz.
- Holland & Knight has hired Lawrence 'Larry' Hill as a partner in its tax, executive compensation and benefits practice group. He was formerly a partner at Steptoe and head of that firm's tax controversy practice.
- DLA Piper has added Andrés Loera as a partner in the firm's finance practice.
- Sean Maraynes has rejoined Wilson Elser as a partner in its medical malpractice & health care practice. He previously served as of counsel before leaving in 2019 to join DOPF, PC.
- Pang Zhang-Whitaker has joined Womble Bond Dickinson as a partner in the firm's corporate and securities practice group. She will also serve as chair of its capital markets and securities practice, Asia Pacific. In addition, Darius Alam has joined the firm as senior counsel.
- Hogan Lovells has hired Elai Katz as a partner in its antitrust, competition and economic regulation practice. He was previously with McDermott Will & Schulte.
- Forchelli Deegan Terrana has added Yuri Burshteyn as a partner to both its banking and finance and real estate practice groups. He was previously a partner as Braunstein Turkish. In addition, Michael McCarthy has joined the firm as a partner in the firm's land use & zoning practice group.
- Norris McLaughlin has added Tara Martin as a member with the firm's real estate and finance practice group.
- Cadwalader has added Robert Hayes as a partner in its finance

practice. Upon the upcoming merger creating Hogan Lovells Cadwalader in July of this year, he will be resident in the combined firm's New York and Los Angeles offices.

- Warshaw Burstein has hired Jeffrey Seiden as a partner in the firm's real estate and litigation groups.
- Ching-Lee Fukuda has joined Morrison Foerster as a partner in the firm's intellectual property litigation group and life sciences + healthcare industry practice in New York.
- Zhiyan Cao has joined Simpson Thacher & Bartlett as a partner in the firm's fund transactions practice.
- King & Spalding has added partners Andy Bettwy and Jin Joo to the firm's finance and restructuring practice group. They both join from Proskauer Rose, where Bettwy served as co-head of global finance and the corporate & fund finance practice group.
- Coffey Modica has added Christopher Delamere Clarke and Clara Villarreal as partners.
- Kenneth Boehner has joined Harter Secrest & Emery as a partner in its corporate and transaction practice.
- Loeb & Loeb has added Todd Matras as a partner in its finance department. He joins from Cadwalader, Wickersham & Taft. The firm has also hired Angelo Grasso as a partner in its private client group. He joins from Greenfield Stein & Senior. Anton Vlahek and Morgan Band have joined the firm as associates.
- Marc Antonucci has rejoined Rivkin Radler as a partner in the firm's health services; compliance, investigations & white collar; and commercial litigation practice groups. He was previously general counsel at Center for Disability Services. The firm has also added Alicia Bartkowski as counsel, and John Accursio, Mariah Almonte and Katherine Pedlow as associates.
- Ricardo 'Rick' Martinez has joined Eversheds Sutherland as a partner in its US finance practice.
- Gerstman, PLLC, a government relations, lobbying, and regulatory advocacy

Spain's 'Top 3' Latin American Strategies Reveal a Blueprint for Big Law »5

'Troubling Strategy': Litigators Applaud Appellate Defeat of State Police FOIL Stall Tactics

BY BRIAN LEE

A MIDDLELEVEL New York appellate court on Thursday struck down the state police's efforts to withhold disciplinary records.

In a unanimous ruling, the Appellate Division, Third Department,



Kelly McNamee, partner with Foley Hoag

affirmed that law enforcement agencies cannot use blanket privacy claims to bypass statutory disclosure requirements, specifically regarding unsubstantiated complaints.

Kelly McNamee, a Foley Hoag partner who has handled similar public records litigation, reacted to the decision's broad impact on the legal landscape.

McNamee noted that, notwithstanding the 2020 repeal of the decades-long personnel shield under Civil Rights Law § 50-a, "many FOIL requests seeking police disciplinary records continue to be met with silence, crippling delays, exorbitant fee demands, and/or flawed legal theories attempting to stave off disclosure."

She expressed hope that the Third Department rul-

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Judge Lane Appointed as Next Chief Bankruptcy Judge in Manhattan

BY ALYSSA AQUINO

BANKRUPTCY Judge Sean Lane will serve as the chief judge of the U.S. Bankruptcy Court in the Southern District of New York, after Chief Judge Martin Glenn retires this September.

Lane's appointment as the chief judge—as decided by the Southern District's board of judges—was announced by the court on Wednesday.

"Judge Lane has distinguished himself in government service in several capacities in the Department of Justice and, over the past fifteen years as a judge of the Bankruptcy Court for the Southern District of New York," Chief District Judge Laura Taylor Swain said in a statement. "His mastery of case management and substantive law, his demeanor on the bench and his leadership qualities have earned him the deep respect of the bar and his colleagues."

Lane's term as chief judge will go into effect on August 1, 2026, according to the announcement.

Lane was first appointed to the bankruptcy court in September 2010. His current judicial term expires in September 2038.

While on the bench, Lane presided over Rudy Giuliani's bankruptcy case, which was filed one week after two Georgia poll workers won a \$148 million defamation verdict against Giuliani, President Donald Trump's former longtime



Chief Judge Sean Lane, Bankruptcy Court in the Southern District of N.Y.

attorney. Lane dismissed the case in August 2024.

Lane is also the judge who oversaw the bankruptcy of the now-defunct Purdue Pharma, the pharmaceutical giant that filed for bankruptcy protections while facing thousands of lawsuits accusing it of fueling the opioid epidemic. In November 2025, Lane approved a restructuring plan that would have Purdue Pharma's owners—members of the Sackler family—paying \$6.5 billion and giving up ownership of the company.

Lane joined the bankruptcy court after a decade at the SDNY prosecutor's office, including as the chief of the office's tax

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SDNY Judge: Attorney's 'Outrageously Unprofessional' Conduct Included Deposition Disruptions, AI-Hallucination Citations

BY MARIANNA WHARRY

A SOUTHERN District of New York magistrate judge sanctioned and referred a Brooklyn attorney to a disciplinary committee Tuesday after concluding his conduct during two depositions was "outrageously unprofessional" and interfered with the discovery process.

U.S. Magistrate Judge Jennifer E. Willis for the Southern District of New York issued the order partially granting plaintiff Joseph Cartagena's motion for sanctions against defendants Terrance Dixon and his attorney Tyrone Blackburn related to their behavior at previous depositions.

Cartagena, an American rapper known under his stage name "Fat Joe," filed a \$15-million defamation suit in April 2025 against Dixon, his former hype man. He claimed Dixon made several false social media posts alleging he participated in acts involving pedophilia, statutory rape and sexual assault. Cartagena amended the complaint in July to include defamation claims against Blackburn for making similar accusations on his social media.

The defendants have both denied these allegations, and Tues-



Judge Jennifer Willis

day's sanctions occurred after a series of contentious discovery proceedings earlier this year.

Blackburn unilaterally canceled a court-ordered deposition set to occur Feb. 6 without prior judicial approval. He had a medical procedure on Feb. 3 but did not inform the court of complications from the procedure until Feb. 5. His letter to the court asking for an extension only came after Cartagena's counsel moved to compel Blackburn's compliance. Blackburn and Dixon were held in contempt in April for failing to appear at the depositions and were ordered to pay the plaintiff the costs for obtaining a court reporter and videogra-

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Goldman Defeated for Renomination to Congress Amid Left-Leaning Candidates' Sweep

BY BRIAN LEE

U.S. Rep. Dan Goldman, a two-term incumbent with deep ties to New York City's legal establishment, suffered a decisive defeat in Tuesday's Democratic primary in part of an apparent shift to the progressive left among primary voters.

A former federal prosecutor and boutique litigation attorney, Goldman was one of two city district incumbents ousted by candidates aligned with Mayor Zohran Mamdani, who is identified with progressive elements of the Democratic Party.

Goldman fell to challenger Brad Lander, the former New York City comptroller who ran a campaign heavily focused on immigration



Daniel Goldman, (D) 10th congressional district, N.Y.

reform and opposition to U.S. military aid to Israel.

The high-profile Goldman, an heir to the Levi Strauss fortune who committed to spending his own money to protect his seat, rose to national prominence as the lead majority counsel in House Democrats' first impeachment inquiry against Donald Trump in 2019.

According to Spectrum News, Goldman stated that

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DECISIONS OF INTEREST

First Department

TRUSTS & ESTATES: **Copy of lost will admitted where attorney retained original document.** *Will of Deborah DeAngelis, Surrogate's Court, New York.*

Second Department

PERSONAL INJURY: **Sidewalk injury claims survive as to owners despite contractor's dismissal.** *Rodriguez v. 583 Knickerbocker LLC, Supreme Court, Kings.*

MEDICAL MALPRACTICE: **No gross negligence shown; malpractice claims barred by EDTPA immunity.** *Nieves v. Islam, Supreme Court, Kings.*

REAL ESTATE LAW: **Property sale dispute dismissed as duplicative of pending trust action.** *Follman v. Reiner, Supreme Court, Kings.*

CIVIL PROCEDURE: **Debt collector fails to show entitlement to relief on existing New York judgment.** *Rushmore Recoveriesx, LLC v. Zbib, Civil Court, Queens.*

REAL ESTATE: **Defendants fail to establish statute of limitations defense in suit over property transfer.**

Scarso v. NYC REO LLC, Supreme Court, Richmond.

U.S. Courts

DISPUTE RESOLUTION: **Telecom tower investors defeat bid to vacate final \$300m arbitration award.** *Telecom Bus. Solution LLC v. Terra Towers Corp., SDNY.*

REAL ESTATE: **Property owner denied default judgment in bid to extinguish IndyMac bank mortgage.** *Mongiello v. IndyMac Bank FSB, SDNY.*

DISPUTE RESOLUTION: **Canadian hedge fund fails to expand relief after arbitration award vacatur.** *Eletson Holdings Inc. v. Levona Holdings Ltd., SDNY.*

CIVIL PROCEDURE: **Chinese lender's promissory note suit dismissed for lack of diversity jurisdiction.** *Yang v. Feilos Holding LLC, SDNY.*

CRIMINAL LAW: **Trump pardon does not erase former congressman's tax fraud conviction.** *U.S. v. Grimm, EDNY.*

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BY NICHOLAS MALFITANO

IN an issue of first impression, a federal appellate court has ruled that the Employee Retirement Income Security Act of 1974 preempts medical providers' claims for defamation connected to allegedly false benefits information given to policyholders.

On Wednesday, the U.S. Court of Appeals for the Third Circuit found in a precedential ruling that certain state law claims—in this case, defamation—are within the scope of ERISA's broad preemption provision, and thus precluded a defamation case brought by a head-and-



The Third Circuit reasoned, any state law claims related to Cigna's federal law-mandated duties are preempted.

neck doctor. The doctor sued Cigna Health and Life Insurance Company for justifying the denial of dozens of his care claims by referring to him as "an unlicensed provider."

The Third Circuit's decision in *Ahn v. Cigna Health* upheld a district court ruling that also determined the doctor's defamation claims were preempted.

In writing for the three-judge panel, Third Circuit Judge Thomas M. Hardiman said Cigna's explanation of benefits forms, which can detail why it denies certain provider claims, are "central" to its administration of healthcare coverage plans—all of which are covered by ERISA—and its

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New York Law Journal Inside

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Supreme Court Ends Mass Litigation Over Roundup Labels, Says Preemption Applies

BY JIMMY HOOVER

THE U.S. Supreme Court on Thursday barred state lawsuits claiming that Monsanto failed to warn consumers about the risk of cancer from its high-selling “Roundup” weed killer, a major victory for the large agricultural chemical company and the preemptive power of federal fungicide law.

In a 7-2 vote, the court said state litigation over Monsanto’s failure to include cancer warnings on its label would effectively require the company to change its label from that which was approved by the U.S. Environmental Protection Agency under the Federal Insec-

ticide, Fungicide and Rodenticide Act.

Justice Brett Kavanaugh authored the opinion for the court. Justice Ketanji Brown Jackson wrote a dissent joined by Justice Neil Gorsuch.

“With respect to pesticide labels, FIFRA demands ‘[u]niformity’ and expressly preempts state labeling requirements that are ‘in addition to’ or ‘different from’ federal labeling requirements,” Kavanaugh wrote.

Allowing state law failure-to-warn claims “would require a cancer warning on Roundup’s label—a requirement ‘in addition to’ and ‘different from’ the label required by EPA under FIFRA,” he added. “FIFRA therefore

expressly preempts [John] Durnell’s claim.”

The ruling wipes out a \$1.25 million Missouri jury award for Durnell, who alleged he contracted cancer after years of using Roundup. The decision also enables Monsanto to beat back a tide of litigation from other plaintiffs alleging significant health problems, including cancer, from regular exposure to the product.

While its Supreme Court appeal was pending, Monsanto entered into a \$7.25 billion class action settlement over Roundup claims. It had said that a favorable Supreme Court decision would be critical to resolving the claims of plaintiffs who opt out of the settlement, which provides \$10,000 to \$160,000



The ruling overturns a \$1.25 million award to a man who claims Roundup caused his cancer, adding to Monsanto’s wins against similar lawsuits.

for current and future claimants for the next 21 years.

The high court agreed with Monsanto—now owned by Bayer—that FIFRA was intended to provide uniformity in labeling requirements for

products like Roundup and said state courts may therefore not entertain failure-to-warn claims against the company.

“Uniformity’ in labeling—the textually stated objective of FIFRA’s

preemption clause—would otherwise be impossible to achieve,” Kavanaugh wrote.

In her dissent, Jackson said FIFRA itself requires fungicides to include adequate health warnings and that Missouri’s failure-to-warn claim therefore imposes no duty other than what is already supplied by federal law.

“Durnell’s claim does not impose any labeling requirement that is ‘in addition to or different from’ what FIFRA itself requires; instead, the standards prescribed by federal and state law are equivalent,” she wrote. “Ultimately, the effect of the majority’s interpretation is both remarkable and regrettable, for it unjustifiably closes the courthouse doors to state tort plaintiffs like Durnell.”

The Supreme Court rendered its decision in *Monsanto v. Durnell*, No. 24-1068.

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Google’s YouTube Settles Second Bellwether Case Over Social Media Addiction

BY AMANDA BRONSTAD

YOUTUBE has agreed to settle a bellwether case set for trial next month, the second in the nation to allege social media caused addiction and mental health problems in an adolescent user.

The July 27 trial, which is part of California’s Judicial Council Coordinated Proceedings in Los Angeles Superior Court, will go forward against three other defendants: Meta Platforms Inc., which owns Instagram; TikTok, which is owned by ByteDance Inc.; and Snap Inc., which owns Snapchat.

The terms of the settlement, announced on Tuesday, were confidential.

“For more than a decade, we’ve built YouTube responsibly—working with families to give young people safer, more helpful experiences online,” José Castañeda, a spokesman for Google, which owns

YouTube, said in a statement. “This matter has been amicably resolved, and our focus remains on building age-appropriate products and parental controls that deliver on that promise.”

The case was brought by a minor plaintiff known anonymously as R.K.C., who lives in Florida. Morgan & Morgan and Panish Shea Ravipudi, in Los Angeles, are handling the trial. Last year, Los Angeles Superior Judge Carolyn Kuhl allowed the case to move forward but dismissed one claim: R.K.C.’s negligent failure to warn against Google. Google had argued that R.K.C.’s father directed him to open his first YouTube account, then told him to open a second account the day before filing suit, and that he has continued to use the social media platform. Snap made a similar argument that R.K.C. opened a Snapchat account after filing suit.

“YouTube’s decision to resolve this case before having to face a jury speaks for itself,” Morgan &

Morgan’s John Morgan, in Orlando, Florida, and Emily Jeffcott, in Pensacola, Florida, said in a joint statement.

“As jurors saw in the first bellwether trial, leadership at these social media companies have been strategizing for years to hook children early and maximize their usage with insidious features like autoplay and infinite scroll, all with the aim of increasing profits at the expense of the mental health of our youth.”

In the first bellwether trial in the nation, jurors in Los Angeles Superior Court awarded \$6 million, including \$3 million in punitive damages, to a 20-year-old woman, referred to anonymously as Kaley, or K.G.M., who alleged she became addicted to YouTube and Instagram as a preteen and suffered numerous mental health problems, including depression, anxiety and body dysmorphia. Jurors found YouTube 30% responsible for that verdict.

TikTok and Snap had settled



Parents holding photos of children who died following alleged online bullying and blackmail stand outside Los Angeles Superior Court earlier this year during the first bellwether trial, as litigation is set to continue with a July 27 trial against Meta, TikTok, and Snap.

out of the first case before trial, which featured testimony from Meta CEO Mark Zuckerberg and Instagram CEO Adam Mosseri.

Kaley, now 20, also testified and, at times, attended the trial.

Earlier this month, Kuhl upheld the March 25 verdict, rejecting

arguments from YouTube and Meta that evidence at trial focused not on features but content, for which both companies are immune under the First Amendment and Section 230 of the Communications Decency Act.

Kuhl had instructed the jury that the defendants were not liable for the content of third parties on their platforms. As a result, the trial focused on the features on Instagram and YouTube, such as autoplay and infinite scroll.

“The tide of the law and public opinion are shifting,” Morgan and Jeffcott continued in their statement. “While this settlement is another step in the right direction, we will continue fighting on behalf of all those affected by social media addiction to bring these companies to justice and compel them to prioritize the safety of their young users over their bottom lines.”

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More Than 10,000 L.A. Wildfire Survivors File Petition To Intervene in State Enforcement Action Against Insurer

BY KAT BLACK

EVERY FIRE Survivor’s Network, a coalition of more than 10,000 survivors of the Eaton and Palisades wildfires that devastated Los Angeles County in January 2025, has filed a petition to intervene in a state agency enforcement action against State Farm alleging the insurer mishandled potentially thousands of wildfire claims.

EFSN, represented by Singleton Schreiber and Consumer Watchdog, reported it had filed for full party intervenor status in the proceeding during a June 18 press conference held at the Palisades Charter High School in the Pacific Palisades.

“None of us wanted this fight,” said Joy Chen, executive director of EFSN, in a statement, according to a news release published by Singleton Schreiber.

“We paid our premiums faithfully for years, some of us for decades. When we lost our homes, we expected protection. Instead, we got delays, denials, and a system that was not working for us. Now we want a seat at the table, and we are not leaving until every



Fire survivors say State Farm still owes an estimated \$3.5 billion in unpaid wildfire claims tied to the 2025 Eaton and Palisades fires.

family gets what they are owed.”

The California Department of Insurance initiated the accusation and order to show cause against State Farm on May 4 after Insurance Commissioner Ricardo Lara, responding to consumer complaints, ordered an investigation into the insurer’s handling of policyholder claims in the wake of the Los Angeles wildfires. The action seeks to impose

millions of dollars in penalties.

The CDI’s Market Conduct Examination report revealed that State Farm had allegedly committed 398 state insurance law violations across 220 of the wildfire-related claims that the agency reviewed, including slow and inadequate claim investigation, underpayment, multiple adjusters “causing confusion,” smoke damage claim denials and delays and inadequate

communication with policyholders.

“After the January 2025 fires, State Farm still owes L.A. survivors an estimated \$3.5 billion,” the news release said. “A penalty calculated from the documented violations at the statutory minimum would produce approximately \$1.99 million, less than a single day of investment earnings for a company with \$270 billion in assets.”

Shortly after the enforcement action was announced, Singleton Schreiber filed a complaint citing the CDI report against State Farm and co-defendant EFI Global Inc., an environmental consulting firm, on behalf of Altadena, California-based homeowners in the U.S. District Court for the Central District of California.

The suit, which alleged breach of contract and insurance bad faith, claimed that the insurer had failed to timely and equitably settle the homeowners’ smoke and ash damage claim, leaving their residence “uninhabitable” after the Eaton wildfire burned more than 9,000 buildings to the ground and killed 19 people in Altadena and Pasadena.

Michelle Meyers, counsel at Singleton Schreiber in Sacramento,

said in an interview that the firm has filed three lawsuits against State Farm integrating the CDI’s findings since mid-May and that it expects to file three more in the next two weeks.

According to Meyers, in the case of the CDI’s enforcement action, the insurance commissioner has said that the authority to grant legal standing in the case lies with the as yet unassigned administrative law judge, not the CDI.

“We disagree,” said Meyers. “We think, because it hasn’t been assigned to an ALJ yet, that it is actually the insurance commissioner’s responsibility and obligation to make the decision.... I think it’s in his best interest, and it’s in the consumer’s best interest, to allow this intervention to be done, because the Every Fire Survivors Network has 1,600 survivors who are State Farm-insured, who have firsthand knowledge of what was alleged in that market conduct [report]. They can provide background that no one else can provide.”

If the intervention is granted, she added, the EFSN will have the opportunity to conduct discovery, take depositions and participate in any settlement or resolution negotiated between the CDI and State Farm.

According to the news release, the EFSN is seeking “a systematic review of all closed Eaton and Palisades State Farm claims with re-adjustment where violations are

found; reclassification of hygienist and environmental testing costs wrongly charged against policyholders’ home-rebuilding coverage; corrective statute-of-limitations notices to all affected policyholders; and a penalty calibrated to the full scope of violations and to State Farm’s actual financial scale.”

Meyers said she hopes the filing of the intervention will accelerate progress in the enforcement action. If intervention isn’t granted, she said,

then the firm will “look into whether or not a writ is appropriate, or some other action is taken to try to make sure that we have a voice at the table. I mean, the entire point of the Administrative Procedures Act is for interested parties to have a voice, and we think that that’s exactly what these fire survivors have.”

“We are aware of the petition,” said a spokesperson for State Farm in an email.

“We recognize that many wildfire survivors, including those that are State Farm General policyholders, continue to face difficult recovery challenges. Our focus remains on helping customers recover. State Farm General has paid more than \$6 billion on Eaton and Palisades wildfire claims and remains committed to supporting customers as they rebuild and recover.”

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Matter of Marshall Abraham Wexler, an attorney and counselor-at-law

Motion No. 2026-02018

Appellate Division, First Department

Kapnick, J.P., Shulman, Rodriguez III, Pitt-Burke, Higgitt, JJ.

Decided: June 16, 2026

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

Respondent, pro se.

—◆—

Per curiam—Respondent Marshall Abraham Wexler was admitted to the practice of law in the State of New York by the Second Judicial Department on February 27, 2019. Respondent was regis-

Disciplinary Proceeding

tered in the First Department when the present disciplinary investigation commenced (see Rules for Attorney Disciplinary Matters [22 NYCRR] §1240.7[a][2]).

As relevant here, by order dated October 24, 2025, this Court granted the motion of the Attorney Grievance Committee (AGC) for an order compelling respondent to submit to a mental health evalu-

ation, and ordered respondent to submit to a mental health evaluation conducted by a board-certified psychiatrist within 30 days of the order’s entry. The order and notice of entry were served on October 28, 2025.

After protracted email correspondence between the AGC and respondent, respondent failed to appear for his scheduled evalu-

ation on January 13, 2026. Now, by motion dated April 8, 2026, the AGC seeks an order pursuant to 22 NYCRR 1240.9(a)(1) immediately suspending respondent from the practice of law until further order of this Court, based on his failure to appear for the ordered mental health evaluation. Respondent has not submitted a response.

The record demonstrates respondent’s steadfast refusal to comply with this Court’s October 24, 2025 order directing him to

submit to a mental health evaluation. Respondent was repeatedly advised of both the requirement that he appear for the examination and the potential disciplinary consequences of noncompliance. Despite those warnings, respondent failed to cooperate with scheduling efforts, engaged in repeated obstructive and abusive communications with the AGC, sought delay without properly obtaining relief from this Court, and ultimately failed to appear at the scheduled date and time.

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Expert Analysis

COMMERCIAL DIVISION UPDATE

Unjust Enrichment Claims Require A Sufficiently Close Relationship

The quasi-contract claim for unjust enrichment requires a direct connection between the plaintiff and defendant to prevent equitable injustice. Whether the relationship is close enough to satisfy this requirement is a fact-specific inquiry. This column reviews Commercial Division authority that considered whether plaintiffs sufficiently alleged the requisite relationship to survive a motion to dismiss.



By Thomas Hall

And Judith A. Archer

of properties, but the developer provided them to another real estate company that subsequently received commission on the sale of those properties.

In rejecting the unjust enrichment claim, the Court of Appeals affirmed the First Department's determination that the relationship between the two brokerage firms was "too attenuated." Taking

a relationship between them and [defendant]" and "[t]he pleadings fail to indicate a relationship between the parties that could have caused reliance or inducement." 269 W. 87th St. Apartment Corp. v. QSB 267 Prop. Co, LLC, 2026 N.Y. Slip Op. 50450(U) (N.Y. Co. April 1, 2026).

The complaint alleged that the sponsor of the cooperative's alleged fraudulent offering plan had transferred the proceeds of a loan, secured by the unsold apartments in the cooperative and other collateral, to the defendant with no value or consideration returned to plaintiffs. The court found that the "pleadings fail to indicate a relationship between the parties that could have caused reliance or inducement," and further that "the record is devoid of any benefit that the plaintiffs have conferred on" the defendant.

In Quinn v. GCB Cap., LLC, 2023 N.Y. Slip Op. 50674(U) (N.Y. Co. July 7, 2023), Reed similarly dismissed a claim for unjust enrichment against a party that allegedly had wrongfully obtained shares that allegedly should have been issued to plaintiff.

As part of an earlier settlement agreement, defendant MHI was obligated to issue shares of stock to defendant GCB and 5.4 million shares to plaintiff. Plaintiff alleged that, instead, MHI issued an excessive number of shares to GCB with the understanding that GCB would convey 5.4 million of those shares to plaintiff, which it never did.

Notwithstanding defendants' failure to answer the complaint and failure to oppose the motion for a default judgment, the court held that "[t]he mere fact that plaintiffs and [defendant] were parties to the same settlement agreement is insufficient to establish a sufficiently close connection or relationship between them that could have caused or induced reliance on plaintiffs' part."

The court again affirmed that the relationship required to survive dismissal must be one "of reliance or inducement." Emails between the parties' counsel failed to support the theory

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Commercial Division Application

Although the requirement of a sufficiently close relationship is firmly established, in practice the fact-specific nature of the analysis may yield varying outcomes.

Most recently, Justice Robert Reed of the New York County Commercial Division dismissed a claim for unjust enrichment in part because the plaintiffs, which included a cooperative housing corporation, "fail[ed] to indicate

THOMAS J. HALL and JUDITH A. ARCHER are partners with Norton Rose Fulbright US LLP. BRIELLE LANDIS, an associate with the firm, assisted with the preparation of this column.

COMMERCIAL LITIGATION

Harsh New Restrictions of Plaintiffs' Rights in Motor Vehicle Cases

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

New York recently enacted highly consequential legislation limiting the rights of accident victims in motor vehicle cases. In a press release trumpeting the law, the governor's office released a statement to the effect that the changes were "designed to help drive down New York's exorbitantly high auto insurance rates, addressing the root causes by targeting fraud and tackling runaway litigation."

While the law was publicly portrayed as concerned with avoiding fraud or "runaway" litigation, its most consequential provisions have little, if any, bearing on fraudulent or "runaway" cases. Indeed, their main consequences will be in meritorious cases, and they will have the effect of subjecting motor vehicle accident victims to different standards than other injured parties under New York law.

In this column, we will discuss the most significant provisions of the new law.

Partial Abolition of Comparative Fault Regime in Motor Vehicle Cases

At common law, New York followed the doctrine of contributory negligence, in which the allocation of even 1% fault to the plaintiff could bar recovery of damages from the defendant altogether. That system allowed a defendant whose negligence had contributed to the causation of an accident to avoid financial responsibility. "That system was harsh, irrational, unfair, and coldly formalistic." Rizzo v. DiNapoli, 39 N.Y.3d 991, 1005 (2022) (Wilson, J., dissenting). "In 1975, New York adopted a system of pure comparative negligence, and, in so doing, directed courts to consider a plaintiff's compara-

tive fault only when considering the amount of damages a defendant owes to plaintiff." Rodriguez v. City of New York, 31 N.Y.3d 312, 318 (2018).

Under a comparative fault regime, if a party is, say, 60% at fault for an accident and the defendant is 40% at fault for the accident, he is still allowed to recover 40% of his damages. This makes sense, because it ensures that, even if a plaintiff contributed to an accident, the defendant remains proportionately liable for the harm he or she caused.

The new law relegates motor vehicle cases to a set of rules that incorporate the same archaic contributory negligence prin-

The new law relegates motor vehicle cases to a set of rules that incorporate the same archaic contributory negligence principles our state had done away with in 1975.

ciples our state had done away with in 1975. It provides that, "in any action to recover damages for personal injury subject to article fifty-one of the Insurance Law, the culpable conduct attributable to the claimant shall bar recovery if the culpable conduct attributable to the claimant is greater than the culpable conduct of the person against whom recovery is sought or is greater than the combined culpable conduct of the persons against whom recovery is sought."

What this means is that, if the plaintiff is found 50.1% responsible for an accident, he cannot recover any damages from any of the defendants—or, as the law puts it, his culpable conduct "shall bar recovery." Assume a jury finds a pedestrian 51% at fault and a speeding driver 49% at fault.

Under prior law, the pedestrian could recover 49% of his damages. Under the new law, the driver pays nothing, despite having a comparable degree of fault to the plaintiff,

and despite having broken the law by speeding.

This provision will insulate a great many partially liable defendants from any consequence. This is inconsistent with the general conceptual architecture of New York's law of negligence and risks significant inequities. As Judge Jasen of the Court of Appeals wrote: "That the rule of contributory fault departs from the central principle of Anglo-American tort law—that wrongdoers should bear the losses they cause—seems clear.

And at a time when the importance of fault itself is waning in our accident law (e.g., Workmen's Compensation Law, Consol. Laws, c. 67, s 10), it seems to me that we more faithfully serve that principle by causing wrongdoers to share the burden of resulting losses in reasonable relation to their wrongdoing." Codling v. Paglia, 32 N.Y.2d 330, 346 (1973) (Jasen, J.). The new motor vehicle law returns to those same archaic principles.

Under the new law, there will be many cases in which a defendant whose negligent conduct contributed to an accident will not be required to pay any damages to the plaintiff. It also will have a potentially significant effect on the settlement value of cases in which a defendant was more than 50% at fault, because a plaintiff now must factor into his or her thinking prior to trial the possibility of losing the case based on a fault allocation. It does not, on the other hand, have any direct relationship to the goal of preventing fraud.

Lack of Summary Judgment Interest in Motor Vehicle Cases

The law contains an obscure provision that affects post-summary judgment interest in automobile cases. It again, has no evident bearing on fraudulent cases, and subjects motor vehicle cases to rules that differ from other kinds of accidents.

New York law provides that, when a plaintiff is awarded summary judgment on the issue of liability, it triggers the

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IN BRIEF

« Continued from page 1

firm, has joined Anderson Kill to create the firm’s government relations practice. Brad Gerstman, founder and managing partner of Gerstman, joins the practice as chair of government relations. Joining Gerstman on the team are Nicole Epstein Schwartz, joining as shareholder, Rick Chandler, serving as special advisor to the group, and Oliver Graf, joining as government relations manager.

- Daniel Valsamopoulos has joined Seyfarth Shaw as a partner in the firm’s corporate department. He was formerly a partner at Westernman Ball Ederer Miller Zucker & Sharfstein.
- Duane Morris has named partner Michael Cabin co-chair of the firm’s securities litigation division of the trial practice group. Cabin joins partner James Coster as co-chair of the division and succeeds partner James Regan.
- Sheppard has added Brian Sieben as a partner and leader of the firm’s New York office private client services team. He joins from David Polk.
- FisherBroyles has added Teige Sheehan as a partner to its IP practice. Prior to joining, he practiced at Heslin Rothenberg Farley & Mesiti.
- Pryor Cashman has added Ilan Weiser as a partner to its labor + employment group. He joins from Ellenoff Grossman & Schole, where he was also a partner.
- Peter Rosen has joined Ropes & Gray as a partner in the firm’s alternative asset opportunities group. He was a former in-house counsel and partner at Collier Capital.
- Luisa Gutierrez has joined Adler & Stachenfeld as a partner and co-chair of the firm’s condominium & cooperative practice. She was formerly with Herbert Smith Freehills Kramer.
- King & Spalding has added Jarel Rosser as a partner in its finance and restructuring practice group. He joins from K&L Gates, where he was also a partner.
- Kleinberg Kaplan has added Norris Nissim as a partner in New York. Formerly, he was general counsel and chief compliance officer at Luxor Capital Group.
- Wilson Sonsini Goodrich & Rosati has hired Sachin Kohli as a partner in its mergers and acquisitions practice in New York. He joins from Weil, Gotshal & Manges.
- Sarah Burke has joined Holland & Knight as a partner on its executive compensation and benefits team. She was previously counsel at Debevoise & Plimpton.
- Bracewell has added Stuart Glick as a partner in the firm’s real estate special situations practice. He joins from Holland & Knight.
- DLA Piper has added Amanda Gill as a partner in the firm’s corporate practice, and Andrés Loera as a partner in its finance practice.
- Alston & Bird has added Derek Steingarten as a partner in its investment funds group.
- Stinson has hired Maggie Burrus as a partner in its bankruptcy & creditors’ rights practice.
- Polsinelli has added Kai Dargan as a shareholder in the firm’s tax practice.
- Abhishek Kambli has joined Holtzman Vogel as a partner in its Washington, D.C. and New York City offices.
- Megan Vallerie has rejoined Seyfarth Shaw as a partner in the firm’s transactional real estate group. She had been with Seyfarth from 2016 to 2022. She spent the intervening years as a partner at McDermott Will & Emery.
- Fox Rothchild has added Anthony Scali as a partner in the firm’s litigation department. He was formerly a partner at Hinshaw & Culbertson. The firm has also hired Jared Ripp as counsel in its health law practice. Ripp previously served as vice president and associate general counsel for VNS Health. In addition, the firm has elevated Devin Cohen and Eric Knowles to partners and Timothy Gumaer to counsel.
- Seward & Kissel has hired Taha Khan as head of its structured credit practice. He joins from Milbank.
- Simpson Thacher & Bartlett has added Jordan Elkin as a partner in its restructuring practice, and Marten Olsson as a partner in its banking and credit practice.
- Lowenstein Sandler has added Ivan Presant and Scott Fisher as partners in the firm’s mergers & acquisitions practice. Presant joins from Mintz where he was a partner. Fisher was a former partner at Steptoe.
- Kathleen Emberger has joined Freshfields as an employee benefits & executive compensation partner. She joins from Debevoise & Plimpton.
- Melissa Billig has joined Jones Day as a partner in its real estate practice. She was previously a partner at Tannenbaum Helpern

Syracuse & Hirschtritt where she was co-chair of that firm’s construction & design practice group.

- Marshall Dennehey has hired Alexander Mueller as a shareholder in its insurance services practice group. He was previously a partner at Mendes & Mount.
- Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt has added Valerie Sorensen-Clark as a partner. She was formerly with U.S. Customs and Border Protection where she held senior roles in the office of chief counsel.
- Sher Tremonte has added former SEC Enforcement Division official Tami Stark as a partner.
- R. Patrick Quinn has joined Cullen and Dykman as a partner. Previously he served as general counsel and senior executive vice president at Flagstar Bank.
- Holland & Knight has hired added partners Kevin Eisenberg and Jeffrey Fried to its specialty finance and regulatory practice group. Both were previously partners with Loeb & Loeb.
- Katharine Lennox has joined Littler as a shareholder in the firm’s unfair competition and trade secrets practice group. She joins from McGuireWoods. In addition, RyAnn Hooper has joined as of counsel to the firm’s labor and employment law practice. She was formerly with New York Life Insurance Company.
- Derek Cohen has joined the boutique firm Rottenstreich Farley Bronstein Fisher Potter Hodas as a partner. He joins from Baker Botts. In addition, Joseph Perry has joined the firm as senior counsel. He was formerly with the Manhattan District Attorney’s Office.
- Oliver Olah has joined Nixon Peabody as a partner it its corporate practice.
- Alston & Bird has added Michael Elkin and Sean Anderson as partners with its IP litigation group in New York. Elkin was formerly with Winston & Strawn.
- Akerman has added Erin Hennessy and Annie Allison as partners to its intellectual property bench. They were both formerly with Haynes Boone.
- Tarter Krinsky & Drogin has named Victoria Galante as chair of the firm’s newly launched commercial agreements practice. The firm has also added David Wechsler as a partner in its trusts & estates group.
- Mitchell Silberberg & Knupp has added Carlos Torrejon as a partner in its labor & employment practice. He joins from Paul Hastings.
- Smith, Gambrell & Russell has added partners Allen Kadish, Gerard DiConza, and Harrison Breakstone, and associate Paris Gyparak to its bankruptcy practice. They all join from Archer & Greiner.
- Enrique Glotzer has joined BRG as managing director in the firm’s energy & climate practice.
- Clara Zyberg has joined Seward & Kissel as special counsel in its investment management group. She was previously with McDermott Will & Schulte.

—Patricia Kane

Trump Picks Miller & Chevalier Tax Lawyer as IRS Chief Counsel Nomine

President Donald Trump has picked tax attorney James Gadwood to be the top lawyer for the Internal Revenue Service.

The IRS chief counsel oversees the office that provides legal guidance to IRS leadership, drafts tax regulations and guidance and represents the agency in litigation. The office will also have a key role in overseeing the implementation of the 2025 tax law.

Gadwood is currently vice chair of Miller & Chevalier’s tax department, providing outside tax counsel to large corporations, investment funds and wealthy individuals. The New York Times reported Miller & Chevalier represents Trump’s holding company in tax matters.

If Gadwood is confirmed, he would be the fourth IRS chief counsel since Trump retook office. Trump withdrew his previous chief counsel nominee, Donald Korb, in November following objection to his nomination by Trump adviser and far-right activist Laura Loomer. The office has had three acting heads since January 2025, with Kenneth Kies currently serving in the role.

Gadwood’s name was submitted Tuesday to the Senate, where he will first need approval from the finance committee before facing a full Senate vote.

The nominee is sure to face questions from Democrats over a May deal between the IRS and Trump that settled his lawsuit over the disclosure of his tax returns. As part of the agreement, Acting Attorney General Todd Blanche “forever” barred the IRS from pursuing audits, examinations or related tax claims by Trump, his family

members or businesses.

“Any nominee willing to be a part of Trump’s corruption of the IRS and industrial-scale violation of taxpayer privacy laws will face a lot of tough questions, particularly on the sweetheart audit immunity deal Trump handed himself and his family,” said Oregon Sen. Ron Wyden, the Senate Finance Committee’s ranking Democrat.

—Dan Novak

James Sprayregen Set to Join Paul Weiss

The globally renowned founder of Kirkland & Ellis’ restructuring practice James Sprayregen is set to join Paul Weiss Rifkind Wharton & Garrison.

First reported by the Financial Times on 23 June and confirmed to GRR by a person familiar with the matter, Sprayregen is expected to join Paul Weiss.

While negotiations are reportedly still ongoing and no agreement has been made, it is understood that Sprayregen has chosen to join Paul Weiss over multiple other law firms.

Sprayregen, one of the most well-known and highly regarded practitioners in the restructuring community, has spent the last three years as vice chairman of strategy and growth at US financial services company Hilco Global.

Before that, he spent 32 years at Kirkland, where he founded the firm’s restructuring practice in 1990 and guided the group to become one of the premier restructuring practices in the world.

Kirkland has come out on top of every edition of the GRR 30, GRR’s annual ranking of the top 30 restructuring practices in the world, since its launch in 2017.

Sprayregen, who also spent three years as the co-head of investment bank Goldman Sachs’ restructuring group between 2006 and 2009, has been involved in some of the most high-profile restructuring mandates in history.

He advised international toy retailer Toys “R” Us on its US\$5 billion global restructuring that started with a Chapter 11 filing in 2017; Asian commodities trader Noble on a US\$3.5 billion restructuring through parallel schemes in the UK, Bermuda and Hong Kong in 2018; and fashion retailer Nine West on a highly contested Chapter 11 process in 2019 that saw it slash its debt by US\$1 billion.

In 2020, he advised oil and gas group McDermott International’s on a Chapter 11 restructuring alongside Texas firm Jackson Walker, which saw the group equitise nearly all its US\$4.6 billion in funded debt, with revolving lenders taking 94% of its equity.

Sprayregen also advised Croatian food producer Agrokor in one of Eastern Europe’s most complex restructurings. Representing about 15% of Croatia’s GDP, Agrokor had more than €6 billion in debt and was facing 12,000 claims from 5,700 creditors as well as the additional problem of its former managers being embroiled in fraud allegations.

Croatia adopted a bespoke law to save Agrokor, with Kirkland helping the debtor secure €1.1 billion in new super senior financing. Within 15 months of the specially drafted law, the company had entered a deal that provided an average recovery for creditors of 49%. The deal was recognised in landmark decisions in the UK, US and Switzerland, though not in Serbia or Slovenia.

Should the move go through, Sprayregen would join former Kirland colleague Paul Basta, who moved to Paul Weiss and is currently co-head of its restructuring and capital debt solutions practice.

Kirkland has lost a slew of partners in recent months, including heavyweight LME specialist David Nemecek, who joined Simpson Thacher & Bartlett in February and brought with him Christine Bae in Los Angeles, Jacob Ruby in Houston, Brian Scharzt in New York and John Luze in Chicago.

At the end of last year, the firm also lost partners Ryan Bennett and Allyson Smith to Willkie Farr & Gallagher in New York at the end of last year, with Bennett taking over as the firm’s restructuring head. In January, Kirkland partner Jeffrey Michalik also moved to Willkie in Chicago.

Meanwhile, in Europe, London partner Kon Asimacopoulos left the firm to lead Sullivan & Cromwell’s European restructuring practice in September, and longtime Kirkland partner Leo Plank in Munich joined Gibson Dunn earlier this year.

Paul Weiss, Hilco Capital Global and James Sprayregen did not respond to GRR’s request for comment.

—Dan Novak

Outside Counsel

Child Support for Developmentally Disabled Adult Children

At the end of 2021, New York State passed legislation that enables parents in New York to petition for extended child support for adult children over the age of 21 who are developmentally disabled under New York law.

The Honorable Stacy D. Bennett’s recent decision in *JMC v. VC III* (unpublished, March 2026, Sup. Ct., Nassau Cty.) explains how the laws in New York are applied to the facts, and the burden of proof that is required, when a petition for extended child support is filed.

In *JMC*, the parties signed a settlement agreement in 2007 and were thereafter divorced. At the time, they had three unemancipated children. On September 21, 2021, the parties’ son (“J”) was deemed emancipated under the settlement agreement and the father stopped making child support payments on his behalf to the mother.

Relevant to this discussion is the mother’s motion dated Feb. 1, 2023 seeking an award of child support until J turns 26 “on the basis that he suffers a developmental disability.” In support of her motion, the mother provided the court with a psychological evaluation of J completed by the Genesis Outreach Autism Center (which identified J as having an educational classification of autism), medical records showing that J suffers from “Developmental delay” and “Autistic Disorder,” as well as other medical records showing assessments of J having “ADHD, Disruptive Mood Dysregulation Disorder, Impulse Control Disorder, Autistic disorder” and “long term use of therapeutic drug.”

The mother stated that J is “entirely dependent” on her for “prescription management, supervision, manage team of doctors’ appointments, integrate into society, teach activities of daily living and independent living skills, keep him safe during behavioral episodes.”

ALAN FEIGENBAUM is a partner at Blank Rome.

Claim Denials

« Continued from page 1

duties under that law. Therefore, the court reasoned, any state law claims related to Cigna’s federal law-mandated duties are preempted.

“Any state law claims challenging the content of such [benefits forms] would impermissibly allow state law to regulate matters squarely within ERISA’s ‘heartland,’” Hardiman said. “As the district court observed, ‘The fact that Cigna sent the allegedly defamatory EOBs pursuant to their obligations under ERISA, shows how [plaintiff’s] claims relate to ERISA.’”

Dr. Jeffrey M. Ahn, an otolaryngologist practicing in New Jersey and New York, is not within Cigna’s provider network, but some of his patients receive healthcare coverage through Cigna. When Ahn treated those patients, he submitted claims for their care to Cigna. Ahn alleged Cigna denied about 50 such claims, and in accompanying EOB forms, explained the denials were due to the company not paying for services from “an unlicensed provider.” After Ahn appealed the denials, Cigna either permitted them in whole, in part, or denied them for a reason unre-

Renomination

« Continued from page 1

he hoped Democrats would “unify” around opposing Trump instead of engaging in intra-party conflict. “Almost all of the problems are really coming from 1600 Pennsylvania Avenue,” Goldman remarked.

“The more internal division and divisiveness,” the harder it becomes to overcome the administration, Goldman said.

President Donald Trump celebrated his political nemesis’s defeat on social media, calling Goldman a “jerk” and writing, “I guess people didn’t like him illegally targeting President TRUMP.”

However, local political analysts point to a sharp intra-party divide over foreign policy—not the legacy of Trump’s impeachments—as the decisive factor in the deep-blue New York 10th Congressional District.

Goldman has not yet signaled his next career move or how he will navigate his remaining months in the U.S. House of Representatives, given that departing incumbents typically alter their voting behaviors without the pressure of a general election.



By Alan Feigenbaum

The father did not refute that the parties’ son has an autism diagnosis, or that he resides with the mother and has functional limitations. His opposition papers did, however, allege, *inter alia*, that the mother’s application asserted “bare ... legal conclusions ... without providing any substantive proof.”

As the decision explains, to demonstrate that a child is “developmentally disabled” under the Mental Hygiene Law (Section 1.03(22)), a professional diagnosis must be submitted by a specific professional (e.g., a physician, licensed

Relief may be granted upon a showing of actual evidence in support of your claims and not a generalized kitchen sink of rhetoric and hyperbole.

psychologist, licensed social worker). Once established that a child is developmentally disabled, the court must determine if the applying party “qualifies to receive such support.”

The parent who makes the motion must “live with the child and the child must be principally dependent on the applying party for support.” The court is only authorized to consider the financial burden on the applying party for the “period of time” between when the child stopped receiving child support until he or she reaches the age of 26.

At a hearing, the mother testified that she is J’s sole caregiver “who requires full-time supervision. She assists him in every aspect of his life; she cooks his meals, cleans the home, does his laundry, maintains his bank accounts, makes and transport[s] him to all medical/dental/educational appointments,

lated to his licensed status.

Ahn sued Cigna in Bergen County Superior Court in January 2019, alleging defamation, among other things. Cigna removed the case to New Jersey federal court and filed a motion for either dismissal or summary judgment, on the grounds ERISA preempted Ahn’s claims.

The district court initially deferred ruling on the issue, saying it needed more information as to “which of the ... allegedly defamatory EOBs relate[d] to Cigna’s administration of plans covered by ERISA.” After discovery, Cigna filed a second summary judgment motion on preemption grounds. In response, Ahn dropped the defamation and tortious interference claims, leaving only his defamation per se claim.

U.S. District Court Judge Evelyn Padin granted Cigna’s motion in March 2025, finding Ahn’s remaining defamation claim was directly related to Cigna’s ERISA-mandated responsibility to inform patients why their claims were denied.

Ahn appealed.

In the ruling, Hardiman referred to precedent from the U.S. Court of Appeals for the Fifth Circuit in *Mayeaux v. La. Health Service & Indemnity Company*. That court found permitting medical practi-

and helps him with his independent living skills and medication management.” The mother testified that she is “employed as a home health aide” for J and “is unable to work in any additional capacity.”

Based on the “voluminous records” submitted by the mother “confirming the uncontroverted evidence supporting the parties’ son’s diagnoses,” the Court directed that the father’s child support obligation be paid retroactive to the date of the mother’s motion (February 1, 2023) to the date of J’s 26th birthday, to wit: Oct. 1, 2025.

One practice point to note: the decision states that “the ex-wife annexed numerous documents to her post-hearing submission which were never offered into evidence at the hearing and, as such, same were not considered by this court.” Indeed, post-trial briefs cannot be used to circumvent the rules of evidence.

Notably, at the end of the hearing, the father “advised the court” he was seeking an award of counsel fees. He argued that the mother used the court system as a “fishing expedition to seek information about his life, his current wife and her assets” which resulted in a “protracted hearing.” The Court agreed:

Despite the limited scope of the hearing, it proceeded for six days and much of the time was devoted to the ex-wife making inquiry relative to issues that were well outside the parameters of the issues before the court...there were multiple times when this Court was required to remind the ex-wife of [the] purpose of the hearing and redirect the ex-wife to the relevant time period...

It was clear to this court that throughout the hearing, the ex-wife sought to secure information from the ex-husband for which she was not entitled and her line of questioning led to the expenditure of time by the ex-husband’s counsel which would not have been incurred but for the ex-wife’s inquiries.

As a result, the court awarded attorney fees to the

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tioners to bring defamation claims when an ERISA plan administrator decides not to cover a treatment “would undoubtedly jeopardize the relationships among the traditional ERISA entities, of which the treating physician is not one,” and found such claims “go to the heart of the ERISA administration process.”

“Dr. Ahn attempts to distinguish *Mayeaux* by asserting that accusing a medical professional of being ‘unlicensed’ does nothing to establish standards of conduct, responsibility and obligation for fiduciaries of employee benefit plans,” Hardiman said. “But the relevant inquiry is not whether defaming providers is central to an administrator’s fiduciary duties. It is not. The right question to ask is whether communicating benefits determinations to subscribers and beneficiaries is a central matter of plan administration. It is.”

Nicholas Vytell of Reppert Oates & Vytell in Basking Ridge, New Jersey represents Ahn and Scott Weingart of McCarter & English in Newark, New Jersey represents Cigna. Neither attorney immediately responded to a request for comment.

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ICE memo to justify immigration arrests. Last year, he confronted federal agents conducting arrests of asylum seekers during routine court appearances in the city.

@ Brian Lee can be reached at brian.lee@alm.com. X: @bleereporter

Lane

« Continued from page 1

and bankruptcy unit. Before then, he served as a trial attorney in the U.S. Department of Justice’s Civil Division. Prior to his government service, Lane worked at Baker & Hostetter.

Lane was a clerk to the Hon. Edmund Ludwig, a former district judge for the Eastern District of Pennsylvania, and the Hon. Charles Richey, a former district judge for the District of Columbia.

He obtained his undergraduate degree and law degree from New York University. Lane has taught classes at both his alma mater and the Fordham Law School.

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Global Report

Spain’s ‘Top 3’ Latin American Strategies Reveal a Blueprint for Big Law

BY KATIA ROSSI

SPAIN’S ‘Big Three’—Garrigues, Uría Menéndez and Cuatrecasas—are all chasing growth in Latin America, but their sharply diverging strategies are exposing very different ideas of what it may take to win in one of the world’s most competitive legal markets.

A month after Chile’s business-friendly President José Antonio Kast was sworn into office this year, Garrigues made its latest move, announcing plans to integrate 50-lawyer rival Barros, Silva, Varela & Vigil to create a 130-lawyer, full-service firm.

“We want to gain scale, not as a goal in itself, but because it is necessary to be involved in the most relevant transactions and to provide truly multidisciplinary services,” Fernando Vives, executive chairman of Garrigues, said. “Plus, we do not aim to be just a corporate law firm; we want to have strong capabilities across all areas of business law.”

Expansion makes economic sense as the Spanish market is saturated and the Pacific Alliance countries are traditionally considered safe for foreign investment. That doesn’t mean there aren’t challenges, though.

“Latin America is not a transparent market,” said Marc Gericó of Madrid-based Gericó Associates, particularly when it comes to integrations with local firms. “It’s not easy to find reliable information about profitability.”

The legal market also operates in a climate of political and regulatory volatility, local bar restrictions on foreign firm ownership, and intensifying competition from Iberian rivals and well-capitalized local firms, according to Mari Cruz Taboada, a partner at Madrid’s Lexington Consultants.

International competition is also cutthroat. Big Law headlines DLA Piper, Baker McKenzie, Dentons

Larrain Rencoret and CMS Carey & Allende are already based in the Chilean capital of Santiago, for example.

White & Case, Latham & Watkins, Skadden, Arps, Slate, Meagher & Flom and others are all active on major cross-border transactions in Latin America also, typically focusing on high-value M&A, financing and capital markets work. They operate through a more deal-

matured since the mid-2010s, when Garrigues abandoned the network to practice local law independently.

“When Garrigues first landed in Latin America, Spanish corporate investment was driving the expansion, whereas today’s market is far more mature and the investment flows run both ways, in many cases with the U.S. at the center of it all,” Taboada said.



Garrigues, led by executive chairman **Fernando Vives**, sees Spanish-speaking Latin America—where it operates in Mexico, Colombia, Peru and Chile—as a natural extension of its business, citing shared language, culture and historical ties despite risks.

driven, cross-border model rather than building extensive local office networks, though.

On the Move

Despite the risks, Garrigues, with offices in Mexico, Colombia, Peru and Chile, sees the Spanish-speaking nations as a natural extension with a shared language, cultural familiarity and historical ties.

Spanish banking, energy, infrastructure and telecom companies have invested in Latin America for years, but the context has changed since Garrigues launched its Latin American Affinitas alliance in 2004. The region has also

The competition has evolved as well. Garrigues may have deep pockets and a build-out strategy, but Cuatrecasas, which posted the highest international profits in 2025, now has four offices in the same locations as Garrigues. Uría Menéndez, meanwhile, has an alliance with PPU (Philippi Prietocarrizosa Ferrero DU & Uría) in Colombia, Chile and Peru.

Cuatrecasas and Uría: Winning Strategies

Garrigues’ rivals are banking on their own unique strategies.

Cuatrecasas first entered Latin America in Brazil through a 2003

merger with Portugal’s Gonçalves Pereira but closed the office in 2018. It now operates in four other Latin American countries including a Mexico office launched in 2016 and three others in Peru, Colombia and Chile

“A decisive element that distinguishes our value proposal is the strategic integration of our New York office into the service provided in the region,” Javier Fontcuberta, managing partner of Cuatrecasas, said. “This capacity to simultaneously operate from the global financial hub and from the local Latin American jurisdictions is a competitive edge that very few firms can truly offer.”

KermaPartners managing partner Leopoldo Hernández Romano, a law firm consultant primarily based in Mexico City, said Cuatrecasas has followed its Spanish banking, infrastructure, and other clients, allowing it to build one of the largest and most integrated platforms in Latin America.

Cuatrecasas’ challenge now is to strengthen its position in the most sophisticated corporate and M&A mandates while maintaining healthy margins, Hernández Romano added, as the Latin American market increasingly rewards differentiated transactional capabilities and premium work rather than volume.

Uría’s strategy is also unique. First to arrive in Latin America via a “best friends” network in the 1990s, Uría Menéndez now operates as part of PPU, a firm in which it owns a 30% stake.

Uría has closed its Mexico City office in recent years, however. It has also shuttered its New York office, a move that Gericó said reflects the firm’s focus on profitability.

“Today, the competition [in Spain] is absolutely brutal.”

An Abundance of Options

It’s becoming difficult in Latin America as well.

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Robson de Oliveira, president of Legal Alliance for Racial Equity and partner at Demarest Advogados, said shared experiences and firm commitment are key to advancing racial equity in the legal market.

Brazilian Law Firms Make Strides to Increase Black Representation

BY AMY GUTHRIE

TEN OF BRAZIL’S largest full-service law firms have made significant progress toward increasing the number of Black lawyers among their ranks, according to a recent census on diversity.

Black lawyers and legal interns now account for 13.4% of legal staff, compared with less than 1% when the first edition of the census took place in 2018 with input from nine firms. Legal interns in Brazil have typically graduated from law school, but have not yet passed the local bar exam.

More than half of Brazilians identify as either Black or mixed-race.

The firms that participated in the 2025 census were BMA, Demarest, Lefosse, Lobo de Rizzo, Mattos Filho, Pinheiro Neto, Stocche Forbes, TozziniFreire, Trench Rossi Watanabe, and Veirano.

The survey was conducted by Brazil’s Legal Alliance for Racial Equity, in partnership with Diversidade Corporativa and the Center for the Study of Labor Relations and Inequalities.

“To reshape this reality and break down the barriers and the culture of exclusion in our society, we must not only increase representation but also welcome, train, and retain talent,” Robson de Oliveira, president of Legal Alliance for Racial Equity and

a partner at Demarest Advogados, said in a statement. “Shared experiences and genuine commitment from law firms to build concrete, collaborative solutions are essential for us to collaborate toward racial equity in the legal market.”

According to the census, Black professionals are more widely represented in administrative positions at the Brazilian firms, where they accounted for 30.9% of staff in 2025.

But the diversity initiatives are aimed at increasing representation at the heart of legal operations, where positions with the greatest decision-making power and highest compensation are found.

Black representation on executive boards at law firms improved in 2025, rising to 7.8% from 5.6% in the prior survey, which took place in 2021 among 12 firms. Yet Black women remain virtually absent from leadership roles.

“Data on the low representation among Black women in leadership roles demonstrates that the challenge of gender equity is also intersectional. We need intentional strategies that consider these layers of inequality to drive real, sustainable change,” said Luiza Sato, a partner at Tozzini Freire and Alliance board member.

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Legora Continues PR Drive With Chelsea FC Sponsorship Deal

BY OSCAR GLYN

LEGORA has partnered with Chelsea Football Club in its latest high-profile public relations campaign as the legal AI industry continues to advertise aggressively.

The legal AI platform will have its logo on the sleeve of the men’s, women’s and academy teams’ training kits.

It is the latest marketing move by Legora, which launched a global campaign fronted by actor Jude Law and used the tagline “Law just got more attractive”, in April.

The move comes in the same week as Legora announced it is introducing consumption-based pricing, changing from a price-per-seat model. CEO Max Junestrand said: “AI agents will increasingly execute complex work alongside legal teams. And when that happens, the economics of legal work change.”

The Chelsea deal is the latest football team partnership for legal tech, after Harvey partnered with Fulham F.C. and Paris Saint-Germain.

Rob Hamblin, general counsel for Chelsea Football Club, said: “We are pleased to welcome Legora



The Legal AI company has partnered with one of football’s biggest teams in its latest advertising push.

as an official partner to the club. Their focus on helping professionals perform at their highest level aligns closely with our own ambitions and values. Having Legora present on the training kit of our men’s, women’s and Academy teams is a reflection of our shared commitment to preparation, development and continuous improvement.”

Legora announced a \$5.5 billion valuation in April while Harvey reached an \$11 billion

valuation in March. Harvey had previously engaged Gabriel Macht, Suits actor who played the AI firms namesake, Harvey Specter.

However, Harvey and Legora have found themselves under the microscope as Claude-owner Anthropic unveiled legal plug-ins last month and an ex-Latham & Watkins lawyer, Will Chen, unveiled an open-source legal AI platform. Chen previously called the platforms “wrap-

pers combined with enterprise services.”

Firms to partner with Legora, include Bird & Bird, Pinsent Masons and Baker McKenzie. Slaughter and May partnered with Harvey in April after trialling both Harvey and Legora.

It is not the first foray by the legal industry into sport, Ashurst is the official legal services partner to McLaren and has featured on the livery of the Formula 1 car and Dentons sponsored the Six Nations Rugby Championship. Hill Dickinson has naming rights of Everton Football Club’s stadium which was first used by the team this year, called the Hill Dickinson Stadium.

Chelsea FC faced off-the-pitch in turmoil in recent years after long-time owner Roman Abramovich was forced to sell the club following sanctions placed upon him by the U.K. government as a result of the war between Russia and Ukraine. Former Skadden, Arps, Slate, Meagher & Flom London managing partner, Bruce Buck, was chairman of the club from 2004 to 2022.

Latham & Watkins advised the consortium led by Todd Boehly and Clearlake Capital when it bought the club in 2022 for \$4.25 billion.

Chelsea finished 10th in the Premier League this season and won the Club World Cup in 2024.

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Sidley Austin Hires Ashurst’s Hong Kong Disputes Head James Comber

BY JESSICA SEAH

SIDLEY Austin has hired James Comber, the head of Ashurst’s Hong Kong dispute resolution practice, making him the second partner to leave the firm in Asia since its merger with Perkins Coie was approved by partners in April.

Comber, who spent more than 12 years at Ashurst and was elevated to partner in 2016, will join Sidley’s Hong Kong global securities regulatory and enforcement practice group. He will work alongside Desmond Ang and Yan Zhang, the co-heads of the firm’s Hong Kong litigation practice, as its third disputes partner in the city.

Comber built a practice at Ashurst centered on high-stakes commercial, regulatory, and financial disputes in Hong Kong. He acts on shareholder disputes, complex

contractual claims, insolvency proceedings, and tax litigation before Hong Kong courts. Comber also has substantial experience in contentious regulatory matters. He has represented financial institutions, asset managers, and brokerages in investigations conducted by the Securities and Futures Commission, the Hong Kong Monetary Authority, the Hong Kong Stock Exchange, the Independent Commission Against Corruption, and the Commercial Crime Bureau of the Hong Kong Police. He is also an experienced arbitration practitioner, having been instructed in proceedings under the rules of the Hong Kong International Arbitration Centre, the International Chamber of Commerce, UNCITRAL, and the Singapore International Arbitration Centre.

Comber joined Ashurst as counsel in 2013 before being

promoted to partner three years later. Before joining Ashurst, he practiced at legacy Allen & Overy and at New Zealand firm Russell McVeagh.

His departure follows that of Eric Tan, a Hong Kong-based banking and finance partner who moved to Hogan Lovells’ Singapore office in May. Tan was the first known Asia partner exit after Ashurst’s Perkins Coie combination secured partner approval. That merger is scheduled to go live next month.

With Comber gone, Ashurst will have three dispute resolution partners among 14 remaining partners in its Hong Kong office. Earlier this year, the firm brought back Gareth Hughes, a former Debevoise & Plimpton partner and Ashurst returnee, to bolster its Hong Kong disputes capability.

The Ashurst Perkins combination, once launched, will bring



James Comber’s exit is the second partner departure from Ashurst Asia since the Perkins Coie merger was approved.

Ashurst’s U.K.-rooted international platform together with Perkins Coie’s U.S. technology and Pacific Northwest client base. The combined firm is expected to generate roughly \$2.8 billion in revenue.

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Quartet of UK Firms Secures Win for Banks Against Threat Of Old Claims

BY MELINA BLOCK

SEVERAL U.K.-based firms have secured a significant ruling for four major banks, protecting them from facing unlimited, decades-old compensation claims.

The dispute related to the time limit on customer complaints against banks, with Barclays, NatWest, Vanquis and Santander claiming that consumer complaints brought after six years should not be considered. It was the first known instance of the FCA opposing in court the Financial Ombudsman Service it created.

Eversheds Sutherland acted for Barclays; Pinsent Masons acted for NatWest; TLT for Vanquis; and Addleshaw Goddard for Santander.

The banks succeeded in each of their four claims, setting a significant precedent for banks and consumers going forward.

The FCA intervened in each of the four claims brought by banks against the ombudsman service.

A Financial Ombudsman Service spokesperson said: “We are understandably disappointed with [the] judgment. We are carefully considering what it means for the cases affected, as well as any wider implications. We will take time to review the decision in full and are considering our next steps.”

In March, the U.K. government announced that the ombudsman service will undergo its most significant package of reforms since its inception.

The government is set to legislate reforms that will return it to its original role as an effective dispute resolution service, also ensuring it operates more clearly and predictably alongside the FCA.

The reforms are part of the government’s response to last year’s public consultation, which aimed to find views on how best to address concerns that the ombudsman service has acted as a quasi-regulator in some cases.

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Expert Analysis / Outside Counsel / Off the Front

Claims

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that such a relationship existed. *Matthews v. Symbion Power LLC*, 2020 N.Y. Slip Op. 20189 (N.Y. Co. July 30, 2020), illustrates that a relationship sufficient to support an unjust enrichment claim pled in the alternative to a breach of contract claim may generally be more straightforward to establish.

There, the plaintiff entered into an employment contract with Symbion Europe, but allegedly provided services to its affiliate Symbion Power. Justice Barry

representative, negotiator, bailee, trustee, and/or agent with respect to the painting at issue—was sufficiently direct to sustain an unjust enrichment claim. As to the other respondents, the court found that “[t]he Petition fail[ed] to allege that any of the other Respondents were aware that the proceeds of the sale were not transferred to [Imelda], since those Respondents only received a relatively small percentage of the total proceeds from the sale.”

In a different scenario of a fraudulent scheme, Justice Eileen Bransten of the New York County Commercial Division denied defen-

ships and instead is a conclusory averment.” The court found that there were no allegations that plaintiff “had any formal business interaction with [defendant] during the pertinent time period” and dismissed the claim for unjust enrichment.

In *Miller v. Walters*, 2014 N.Y. Slip Op. 24310 (N.Y. Co. Oct. 9, 2014), a sports management firm brought an unjust enrichment claim against rival sports management firms alleging “theft” of one of its clients. Bransten held that merely alleging that defendants are plaintiff’s “business competitors” fails to plead a sufficiently close relationship to state a claim for unjust enrichment. The court explained that caselaw has “affirmed that ‘awareness,’ without more, does not establish the relationship necessary to state an unjust enrichment claim.”

Without allegations of a direct relationship or any direct business dealings, there can be no connection that “could have caused reliance or inducement,” as required to state a claim for unjust enrichment.

Conclusion

A claim for unjust enrichment must withstand rigid scrutiny to survive a motion to dismiss. New York Commercial Division courts stringently enforce the requirement of a sufficiently direct relationship of reliance or inducement and practically analyze a plaintiff’s allegations to determine if the relationship between the parties warrants such a claim to prevent equitable injustice.

This requirement serves as a safeguard for commercial parties by ensuring that unjust enrichment claims will be unsuccessful against parties who lack a discernible connection of reliance or inducement to the plaintiff.

Child Support

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father in the sum of \$8,000. If you are litigating a case wherein one party is prolonging a trial thanks to questioning that goes beyond the scope of the hearing, consider relying on the *JMC* case in support of a counsel fee application.

Returning to the main issue at hand, *JMC* is instructional in that it identifies, in this author’s opinion, the gravity of the disability that must be established to merit a further award of child support to age 26. Once again, relief may be granted upon a showing of actual evidence in support of your claims and not a generalized kitchen sink of rhetoric and hyperbole.

AI-Hallucination

«Continued from page 1

pher for the planned deposition. The court declined to impose the full extent of the sanctions at that time because of Blackburn’s medical issues, the opinion said.

Blackburn told Law.com that he emailed Cartagena’s attorney, Ian Turetsky of Reed Smith, as he was going into the operating room on Feb. 3 because it was “easier” than filing a letter to the court in the docket. U.S. District Judge Jennifer L. Rochon asked why he did not notify the court at least one business day in advance, as stipulated in her individual rules of practice. Blackburn told Law.com that, during that two-day gap, he was “under recovery” and heavily medicated from the procedure without the ability or coherence to notify the court. He also said he was not aware of Rochon’s specific rules before the incident.

At the rescheduled deposition on Feb. 24, Blackburn repeatedly obstructed questioning with improper objections and also instructed Dixon not to answer despite the court overruling Blackburn’s objections, Willis’s opinion said. He also directed several ad hominem attacks toward opposing counsel during this deposition, including vulgar homophobic and transphobic remarks.

Dixon’s behavior at the same deposition was also highlighted by the court, with Willis noting that he could not recall his Instagram username or the name of any members of his team. He stated “I don’t recall” at least 46 times during the deposition, the opinion said.

Blackburn told Law.com he was “very irritable” and “easily triggered” during the February deposition because he was still taking prescribed codeine for pain relief following the Feb. 3 medical procedure and did not know how the narcotics would impact him.

Willis, however, said Blackburn’s medical records do not support his claims that his behavior at the Feb. 24 deposition was due to the medication. The provided doctor’s note confirmed Blackburn underwent surgery on Feb. 3 and was prescribed narcotic pain relievers; however, it did not indicate Blackburn would still be on the medication on Feb. 24, exactly three weeks after the procedure. The court noted Blackburn did not move to reschedule the Feb. 24 deposition due to medical impairment and said he contradicted himself when he later argued opposing counsel “provoked” him to evoke his reaction.

The court also said Blackburn acted in bad faith during a March 6 deposition. Blackburn was initially unable to confirm whether he was present during the Feb. 24 deposition and did not answer basic questions. Willis reiterated that Blackburn’s medical records did not support this “selective amnesia” and said he should have requested an adjournment with the court instead.

Blackburn did file a cross motion for sanctions against Cartagena’s counsel claiming they called him a “clown,” pounded their fists on the table and mentioned that he had been charged with a crime during the depositions. Willis found that opposing counsel did refer to Blackburn as a clown twice, but the court refuted that plaintiff’s counsel “pounded the table” after reviewing deposition transcripts and videos. The court further said it did not condone other behavior from the plaintiff’s counsel, such as counsel raising their voices or making an inappropriate comment about Blackburn being charged with a crime, but said it was a “small fraction” of their conduct and did not warrant sanctions.

Blackburn told Law.com Willis could not get an accurate depiction of the deposition because certain behaviors from opposing counsel occurred either off camera or out of range of the microphone. He also alleged remarks and behavior from opposing counsel occurred when the videographer changed the video tapes. Law.com could not verify these details.

Tuesday’s sanction, however, is only his latest admonishment from the courts. Two other jurisdictions have issued monetary sanctions against Blackburn for AI-related hallucination citations.

In October, U.S. District Judge William S. Stickman IV for the Western District of Pennsylvania revoked his pro hac vice admission in the court and ordered he pay a \$5,000 sanction for including AI hallucination citations in his briefs. U.S. District Judge Leo M. Gordon sanctioned Blackburn \$6,000 in December for including hallucination citations as well.

Willis also highlighted Blackburn’s hallucinated citations in a motion he filed to dismiss Cartagena’s claims. His August brief contained nearly a dozen false case citations, including misrepresentations of holdings and citing incorrect courts.

He told the court that the mis-cited cases were a result of using the LexisNexis+ Protégé product. The company, however, refuted these allegations in a letter from its general counsel Julie Chapman in a

December email filed by plaintiff’s counsel at Reed Smith. Chapman’s letter said Blackburn did not have or possess an authorized account or subscription for any LexisNexis service, including its “Lexis + AI” or “Protégé” services. Blackburn’s firm was once a subscriber to other LexisNexis services, the letter said, but those did not include the Protégé service.

The company also refuted Blackburn’s assertion that LexisNexis was responsible for fabricating statements, citing the lack of authorized relationship between LexisNexis and Blackburn. Chapman’s letter concludes by stating that any statements from Blackburn linking LexisNexis to his purported activity were “misleading” and “unsupported by evidence.”

In an interview with Law.com, Blackburn repeatedly claimed that LexisNexis inserted the false citations. He said he was not using his own account when the hallucination citations were added but was instead using a colleague’s account. He did acknowledge that it was his responsibility to fact check and proofread the filings before submitting to the court.

Willis is the second SDNY judge to refer him to the court’s Grievance Committee for what she described as his “pattern of inappropriate and unprofessional behavior” in Tuesday’s opinion. SDNY Judge Denise Cote referred him to the committee in April 2024 after he failed to fully investigate jurisdictional issues before filing a legal malpractice suit.

“A reasonable inference from Blackburn’s pattern of behavior is that he improperly filed cases in federal court to garner media attention, embarrass defendants with salacious allegations, and pressure defendants to settle quickly,” Cote said in the filing. “Indeed, his submissions to this court have been rife with disturbing allegations against the defendants and defense counsel.”

Blackburn said he plans to present the Grievance Committee with his medical records to account for his behavior. He also told Law.com he plans to appeal Willis’s sanctions.

Jordan Siev, of Reed Smith and of counsel for Cartagena, told Law.com in a statement, “We are pleased with the court’s thorough analysis, look forward to completing Mr. Dixon’s deposition unimpeded and getting Mr. Cartagena the vindication he deserves in this case and having the claims against him dismissed.”

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Calendar

FRIDAY, JUNE 26

Practising Law Institute
Fundamentals of Copyright Law 2026
9 a.m. – 4:45 p.m.
www.pli.edu/programs/fundamentals-of-copyright-law-in-the-data-era/

MONDAY, JULY 13

Practising Law Institute
Milestones in Legal Mastery: Skills, Leadership & Ethics
1 p.m. – 4:10 p.m.
www.pli.edu/programs/milestones-in-legal-mastery-skills-leadership--ethics/

TUESDAY, JULY 14

Practising Law Institute
Advanced Issues in Private Funds 2026
9 a.m. – 4:45 p.m.
www.pli.edu/programs/advanced-issues-in-private-funds/

WEDNESDAY, JULY 15

Practising Law Institute
Storming the Gatekeepers: When Compliance Officers and In-House Lawyers Are at Risk 2026
9 a.m. – 5 p.m.
www.pli.edu/programs/storming-the-gatekeepers-when-compliance-officers-and-in-house-lawyers-are-at-risk/

THURSDAY, JULY 16

Practising Law Institute
Artificial Intelligence in Law Practice 2026
8:30 a.m. – 5:15 p.m.

www.pli.edu/programs/artificial-intelligence-and-law-practice/
Substance Use Disorders and Recovery 2026: Representing the Legal Services, Nonprofit, and Pro Bono Client
1 p.m. – 5 p.m.
www.pli.edu/programs/opioid-epidemic-2020-representing-the-pro-bono-client/

FRIDAY, JULY 17

Practising Law Institute
Fundamental Concepts in Drafting Contracts 2026
9 a.m. – 12:20 p.m.
www.pli.edu/programs/select-concepts-in-drafting-contracts-analyzing-ambiguities-and-contract-boilerplate/

MONDAY, JULY 20

Practising Law Institute
Cybersecurity Best Practices for Lawyers 2026
1:30 p.m. – 4 p.m.
www.pli.edu/programs/cybersecurity-best-practices-for-legal-services-providers/

TUESDAY, JULY 21
WEDNESDAY, JULY 22

Practising Law Institute
Basics of International Taxation 2026
9 a.m. – 5 p.m. (Both Days)
www.pli.edu/programs/basics-of-international-taxation/

THURSDAY, JULY 23

Practising Law Institute
Defending Immigration Removal Proceedings 2026
9 a.m. – 5 p.m.
www.pli.edu/programs/defend-

ing-immigration-removal-proceedings/

FRIDAY, JULY 24

Practising Law Institute
29th Annual Children’s Law Institute
9 a.m. – 3:30 p.m.
www.pli.edu/programs/childrens-law-institute/

MONDAY, JULY 27

Practising Law Institute
26th Annual Municipal Law Institute
9 a.m. – 4:55 p.m.
www.pli.edu/programs/municipal-law-institute/

TUESDAY, JULY 28

Practising Law Institute
Ethics and Conflicts of Interest in Law Practice 2026
9 a.m. – 11:10 a.m.
www.pli.edu/programs/ethics-and-conflicts-of-interest-in-law-practice/

TUESDAY, JULY 28
WEDNESDAY, JULY 29

Practising Law Institute
Investment Management 2026: Current Issues & Trends
9 a.m. – 5:15 p.m. (Day 1)
9 a.m. – 12:15 p.m. (Day 2)
www.pli.edu/programs/investment-management-institute/

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Stall Tactics

«Continued from page 1

ing will “help curb a troubling strategy now prevalent across the state: the blanket redaction of police officer names on personal privacy grounds where the disciplinary complaint itself is deemed ‘unsubstantiated.’ ”

In *Matter of New York Civil Liberties Union v. New York State Police*, the Albany-based Third Department clarified the strict boundaries of public records access.

Latham & Watkins of counsel Peter Trombly argued the matter pro bono for the New York Civil Liberties Union.

The decision establishes statewide precedents regarding categorical exemptions and agency stalling tactics—and litigators such as McNamee took note of its significance as the legal battle over the repeal of § 50-a continues

The dispute arose after the NYC-LU issued a Freedom of Information Law request seeking a spreadsheet containing officer names tied to unfounded, unsubstantiated, or closed disciplinary investigations.

Rather than evaluate the spreadsheet entries individually, the state police applied a blanket redaction

to all officer identities, citing broad personal privacy exemptions.

The 5-0 memorandum decision by Third Department Justice Eddie McShan held that the categorical withholding is prohibited under New York law.

While acknowledging that legitimate privacy interests may exist for individual officers in certain scenarios, the court ruled that the agency must provide a particularized, record-by-record justification for every redacted line.

The lawsuit was remanded to a trial court to oversee the granular, case-by-case review.

Importantly, the Third Department rejected the state police’s request for an open-ended, “rolling” disclosure timeline.

The agency argued that a massive statewide backlog of FOIL requests meant a full review could take years to complete.

The court dismissed that defense, noting that an indefinite timeline was unwarranted because the request involved a “limited and known universe of information,” particularly in light of the state police’s prior representations that it was expanding its dedicated FOIL compliance resources.

The lower court must now enforce a definitive compliance

deadline.

McNamee noted that the state’s highest court, the New York Court of Appeals, confirmed in recent years that the categorical withholding of police disciplinary records on personal privacy grounds—even where the underlying complaint is unsubstantiated—enables the very opacity that FOIL, together with the repeal of Section 50-a, is meant to combat.

“As the Third Department today confirmed, this reasoning applies with equal force to categorical redactions of police officer names absent a showing of a particularized and specific justification for each redaction in accordance with FOIL’s disclosure mandates,” McNamee said. “Equally important, state agencies are now on notice that continued attempts to shroud police disciplinary materials in secrecy on similarly flawed grounds risk substantial fee-shifting awards—a deterrent that I hope will promote timely disclosure of police disciplinary records and the public’s right to be informed about the processes of governmental decision-making.”

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