

IN BRIEF

Brooklyn Democrats Vote To Reform Judicial Screening Committee

The Brooklyn Democratic Party has announced that its procedure for screening judicial candidates has been reformed to include additional permanent members in a push to increase representation in the vetting process.

"This transformational vote marks a pivotal and proactive step in our ongoing efforts to modernize the Party and reflects our unwavering commitment to a judiciary that mirrors the growing diversity of Brooklyn," Party Chair Rodneise Bichotte Hermelyn said in a statement released Wednesday. "Elevating and including these key legal organizations brings a broader range of perspectives and lived experiences critical for the communities we serve and ultimately reinforces public trust in the judicial selection process."

The Judicial Screening Committee, newly cast as a 32-member panel, will now include permanent seats for members who previously participated on a rotating basis.

The new permanent members are the Caribbean American Lawyers Association, the Haitian American Lawyers Association of New York, the Jewish Lawyers Guild, Legal Aid Society of New York City, the LGBT Bar Association of Greater New York, the Muslim Bar Association of New York, and the Columbian Lawyers Association of Brooklyn.

"This expansion represents invaluable additions to the Panel and will help share the prodigious workload of screening and vetting candidates for the bench," said Judicial Screening Committee Chair Martin Edelman.

The panel convenes annually to investigate and vet trial attorneys seeking to run for open seats on the New York State Supreme Court and Civil Court of the City of New York in Kings County. The newcomers join permanent representation from the Asian American Bar Association of New York, Brooklyn Bar Association, Brooklyn Law School, Brooklyn Women's

What I Wish I Knew Then: Tom Modly »2



SPECIAL REPORT »9-12

Bar Association, Kings County Criminal Bar Association, Metropolitan Black Bar Association, New York State Trial Lawyers Association and Puerto Rican Bar Association of New York.

Rotating membership in the committee will continue to be held by various groups, including the Association of Black Women Attorneys, Brooklyn Defender Services, the New York Criminal Bar Association and the New York State Court Officers Association.

—Emily Saul

Ex-Trump Business Associate Found Liable for Money Laundering in Retrial

Felix Sater, a former real estate business associate of President Donald Trump, was found liable Friday for helping a Kazakh banking family launder tens of millions of dollars of cash allegedly stolen from the City of Almaty, Kazakhstan and BTA Bank.



Felix Sater

Sater was found liable for conversion, unjust enrichment following a two-week retrial of a civil case that was first tried last year.

On retrial, jurors handed up an award of \$52 million. That award is without interest factored in—a potentially significant addition since the acts took place more than a decade ago.

At the first trial, Sater was found liable and a \$32 million damages award was imposed.

The case was tried by Boies Schiller Flexner, with the firm's chairperson, Matthew Schwartz, leading the plaintiffs team. During a call » Page 4

Biden-Appointed Judge Presiding Over Indicted NY AG James' Bank Fraud Case

BY SULAIMAN ABDUR-RAHMAN

THE TRUMP administration's white-collar criminal case against New York Attorney General Letitia James is assigned to a 39-year-old Article III judge appointed to the



U.S. District Judge Jamar K. Walker of the Eastern District of Virginia

federal bench by former President Joe Biden.

U.S. District Judge Jamar K. Walker of the Eastern District of Virginia received the random case

assignment on Thursday after a federal grand jury handed up a five-page indictment charging James with bank fraud and making false statements to a financial institution to obtain better mortgage terms for a property in Norfolk, Virginia.

A former Covington & Burling associate and ex-prosecutor who once oversaw the Financial Crimes & Public Corruption Unit in the U.S. Attorney's Office for the Eastern District of Virginia, Walker will now oversee a criminal case accusing New York's top prosecutor of making false statements to a financial institution in violation of 18 U.S.C. § 1014.

James denied the allegations as "baseless" Thursday. She is represented by Abbe Lowell of Lowell & Associates and is scheduled to make an initial appearance Oct. 24 before a magistrate judge.

Walker joined the federal bench in 2023 with a promise to "approach every case impartially and with an open mind."

"My judicial philosophy is informed by my time » Page 4



A number of legal observers expressed worry about the criminal indictments brought in rapid succession against New York Attorney General Letitia James and James Comey, the ex-FBI director, by a U.S. attorney with no prior prosecutorial experience who was handpicked by President Donald Trump.

'Potential Vindictive Prosecution': Observers Weigh Merits of Indictments Of Trump Adversaries

BY BRIAN LEE

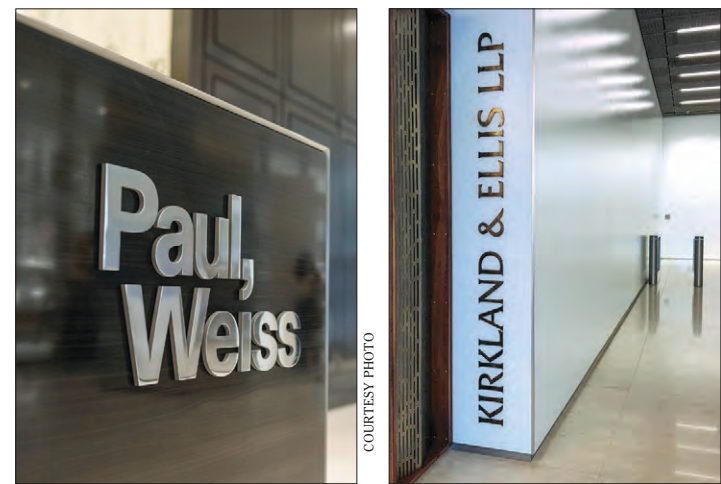
LEGAL observers have expressed concern that a new federal prosecutor, with no prior prosecutorial experience, appears to be singling out President Donald Trump's political foes by bringing rapid-fire criminal indictments.

Lindsey Halligan, a former personal attorney for Trump and a White House aide who was sworn in as the interim U.S. attorney for the Eastern District of Virginia on Sept. 22, has moved quickly to secure grand jury indictments after Trump terminated her predecessor, who had declined to bring charges against former FBI Director James Comey and New York Attorney General Letitia James.

Shortly after taking office, Halligan secured a September indictment against Comey, charging him with lying to Congress and obstructing a congressional proceeding.

It was followed by Thursday's indictment of New York's top prosecutor, who will answer to charges of bank fraud and making false statements to a financial institution, after initially indicating a home she purchased in Norfolk, Virginia, in 2020 would be her primary home, which James said was a mistake she later corrected.

Some observers predicted that U.S. Sen. Adam Schiff, D-California, could be next to face an indictment, since he and the others were mentioned in Trump's Truth Social post on Sept. 20, urging U.S. » Page 4



Lawmaker letters mentioned that Paul Weiss and Kirkland, two of the nine firms working with Trump, committed to providing free legal work for the Commerce Department.

Paul Weiss, Kirkland, Skadden Push Back On Latest Lawmaker Letters

BY ABIGAIL ADCOX

PAUL, WEISS, Rife, Wharton & Garrison; Skadden, Arps, Slate, Meagher & Flom; and Kirkland & Ellis pushed back last week on suggestions by Democratic lawmakers that some of the pro bono work they promised to the Trump administration may be unlawful.

The three firms said their agree-

ments with the president do not run afoul of any laws or ethical standards, arguing that the agreement does not restrict the pro bono work they do, according to Oct. 7-dated letter responses viewed by Law.com. The letters were submitted in response to three Democratic lawmakers' request for details on what pro bono work they are providing to "Trump's pet causes." » Page 4

New York City Wants Manhattan Federal Court To Tackle Social Media 'Addiction'

BY ALYSSA AQUINO

NEW YORK City is hauling every major social media company in the United States to the Manhattan federal court, claiming they're getting kids and teenagers dangerously hooked on their platforms.

In a 327-page lawsuit, New York City accused the companies behind Facebook, Instagram, TikTok, You-

Tube and Snapchat of fueling an "unprecedented mental health crisis" among the nation's youth, which the city claimed to be addicted to social media.

"Borrowing heavily from the behavioral and neurobiological techniques used in slot machines and exploited by the cigarette industry, Defendants deliberately embedded in their platforms an array of design features » Page 8

DECISIONS OF INTEREST

First Department

MOTOR-VEHICLE TORTS: Defendants dismissed from car accident case. *Williams v. Santiago*, Supreme Court, New York.

Second Department

MEDICAL MALPRACTICE: Summary judgment denied for hospital, granted for doctor. *Augustin v. Barney*, Supreme Court, Kings.

CRIMINAL LAW: Motion to suppress denied; officer made valid stop. *People v. Richards*, Supreme Court, Kings.

CRIMINAL LAW: Defendant did not violate Family Court order of protection, charges dropped. *People v. Moultry*, Criminal Court, Kings.

FAMILY LAW: Motion to renew contempt motion denied in matrimonial action. *Suyunova v. Rubinov*, Supreme Court, Queens.

Third Department

REAL ESTATE LAW: Prior decision upheld, court denies reformation of mortgage. *HSBC Bank USA, N.A. v. Nussinow*, Supreme Court, Columbia.

U.S. Courts

CRIMINAL LAW: Reconsideration of traffic stop order denied; probable cause sufficiently established. *Amigon v. Luzon*, SDNY.

ADMINISTRATIVE LAW: DOE must pay remaining late fees on transportation costs for disabled minor. *Mendez v. Aviles-Ramos*, SDNY.

DISCOVERY: Requested discovery for use in a foreign proceeding is a 'fishing expedition.' *In re Application of Palladian Partners LP*, SDNY.

CIVIL PROCEDURE: Motions for reconsideration in race/sex discrimination case fail to provide new evidence. *Kotze v. NBCUniversal Media LLC*, SDNY.

INSURANCE LITIGATION: Insurer must defend, indemnify insured in connection with underlying Queens action. *Kimba Indus. Inc. v. Fortegra Specialty Ins. Co.*, EDNY.

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

Ex-Paramount Legal Chief Lands at Wasserman, Returning Her to Throes of Dealmaking

BY TRUDY KNOCKLESS

CHRISTA D'Alimonte, who spent more than a decade steering legal strategy at Paramount Global, is taking on a new challenge as chief legal officer of global sports, music and entertainment company Wasserman.

The company announced that D'Alimonte will officially step into

the role Oct. 14, succeeding longtime legal head Mike Pickles, who is retiring after 15 years. Based in Wasserman's New York office, she will oversee the company's global legal operations and advise senior leadership on business and regulatory matters as the company continues its rapid expansion into new markets and media platforms.

"We are pleased to welcome Christa to Team Wass, where she

will lead legal operations across the company," CEO Casey Wasserman said in a statement. "Christa brings an immense level of experience and a unique understanding of the global industries in which we operate. We look forward to the leadership and innovation she will bring to the legal team and overall business strategy."

Wasserman, D'Alimonte and Pickles did not immediately » Page 4



Christa D'Alimonte joins Wasserman as it expands globally and diversifies its business.

HOW COMPETITIVE IS YOUR FOOTPRINT BY PRACTICES?

Ask Legal Compass: at.alm.com/legalcompass



ALM. Intelligence



Build Your Legal Team.

Go to lawjobs.com and choose the most qualified candidates.

lawjobs.com

Your hiring partner

ALM.

BONDS

Contact us by phone or email at

info@blaikiegroupp.com

Appeals Supersedeas
 Discharge Lien Executor
 Guardian Lost Instrument

Express Solutions Expressly for Bonding Problems Since 1933

THE BLAIKIE GROUP

111 John St., 16th Floor
New York, New York 10038
212-962-BOND 212-267-8440

D. Nicholas Blaikie Fayth Vasseyur
Colette M. Blaikie Christine Harding

www.blaikiegroupp.com

INSIDE LAW JOURNAL

Calendar of Events.....	6
Court Calendars.....	13
Court Notes.....	13
Decisions.....	17
Expert Analysis.....	3
Lawyer to Lawyer.....	3
Legal Notices.....	14
Outside Counsel.....	4
Perspective.....	2
Technology Today.....	5

See page 2 for complete Inside lineup.

New York Law Journal Inside

Law and the Family »3

Counsel Fee Awards After Trial
by Joel R. Brandes

Domestic Environmental Law »3

California-Inspired Reforms To NY's Environmental Laws Amid Housing Crisis
by Karen Meara and Christopher Rizzo

Outside Counsel »4

Should Willful Nonpayment of Child Support Impact Custody?
by Deepti Shenoy

TECHNOLOGY TODAY »5

Technology Law: Third Circuit Reins In Employer Abuse of the CFAA
by Peter Brown and Doron Goldstein

RelativityFest 2025: Will Gen AI Pricing Moves Spell the End for TAR?
by Rhys Dipshan

How Point of Collection Search Reduces Data Volumes and Risk in Time-Sensitive Investigations
by Craig Hendley and Antony Onipko

Online

At the Capital

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



Online

Court Calendars

Civil and Supreme Court calendars for New York and surrounding counties are now **available weeks in advance** at nylj.com. Search cases by county, index, judge or party name. Information is updated daily. **Only at nylj.com.**

Online

Today's Tip

Download today's paper at the Law Journal Download Center. **Only at nylj.com.**

More Technology columns are archived at nylj.com.

Perspective



COURTESY PHOTO

In an interview with Pollock Cohen name partner Steve Cohen, **Thomas Modly**, the Navy secretary during President Donald Trump's first administration, discusses his new book on the lessons he learned from leadership under fire during the COVID-19 epidemic.

What I Wish I Knew Then: Tom Modly

BY STEVE COHEN

Thomas Modly is the former under secretary and acting secretary of the Navy during Donald Trump's first administration. His recently published book "Vectors: Heroes, Villains, and Heartbreak on the Bridge of the U.S. Navy," was an Amazon No. 1 bestseller, and unlike other memoirs from former Trump Administration cabinet members, does not indulge in politics.

Rather, it focused on maritime policy and the leadership and management lessons he learned during his tenure. It is a remarkably candid and thoughtful book—made all the more salient because Secretary Modly was enmeshed in one of the most high-profile and controversial incidents of the COVID-19 pandemic: his decision to relieve the commanding officer of the aircraft carrier USS Theodore Roosevelt during the early days of the crisis. While barely touching on the law, per se, Tom's insights are relevant to anyone dealing with important issues suffused with fear, confusion, and incomplete information.

A graduate of the U.S. Naval Academy, Modly also holds an MA from Georgetown University and an MBA from Harvard. Prior to serving as Under and then Acting Secretary, he was a managing director at PwC, a successful entrepreneur, Deputy Under Secretary of Defense in the George W. Bush Administration, and, as an active-duty Navy officer, a helicopter pilot and assistant professor of political science at the U.S. Air Force Academy.

Stormy Seas

Just before he took up his position as the No. 2 person in the Department of the Navy, tragedy struck—not once but twice, as two different Navy guided missile destroyers were involved in collisions with merchant vessels. The accidents involving the USS Fitzgerald and the USS John S. McCain left 17 sailors dead, and were the result of a combination of crews being overtaxed, overtired, undertrained, and operating with nonstandard or nonworking equipment up on the ships' bridges. Tom explained that the then-secretary Richard Spencer did a very non-Navy thing by recognizing that the Navy leadership's own internal review might not be "self-reflective enough to determine the root causes of the incidents or to make the right series of recom-

mendations." Finding ways to get at the root causes of issues was something I would hear repeatedly from Tom as he emphasized the criticality of looking below the surface of issues to ensure you "weren't just seeing what you wanted to see."

Tom describes being in a meeting early on in his tenure with the other Service Secretaries and being chaired by Secretary of Defense James Mattis. The head of

Without pointing fingers, or impugning anyone's character, Tom provides an honest and self-critical window in "Vectors" into the challenges of leading in the tumultuous and unpredictable times in which we are all living today—and will be into the future.

legislative affairs was briefing the group about the possible outcome of a special election in Alabama that could shift the Senate seat from Republican to Democrat for the first time in 20 years. Secretary Mattis interrupted, slapped the table, and said, "And nobody at this table cares. You are here to defend the nation."

Tom explained that that clear, unambiguous message set the tone for him—and for him to communicate to his entire team: "The expectation was that we would be focused on the mission of the department: the safety of the nation and the people we ask to defend it. We were there to defend the nation, not a party or a person. The nation. Our nation."

Operating Themes

The challenges the Navy faced then—many of which the sea services continue to face today—range from too few ships to do the many and varied jobs the nation expects of the Navy; inadequate funding to build more ships and provide the training to ensure readiness; and management, financial, and educational systems that are antiquated in comparison to the civilian world. The Under Secretary is, by law, the chief management officer of the Navy. Consequently, Tom decided he had to make clear to everyone in the organization what their priorities and operating principles were.

"I made clear that the main themes would be agility and accountability. I had been thinking about what was important to defense organizations, which needed to adapt to an uncertain future characterized by both more capable and unpredictable adversaries; and less predictable (and mostly shrinking) defense budgets. I identified five 'agile'

qualities: (1) velocity: the ability to react and respond rapidly; (2) visibility: the ability to have transparency of information across the enterprise; (3) adaptability: the ability to be flexible, adjust, and change as circumstances require; (4) collaboration: the ability to work and cooperate across organizational boundaries; and (5) innovation: the ability to experiment, try, fail, and iterate continuously.

Soon after Tom took over his responsibilities in the Department of the Navy—and watched the organization in action—he added three more qualities to the list: "Humility: the ability to operate and lead free of pride or arrogance; trust: the ability to believe in the character and truth of people at all levels of the organization; and skepticism: the ability to question, with respect, conventional wisdom and long-held beliefs."

Sharp Mind, Soft Elbows

Tom explained that there were four functional challenges he planned to take on as under secretary: financial audit, business systems modernization, digital strategy, and overall business reform. And while he planned to hire four "superstars" with the functional expertise to drive change in those areas, he also wanted people who "knew how to influence others through 'soft power'—in other words, people who knew how to exert influence through the use of persuasion and collaboration, rather than coercion. Without that quality, I was certain that organizational resistance to our efforts would stiffen and eventually be stymied."

Coincident with that management and leadership style was an initiative that Tom had been thinking about for some time: enhancing the opportunities for, quality of, and respect for education—throughout the broad naval enterprise. The motto of the U.S. Naval Academy at Annapolis is Ex Scientia Tridens: through knowledge, sea power. Yet, sadly, the Navy—and its then uniformed leadership—didn't see any urgent need to bring any substantive reform to the Navy's educational systems. (The Marine Corps, surprisingly, did.) Tom convened a blue-chip panel of retired senior officers and civilians who put together a comprehensive plan which became known as "Education for Seapower" (E4S). It was thoughtful and innovative. Yet, in the end it was completely thwarted by senior Navy leadership. In the wake of Tom's departure in 2020 many of the elements of the E4S strategy

» Page 7

'It Is a Trap': Unlimited PTO Policies, Becoming Increasingly Common, Are Unpopular Among Associates

BY DAN ROE

IN AN industry where lawyers sell their time by the hour, the prospect of an unlimited paid time off policy might sound too good to be true.

It is, according to midlevel associates who sounded off on their firms' unlimited PTO policies in a recent American Lawyer survey of more than 3,000 third- to fifth-year associates.

Roughly 27% of the 66 firms surveyed had at least one associate speak up about an unlimited PTO policy, and none of those who mentioned such policies had positive feedback.

"I do not want unlimited vacation days. With the way that billable hours work, it is a trap and always feels like a trap," a Mayer Brown midlevel said. "I should not feel like I'm shooting myself in the foot financially when I take a vacation."

For associates who voiced their displeasure, the "trap" of unlimited PTO lies in the ambiguity of the policies: How does anyone know how many vacation days are too many?

"Unlimited PTO is essentially no PTO or very limited PTO," said a Fox Rothschild associate. "A set number of days would allow people to actually take the time off and feel that it is being respected."

Despite criticism from some associates, unlimited PTO policies are not uncommon in Big Law. In 2019, Law.com reported that just 11% of firms in the midlevel survey fielded a complaint about an unlimited PTO policy, compared to 27% of firms in 2025. And of the 91 firms with PTO policies tracked by Chambers Associate, 18% posted an unlimited policy (although many



TADA IMAGES/ADOBE STOCK

Increasing billable hour expectations coincided with the rise of unlimited PTO, which was initially criticized for allowing firms to avoid paying for unused vacation days at the end of the year.

firms' policies were identified as "undisclosed").

The policies have become more popular over the past decade, with recruiter Eve Jaffe of Garb Jaffe & Associates encountering unlimited PTO more often than not in conversations with candidates.

When the shift began, associates were critical of the policies because they were accustomed to being paid out for unused PTO days, of which associates commonly got four weeks' worth. "Back when I was practicing law, I can tell you I took my four weeks, and I still billed 2,000 hours," Jaffe said. "Now people are billing a lot more, and it's hard to fit in four weeks of vacation and still meet hours."

For contemporary associates with no concept of four weeks of paid vacation (and compensation for unused days), unlimited PTO or unstated billable hour requirements can allow law firms to advertise policies that seem generous

at face value, said recruiter Kate Reder Sheikh of Major, Lindsey & Africa.

However, those policies can also be used to capitalize on uncertainty. "At a firm with no requirements, associates may not feel as incentivized to take any vacation because it feels like it's this verboten thing, and they may not hit whatever the soft target is," Sheikh said.

For instance, associates might worry that exceeding that soft target could be held against them when they're up for promotion to partner, said Sheikh. "It's like if you leave your kids with candy on the table and go into the other room and see how much they take," she said. "It feels not totally dissimilar to that."

Recruiter Kevin Merker of The Merker Group also urged associates to be skeptical about how they use an unlimited PTO policy. "One could argue, if you have your unlimited PTO, it could

» Page 7

Ransomware Attacks Skyrocket, Forcing Companies To Confront a Vexing Question

BY MICHAEL GENNARO

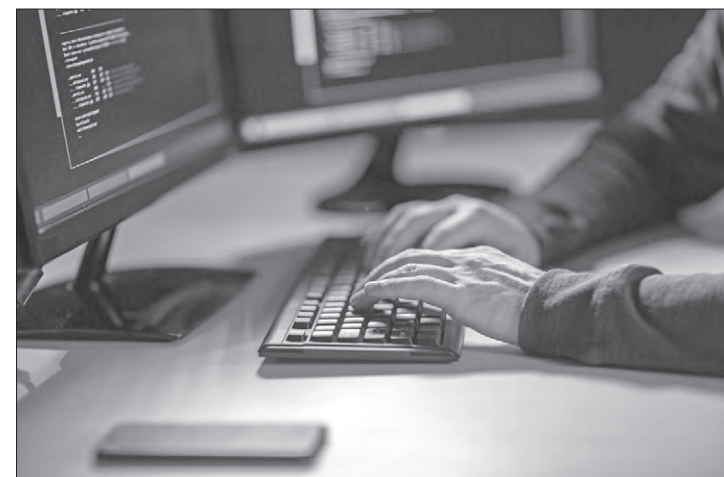
RANSOMWARE attacks against businesses increased 25% from July 2024 to June 2025, compared with a year earlier, and February 2025 alone generated more than 1,000 known attacks, the highest on record, according to a recently released report from the cybersecurity platform ThreatDown.

The data paint a stark picture of the evolving threat landscape. ThreatDown said 41 new ransomware groups emerged during the 12-month period, pushing the number of active groups past 60 for the first time. Meanwhile, 42 countries experienced their first ransomware incident, reflecting the threat's expansion beyond traditional Western targets.

As usual, the U.S. led the way, racking up 3,030 known incidents, nearly double the tally of 1,576 incidents ago and more than double the 1,353 incidents recorded for all other countries combined.

Santa Clara, California-based ThreatDown said the proliferation of groups carrying out the attacks, many of them aided by AI, is the biggest reason for more attacks. "This steady growth in active ransomware groups has been fueled by consistent patterns of formation, closure, and activity," the report said. "Over the last three years, approximately 50 new groups have appeared each year, around 30 have exited, and a typical group has attacked around five targets per month."

Yet ThreatDown sees cause for optimism. "Criminal groups increasingly use legitimate software, strike at night, and target blind spots to avoid detection. These tactics show that ransomware cannot thrive in the daylight created by endpoint detection and response (EDR). Criminals either try to avoid detection entirely or gamble that alerts won't be



SYDA PRODUCTIONS/ADOBE STOCK

Experts indicate that ransomware gangs typically operate in countries where cybercrime laws are weak or where cybercrime is often tolerated, which encourages their activities.

addressed quickly enough," the report says.

Many of the victims of ransomware attacks are high-profile, with devastating human and financial tolls, according to the report.

In June 2024, an attack on London-based blood-test provider Synnovis harmed 170 patients and caused one of the first deaths officially linked to ransomware. The U.K.'s National Health Service declared a critical incident after the attack, leading to thousands of postponed procedures. One month later, a ransomware attack on McLaren Health Care, a nonprofit health system in Michigan, exposed nearly 750,000 patient records.

Marks & Spencer, a major British multinational retailer, in April suffered one of 2025's most damaging ransomware attacks. The strike chopped nearly \$1 billion from the company's market value and resulted in \$405 million in lost profits. Cybercriminals posing as an employee manipulated a third-party IT provider into resetting credentials.

That same month, the U.K.'s Cooperative Group, which has

interests in groceries, funeral services, legal services and insurance, disclosed that data from 6.5 million members had been compromised. Also taking a blow this year was Frederick Health, a nonprofit health care system in Maryland, where a January 2025 attack exposed 934,000 highly sensitive patient records.

The ThreatDown report does not include data on how often ransomware targets paid ransom. However, a Verizon data breach study released in April and based on calendar year 2024 data found that 44% of all cybersecurity breaches involve ransomware and that ransomware targets paid ransom 36% of the time, with the median payment being \$115,000.

According to news reports, Synnovis and Cooperative Group said they did not pay ransom, while McLaren Health, Marks & Spencer and Frederick Health would not say whether they did.

More Bad Actors

The ThreatDown study found that fragmentation and volatility are defining a new

» Page 6

Expert Analysis

LAW AND THE FAMILY

Counsel Fee Awards After Trial

Domestic Relations Law §237(a) and (d) authorize the trial court to award counsel fees and expenses after the trial in certain matrimonial actions. The discretion to award attorney's fees lies, in the first instance, in the discretion of the trial court, and then in the Appellate Division, whose discretion is as broad as that of the trial court. (*O'Brien v. O'Brien*, 66 N.Y.2d 576, 498 N.Y.S.2d 743 (1985)).

The court is authorized to direct the payment of counsel fees and expenses at any time after the start of the action up through the entry of final judgment. (*O'Shea v. O'Shea*, 93 N.Y.2d 187, 689 N.Y.S.2d 8 (1999)).

In *DeCabrera v. DeCabrera-Rosette* (70 N.Y.2d 879, 524 N.Y.S.2d 176 (1987)), the Court of Appeals held that in exercising its discretionary power to award counsel fees, a court should review the financial circumstances of both parties together with all the other circumstances of the case, which may include the relative merit of the parties' positions.

The court may, in its sound discretion, award counsel fees and disbursements, where warranted under the facts and circumstances of the case, notwithstanding the misconduct of a party. (*DeCabrera v. Cabrera-Rosete*, supra).

A spouse's ability to pay counsel fee award is a factor in determining whether to award counsel fees after trial. (*Popelaski v. Popelaski*, 22 A.D.3d 735, 803 N.Y.S.2d 108 (2d Dep't 2005); *Rennock v. Rennock*, 203 A.D.3d 675, 165 N.Y.S.3d 76 (1st Dep't 2022)).

There is no requirement that a party must demonstrate an inability to pay (see *DeCabrera v. Cabrera-Rosete*, 70 N.Y.2d 879, 881, 524 N.Y.S.2d 176); *Suppa v. Suppa*,

By
Joel R. Brandes



112 A.D.3d 1327, 978 N.Y.S.2d 502 (4 Dep't., 2013)

Domestic Relations Law §237(a) creates a rebuttable presumption that counsel fees shall be awarded to the "less monied spouse." The status as the less monied spouse gives rise to a rebuttable presumption that he or she is entitled to counsel fees. (*Gifford v. Gifford*, 132 A.D.3d 1123, 19 N.Y.S.3d 102 (3 Dep't., 2015). Where the presumption is not rebutted, the less monied spouse is entitled to an award of attorney's fees. (*Hof v. Hof*, 131 A.D.3d 579, 16 N.Y.S.3d 569 (2 Dep't., 2015)).

Where counsel fees are denied to the less monied spouse, the rea-

An award of counsel fees under the statute cannot be made merely to punish a party for claimed discovery delays or for seeking a jury trial on grounds.

son for the determination must be set forth in the court's decision. (*Leonard v. Leonard*, 109 A.D.3d 126, 968 N.Y.S.2d 762 (4th Dep't 2013); *Antinora v. Antinora*, 125 A.D.3d 1336, 3 N.Y.S.3d 500 (4th Dep't 2015)).

In determining who is the monied spouse, courts look in the first instance to the income of the parties and their respective financial circumstances at the time it renders the decision. (See, for example, *Gaetano D. v. Antoinette D.*, 37 Misc. 3d 990, 955 N.Y.S.2d 752 (Sup 2012)).

It has been held by several lower courts that the shift in financial resources that results from the support award may rebut the presumption of the payor spouse being the "monied" spouse. (See *Scott M. v. Ilona M.*, 31 Misc. 3d 353, 915 N.Y.S.2d 834 (Sup 2011); *Margaret A. v. Shawn B.*, 31 Misc. 3d 769, 921 N.Y.S.2d 476 (Sup 2011); *Gaetano D.*

v. Antoinette D., 37 Misc. 3d 990, 955 N.Y.S.2d 752 (Sup 2012)).

The Appellate Division has held that in determining who is the less monied spouse, the court should not unduly rely upon the financial circumstances of the parties at the time it renders its decision, but should weigh the historical and future earning capacities of both parties. (*Brookelyn M. v. Christopher M.*, 161 A.D.3d 662, 77 N.Y.S.3d 390 (1st Dep't 2018). See also *Saunders v. Guberman*, 130 A.D.3d 510, 511, 14 N.Y.S.3d 334 (1st Dep't 2015).

The First Department has held that it is improper to require the nonmonied spouse to pay a portion of the fees of the monied spouse. In *Wells v. Serman* (92 A.D.3d 555, 938 N.Y.S.2d 439 (1st Dep't 2012)), the Appellate Division reversed an order that granted plaintiff's motion for an award of interim counsel fees of \$17,850.

It held that the Supreme Court's award of interim counsel fees to the plaintiff, the monied spouse, based solely on the defendant's conduct in delaying the litigation, was improper under Domestic Relations Law §237. An award of counsel fees under the statute cannot be made merely to punish a party for claimed discovery delays or for seeking a jury trial on grounds.

In *Roddy v. Roddy* (161 A.D.3d 441, 76 N.Y.S.3d 141 (1st Dep't 2018)), the Appellate Division reversed an order of the Supreme Court which rejected the recommendation of the special referee that plaintiff not be required to reimburse defendant for counsel fees, and directed that plaintiff pay a portion of defendant's counsel fees.

The court observed, citing *Wells v. Serman*, supra, that the counsel fee provisions focus primarily upon the paramount factor of financial need, and that an award of counsel fees under the statute cannot be made merely to punish a party for claimed discovery delays or for seeking a jury trial on grounds.

Where a party's inappropriate litigation conduct has adversely affected the other party but both are able to pay their own counsel fees, the appropriate remedy may be a sanction (22 NYCRR §130-1.1), not an award of attor- » Page 8

JOEL R. BRANDES practices matrimonial law in New York City, concentrating on appeals. He is the author of the twelve-volume treatise, *Law and the Family New York, 2025 Edition, and Law and the Family New York Forms, 2025 Edition (five volumes)*, both published by Thomson Reuters, and the *New York Matrimonial Trial Handbook, 2d Edition (Bookbaby, 2024)*.

DOMESTIC ENVIRONMENTAL LAW

California-Inspired Reforms to NY's Environmental Laws Amid Housing Crisis

New York has an undeniably severe housing shortage (a staggering 500,000 to a million units) and some of the highest development costs in the country. There is no single reason for this crisis; land prices, labor costs, materials costs, restrictive zoning and local land-use procedures all contribute to soaring costs.

New York's environmental review laws often get some of the blame. Creating more housing-related exemptions in the State Environmental Quality Review Act (SEQRA) won't by itself solve the problem, but would be part of any effective solution.

In 2025 California created new and robust exemptions from its California Environmental Quality Act to encourage "in-fill" housing development in urban areas. Developers, housing advocates and environmental advocates generally applauded the legislative changes. In this article we consider the potential for such changes in New York.



By
Karen Meara



And
Christopher Rizzo

Environmental review can end with a brief environmental assessment and "negative declaration." Or, where an agency determines there is a potential for significant adverse impacts in at least one environmental category, preparation of a full environmental impact statement is required, along with consideration of alternatives and mitigations.

In New York many housing development projects require some type of discretionary approval from a government actor, like legislative approval of zoning amendments and planning board approval of a site plan.

Since litigation based on the adequacy of an agency's SEQRA compliance is common, agencies tend to err on the side of caution in preparing voluminous (sometimes overly so) environmental assessments and environmental impact statements, which can cost applicants (e.g., housing developers) time and money.

The Type II exemptions have not been much used to housing developers; the State SEQRA regulations only exempt projects involving one, two or three-family homes, or conversions of commercial buildings that are otherwise zoning compliant.

That means housing projects with as few as four units that require even modest relief from zoning limits or require site plan approval trigger some level of

SEQRA compliance. And with the exception of New York City since June of 2024 (a topic we will return to shortly), that has been the case regardless of whether the project would be located in a neighborhood of single-family homes or in a dense urban area adjacent to public transit.

By contrast, the SEQRA Type I list—the opposite of the Type II list with thresholds at which an EIS is presumptively required—accounts for existing scale. For example, an EIS is presumptively required for 200 units of new housing in cities with populations of 150,000 but the threshold is 1,000 units in cities with populations of over one million. It would make sense to similarly scale the Type II housing exemptions.

Regardless of how New York tailors SEQRA exemptions, other local land-use reviews are also complex and time-consuming. For example, New York law permits all municipalities to require site plan review for developments even where they otherwise comply with zoning (see General City Law, section 27-a; Town Law, section 274-a; Village Law, section 7-725-a.)

The purpose is to allow "municipalities to analyze development proposals in terms of their impacts on local growth and the need for facilities and services." See New York State Department of State, *Site Plan Review, James A. Coon Local Government Technical Series*, reprinted 2024.

The legislative goal seems important enough—ensuring that large new developments are well designed, least impactful and have access to adequate local services. But SEQRA compliance and site-plan review can take months or years to complete for large developments—even those that are otherwise zoning compliant.

In New York City, there is no site plan review. But a wide variety of discretionary land-use decisions (zoning changes, special permits, disposition of city property, etc.) trigger the Uniform Land-Use Review Procedure, a public review process that culminates in binding votes by the City Planning Commission, then the city council and the mayor. » Page 7

SEQRA Has Few Exemptions For New Housing

SEQRA requires all government "agencies" (departments, state public benefit corporations, counties, municipalities) to evaluate the potential environmental impacts of their discretionary decisions, unless a specific exemption (referred to as a "Type II" exemption, see 6 NYCRR 617.5(c)) applies.

In New York many housing development projects require some type of discretionary approval from a government actor, like legislative approval of zoning amendments and planning board approval of a site plan. Even housing projects that are zoning compliant but require some other discretionary government action (subdivision or site plan review, lease of government land, wetland permit) often trigger SEQRA compliance.

KAREN MEARA AND CHRISTOPHER RIZZO are partners in the environmental and land-use practice group of Carter Ledyard & Milburn.

LAWYER TO LAWYER

FLORIDA ATTORNEY

LAW OFFICES OF RANDY C. BOTWINICK

Formerly of Pazer, Epstein, Jaffe & Fein

CONCENTRATING IN PERSONAL INJURY



RANDY C. BOTWINICK
34 Years Experience



- Car Accidents
- Slip & Falls
- Maritime
- Wrongful Death

- Defective Products
- Tire & Rollover Cases
- Traumatic Brain Injury
- Construction Accidents

Co-Counsel and Participation Fees Paid



JAY HALPERN
39 Years Experience

Now associated with Halpern, Santos and Pinkert, we have obtained well over \$100,000,000 in awards for our clients during the last three decades. This combination of attorneys will surely provide the quality representation you seek for your Florida personal injury referrals.

MIAMI 150 Alhambra Circle Suite 1100, Coral Gables, FL 33134 P 305 895 5700 F 305 445 1169

PALM BEACH 2385 NW Executive Center Drive Suite 100, Boca Raton, FL 33431 P 561 995 5001 F 561 962 2710

Toll Free: **1-877-FLA-ATTY (352-2889)**

From Orlando to Miami... From Tampa to the Keys | www.personalinjurylawyer.ws

Busy preparing for trial? Need an expert witness?

ALMExperts is FREE to help.

- FREE access to thousands of listings of legal experts nationwide in thousands of specialties
- FREE searches by name, region and area of expertise
- FREE access to experts' resumes
- FREE contact information -- get in touch with experts quickly and directly

ALM EXPERTS
almexperts.com

BERNARD D'ORAZIO & ASSOCIATES, P.C.
NEW YORK CITY

DORAZIO-LAW.COM

JUDGMENT ENFORCEMENT & DEBT COLLECTION LITIGATION

Click Listen Earn

Stay compliant from the comfort of your own home or office at CLECenter.com. With new, accredited content updated daily, seamless online tracking and 24/7 access, CLECenter.com makes compliance easy.

Visit CLECenter.com to click, listen, earn - anytime or Call a CLE Counselor Today at (800) 348-0466

GERSONWITZ LIBO & KOREK P.C.
New Jersey Office

Let Us Help With Your NJ Injury Litigation

- Over \$1 Billion Recovered on Behalf of Our Clients
- Michael A. Fruhling, ESQ: Board of Governors for the NJAJ
- Jeff S. Korek, ESQ: New Jersey Bar Member

GLK

39 Years Experience

Call 24/7: **866-450-4101**
157 Engle Street
Englewood, NJ 07631
LAWYERTIME.COM

JUDGMENT ENFORCEMENT & COMMERCIAL COLLECTIONS

ROSENTHAL & GOLDHABER P.C.

- NY Law Journal 4-Time Winner: Best Judicial Enforcement Provider
- Recovery Actions
- Post-Judgment Litigation
- NY, National & International

Justice isn't Complete Until it's Collected

CONTACT US
631-979-8500
robert@nycollections.com
www.nycollections.com

Reach your peers to generate referral business Lawyer to Lawyer For information, contact Carol Robertson at 212-457-7850, or email crobertson@alm.com

New York Law Journal

Give Your Clients a Gift with Real Value.

Grant your clients unlimited access to award-winning legal news coverage with an ALM Gift Subscription.

Get Started
Visit.at.law.com/gift

NewYorkLawJournal.com

Off the Front

Indictments

« Continued from page 1

Attorney General Pam Bondi to seek indictments against all three.

Jerry H. Goldfeder, director of Fordham Law School's Voting Rights and Democracy Project, said there have been few cases legally similar to the one against James.

"Is the theory of the prosecution that when a person takes out a mortgage on a property for a particular purpose, that they can't change their mind as to how they use the property later on?" Goldfeder told the Law Journal and Law.com.

Goldfeder said that he could think of only one case, over decades, of a similar circumstance. It was former New York State Sen. Israel Ruiz's 1989 conviction by a federal court for filing a false loan application statement while asking for a personal loan. He was later sentenced to six months.

Goldfeder said he always wondered if Ruiz's case was brought for political reasons.

New York Law School Professor Rebecca Roiphe said it appears that Halligan "is doing exactly what the president wants her to do, which is in breach of the normal independence of the Department of Justice, which is so vital for our liberties and for the rule of law."

Roiphe said James potentially making a case for selective prosecution because of her political views "is normally a huge long

shot—but given the fact that there was this public post by the president, which is so unusual, it may, along with what happened with the former U.S. attorney (whom Trump forced out) be a stronger case than there would normally be, at least for that kind of motion practice."

Scott L. Fredericksen, a former federal prosecutor and retired partner in Foley & Lardner, said James has a strong case for malicious prosecution, since the career experienced professionals refused to bring cases against James and Comey in Virginia.

Fredericksen told CBS News that any young prosecutor learns early on that there are hundreds of thousands of mortgage applications that have errors on them throughout the U.S. every day.

"We don't use the criminal law to enforce any issues there. Banks can sue if they feel aggrieved. It's only when you have actual fraud, a scheme to defraud a bank of their funds," he said.

Fredericksen said it should only take a short trial for the defense to have the lender reveal that James hadn't misled the bank, nor had it brought a complaint to law enforcement. In such circumstances, a "case is dead on arrival as soon as that line of questioning ends," he said.

In light of Trump's statement on Truth Social, Fredericksen said, "All of that provides pretty strong evidence of potential vindictive prosecution."

Harvard law professor emeritus Alan Dershowitz said the indictment against James, which alleges

she used the property as a rental home, which her loan prohibited, "sounds like a weak case." But he worried that it "conceivably could result in a conviction."

"I mean, technically, did she fail to disclose what she should have disclosed about other residences," Dershowitz told NewsNation. "You can possibly make a case for that."

As to whether a jury would convict, Dershowitz noted the case had been brought in a more liberal part of Virginia, which could stand to benefit the Democrat James.

Dershowitz, a vocal critic of James, said he predicted in his book titled "Get Trump," that Trump would eventually use his office to retaliate against her, since she won a conviction in 2024 for a civil fraud case against Trump and his family real estate company, alleging he misrepresented his net worth.

"I hate the fact that the justice system is being weaponized, so I'm opposed to 'Get Trump,'" said Dershowitz.

"I'm opposed to 'get Letitia James.' I'm opposed to 'get Comey.' I'm opposed to 'get Schiff.' I don't want any of these targeted prosecutions. In almost every case, you can make an argument that they're guilty, but you can also make an argument that, but for the fact that they were enemies of in one case, Letitia James, the other being brought by the president, they would never have been prosecuted."

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

Walker

« Continued from page 1

spent as an Assistant United States Attorney prosecuting complex federal crimes, my time in private practice, and the year I spent clerking in the United States District Court for the Eastern District of Virginia," Walker wrote in response to questions submitted by U.S. Sen. Ted Cruz, R-Texas, during the judicial confirmation process.

Walker, 39, became Virginia's first openly gay U.S. district judge when he assumed office, according to U.S. Sens. Mark Warner and Tim Kaine, both D-Virginia.

Of the dozens of federal disputes Walker has presided over, the criminal case against James is arguably the most high-profile

case assignment in his judicial career.

Walker filed an amended opinion in August dismissing a case that accused the federal government and military contractors of wrongful death in the April 2022 suicide of a U.S. Navy sailor aboard the U.S.S. George Washington.

Another major case previously assigned to Walker includes the terminated *CureVac SE v. BioNTech SE* case that accused BioNTech and Pfizer Inc. of patent infringement in the development of a COVID-19 vaccine using mRNA technology.

Walker worked as an associate at Covington & Burling's Washington, D.C., office from 2012 to 2015 before beginning a career of public service as a former prosecutor-turned-judge.

Interim U.S. Attorney Lindsey Halligan of the Eastern District of Virginia secured the indictment against James following the Sept. 25 indictment charging former FBI Director James Comey with two counts of perjury-related crimes.

Carl Tobias, a University of Richmond Law School professor, said Comey and James may have a strong argument of "selective prosecution" based on the fact that Trump appointed Halligan specifically to pursue criminal cases against White House adversaries.

James has an initial appearance set for Oct. 24 in the U.S. courthouse in Norfolk, Virginia, before U.S. Magistrate Judge Douglas E. Miller of the Eastern District of Virginia.

@ Sulaiman Abdur-Rahman can be reached at sabdur@alm.com.

Paul Weiss

« Continued from page 1

The latest lawmaker letters cited reporting by the New York Times that two of the nine firms making deals with Trump—Paul Weiss and Kirkland—committed to doing free legal work for the Commerce Department. According to the Times, Skadden Arps Slate Meagher & Flom also was introduced to the Commerce Department. ALM was not able to independently confirm that report.

In their response letters to lawmakers, the three firms declined to provide details on any work they are doing for the Commerce Department, any retainer agreement they have, the number of hours or work provided and details on those services. They also continued to defend their pro bono deals with the administration.

"We remain comfortable with the Agreement and would not have entered into it if we thought it was problematic. We retain the ability to accept or turn down matters as we desire, and the Agreement has not changed the nature of the matters that we would or would not accept," Kirkland litigation partner Neil Eggleston wrote in an Oct. 7 letter to lawmakers.

Meanwhile, Skadden's counsel Richard Sauber, a partner at Herbert Smith Freehills, wrote that the firm does not agree with the lawmakers' "characterizations of the Agreement Skadden entered with the Administration, nor do we agree with your suggestions that various representations you describe would be contrary to that Agreement or violations of any statutes, regulations, or ethical standards."

"The Firm's decision about client matters of all types are, and will continue to be, made in compliance with the highest ethical standards of the bar," Sauber added in an Oct. 7 letter.

For its part, Paul Weiss cited client confidentiality as reasoning it could not disclose "any specific matters we may be handling for the administration," in a letter written by firm chair Brad Karp. Karp added that all client engagements "are entered into with full regard for our legal and ethical obligations."

Sen. Richard Blumenthal, D-Connecticut, ranking member of the Senate Permanent Subcommittee on Investigations; Rep. Jamie Raskin, D-Maryland, ranking member of the House Judiciary Committee; and Sen. Adam Schiff, D-California, sent letters to the firms on Sept. 24.

In a joint statement Friday, the three lawmakers said that the law firms refused to provide "meaningful information" about the terms of their agreements with the president.

"The refusal of these prominent law firms to provide any meaningful information about the terms of the agreements they've struck with Donald Trump or the work they're doing to advance his political agenda speaks volumes about the moral crisis of the legal profession today," the lawmakers said.

"Lawyers should be the first to stand up to destruction of the rule of law, not the first to surrender and fall in line. The leaders of these firms know better and they should do better. We continue to be profoundly disappointed with their responses and will continue to act together to demand answers," the lawmakers added.

While each firm pushed back against the lawmakers' allegations that any free legal work or pro bono work was unethical or unlawful, they each framed their approach in a different light.

Kirkland said it entered into an agreement with the Trump administration "to provide pro bono and other free legal services," while also referring to "legal work the firm performs without pay for government agencies pursuant to the agreement."

In his own letter, Karp at Paul Weiss directly noted the distinction between free legal services and pro bono work.

"Any work that Paul Weiss might provide the administration, even if unpaid, would not count towards the firm's commitment to provide \$40 million in pro bono services over the next several years," as part of the firm's March 2025 agreement with Trump, Karp's letter says. "The pro bono work contemplated by the agreement—combating anti-Semitism, promoting fairness in our justice system and assisting veterans—is in areas that fully align with our firm's values and our historic pro bono commitments and fully

satisfies the pro bono eligibility requirements set forth by the Pro Bono Institute."

However, Karp refused to say what, if any, other free legal services the firm was providing the Trump administration, citing confidentiality considerations. He also insisted that "the administration does not (and could not) determine what work we take on."

A representative for Paul Weiss declined to comment further. Representatives at Kirkland and Skadden did not immediately respond to requests for additional comment.

As Law.com reported, legal observers have previously indicated that if the firms are providing free legal services to the government, it could violate a federal statute, the Antideficiency Act. The lawmakers' September letters to Kirkland, Skadden and Paul Weiss also cited concerns that any work for the Commerce Department may violate the statute.

However, if there was a violation, federal officials—but not the law firms—may face repercussions, observers said. It's unclear whether any violation by federal officials would actually be enforced during the Trump administration.

Democratic congressional inquiries into the law firm deals with the Trump administration have gone out to firms inquiring about the terms of the deals with the president and the circumstances surrounding those deals. In letter responses viewed by Law.com, firms have largely stood their ground on the deals, defending their decisions to enter into agreements with the Trump administration.

While Democratic lawmakers have pressed firms to provide details on the deals, since they are in the minority, they aren't able to force firms to respond, and would likely need Republican support for any subpoena efforts.

@ Abigail Adcox can be reached at aadcox@alm.com.

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

Outside Counsel

Should Willful Nonpayment of Child Support Impact Custody?

To what extent should a parent's willful refusal to contribute financially to the support of her/his child, *despite having the means*, bear upon a child custody determination?

Firmly embedded within the canon of family law practice (at least for New York practitioners) is the following general principle: child custody determinations and financial considerations operate on different tracks.

Thus, for instance, a mother who has washed her hands of the responsibility of contributing to the cost of her child's medical expenses, or a father who has dumped the responsibility of paying his child's school tuition on the child's mother, in both cases despite *having the means to pay*, ostensibly stands on an equal footing with the other parent in a child custody determination.

In making a child custody determination, a court is required to consider the "best interests" of the child. While the parties' respective "financial status" is a factor to be considered in this determination, this refers more particularly to the parties' respective financial stability and ability to maintain a roof over the child's head and to provide for the child's day-to-day needs. *See, e.g., Rosenstock v. Rosenstock*, 2016 N.Y. Misc. LEXIS 4427, (Sup. Ct. Kings Cty. 2016) (noting that while financial considerations should not determine custody, in the matter at hand, the father's relative financial stability and ability to provide for the children without contribution from the mother was a factor in favor of an award of custody to him, particularly where evidence of the mother's income and/or assets, if any, were lacking from the record); *Matter of Menhennett v. Bixby*, 132 A.D.3d 1177 (3d Dept. 2015) (finding sufficient support for the Family Court's grant of an award of custody in favor of the father where, among other factors, the father was employed and relatively financially stable, and was in the process of

DEEPTI SHENOY is senior counsel at Aronson Mayefsky & Sloan.

IN BRIEF

« Continued from page 1

with the New York Law Journal and Law.com, Schwartz said the retrial gave his team a chance to hone its approach.

"Whenever you have the opportunity to do something a second time, you learn to think about what you might have done differently. We put in a stronger case and a quicker case this time," he said.

A representative for Sater didn't immediately respond to a request for comment. Sater and his businesses had been defended by John H. Snyder and Thomas Carl Sima, as well as Brendan C. Kumbol of Richard L. Yellen & Associates.

Sater is a real estate developer who once looked to build a Trump Tower in Moscow.



By
Deepti
Shenoy

saving money to purchase a home, while the mother was unemployed and reliant on public assistance, child support and financial support from her family); *Farnham v. Farnham*, 252 A.D.2d 675 (3d Dept. 1998) (affirming an award of custody to the father where, *inter alia*, he had a stable job and was prudent in his financial affairs, while the mother impulsively quit her job, depleted her retirement to spend frivolously on herself and her paramour, and was financially unstable).

Absent a finding that a parent is egregiously financially unstable,

A parent's decision, despite having the means, to withhold support for their child surely bears some relevance to the parent's level of commitment to the child.

a factor that generally goes hand in hand with mental health issues, emotional instability and/or lack of involvement in the child's life, rarely does a court take into consideration a parent's *willful* failure to pay child support or to contribute to a child's expenses in awarding custody. *See, e.g., Berrouet v. Greaves*, 35 A.D.3d 460 (2d Dept. 2006) (taking into consideration the father's relative financial stability, as evidenced by his payment of the mother's rent for her, in awarding him custody, alongside factors that included her apparently raging delusions that the father was poisoning the child via an invisible powder associated with Santeria and Voodoo).

More often, courts find non-payment of support to be an insufficient basis to determine a parent's right to custody and access. *See, e.g., Engrassia v. Di Lullo*, 89 A.D.2d

957 (2d Dept. 1982) (father's persistent refusal to contribute to child support was an insufficient basis to deny him visitation with the children).

There are a few notable exceptions to this line of cases. One is *Matter of Alonso v. Perdue*, 163 A.D.3d 658 (2d Dept. 2018), wherein the court upheld the Family Court's decision to award the mother sole custody based upon the Family Court's finding, among other things, that:

[T]he mother provided stability for the child and had been the parent who attended to the child's educational and medical needs, while the father had failed to make consistent child support payments and appeared unaware of the full financial commitment and resources needed to care for the child on a daily basis.

Another approach is that taken by Justice Jeffrey Sunshine, who, in awarding the mother sole legal custody in *Faina P. v. Alexander S.*, rejected the father's contention that the parties' financial conflict was irrelevant to the custody issues in the trial and instead found as follows:

[T]his court must consider the defendant's behavior in using his greater financial resources as a tool of coercion against plaintiff in this litigation and what that choice reflects about his ability and/or willingness to share joint custody with the plaintiff. The court must consider whether a parent who chooses to wield financial coercion to get their way is focused more on winning a dispute with the other parent or in the best interest of the child, especially where that parent does so while also refusing to comply with the terms of the parenting agreement. *See Faina P. v. Alexander S.*, 2024 NYLJ LEXIS 3519 (Sup. Ct. Kings Cty., 2024).

In other states, financial considerations play a much more direct and significant role in custody determinations—in > Page 8

In 2019, Sater was sued by the City of Almaty, Kazakhstan, and BTA Bank over a \$4 billion embezzlement scheme that was allegedly orchestrated by Almaty's former mayor, Viktor Khrapunov, and BTA's former chairman, Mukhtar Ablyazov.

The city and bank, represented by Boies Schiller Flexner, alleged that Sater worked with Ilyas Khrapunov—Viktor's son and Mukhtar's son-in-law—to launder money through U.S. real estate projects, including the Tri-County Mall in Ohio and the Trump SoHo Hotel in New York.

After a trial in 2024, federal jurors held Sater liable for conversion, unjust enrichment and receipt of monetary funds. But U.S. District Judge John Koeltl

ordered a new trial on the first two claims, based on a faulty jury instruction.

During the second trial, Sater's defense argued that the case was brought outside of the three-year statute of limitations and that the plaintiffs—aware of who they were working with—had to have known the major facts of the case earlier. The city and bank countered that Sater's deceit prevented them from bringing the case earlier.

"This is now the third time in the span of basically three or four years that a New York federal jury has found various conspirators of the people who are responsible for looting BTA Bank and the City of Almaty liable for their roles," said Schwartz.

—Alyssa Aquino

D'Alimonte

« Continued from page 1

respond to Law.com's requests for comment.

As for Pickles' upcoming retirement, Wasserman added, "We thank Mike for his incredible 15 years of guidance and service. His commitment and dedication as a leader within the company has been integral in navigating the unprecedented growth of our business."

The move, for D'Alimonte, marks a return to the deal-making side of the entertainment world after her high-profile exit from Paramount earlier this year. In June, Paramount disclosed in a securities filing that her departure was "involuntary" and "without cause," triggering a severance package valued at \$6.5 million.

She left at a time of upheaval for the studio, which had just seen merger talks with Skydance Media collapse and was under mounting financial strain from industry headwinds. The two companies later rekindled talks, and they completed their \$8 billion merger in August.

D'Alimonte joined Paramount in 2012 as deputy general counsel at Viacom, later rising to executive vice president, general counsel and

corporate secretary following the company's \$15.4 billion merger with CBS in 2019. Before entering the corporate world, she spent nearly two decades at Shearman & Sterling, where she was a partner in the firm's mergers and acquisitions group, advising clients across media, entertainment and investment banking.

"I'm proud to be joining Wasserman at this point in the company's evolution," D'Alimonte said in the company's announcement. "Throughout my career, I've worked with global businesses in the dynamic media and entertainment industries, and I am excited to bring that experience to Wasserman. I look forward to partnering with the legal department and executive leadership team to further enhance Wasserman's position as a global leader in sports, music and entertainment, and I would like to thank Mike for his help throughout the transition."

D'Alimonte arrives as Wasserman as it continues to widen its global footprint and diversify its business lines. Founded in 2002, the Los Angeles-based firm has grown from a sports talent agency into a sprawling marketing and representation powerhouse with operations in 28 countries

and more than 70 cities. Its client portfolio ranges from elite athletes and chart-topping musicians to brands such as American Express and Diageo.

Recent years have seen Wasserman, which employs more than 2,000 people globally, expand aggressively through acquisitions, including the 2023 purchase of CSM Sport & Entertainment and its subsequent rebranding across the Middle East, as well as the acquisition of Arizona-based branding and signage company bluemedia earlier this year.

A Princeton University and Georgetown Law graduate, D'Alimonte has earned multiple industry honors, including recognition from Chambers USA, The Legal 500, and The Hollywood Reporter's "Top Dealmakers" list. She also serves as vice chair of the board of Asphalt Green, a New York nonprofit focused on youth sports and fitness, and as a trustee of the Collegiate School in Manhattan.

@ Trudy Knocless can be reached at trknocless@alm.com.

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

DECISIONS WANTED!

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

Technology Today

TECHNOLOGY LAW

Third Circuit Reins In Employer Abuse of the CFAA

"In the wrong hands, the law becomes a hammer in search of a nail."
—Judge Thomas L. Ambro, 3rd Circuit.

A senior manager at NRA Group LLC was at home sick with Covid-19. She asked another employee to use her password to access restricted information she needed to resolve a pressing business problem. Both individuals were then sued by NRA for violating its workplace computer use policies.

In *NRA Grp., LLC v. Durenleau*, 2025 U.S. App LEXIS 21838 (3rd Cir.), the court issued a significant decision limiting an employers' ability to weaponize the Computer Fraud and Abuse Act (CFAA) against their own employees. The court held that even though an employee may violate a workplace computer-use policy, that misconduct does not create the basis for a federal cause of action under the CFAA.

By aligning with the Supreme Court's reasoning in *Van Buren v. United States*, 593 U.S. 374 (2021), the court emphasizes that the CFAA should not serve as a catch-all enforcement tool for employers. The decision draws a clear boundary between criminal conduct and employment disputes, reinforcing that the CFAA is not a backdoor mechanism for punishing employees.

PETER BROWN is the principal of Peter Brown & Associates PLLC, where he concentrates on transactions and litigation relating to information technology and arbitrating technology disputes. DORON GOLDSTEIN is a partner at Withers where he heads the US Data Innovation, Privacy and Cybersecurity Practice. He is also an adjunct professor of law at New York Law School.



Background: Shared Credentials and Termination

The factual background of *Durenleau* is rooted in workplace convenience during the COVID-19 pandemic, and how that collided with internal policies. Nicole Durenleau, a compliance officer at National Recovery Agency (NRA), a debt collection firm, was temporarily ill and working from home and needed timely access to internal documents.

Because she lacked remote login credentials, she authorized her colleague, Jamie Badaczewski, to log into NRA's system on her behalf to obtain a file she needed. A day later, Badaczewski logged in again and sent Durenleau a spreadsheet containing her passwords.

These actions, while facilitated by permission and access, violated the NRA's internal computer-use policy,

which strictly prohibited sharing credentials or accessing another employee's account. The company terminated Badaczewski and sued both her and Durenleau in federal court, asserting violations of the CFAA, misappropriation of trade secrets, and several common law claims.

A password list, standing alone, does not meet that standard. It is merely a key to other data—not a proprietary asset in its own right—especially where, as here, there is no evidence the passwords were generated through any special formula or algorithm.

The CFAA Argument: A Misuse of the Statute

The CFAA (18 U.S.C. §1030) was enacted in 1986 to combat hacking and other unauthorized intrusions into computer systems. Over time,

however, employers have attempted to stretch the statute's reach to cover violations of internal computer-use policies, turning a criminal anti-hacking law into a workplace discipline tool.

In *Durenleau*, the NRA Group advanced just that theory. It claimed that Badaczewski "exceeded authorized access" under § 1030(a)(2) by using Durenleau's login credentials without explicit authorization, and that Durenleau herself violated the statute by sharing her password in breach of company policy. NRA further argued that the spreadsheet was used to transmit those credentials—along with the internal data it linked to—qualified as a protectable trade secret.

However, the Third Circuit saw things differently.

The Third Circuit's Holding: Policy Violations Are Not Unauthorized Access

In a unanimous opinion written by Judge Thomas Ambro, the court rejected NRA's CFAA claims. The court based its analysis on the Supreme Court's decision in *Van Buren*, which made clear that CFAA

liability does not arise from misusing access rights, but only when the employee "exceeds authorized access" by opening information that the individual was not permitted to access at all.

The court emphasized that because both Durenleau

COMMENTARY

How Point of Collection Search Reduces Data Volumes and Risk In Time-Sensitive Investigations

BY CRAIG HENDLEY AND ANTONY ONIPKO

IN-HOUSE legal teams are experiencing significant increases in the cost and volume of complex data types in disputes and investigations. The General Counsel Report 2025 found that 31% of legal department leaders rank increased data volumes as one of their top five risks and 88% said they are concerned about the risks surrounding emerging data sources such as collaboration applications, linked content and cloud productivity platforms. The compounding issues surrounding data in disputes and investigations continue to drive a shift in the way discovery is approached, prompting a growing need for new, nonlinear methodologies and workflows.

Most large corporations now maintain more than 1,000 business applications within their IT estates (according to IDC Research) and many more of these are discoverable than organizations are typically prepared for. In addition to the sheer volume of applications and data within them, traditional discovery workflows are also hampered by the constant fluctuations within their applications. For example, according to current Microsoft 365 roadmap data, at least 911 features have been launched, 671 are in development and 224 are being released over 2025 alone. During the last 12 months, these changes have included approximately a dozen significant updates impacting data export and discovery functionality, including significant changes to Purview eDiscovery.

In parallel, many regulatory agencies have changed production specifications and now require significantly more cloud and mobile chat data in the scope of their inquiries. While historically many agencies were not equipped to request or navigate large volumes of complex data, the norms have changed. Agencies are now much more sophisticated with their approach to data reviews: they have intensified their expectations in the scope of information they request and the rigor behind methodology reports, requiring much more detailed audit records and defensibility of process to be demonstrated.

These factors are collectively making discovery and investigations more difficult and forcing increased need for data volume reductions. In turn, legal teams must embrace new methodologies that align to the technological shift.

One such approach—which experts have identified as potentially defensible and functional within Microsoft Purview eDiscovery—is in-situ searching, or search at the point of collection. With the right parameters in place and when applied to certain types of matters (e.g., cases with large data volumes and very short timelines), in-situ search can help to defensibly reduce the volume of data before it is extracted and moved into a review platform, yet in a regulatory or government context, this typically requires considered negotiation with the regulator to secure acceptance.

Reducing Data Before Collection

In-situ search workflows can be especially effective in matters such as:

- Large scale government investigations with hundreds or thousands of custodians in scope. In addition to providing improved access to information, the data volume reductions provided by in-situ search can lower processing costs and reduce review costs.
- Requests from regulatory agencies, internal investigators or legal counsel involving very focused collection of certain types of data. Teams can narrow the scope to just an indexed collaboration platform or other data source, so that only the data source needed is collected, rather than all the data relating to an individual or date range.
- Targeted cases involving specific individuals. For example, in investigations involving employee misconduct or potential intellectual property misappropriation following an employee departure, search prior to collection can enable a targeted collection that will help expedite first pass examination of the custodian's data and activity.
- Merger clearance reviews where speed is an utmost priority, but the risk burden is less than in litigation. During merger clearance reviews, custodians tend to be more cooperative to provide access to their data, making it easier to quickly look through potentially relevant information before conducting a collection.

While these scenarios illustrate the value of in-situ search, its defensibility relies on applying robust guard rails: clear protocols, validation of queries and transparent documentation. Compliance tools differ in their indexing capabilities and supported sources, meaning that a narrow focus may inadvertently exclude repositories holding relevant information. Practitioners must therefore understand the complexities of the workflow and record any risk mitigation or acceptance decisions. In government or regulatory matters, regulators often remain cautious and acceptance of this approach would likely depend on well-reasoned negotiation and clear disclosure.

Enhanced Technology Functionality

Another development that will impact the ability and benefit of conducting search at the point of collection is the ongoing and upcoming changes withing Microsoft 365 Purview eDis-

RelativityFest 2025: Will Gen AI Pricing Moves Spell the End for TAR?

BY RHYS DIPSHAN

WHILE generative artificial intelligence has brought a new level of efficiency to document review, the relatively high cost of using it in e-discovery means many teams still opt for technology assisted review (TAR).

But with Relativity moving to include its gen AI document and privilege review solutions aiR for Review and aiR for Privilege in its standard RelativityOne offering—and with the technology becoming cheaper and more ubiquitous overall—is the end of TAR in sight?

Nick Cole, director of litigation support at Foley & Lardner told Legaltech News that before last week's change, Relativity's aiR suite was priced per document, making it less viable for large document review projects.

Cole noted that his firm gives clients a few e-discovery options, with different pricings, for each project. "We can present three paths that you could go down. You could do brute force human review, you could do a TAR, or you could do [Relativity] aiR."

He explained that, while TAR was more cost-effective for larger e-discovery projects, the evolution of gen AI pricing models is likely to change that equation.

"It sort of blows up this idea of three paths. ... When you're paying per doc for aiR, if you had tens of millions of documents, a TAR might be more efficient to do, because once you've run so many documents, you could have had your subject matter experts train a machine-learning system more efficiently. But now that's changed because, if it's included in your pricing, then that breakeven point doesn't exist anymore. It's the same cost as TAR."

If pricing becomes less of a factor, e-discovery teams may prefer gen AI tools, given their relative ease of use compared to TAR, which can be a clunky and resource-intensive solution, often requiring supervised learning.

"There's some substantial risk if it goes wrong, because you've invested a lot of attorney time in doing TAR; it's clearly something you have to learn how to use. There's a lot of troubleshooting on the technical side. Consistent coding is absolutely critical, and humans aren't really good at consistent coding," Cole said.

What's more, while clients were once hesitant to have their outside counsel leverage gen AI, those attitudes have since shifted. "It started off as 'No gen AI for me,' when there were all the articles about the hallucinations and the fake citations, ... to quickly evolving to, 'Please explain how you're going to use these new tools to be more efficient,'" Cole added.

Despite these advantages, it may be some time before TAR fades from review—if at all. "The legal world moves slowly, and people will do the process that they're comfortable with and done over and over again, because attorneys are, by nature, risk averse," Cole said.

» Page 6

ALMExperts.com

ALM.

CRAIG HENDLEY is the managing director, and ANTONY ONIPKO is the senior director at FTI Technology.

New York Law Journal

Serving the Bench and Bar Since 1888



Official Publication for the First and Second Judicial Departments

150 East 42nd Street, Mezzanine Level, New York, N.Y. 10017

Gina Passarella, Editor-in-Chief of Global Legal Brands
Joe Pavone, Senior Director of Sales - West, Marketing Solutions
Donald Chalphin, Global Director of ALM Event Sales & Sponsorships

Andrew Denney, Bureau Chief
Christine Simmons, Deputy Bureau Chief

Submissions Editors: Jade Lopez, Kristie Rearick

Reporters: Alyssa Aquino, Ryan Harroff, Brian Lee, Emily Saul

Art Department: Monika Kozak, Rafal Pytel, Ryland West, photographer

Decisions: Jason Ducena, William Thiess

Calendars: Patricia Kane, editor

Production: Agnieszka Czuj, Susan Ferguson, Stephen Warren

Web: Lora Hollien

Copy Desk: Sean Gossard

BOARD OF EDITORS

Matthew Biben, Sheila Birnbaum,

Sheila Boston, Mary Eaton,

Robert Giuffra, Taa Grays,

Ruth S. Hochberger,

Patricia M. Hynes, Roberta Kaplan,

Victor A. Kovner, Judith Livingston,

Scott E. Mollen, Carolyn Nussbaum,

Thomas Oliva, David Schulz,

Alan Vinegrad, Dwight Yoo,

Mark C. Zauderer

EDITORS EMERITUS

Floyd Abrams, H. Rodgin Cohen,

Robert B. Fiske Jr., Barry Kamins,

Charles G. Moerdler,

Herbert Rubin

ALM: 212-457-9400

800-888-8300

New York City Newsroom: 212-457-7958

Legal Notices: 866-305-3058

ALM SENIOR MANAGEMENT

Bill Carter, CEO

Richard Green, Chief Commercialization Officer

Mark Okean, Chief Financial Officer

Patrick Fuller, Chief Legal Industry Strategist

Erin Dziekan, Chief People Officer

Patrice Coughlin, Chief of Staff

Jimi Li, Chief Technology Officer

Richard Caruso, SVP, Product, Legal

Josh Gazes, SVP, Operations

Gina Passarella, SVP, Content, Legal



READER'S SERVICES

For subscriptions and to purchase back issues, call 1-877-256-2472.

For questions regarding reprints and permissions, call 1-877-257-3382, e-mail reprints@alm.com, or visit almreprints.com.

Send decisions of interest to decisions@alm.com

To access decisions and articles published in the Law Journal, visit nylj.com.

ALM.

The New York Law Journal (ISSN 0028-7326) (USPS 383020) is published daily except Saturdays, Sundays and legal holidays by ALM, 150 East 42nd Street, Mezzanine Level, New York, N.Y. 10017. Periodicals postage paid at New York, N.Y. and at additional mailing offices.

Designated by the New York Court of Appeals pursuant to Article VI, Section 28(b) of the State Constitution.

Designated by the Appellate Divisions, First and Second Departments, pursuant to authority conferred on them by Section 91(1) and (2) of the Judiciary Law.

Designated by the U.S. District Court for the Southern and Eastern Districts

of New York as a newspaper of general circulation for the publication of legal notices in civil and admiralty causes.

Postmaster: Send address changes to the New York Law Journal, 150 East 42nd Street, Mezzanine Level, New York, N.Y. 10017. Available on microfilm and microfiche. Rates on request. The New York Law Journal® is a registered trademark of ALM Media Properties, LLC.

Ransomware

« Continued from page 2

landscape for the ransomware ecosystem. The top 10 most active groups now account for only 50% of attacks, down from 69% between July 2022 and June 2023, suggesting lower barriers to entry are breaking up the market's previous reliance on major ransomware-as-a-service vendors.

"Whether this reflects more participants or smaller group sizes, it suggests that something—perhaps a mix of domain experience, commoditized malware, and abundant AI—is lowering the barrier to entry," the report notes.

Volatility is also affecting the most active groups particularly hard, the report found.

"Dominant groups leave suddenly and new ones rise quickly to replace them. Among the top 15 most active groups in the last year, most had little or no footprint at all in the previous year," ThreatDown stated.

Volatility at the top has become the norm. RansomHub emerged from nowhere to become the leading group following the demise of LockBit and ALPHV, accounting for roughly 10% of all known attacks over the last 12 months before its leak site and negotiation portals went silent after March 31, 2025, for unknown reasons.

Still, many groups remain unpredictable. ClOp, after 16 months of dormancy, returned in December 2024 and became the third-most-active group in 2025. In February 2025, alone, ClOp claimed 335 victims.

Finding a Way In

ThreatDown analysts identified three persistent patterns in recent attacks that are being exploited.

The first is firewall vulnerabilities. The ThreatDown report found that ransomware gangs actively targeted Fortinet and SonicWall vulnerabilities, exploiting the fact that firewalls are abundant, occupy highly privileged network positions and are often difficult to patch.

ThreatDown's analysts also encountered an increased number of organizations without adequate backups, which are the last line of defense that allows data restoration without paying ransom fees to attackers.

Finally, analysts pointed out that many ransomware victims have blind spots in their security. Attackers consistently relied on fully or partially unprotected endpoints and servers, including "shadow IT" devices unknown to IT staff, ESXi hypervisors that don't run endpoint detection and response software and computers with overzealous monitoring exclusions, according to the report.

Given the escalating threats, legal experts are urging companies to establish clear incident response protocols that balance operational, legal and reputational considerations, emphasizing that a swift and effective response could mean the difference between containment and catastrophe for victimized companies.

The U.K.-based law firm Walker Morris said in a client note last month that the first step in a ransomware attack is to determine which systems are impacted and then isolate them immediately.

Perhaps the biggest question that executives and the board will have to confront is whether to pay ransom. According to a study by Cyberason, 80% of victims who paid ransom were hit by another attack.

Walker & Morris summed up the dilemma this way: "Organisations ... need to appreciate that even if the ransom is paid, it doesn't necessarily mean that the data will be released back to them. They are dealing with criminals and most organisations are unlikely to feel comfortable placing trust in those criminals.

"However, on the other hand, these groups want to establish a reputation as following through on their word to encourage future payments of ransom from other organisations."

The National Cyber Security Center in the U.K. wrote that before considering payment, organizations should thoroughly exhaust all other options, including viable backup and recovery solutions and the possibility of obtaining decryption keys from third parties.

"Victims of ransomware also increasingly face an extortion threat, where the attacking cyber criminal group threatens to publish or sell stolen data unless a ransom is paid. But following payment, a victim may discover the attacker has lied about deleting

the data and look to sell it to other criminals for profit, or repeat the threat of releasing it months, or even years, after the incident," the NCSC wrote.

Estimates suggest criminals received more than \$800 million in ransomware payments from victims in 2024, underscoring the lucrative nature of these attacks.

Jason Edwards, a cybersecurity expert who serves as principal of Amazon Web Services, wrote on LinkedIn this month that hackers go after businesses because they see an opportunity to make money, not because of personal animus.

"Targets are usually identified by algorithms scanning for weaknesses rather than individuals making deliberate choices. Unpatched servers, weak credentials, or exposed ports are flagged automatically, and the next step is triggered by infrastructure designed to deploy malware at scale. The people behind these attacks don't need to know who you are or what you do—they only need to know you are vulnerable," Edwards wrote.

Edwards said that ransomware gangs often operate in countries where cybercrime laws are weak or cybercrime is tacitly tolerated, emboldening them.

"This protection gives attackers near immunity from prosecution as long as they remain within those jurisdictions. The low likelihood of arrest, combined with the high rewards of successful payouts, makes the equation almost laughably lopsided in the criminal's favor," Edwards said.

To combat and prevent the evolving threat, ThreatDown recommends organizations maintain up-to-date hardware inventories and actively seek out unauthorized "shadow IT" devices, such as laptops or smart devices that are used within organizations for work-related purposes without the knowledge of the IT team.

The report emphasizes that in an ecosystem where attackers adapt quickly and unpredictably, success for defenders rests on proactive security, disciplined operational practices and ensuring alerts are monitored 24/7 via managed service providers or managed detection and response services.

Michael Gennaro can be reached at mgennaro@alm.com.

going to do? What prompts are being used?

"I'm still seeing this resistance to—I don't need that headache. Eventually, I think we'll get over that hurdle," he added.

Rhys Dipshan can be reached at rdipshan@alm.com.

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

Calendar

TUESDAY, OCT. 14

NY State Bar (CLE)

2025 Disability Rights and Justice Series: Ethical Considerations in Decision-Making
nysba.org/events/2025-disability-rights-and-justice-series-ethical-considerations-in-health-care-decision-making/
1.5 CLE credits
Virtual

Leadership at the Top: Strategy and People Management
nysba.org/events/leadership-at-the-top-strategy-and-people-management/
1.0 CLE credit, irtual
Special Needs Planning
nysba.org/events/special-needs-planning-fall-2025/
1.0 CLE credit, Virtual

NY City Bar (Non CLE)

vLex Fastcase –General Overview Webinar
2 p.m. –3 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=FAS101425&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

TUESDAY OCT. 14

WEDNESDAY, OCT. 15

NY State Bar (CLE)

Bridging the Gap Oct. 2025
nysba.org/events/bridging-the-gap-Oct.-2025/
16.0 CLE credits
Virtual

TUESDAY OCT. 14

THURSDAY, OCT. 16

NY State Bar (CLE)

3 Day Commercial Mediation Training
nysba.org/events/3-day-commercial-mediation-training-fall-2025/
24 CLE credits
Virtual

WEDNESDAY, OCT. 15

NY State Bar (CLE)

Artificial Intelligence: Current Ethical, Regulatory and Compliance Issues
nysba.org/events/artificial-intelligence-current-ethical-regulatory-and-compliance-issues/
1.0 CLE credit
Virtual

NY State Bar (Non CLE)

Consumer Arbitration Clauses in the Mass Filing Era
nysba.org/events/consumer-arbitration-clauses-in-the-mass-filing-era/
Virtual and NYC

NY City Bar (CLE)

Current Legal Ethical Issues With Professor Stephen Gillers
12 p.m. –1:45 p.m.
2 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB101525&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)

Lunch with Judge Anar Rathod Patel
12:30 p.m. –2 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=LIT101525&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

A Memorial Tribute to Ronald J. Tabak
6 p.m. –8 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=CAP101525&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)

Lunch with Judge Anar Rathod Patel
12:30 p.m. –2 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=LIT101525&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

THURSDAY, OCT. 16

NY State Bar (Non CLE)

General Practice Guidance and Mentorship Program: Trademark & Copyright
nysba.org/events/general-practice-guidance-and-mentorship-program-trademark-copyright/
Virtual

Trusts & Estates Law Section 7th and 8th District Happy Hour
nysba.org/events/trusts-estates-law-section-7th-and-8th-district-happy-hour/
Buffalo

NY City Bar (CLE)

Artificial Intelligence and Clinical Care
5 p.m. – 7 p.m., 2 CLE Credits
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=AIC101625&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)

Program and Reception For International L.L.M. Candidates
6 p.m. – 8 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=NLI101625&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

FRIDAY OCT. 17

NY State Bar (CLE)

DWI on Trial 2025: The Big Apple
nysba.org/events/dwi-on-trial-2025-the-big-apple-xxiv/
8.0 CLE credits
NYC

MONDAY OCT. 20

NY State Bar

Media Literacy Education: Safeguarding Democracy in a Digital World
nysba.org/events/media-literacy-education-safeguarding-democracy-in-a-digital-world/
Albany & Virtual

TUESDAY, OCT. 21

Historical Society of the New York Courts

Celebrating the Rule of Law in New York and South Africa
Hybrid Event – In person at New York Law School and Livestreamed
6:30 PM
185 West Broadway Room WA10, New York
CLE Credits Pending
Register at: https://history.nycourts.gov

NY State Bar

SoFi at Work Webinar for NYSBA Members: Navigating the New Student Loan Landscape
nysba.org/events/sofi-at-work-webinar-for-nysba-members-navigating-the-new-student-loan-landscape-what-it-means-for-you/
Virtual

NY City Bar (CLE)

Hot Topics Affecting Cooperatives & Condominiums: Cases and Marketplace Developments in the Last Six Months
9:30 a.m. – 12 p.m.
CLE Credit: New York: 2.5 Professional Practice; New Jersey: 2.7 General; California: 2.5 General; Pennsylvania: 2.0 General; Connecticut: Available to Licensed Attorneys
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB102125&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)

Judicial Independence at Risk: Reflections from the US and India
6:30 p.m. – 8 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=INT102125&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, OCT. 22

NY State Bar (CLE)

A Lawyers Guide to Mental Fitness: how to Overcome Setbacks and Manage Stress
nysba.org/events/a-lawyers-guide-to-mental-fitness-how-to-overcome-setbacks-and-manage-your-stress/
1.0 CLE credit
Virtual

Trial Lawyers Section 6th Annual RBG Vanguard Award & CLE Program
nysba.org/events/the-trial-lawyers-section-6th-annual-rbg-vanguard-award-cle-program/
1.0 CLE credit
Virtual

NY City Bar (CLE)

Compliance Conference 2025
9 a.m. – 4 p.m., CLE Credit: TBD
In-Person Registration Link: https://services.nycbar.org/ComplianceInstitute/
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)

Perspectives of First-Generation Lawyers
12:30 p.m. –2 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=CAM102225&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

THURSDAY, OCT. 23

NY State Bar

Interviewing Tips for Attorneys in the Job Market
nysba.org/events/interviewing-

tips-for-attorneys-in-the-job-market/
Virtual

NY City Bar (Non CLE)

Mindfulness and Well-Being in Law Book Club
6:30 p.m. –7:30 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=MWBL102325&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

MONDAY, OCT. 27

NY City Bar (Non CLE)

Third Annual Power the Pipeline Conference and D&I Champion Awards
9 a.m. –5 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=DEIB102725&mcode=NYLJ
Location: 42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

MONDAY, OCT. 27 (DAY 1) MONDAY, NOV. 3 (DAY 2)

NY City Bar (CLE)

16-Hour Bridge-the-Gap: Practical Skills, Ethics & More...
Day 1: 9 a.m. – 5 p.m.
Day 2: 9 a.m. – 5 p.m.
Both Days CLE Credits 16
Day 1 CLE Credit: 8
Day 2 CLE credit: 8
Both Days Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB102725&mcode=NYLJ
Day 1 Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB102725&mcode=NYLJ
Day 2 Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB110325&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

TUESDAY, OCT. 28

Federal Bar Council (CLE)

A Chance for a Second Chance: Resentencing Under the First Step Act
5:45 p.m. to 7:15 p.m.
Location: Hecker Fink LLP, 350 Fifth Avenue, New York, NY 10118
1 CLE credit
https://fbc.users.membersuite.com/events/a5720928-0078-c065-9d06-0b48bb82b1eb/details

NY State Bar (CLE)

2025 Disability Rights and Justice Series: The Merging of FHCDCA and 1750-b
http://nysba.org/events/2025-disability-rights-and-justice-series-the-merging-of-the-fhcdca-family-health-care-decisions-act-and-1750-b-what-this-means-and-why-now/
1.5 CLE credits
Virtual

Recognizing Cognitive Decline in the Legal Profession: Ethical Obligations, Practice Guidance, and Finding Support
nysba.org/events/recognizing-cognitive-decline-in-the-legal-profession-ethical-obligations-practice-guidance-and-finding-support/
1 CLE credit
Mineola, NY & Virtual

The Use of Content, Data and Information for Machine Learning and Training Algorithms for Generative Artificial Intelligence
nysba.org/events/the-use-of-content-data-and-information-for-machine-learning-and-training-algorithms-for-generative-artificial-intelligence/
1 CLE credit
Virtual

TUESDAY, OCT. 28 (DAY 1)

WEDNESDAY, OCT. 29 (DAY 2)

THURSDAY, OCT. 30 (DAY 3)

NY City Bar (CLE)

OBBSA Tax Changes: What Lawyers Need to Know: Three-Part Series
Day 1: 6 p.m. – 7:15 p.m.
Day 2: 6 p.m. – 7:15 p.m.
Day 3: 6 p.m. – 7:15 p.m.
CLE credit Day 1: 1.5
CLE credit Day 2: 1.5
CLE credit Day 3: 1.5
CLE credit All Three Days: 3
All Three Days Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB1028A&mcode=NYLJ
Day 1 Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB102825&mcode=NYLJ
Day 2 Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB10298&mcode=NYLJ
Day 3 Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=WEB103025&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

RelativityFest

« Continued from page 5

Such risks with gen AI can take time to address. Redgrave partner Martin Tully said he believes gen AI will eventually replace TAR, but "not anytime soon. ... What I'm seeing in the trenches is there's still a reluctance to use it for anything that would cull documents from either being reviewed or being produced—[through not] internally. People [are] using it left and right for internal privi-

lege prioritization or review internally."

He explained, "Where you have the problem is getting other people to agree to it in terms of ... how you will define the scope of responsible materials? All the ESI protocols that I get involved with in large [multidistrict litigations], the plaintiffs bar is very, very, very sensitive to anything that will be used to cull what is within the scope of what even gets reviewed, much less produced. ... I'm still seeing that with gen AI, OK, and how are we going to negotiate this? What are we

Abuse

« Continued from page 5

and Badaczewski had valid credentials and did not “break into” any part of NRA’s systems they were not allowed to access, their conduct—while inappropriate—did not rise to the level of liability under the CFAA.

This narrow reading marked a sea change in CFAA interpretation: access violations are not determined by purpose or policy but by whether the user opened digital gates that were closed to

operational data as trade secrets must do more than rely on general policy statements. They must implement concrete safeguards—limited access, encryption, or explicit contractual controls—to demonstrate that the information itself has independent value worth protecting.

No Malice, No Misuse: Common-Law Claims Also Fail

In addition to the CFAA and trade secrets claims, NRA attempted to reframe the same set of facts into common-law torts, asserting

There was no indication that the accessed information was misused for personal benefit, disclosed to a competitor, or otherwise exploited.

them. If the gates are open—even if the user misuses what they find on the other side—the CFAA does not apply.

The Trade Secret Claim: No Independent Value, No Protection

Alongside its CFAA claims, NRA argued that the spreadsheet itself was a protectable trade secret. According to the NRA, because the spreadsheet listed credentials to systems containing sensitive customer data, its disclosure amounted to misappropriation under both the federal Defend Trade Secrets Act (DTSA) and the Pennsylvania Uniform Trade Secrets Act (PUTSA).

The Third Circuit also rejected that theory. The opinion stressed that trade secret protection turns on two elements: the information must derive independent economic value from being kept secret, and the owner must take reasonable measures to protect it.

A password list, standing alone, does not meet that standard. It is merely a key to other data—not a proprietary asset in its own right—especially where, as here, there is no evidence the passwords were generated through any special formula or algorithm.

The court underscored that employers seeking to treat credentials, internal files, or other

theories of civil conspiracy and breach of the duty of loyalty. Likewise, these efforts fell flat.

The Third Circuit affirmed the lower court’s summary judgment in favor of the employees, noting that without an underlying violation—such as a viable CFAA or trade secret claim—there was no predicate for conspiracy liability. The court further emphasized that NRA had not shown any evidence of malice, a necessary element under Pennsylvania law, especially given that the employees’ actions were taken in the context of assisting a colleague resolve an urgent work issue during a health-related absence.

The breach of loyalty claim fared no better. The court rejected the notion that the employees acted disloyally, observing that their conduct was directed toward helping the company resolve an urgent business issue. There was no indication that the accessed information was misused for personal benefit, disclosed to a competitor, or otherwise exploited.

In essence, the NRA was attempting to stretch fiduciary concepts to cover workplace conduct that may have breached policy, but not loyalty. The decision reinforces the principle that not every internal misstep is actionable—and that employers seeking redress should rely on appropriate

legal theories grounded in actual harm or misconduct.

Practical Consequences: The Limits of the CFAA as a Workplace Enforcement Tool

The *Durenleau* decision draws a clear line: the CFAA is a tool for stopping hackers, not punishing employees for breaking internal rules. In practice, this means that companies should:

1. Avoid abusing the CFAA. Misuse of company systems, password sharing, and unauthorized file transfers are best handled through employment agreements, clear internal policies, state-law claims when applicable, and administrative remedies.
2. Strengthen access control. Companies should ensure that only authorized users can access specific data. If access needs to be denied, it should be technologically restricted, not merely limited by policy.
3. Enact appropriate safeguards to protect trade secrets. Under federal and at least Pennsylvania state law, employers seeking trade secret protection must take more than passive steps. Passwords, internal files, and other data should be guarded through encryption, limited access, and explicit agreements.

Conclusion: Rebalancing the CFAA in the Employment Context

The decision in *NRA Grp., LLC v. Durenleau* adds to a growing list of post-*Van Buren* cases that curtail CFAA’s reach in civil litigation. For employers, the message is clear: the CFAA is no longer a catch-all remedy for internal computer misuse. Instead, the courts are encouraging companies to implement stronger internal controls and plan ahead for potential future causes of action, including trade secret and breach of contract theories.

Renew your subscription by phone!
Call the New York Law Journal
at 1-877-256-2472.

Data Volume

« Continued from page 5

discovery, which stand to make in-situ searching more effective and accessible. These changes include:

Expanded precision and coverage: New search fields such as Message ID and Sensitivity Labels, broader file type support and the ability to apply queries across diverse data sources provide a targeted and more complete picture of potentially relevant material.

Tom Modly

« Continued from page 2

were dismantled or deprioritized.

Sadly, Tom explains, E4S was derailed by one of the “villains” he cites in his book: arrogance. Uniquely, Tom cites 19 villains in “Vectors” none of which are actual people, but rather human and organizational characteristics that stand in the way of good decision making and meaningful change. With respect to arrogance as the main villain standing in the way of the E4S efforts, he writes, “Success, power, and scale often breed the debilitating effects of arrogance. The symptoms are a lack of consideration for those less powerful, and a lack of openness to new ideas. Arrogance keeps leaders ‘inside the lines’ and promotes the delusion that what was successful in the past will continue to be successful in the future.”

When I asked Tom about the best and worst bosses he had ever worked for, he hesitated a bit about the worst boss, and then said, “Your first responsibility is to protect your people. A toxic boss affects everyone. Your job is to be a buffer—shield your team from the dysfunction. Your first obligation is to them and the mission so you have to keep doing your work, and if it becomes untenable, search for an honorable way out.” He recalled one particularly insecure supervisor who often made highly unrealistic and irrational demands. “I was patient for a long time, but finally I had to be candid and say, ‘You’re asking for something impossible. You won’t have this in 24 hours. Eventually, I found a way to move on.’”

Tom had no hesitation identifying and talking about his best boss: former Secretary of the Navy and later Deputy Secretary of Defense Gordon England. He remembers England’s understanding of how to get things done in large bureaucracies where rank and hierarchy are paramount. One lesson he learned about the power of perception in such enterprises was when England told him, “Get on my calendar two or three times a week. Everyone sees my calendar, and if your name is on it, they’ll know you have my full authority.” The tactic worked, giving Tom and his colleagues instant credibility. “Gordon challenged ideas with probing questions, but always but he always did so respectfully. That blend of trust, empowerment, and mentorship embodied true leadership.”

Values as the Anchor

“A career will inevitably test your values,” Tom said. “You have to know your moral and ethical foundation, because you will run headlong into ethical issues in every job.” For him, the anchor of leadership is character. “You have to know what foundation you’re going to build your career on. What traits matter most to you? What principles will you never compromise?”

Transparent and defensible auditing: Enhanced logging now records search parameters, user actions and outcomes in greater detail, creating a clear evidential trail to support defensibility in government or regulatory contexts.

Richer version insight and faster performance: Options to collect the most recent, last 10 or last 100 versions of documents offer deeper understanding of how content evolved over time, however proprietary workflow

development may be necessary to enable scalability and speed for large data sets.

As the data landscape evolves, so too must the principles of e-discovery. Legacy playbooks and approaches are no longer fit for purpose to address every data format and challenge. By embracing new, expert-led approaches such as in-situ search, legal teams can efficiently fulfill their e-discovery obligations without introducing increased data risk or facing significant cost increases.

He urged young leaders to answer those questions early and test themselves often. “Every job will bring you face-to-face with an ethical issue, a leadership dilemma, maybe not a moral crisis, but something that forces you back to your foundation. That’s why it’s critical to understand it, refine it, and hold it to it.”

Lean Down, Not Just In

“Managing up is overrated,” Tom said. “It’s your responsibility as a leader to go down to the lowest levels of the organization to find out what’s really going on.” For Tom, that belief is even more true today in part because failing to abide by it, in part, led to his resignation as acting secretary. It was March 2020 and the COVID-19 pandemic was just beginning to spread. I recalled to Tom how little we actually knew about the disease, how to control it, or even how to treat it. I shared with him my recollection of riding my bike up the Hudson River Greenway bike path, seeing the Navy hospital ship USNS Comfort docked at the cruise liner pier ready to take the overflow of patients that were expected; and then riding downtown on a completely deserted Broadway.

That same day, Capt. Brett Crozier of the nuclear aircraft carrier USS Theodore Roosevelt, one of the Navy’s most powerful warships, sent an email to a number of more senior officers expressing his concerns about the safety of his 5,000-person crew and implying that the Navy was not doing enough to help solve the crisis.

About 50 sailors were infected with coronavirus. The email was not sent to his chain of command and was sent via a Gmail account that was not secure. And not surprisingly, it was soon leaked to the media. This created a political and media firestorm, which only compounded criticism of the Trump Administration’s handling of the COVID-19 crisis in those early days.

Earlier in the same day Crozier sent his letter, Tom offered to go to Guam to visit the ship and crew to ensure they were getting all the assistance they needed to manage the crisis. The captain asked Tom not to visit as he thought it might be a distraction to the effort. Tom agreed, but he regrets that decision. Crozier’s understandable concerns for his crew ran head-on into national security issues; and what the Navy was actually trying to do to isolate and test the crew for the virus, and protect them from its impact. He also intentionally did not discuss the letter with his immediate boss, the carrier strike group commander, before sending it.

Tom was immediately concerned that he didn’t have enough or the right information; filtered reports were not enough. In a direct phone call with Crozier, Tom asked his about the now infamous email which had triggered a national controversy. The captain responded to Tom’s questions, “I thought it was time to send up a signal flare.” When asked why he did not discuss

it first with the carrier strike group commander, he said that he knew in advance that the admiral would have directly ordered him not to send it. He decided otherwise.

Tom discussed the conversation with the Navy’s top officers, and the most senior admiral, the Chief of Naval Operations, thought it appropriate to suspend Crozier and conduct a formal investigation. Tom opposed the idea of suspending Crozier: “It would feed the ‘Captain Crozier as martyr’ persona that was already percolating in the media and had the potential to further divide the crew from the rest of the Navy as they waited for their popular captain to be released from suspension.” After more dithering by senior officers, none of whom followed Tom’s directives to reach out to the captain directly to get to ground truth, Tom decided that he had lost confidence in Crozier and that he wanted a “steadier hand” in charge of the ship during this crisis. He decided to relieve him of command himself in order to spare the senior uniform officers from taking actions in an environment that had turned deeply political.

Firing the commanding officer would be controversial and cause a media storm. And it was becoming terribly partisan. After relieving the captain, Tom flew to Guam, but instead of meeting with the crew in person—as he wanted to—he was advised by his security detail and the medical team not to walk around the ship. Instead, he spoke to the crew from the quarterdeck behind an M5 mask and over the ship’s intercom system. Some of his words were unartful, but others spoke seriously and compassionately about their obligations to each other and to the mission of the ship. The media and the Democrats in Congress chose to focus on the unartful comments, but Tom admits some of those comments were an “unforced error.” Tom now believes he should have gone to Guam earlier—despite Capt. Crozier not wanting him to visit. “Being there in person would have calmed people down and helped us find solutions sooner.” He also reflected on the importance of “unmasking” as a leader—both literally and figuratively. “There are the physical masks, and then there are the masks of rank and privilege. In a crisis, you need to drop all that, walk the deck-plates, and let people tell you what’s really happening.”

Convinced that Crozier’s actions had set a bad precedent, he made the decision himself to relieve him. “If it went south, I knew I would take the heat. Leaders must own the hardest calls, even if it costs them their job.”

Regardless of what you may think of that decision, Tom’s book offers unique insights into his frame of mind at the time, and why he chose the path he did. Without pointing fingers, or impugning anyone’s character, Tom provides an honest and self-critical window in “Vectors” into the challenges of leading in the tumultuous and unpredictable times in which we are all living today—and will be into the future.

Crisis

« Continued from page 3

The process is long, uncertain and provides tremendous discretion to the affected council members. (On Nov. 4, 2025 New York City voters will vote on three proposed amendments to the City Charter that would shorten and simplify these processes for certain affordable housing (and other housing) applications, in some cases by eliminating City Council review.)

California’s 2025 Changes to CEQA Created Robust Exemptions for New Housing in Existing Urban Areas

California, like New York, is one of a handful of states that require environmental review before states or localities make discretionary decisions. Developers and housing advocates have accused CEQA of being used as a basis to challenge infill projects in existing, often in high-income urban areas.

Developers and housing advocates have accused CEQA of being used as a basis to challenge infill projects in existing, often in high-income urban areas.

That has stifled housing development in the urban parts of the state most suited for higher density, transit-oriented development, and—perversely—pushed development into fringe, rural and agricultural areas, creating sprawl and competition for scarce open space and agricultural land.

Governor Gavin Newsom signed Assembly Bill 130/Senate Bill 131 in June 2025 to create some dramatic new housing exemptions in CEQA. The law now exempts from review “infill housing development projects,” which includes residential housing projects and mixed-use residential projects in existing urban areas.

The project must be 20 acres or less. The project site cannot have other environmental sensitivities like wetlands, historic districts, farmland, flood zones etc. Finally, the project must meet or exceed certain density thresholds (to ensure the exemption does not encourage low-density, sprawling development).

If an exemption is barred because of a single condition (e.g., floodzone), environmental review will occur but be strictly limited to analysis of that condition. Mindful that CEQA is not the only hurdle to new, dense housing projects, the amendments also impose limits on local land-use reviews.

For example, California law now requires municipalities to approve or disapprove a project within sixty days of the determination that it is CEQA exempt.

It is too soon to judge results of California’s reforms, but if these reforms were adopted in New York they would address three important impediments to housing development: (1) the over-application of SEQRA to housing projects in dense, non-sensitive, urban settings where they are unlikely to cause adverse impacts; (2) triggering the need for an EIS when only a handful of impact categories are actually of concern; and (3) lengthy and costly local land-use reviews that apply even when an environmental exemption applies.

New York City Substantially Expanded Housing Project Exemptions

SEQRA permits agencies, including municipal agencies, to develop their own Type II lists reflecting their specific expertise as to which types of projects do not have

The Citizens Budget Commission, a leading good governmental organization in New York, evaluated construction costs in New York City in 2025, including hard costs (labor and materials), soft costs (architects, lawyers, lenders and other professionals) and land. It concluded in 2025 that hard costs make up at least 60% of project costs and that New York City has the highest hard costs in the world.

It considered soft costs, which are typically 20% of project costs. While not comparing New York City’s soft costs to those in other cities, the report noted that discretionary land-use approvals (the primary driver of soft costs) take longer in New York City than any other place in the U.S.—two and a half years. Finally, land costs (the final 20% of construction costs) are easily the highest or nearly the highest compared to any other U.S. municipality.

Changes to SEQRA Would Not Be Enough To Bring Down Soft Costs, but They Would Probably Help

The take-away from the CBC report is that limiting SEQRA and other land-use reviews may help encourage housing production but those changes will not directly resolve the labor, material and land costs that are stifling housing production in New York State and the City. But some housing developers maintain that SEQRA and land-use reviews are not just problematic in their own right, but indirectly impact other cost categories.

The idea is that the long, costly and uncertain discretionary environmental and land-use reviews discourage developers from seeking the zoning changes that might be needed to mitigate hard costs and land costs and thus lead to more robust housing production.

If New York could eliminate those costs for select categories of housing projects that rarely if ever have significant adverse impacts, the change could be meaningful. It might allow developers to seek the modest zoning changes or discretionary approvals needed to make nonviable sites viable. We will watch California’s experiment closely.

Letters Welcome

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

PTO

« Continued from page 2

be used against you,” Merker said. “Your colleague took two weeks and you took a month, right? If you barely hit hours but you took five weeks off, they could say, ‘Imagine if you were working like your colleague.’”

By contrast, associates broadly said they would feel more comfortable with a set number of days that were safe to take off. “Please get rid of unlimited PTO and require two weeks of vacation,” a Winston & Strawn midlevel implored of their firm.

Likewise, a Mintz, Levin, Cohn, Ferris, Glovsky and Popeo midlevel associate asked their firm to “give actual PTO” days rather than “unlimited PTO,” and a Jenner & Block midlevel said they wanted

Jenner to provide “a specific number of PTO days (not ‘unlimited’ time off).”

Yet, some associates at firms with unlimited PTO policies identified the billable hour and the culture around it as part of the problem. “Unlimited PTO” is a misleading representation that most law firms give and I don’t think any firm with a billable hour goal should advertise that,” a Nelson Mullins Riley & Scarborough associate said. “PTO is honestly something that I proceed with great caution because I must make up for the hours/collections at some point.”

Recruiter Anna Sanders of VOY-legal said that in her experience speaking to candidates, the culture of a firm and how it protects or doesn’t protect vacation time matters more than the stated policy. “Some people say their firm does

a great job, they get four weeks of PTO and people take it. And other places with the same written policy, the culture is you don’t take it,” Sanders said.

A Covington & Burling associate praised their firm’s “use it or lose it” PTO policy, which they said incentivizes attorneys to use their PTO days. “And it is more respected than other firms where there is ‘unlimited leave’ (that no one uses) or leave that can be accrued indefinitely, and then no one uses it,” the associate added.

② Dan Roe can be reached at droe@alm.com.

Have a Move to Announce?

E-mail potential “On the Move” items to pkane@alm.com

READER’S SERVICES

For subscriptions and to purchase back issues, call 1-877-256-2472.

To access decisions and articles published in the Law Journal, visit nylj.com.

For questions regarding reprints and permissions, call 347-227-3382, e-mail reprints@alm.com,

or visit almreprints.com.

Send decisions of interest to decisions@alm.com

Outside Counsel / Expert Analysis / Off the Front

Nonpayment

« Continued from page 4

some cases, a parent's history of contributing to the child's expenses is an express factor to be considered in making decisions as to custody and access.

Consider, for instance, the court's custody decision in *In Re. Marriage of Day*, in which the Supreme Court of Iowa noted as follows regarding a father's application for physical custody of the children:

[The father's] home and farm were listed for sale up to two weeks before the hearing. Although the evidence and his own testimony reflect this farm was very valuable and that he was pursuing his profession, he was thousands of dollars delinquent in his child support and apparently paid toward it only intermittently. He was cited into court four times for nonpayment. He never applied for a modification to reduce his support payments. *We have characterized the requirement to pay child support as a "basic obligation" of a parent. Larry's neglect of his basic obligation to these children does not persuade us to trust him with more responsibility. In Re. Marriage of Day*, 314 N.W.2d 416 (Sup. Ct. of Iowa, 1982) (emphasis added).

Likewise, consider *Dubicki v. Dubicki*, in which the Connecticut

Supreme Court found as follows:

The trial court expressly found that the plaintiff was not entitled to custody because he had failed to support [the child] for at least four years and because he was unfit due to his irresponsibility, drinking and physical abuse of the defendant. These findings are reasonable and support an award of custody to the defendant based upon the best interests of the child... Dubicki v. Dubicki, 186 Conn. 709 (Sup. Ct. of Connecticut, 1982) (emphasis added).

Going further still in its evaluation of financial considerations alongside the other factors relevant to a custody dispute, the North Dakota Supreme Court noted in *Hogue v. Hogue*:

The trial court found both parties to be fit parents, and viewed them as equal under most factors [relating to the best interests of the child], or found factors to be inapplicable to these parties, with the exception of factors c and f. The trial court found factor c favored Kelly. Section 14-09-06.2(1)(c), N.D.C.C., states: "The disposition of the parents to provide the child with food, clothing, medical care, or other remedial care . . ." *In its findings, the trial court considered Robert's failure to have contact with and pay support for his son by a previous*

marriage as a negative factor against him... Robert's relationship and child support obligation to Blake is relevant to his disposition to provide for Robbi. Hogue v. Hogue, 1998 ND 26 (N.D. 1998) (emphasis added).

In fact, in *Hogue*, the court found that the father's failure to support his child from a previous relationship bore upon his moral fitness to be a custodial parent. *Id.*

It bears considering whether, and to what extent, a parent's

When utilized as a tool of control, the withholding of support can perpetuate cycles of financial abuse.

willful failure to support the child should be considered in connection with the child's best interests in New York custody determinations. Children are expensive, and, particularly in New York, where the cost of living is astronomical and climbing every year, parents should be incentivized to contribute to their children's expenses.

Furthermore, a parent's decision, despite having the means, to withhold support for her/his child surely bears some relevance to the parent's level of commitment to the child. More troublingly, as thoughtfully noted by Justice Sunshine in *Faina P.*, the failure to provide support can sometimes be a tool of financial coercion used to keep coparents trapped in a cycle of con-

trol. *Faina P.*, supra. When utilized in this manner, the withholding of support can perpetuate cycles of financial abuse.

In the 1982 matter of *Labow v. Labow*, the First Department denied a petition for a change of custody brought by the father, astutely noting not only the effect of the father's baseless failure to pay child support to the mother on the mother's ability to pay her expenses and support the child but the impact of the father's withhold-

ing of support on the child's own wishes and thought processes. The court observed as follows:

We are also aware of the apparent wish of the young son Steven that custody be awarded to his father, and that the child's view is entitled to serious consideration, although it is not determinative... Just as we have noted that no consideration was given by the Trial Judge or the two psychiatrists or the guardian to defendant's apparently successful technique of bringing about a change in custody by failing to comply with court orders, they also failed to consider the effect of this technique on the child's

thinking. It hardly seems to be in the best interests of a child for him to learn the efficacy of such a technique and to observe it practiced by his father and approved by the court. The manipulation of the child by such techniques is manifest. In essence, what is involved here is a prosperous father living in his own apartment with a woman whom he says he intends to marry, and a mother left with three young children who, in addition to raising them alone for several years, has had to resort continuously, in and out of the courts and by all means available, to obtain alimony and child support... It is obviously easier for the father to be more relaxed and flexible in his dealings with his son than the mother can be. *Labow v. Labow*, 86 A.D.2d 336 (1st Dept. 1982).

There is already precedent in New York for evaluating financial considerations alongside custodial determinations in certain types of cases. In cases where a parent is seeking to relocate with the children, the other parent's failure to support the children can be a meaningful and potentially determinative factor in whether to grant the petition to relocate. "When the relocating custodial parent has provided consistent care for the child, and has received little financial assistance

from the noncustodial parent, that factor may persuade a court that relocation is in the child's best interests when all other factors are also positive." 3 New York Civil Practice: Matrimonial Actions §40.04.

Similarly, in matters in which a third party seeks custody of a child, one factor to be considered is the parent(s)' failure to financially support the child. *See, e.g., Matter of Jerrina P. (June H.—Shondell N.P.)*, 126 A.D.3d 980 (2d Dept. 2015) ("Here, the Family Court properly determined that the non-parent petitioners sustained their burden of demonstrating extraordinary circumstances based upon, *inter alia*...the mother's failure to contribute to the child's financial support...").

In circumstances that are largely the flip side of the scenario presented herein, when a child willfully and baselessly refuses to visit a parent, the child can be deemed constructively emancipated, and the parent's child support obligation can be terminated. *See., e.g., Jurgielewicz v. Johnston*, 114 A.D.3d 945 (2d Dept. 2014) (finding the child to be constructively emancipated based upon the child's failure to maintain a relationship with the father despite the father's efforts). Is it time to take financial factors more expressly into consideration in the reverse scenario, where the parent's baseless refusal to contribute financially bears upon a custody determination?

Trial

« Continued from page 3

neys' fees. The court awarded legal fees to the defendant based upon its consideration of the merits of the plaintiff's positions in the parties' custody litigation.

The court also adopted the special referee's findings that neither party was the "monied spouse," that each was capable of paying his or her own counsel fees, and that both parties are genuinely concerned for and "deeply care about their children." Under these circumstances, the award of counsel fees under the Domestic Relations Law was improper (*Wells v. Serman*, 92 A.D.3d 555, 938 N.Y.S.2d 439 (1st Dep't 2012)).

The court may consider a spouse's conduct in the litigation in determining the amount of counsel fees awarded upon an application for a counsel fee award. There are many different types of conduct that courts have considered in determining such applications.

In most instances, the decisions involve situations where counsel fees are awarded or increased where the conduct of the monied spouse drives up the legal fees of the less monied spouse. (See 6 Law and the Family New York, §60:68 Conduct in litigation, obstruction, and delaying tactics (2025-2026 ed.)).

Requirement of a Hearing

An award of counsel fees requires that an evidentiary basis be established as to two elements: the parties' respective financial circumstances and the value of the legal services rendered. (*Curley v. Curley*, 25 A.D.3d 1227, 4 N.Y.S.3d 676 (3 Dept., 2015); *Louie v. Louie*, 203 A.D.3d 1520, 166 N.Y.S.3d 301(3 Dept., 2022)).

It is error for the Supreme Court to award counsel and expert fees without a hearing in the absence of a stipulation consenting to a determination upon written submissions (*Kaufman v. Kaufman*, 189 A.D.3d 31, 133 N.Y.S.3d 54 (2d Dep't 2020); *Potvin v. Potvin*, 193 A.D.3d 995, 147 N.Y.S.3d 584 (2 Dept., 2021)).

In *Maitland v. Maitland* (220 A.D.3d 762, 197 N.Y.S.3d 569, (2 Dept., 2023)), the Appellate Division held that where the parties did not stipulate that an award of attorney's fees could be decided

based on the parties' submissions, the plaintiff was entitled to an evidentiary hearing on the issue.

In *Redgrave v. Redgrave* (304 A.D.2d 1062, 759 N.Y.S.2d 233, (3 Dept., 2003)), the Third Department held that it was error for the Supreme Court to award counsel and expert fees without a hearing in the absence of a stipulation consenting to a determination upon written submissions, despite the failure to request a hearing.

In *Hill v. Hill* (74 AD3d 1891, 903 N.Y.S.2d 650 (4 Dept., 2010)), the plaintiff contended on appeal that the Supreme Court should have conducted an evidentiary hearing before granting that part of the defendant's cross motion seeking an award of counsel fees incurred in opposing plaintiff's motion seeking to modify the judgment of divorce.

The Fourth Department agreed with the plaintiff that the court erred. It held that, absent a stipulation by the parties, the court should base its determination to award counsel fees upon testimonial and other trial evidence of the financial condition of the parties.

Here, there was no stipulation in the record permitting the court to determine the issue of counsel fees without conducting a hearing. It reversed the judgment and remitted the matter to the Supreme Court for a hearing on that issue and to decide that part of the defendant's cross motion seeking an award of counsel fees.

It has been held by the First Department that an award of attorney's fees to the nonmonied spouse is not proper under Domestic Relations Law §237 because awarding attorney's fees to the monied spouse does not comport with the purpose and policies of that section of the Domestic Relations Law.

The intent of the provision is to ensure a just resolution of the issues by creating a more level playing field with respect to the parties' respective abilities to pay counsel, to make sure that marital litigation is shaped not by the power of the bankroll but by the power of the evidence.

Therefore, where the parties' respective financial positions give one of them a distinct advantage over the other, the court may not direct the monied spouse to pay counsel fees to the lawyer of the

nonmonied spouse. The statute's reference to "having regard to the circumstances of the case and of the respective parties" permits consideration of many factors, but focuses primarily upon the paramount factor of financial need.

The court indicated that while it is conceivable that a counsel fee award to which a nonmonied spouse might otherwise be entitled could be reduced to the extent that the party's conduct was considered to be frivolous or wasteful, it is

It has been held by the First Department that an award of attorney's fees to the nonmonied spouse is not proper under Domestic Relations Law §237 because awarding attorney's fees to the monied spouse does not comport with the purpose and policies of that section of the Domestic Relations Law.

improper to direct the nonmonied spouse to pay a portion of the other's fees under Domestic Relations Law §237. (*Silverman v. Silverman*, 304 A.D.2d 41, 756 N.Y.S.2d 14 (1st Dep't 2003)).

The First Department reiterated the rule enunciated in *Silverman v. Silverman* (304 A.D.2d 41, 756 N.Y.S.2d 14 (1st Dep't 2003)) that the court may not award counsel fees to the monied spouse.

The court held that an award of counsel fees under Domestic Relations Law §237 cannot be made merely to punish a party for litigation conduct. However, it explained that a counsel fee award could be made as a sanction for dilatory conduct, where the procedures in 22 NYCRR §130 are followed. (*Wells v. Serman*, 92 A.D.3d 555, 938 N.Y.S.2d 439 (1st Dep't 2012); *Roddy v. Roddy*, 161 A.D.3d 441, 76 N.Y.S.3d 141 (1st Dep't 2018)).

In *Hathaway v. Hathaway* (16 A.D.3d 458, 791 N.Y.S.2d 631 (2d Dep't 2005)), the Second Department initially adopted the rule enunciated by the First Department. There, the Appellate Division held that the Supreme Court erred in directing that the plaintiff's "outstanding legal fees... and those fees paid previously from her separate property... be paid to plaintiff's counsel and reimbursed to plaintiff, respectively, from the marital assets before the distribution to the parties."

This provision effectively made the defendant, the non-monied

spouse, pay a substantial portion of the counsel fees of the monied spouse, the plaintiff who was worth over \$1 million, in violation of Domestic Relations Law §237 and, therefore, was improper.

Recently, the Appellate Division, Second Department, has stated that counsel fees may be awarded to monied spouses, where a party's tactics unnecessarily prolonged the litigation.

In *Kaufman v. Kaufman* (189 A.D.3d 31, 133 N.Y.S.3d 54 (2d

make a lesser award, in favor of the offending party.

The court observed that an "assessment of litigiousness cannot be made simply by looking at which party made the most motions since the need for motion practice may have been prompted by unreasonableness on the part of the non-moving party."

Determining whether conduct is reasonable or obstructive based on conflicting affirmations of counsel may often prove to be difficult. An evidentiary hearing may well be of inestimable value in assessing the relative merit of the parties' conduct. The court held that the issue of counsel fees had to be addressed at an evidentiary hearing.

In *Kaufman v. Kaufman*, supra, the Appellate Division did not determine the counsel fee issue. Instead, it remanded the matter to the Supreme Court to determine that issue after a hearing.

The decision states that where a party has increased the cost of the litigation, the court may make a counsel fee award "in favor of the offended party or not make, or make a lesser award, in favor of the offending party." The court did not explain the legal basis and rationale for disregarding the presumption that counsel fees shall be awarded to the less monied spouse, where that presumption was not rebutted.

It appears to us that the statement was dicta, as it was not relevant to the decision on the questions presented. Dicta are opinions of a judge which do not embody the determination of the court; opinions which are not on the point in question. (See *Rohrbach v. Germania Fire Ins. Co.*, 62 N.Y. 47 (1875)).

Statements that are not essential to a decision on the questions presented are the dicta, and not the decision of the court. A judicial opinion "is only binding so far as it is relevant; and, when it wanders from the point at issue, it no longer has force as an official utterance." (See *Colonial City Traction Co. v. Kingston City R.R. Co.*, 154 N.Y. 493 (1897)).

Notably, in *Forman v. Forman* (211 A.D.3d 698, 179 N.Y.S.3d 718 (2d Dep't 2022)), the parties entered into a stipulation of settlement where the defendant agreed to make maintenance payments and equitable distribution payments to the plaintiff totaling approximately \$6,000,000 over approximately eight years.

Social

« Continued from page 1

aimed at maximizing youth engagement to drive advertising revenue," the city said in a lawsuit filed on Wednesday in the U.S. District Court for the Southern District of New York.

The lawsuit took aim at Meta Platforms Inc., ByteDance Inc., Snap Inc., and Google LLC., the companies behind Facebook, Instagram, TikTok, Snapchat and YouTube.

The city alleged that those companies included several features in

those platforms designed to keep children on social media, including an algorithmically-generated endless feed, metrics and graphics, "incessant" notifications and "inadequate, essentially illusory" age verification protocols.

"When adopting these features, Defendants do not take adequate—or any—steps to ensure that they are safe for adolescents," the city claimed.

It pointed to further statistics that over 38% of high school students in New York reported feeling so sad or hopeless over the past year that they've stopped their usual activities, and that 19% of all

NYC high school students reported engaging in self-harm.

The city linked that phenomenon to social media, arguing that social media has "rewired" youth behavior.

The lengthy lawsuit alleged three claims against the social media giants: public nuisance, negligence and gross negligence, and was brought by the city's legal department, as well as Keller Rohrbach.

A spokesperson for Google, José Castañeda, rejected the claims, saying the lawsuit misunderstands how YouTube works.

"YouTube is a streaming service where people come to watch every-

thing from live sports to podcasts to their favorite creators, primarily on TV screens, not a social network where people go to catch up with friends," Castañeda said in a statement.

Representatives for Meta, ByteDance and Snap didn't respond to Friday requests for comment.

The case is substantially similar to the city's 2024 lawsuit, which was initially filed in California, the home of various tech giants.

Over the past few years, the California courts—the Superior Court in Los Angeles and the District Court for Northern California—have been overseeing sprawling

multidistrict litigation against social media companies.

Brought on behalf of children, teenagers, school districts and state attorneys general, the lawsuits similarly allege that social media companies have designed their products to be addictive to children and that rampant social media use has plummeted youth mental health.

New York City had first filed its case in the Los Angeles Superior Court, only to withdraw the case on Oct. 2, according to online court records.

Nicholas Paolucci, a spokesperson for New York City's Law Depart-

ment, said that the city has determined it was in its best interest to withdraw from the multi-district state litigation.

"This new case will allow us to litigate our claims as part of the multi-district federal litigation currently pending in the Northern District of California," Paolucci said in a statement to the New York Law Journal.

✉ Alyssa Aquino can be reached at aaquino@alm.com.

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

Need a smart Expert Witness?
ALMExperts has leaders in every discipline.

www.almexperts.com • 888-809-0133

ONE SOURCE that includes:

Over 15,000 top medical and technical experts in more than 4,000 areas of expertise, covering all 50 States.

Insurance Law



Using Graphics in Insurance Litigation: Turning Volume Into Clarity

BY JOHN HICKS

Trials today are more visual than ever, and juries expect the same clarity they get from the media they consume daily.

For litigators, especially in insurance disputes with their endless exhibits and dense policy language, the challenge is not whether to use graphics but how to use them effectively, credibly, and strategically to make the case intelligible to the trier of fact.

From Paper to Clarity

Insurance matters are rarely light on documentation. Policies, endorsements, claim files, expert reports, and correspondence can stretch into thousands of pages. The real task for counsel is not producing the largest record but telling the clearest story. Judges and juries must be able to cut through complex contracts and fact-heavy disputes to reach decisions that are both fair and comprehensible.

That is where graphics matter. Done well, visuals transform overwhelming records into clarity. They focus attention, highlight key points, and simplify complex policy language. In a field where both comprehension and credibility drive outcomes, graphics are a vital tool for organizing a case and guiding the triers of fact.

JOHN HICKS is a director at DOAR.

From Volume to Visuals

Insurance disputes generate massive records where every claim file, rider, endorsement, and email can be discoverable and contested. No jury—or judge—can retain that scale unaided. Graphics offer a way to collapse reams of material into digestible formats: summary charts distill thousands of pages into a few core data points, while spreadsheets become

A damages chart, a coverage comparison, or an overlay of industry standards on a timeline can mean the difference between jurors leaning in or tuning out.

single-page visuals that capture premium payments, claim adjustments, or loss runs. Instead of flipping through binders, jurors see a structured map of what matters.

Equally important, visuals make dense contracts navigable. Clauses, exclusions, and endorsements often span multiple pages, and jurors may have no context for how to read them. A well-designed graphic can walk them through coverage clauses step by step, while callouts spotlight the exact language at issue without overwhelming them. Timelines, particularly in bad-faith cases, allow jurors to

instantly see whether a delay was routine or unreasonable.

Building a Narrative

Jurors remember stories, not technicalities. Graphics can transform records into narratives with characters, conflicts, and key points. Attorneys can reframe the dispute: Who said what? When? How did the insurer respond? What changed along the way? The facts remain the same, but the framing moves jurors from confusion to clarity.

This also strengthens expert testimony. Experts in insurance matters, whether actuaries, engineers, or claims handlers, are often indispensable, but their analysis risks becoming impenetrable. Graphics help them slow down and translate specialized concepts into common-sense visuals. A damages chart, a coverage comparison, or an overlay of industry standards on a timeline can mean the difference between jurors leaning in or tuning out.

Equally, graphics sustain engagement. Jurors cannot absorb dense paper exhibits for hours on end. Well-timed visuals create rhythm, signal importance, and reduce fatigue, helping jurors stay focused on what truly matters.

Strategic Use Across the Case

The impact of graphics extend beyond the trial. In mediation, a single demonstrative can show the other side how a jury will see the case, encouraging resolution.

At trial, graphics sharpen openings, anchor expert testimony, and frame closings. On appeal, they distill complex records into clear takeaways for appellate judges. At every stage, graphics are not mere illustrations—they are persuasive tools.

The Lesson of 'Starr Indemnity & Liability Co. v. Monte Carlo, LLC'

The case of *Starr Indem. & Liab. Co. v. Monte Carlo, LLC*. *et al.* (Supreme Ct., New York County Index No. 651045/2013) illustrates how clarity can prevail when records threaten to overwhelm. The dispute involved multiple insurers, overlapping layers of coverage, and a tangle of communications arising from property damage claims. The record stretched across thousands of pages, with the key issues hinging on policy interpretation and claims-handling conduct.

What made the difference was not volume but organization and visualization. Instead of reciting dates and documents, the litigation team used graphics to map how communications unfolded, to clarify the interplay among policies, and to condense vast records into digestible summaries.

This allowed the fact finders to see both the sequence of events and the relevant policies without getting lost in the paperwork.

By framing the case visually, Farrell Fritz's defense counsel simplified complex policy analysis while underscoring the consistency of their position.

Clear presentation bolstered credibility, demon- » Page 11

Managing Liability And Insurance For Facial Recognition and Other Technology

BY CORT T. MALONE

Companies across all sectors—from retail and hospitality to finance and healthcare—are deploying Facial recognition technology (FRT) and other biometric identification systems to enhance security, personalize customer experiences, and streamline business interactions.

Whether it's a fingerprint scan to clock in for a shift, a retinal scan to confirm access to secure areas, a "virtual try-on" tool for cosmetics, or a cashier-less checkout system that identifies customers as they shop, the applications are growing.

These technological leaps come with significant legal and financial risks. A patchwork of aggressive state and local laws has created a minefield of liability for businesses that collect, use, or store biometric data.

The most formidable of these is Illinois' Biometric Information Privacy Act (BIPA), the most stringent biometric privacy law in the country that includes a private right of action. Under BIPA, a business can be liable even without a data breach, as lawsuits under the statute often hinge on procedural missteps, such as failing

the individual in writing that the data is being collected or stored; (ii) inform them in writing of the specific purpose and length of term for collection, storage, and use; and (iii) receive a written release executed by the person.

New York City's Biometric Identifier Information Act similarly requires businesses to post "clear and conspicuous" signage at all customer entrances notifying them that biometric data is being collected.

Simply burying consent in a lengthy, click-through terms-of-service document is a risky strategy that may not hold up in court. The consent should be explicit, informed, and separate from other terms. As Sephora discovered in a lawsuit over its virtual try-on tool, failing to meet these strict notice



Advanced SmartCheck station utilizing facial scan technology for user verification and entry in London

to obtain proper written consent or not maintaining a publicly available data destruction policy.

As more states—including Texas, Washington, and California—and cities like New York and Portland, Oregon, enact their own biometric privacy regulations, the compliance and litigation landscape becomes ever more complex.

For any business using or considering FRT or other biometric technology, understanding these risks and implementing a proactive strategy to manage liability is essential for survival. This article outlines six tips for minimizing liability and maximizing the odds that your insurance policies will actually protect you when a claim based on the use of new technology inevitably arises.

1. Master the Consent and Notice Requirements in All Applicable Jurisdictions

Notice and consent are the cornerstones of compliance with most state regulations concerning FRT and other biometric technology. Before a company collects any facial scan or other biometric data, BIPA requires that the company first: (i) inform

and consent requirements is one of the most common and easily avoidable sources of litigation.

2. Establish and Adhere to Publicly Available Data Policies

BIPA mandates that any private entity in possession of biometric data "develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying" the biometric information it collects. The policy must specify when the data will be destroyed, which must be either when the initial purpose for collecting it is satisfied or within three years of the individual's last interaction with the company, whichever comes first.

These policies must be documented, they must be public, and companies must fol- » Page 12

NY GBL §349 in Recent Insurance Coverage Cases

BY JOSHUA POLSTER, ANDREW W. MARRERO AND ABIGAIL GRISE

New York General Business Law §349 has long served as New York's consumer-protection statute designed to combat "deceptive acts and practices." Originally passed by the Legislature in 1970, Section 349 provides both prosecutorial powers to the New York Attorney General and a private right of action.

Classically, Section 349 has been used to address widespread deceptive practices towards the public at large, such as misleading statements on product pack-

aging or on customer invoices. In recent years, however, insurance policyholders have pled Section 349 claims in coverage litigation against their carriers, alleging that their insurer's denials of coverage as to the plaintiff-policyholder and other insureds constitute a deceptive business practice.

In particular, school districts and other institutions have asserted Section 349 claims against insurers in connection with claims for coverage relating to lawsuits involving allegations of sexual abuse brought under the 2019 New York Child Victims Act (CVA).

New York courts have allowed some Section 349 claims to proceed past the pleadings stage in CVA-related coverage cases

where premised on allegations that the insurer employed purported deceptive claims-handling practices against both the plaintiff-policyholder and other non-party insureds.

This article surveys that trend, situates it within Section 349's legislative history and core historical application, and raises potential issues of significance as Section 349 claims continue to be litigated in the context of CVA-related coverage disputes.

Background on N.Y. Gen. Bus. Law §349 and Section 349 in the Court of Appeals

Section 349 prohibits "[d]eceptive acts or practices in the conduct of any business, trade or commerce." In 1980, Section

349 was amended to include a private right of action for any person injured by the deceptive acts or practices.

Private plaintiffs may bring an action to enjoin the unlawful practice and to recover the larger of the plaintiff's actual damages or \$50. In its discretion, a court may award treble damages of an amount not to exceed \$1000 if the court finds the defendant willfully or knowingly violated Section 349. A court may also award reasonable attorney's fees to a prevailing plaintiff.

The legislative history frames Section 349 frames as a tool to safeguard the public at large from marketplace deception. The governor's Approval Memorandum emphasized that "[c]onsumers have a right to an honest marketplace," and the attorney general's Memorandum urged that the "ability to ter- » Page 12

JOSHUA POLSTER, ANDREW W. MARRERO and ABIGAIL GRISE are members of Simpson Thacher & Bartlett.

Inside

10 Insurers Exploiting Legal Trends To Avoid Defense

BY COURTNEY C.T. HARRIGAN, JOHN N. ELLISON AND RUSSELL M. SQUIRE

10 How Interdependencies Should Be Factored Into Damage Assessments

BY CHRISTOPHER M. BROPHY AND LEAH YANG

11 Evolving Cyber Insurance in the Age of AI

BY STUART POLKOWITZ

Insurers Exploiting Legal Trends To Avoid Defense

BY COURTNEY C.T. HERRIGAN,
JOHN N. ELLISON
AND RUSSELL M. SQUIRE

On Sept. 17, the Second Circuit heard argument in *Granite State Insurance Co. v. Primary Arms, LLC*, No. 24-2748-cv, an insurance case that could have major nationwide implications for the duty to defend, a critical protection policyholders rely on. Across, the country, state and local governments increasingly have sued for alleged damages resulting from products now considered polarizing, such as firearms, fossil fuels, and prescription medications.

These suits target manufacturers and distributors of these highly regulated products and often seek to avoid damage caps by pleading public nuisance with, or instead of, common-law negligence claims. As in any civil lawsuit alleging bodily injury or property damage, defendants in these cases expect their liability insurers to abide by their contractual obligations to provide a defense.

However, because the allegedly offending conduct in these cases is the sale of the product, which occurs in the defendants' ordinary business, insurance companies have been arguing that the alleged damage results from "intentional" conduct that is not insured. *See, e.g., Allu Ins. Co. v. McKesson Corp.*, No. 22-16158, 2024 U.S. App. LEXIS 1806 (9th Cir. Jan. 26, 2024); *Aloha Petroleum, Ltd. v. Nat'l Union Fire Ins. Co. of Pittsburgh, PA*, 557 P.3d 837 (Haw. 2024).

These arguments turn the insurers' duty to defend on its head. But courts too often are apparently entering the societal debate about



WRIGHTSTUDIO/ADOBESTOCK

the politically charged products and basing coverage decisions on factors other than the applicable insurance contract terms, and blurring the line between the analysis of insurers' duty to defend and the very different analysis applied to insurers' duty to indemnify.

The latest example is *Granite State*, an appeal from an SDNY decision. The defendant in that case, Primary, sells and ships firearm components, including unfinished frames and receivers for firearms, across the United States.

In separate underlying litigation, New York state and the cities of Buffalo and Rochester alleged that Primary's firearm components were sold to buyers without licenses or background checks and were used to create untraceable "ghost guns." Primary's insurers responded to the demand for coverage with a declaratory judgment action seek-

ing to avoid paying any costs or liabilities.

In ruling that the insurers had no duty to defend, the trial court characterized certain of the governments' claims, alleging intentional conduct, as "critical allegations," in contrast to other explicit allegations the governments made that Primary had acted "negligently." *See* No. 23 Civ. 7651 (LGS) (S.D.N.Y. Aug. 30, 2024) (hereinafter, "Op."), at 7; Second Amended Complaint at 108, 116, 118, *N.Y. v. Arm or Ally, LLC*, No. 22-cv-06124 (JMF) (S.D.N.Y. Mar. 13, 2023). The court concluded that, "[r]ead as a whole," the underlying litigation described a deliberate scheme to evade gun laws. *See* Op. at 8.

The Court's analysis is at odds with how the duty to defend has long been interpreted. As no less an authority than Judge Learned Hand held in the leading case of *Lee v. Aetna Casualty & Surety Co.*, 178 F.2d 750, 752 (2d Cir. 1949), where a complaint contains alle-

As a well-known treatise put it, loss is considered to be intentional or expected only when there is a finding that the insured subjectively intended to cause the injury or damage.

gations that are within the policy coverage and allegations that are not, "we should resolve the doubt in favor of the insured." *See also* ("it was the duty of the defendant to undertake the defence, until it could confine the claim to a recovery that the policy did not cover").

Texas law, which applies in *Granite State*, uses the same rule. *See Zurich Am. Ins. Co. v. Nokia, Inc.*, 268 S.W.3d 487, 489 (Tex.

2008) ("If a complaint potentially includes a covered claim, the insurer must defend the entire suit."). That is, it is not for courts to sift through allegations to determine which constitute the gravamen of a case; rather, the court should consider all the allegations and apply the duty to defend if any of them is potentially within the policy coverage.

Perhaps more concerning, the trial court held that the allegations that Primary had intentionally marketed and sold firearm components in New York meant that there could be no covered "occurrence." Most commercial general liability policies cover bodily injury and property damage caused by an "occurrence."

A typical definition of "occurrence" (and the one in the policies in *Granite State*) is "an accident, including continuous or repeated exposure to substantially the same general harmful conditions." Most CGL policies also include an exclu-

sion for loss the insured "expected or intended."

Notwithstanding the absence of allegations by the plaintiffs that Primary intended to cause the harms alleged, the trial court essentially inferred that all allegations of how the product was introduced into the marketplace—even those such as that the company had "failed to implement controls as to who could purchase its products" that are consistent with ordinary negligence—involve intent to cause injury to the public, contrary to the standard that should have been applied for a duty to defend analysis. *See* Op. at 6. The court's conclusion is a significant departure from how most courts have construed these common policy terms.

As a well-known treatise put it, loss is considered to be intentional or expected only when there is a finding that the insured subjectively intended to cause the injury or damage. It is the result, not the initial act, that should be judged under the "expected or intended" standard. CGL policies cover the unintended results of even intentional acts.

For this exclusion to apply, the policyholder must have "expected or intended" the bodily injury or property damage giving rise to coverage under the policy. 2 New Appelman Law of Liability Insurance §9.04 (footnote omitted); *see also Miller v. Cont. Ins. Co.*, 40 N.Y.2d 675, 677 (N.Y. 1976) ("[In] construing whether or not a certain result is accidental, it is customary to look at the casualty from the point of view of the insured, to see whether or not, from his point of view, it was unexpected, unusual and unforeseen.

Thus, in the case above, while it may be inferred that the decedent's introduction of heroin into his body was intentional, there is no proof whatsoever that he intended it to have fatal consequences."). That is, the alleged harm itself, not merely the act giving rise to it, must be an intentional result (or expected) from the standpoint of the insured and pled as such.

Ultimately, decisions that have applied a narrow interpretation to the duty to defend in coverage cases involving underlying public nuisance claims

» Page 11

How Interdependencies Should Be Factored Into Damage Assessments

BY CHRISTOPHER M. BROPHY
AND LEAH YANG

The assessment of damages in a first-party property matter requires an understanding of the insured's business and the impact of the insured loss on that business. Take, for example, a company with several interdependent plants.

This is especially common with chemical manufacturing plants. Different plants may make some of the same products. Should a loss occur at one of these plants, the other plant may be able to mitigate a portion of the damaged plant's loss.

Also, plants may have various interdependencies. For example, one plant may make a product that is delivered to another plant, where it is further processed. Should a loss occur at one of these plants, the upstream or downstream losses may result in further losses to the insured. The impact of an insured loss, such as a fire or a hurricane, can be significant and complicated.

Consider the following example. Plant #1 makes a product. Some of that product is sent to a sister plant for further processing. Let's assume that 50% is sent to Plant #2 and 10% is sent to Plant #3. The remaining 40% is sold to third party customers.

Plant #2 further processes the 50% that they receive and sends 70% of that product to sister Plant #4 for further processing; the remaining 30% is sold to a third-party customer. Plant #3 further processes the 10% that they receive and sends all of that product to sister Plant #4 for further processing. Plant #4 further processes the product that they received from Plant #2 and Plant #3 and sell all of it to third party customers. (*see Figure 1 on page 11*)

To further complicate, Plant #2 had planned to shut down for one month to complete a "plant



SNW/JADORE STOCK

turnaround" to perform necessary plant maintenance.

Some third-party customers of each of the plants have long-term contracts. Management understands that the failure to meet the needs of these customers may result in long-term losses, which will impact the business well after repairs to Plant #2 are complete.

Just when plant management was comfortable that they planned for balanced production for each of the three plants to optimize profitability, a hurricane damaged Plant #2. The hurricane reduced production capacity by 40%.

Management scrambled to mitigate the impact of the loss. They determined that they would have more product from Plant #1 than Plant #2 could be used. Therefore, they found additional customers to take the product which could no longer be used by Plant #2.

They postponed the plant turnaround at Plant #2. They declared force majeure to customers of Plant #2 as they recognized that the plant's output would fall short of contractual requirements.

They continued producing at Plant #2 but at reduced throughput, which resulted in plant inefficiencies. They maintained all employees, who were necessary even though the plant would only be making 40% of the pre-loss product. (*see Figure 2 on page 11*)

Insurance Claim Considerations

The insurance claim will need to reflect all damages to the insured, including direct losses to Plant #2, the impact of mitigation by Plant #3, upstream losses to Plant #1 and downstream losses to Plant #4.

The insurance claim should reflect costs that are saved as a result of the incident. Generally, this represents costs that are saved as a result of lost sales.

Deductible

Plant #2 is located in an area prone to hurricanes. As such, the insurance policy includes a large deductible for "named windstorms" that may occur at the plant.

The policy states that the deductible is "5% of the full Time Element values that would have been earned in the 12 month period following the occurrence"

by use of the facilities at the location where the physical damage happened, plus that proportion of the full Time Element values at all other locations where Time Element loss ensues that was directly affected by use of such facilities and that would have been earned in the 12 month period following the occurrence."

In the example above, depending upon the wording in the insurance policy, it might be necessary to calculate a deductible for each of the four plants and to determine the proportion of the plant's revenue that comes from the damaged plant.

Ordinary Payroll

The insurance policy provides 60 days of Ordinary Payroll coverage, which covers hourly employees who are idled after an insured loss.

In the example above, all payroll should be included in the claim since the labor incurred was necessary. If the damaged plant incurred payroll costs for employees idled after 60 days, it might be necessary to exclude that from the claim.

Plant Inefficiencies

The insured may have significant inefficiencies as a result of the incident. Plant #2 will be utilizing approximately the same employees to produce a lower volume of product. They may incur additional overtime to make products in the damaged plant, depending on the extent of damage to equipment and to overall operations. They also will be forced to cover fixed costs with lower sales.

In the example above, all plant inefficiencies, including the impact of covering fixed costs with lower sales, costs to operate other plants to mitigate the loss and additional shipping costs should be included in the claim.

Mitigation

The insurance policy requires that the insured mitigate the loss as much as possible. In some cases, when one plant suffers a loss, another plant may be able to mitigate a portion of the loss if they have available capacity to do so. A plant generally can't help another plant to mitigate a loss if it is already at capacity. Measuring capacity can be complex.

If a plant is already operating seven days per week, twenty-four hours per day, it likely can't help mitigate another plant's lost production. A plant may also be able to use inventory to mitigate the loss but again only if they have capacity.

In the example above, it is unlikely that the insured was able to mitigate the loss if the plants were operating at capacity. However, it might be necessary to assess the impact of the delayed plant turnaround. On the one hand, since the plant was at capacity, delaying the turnaround might not have mitigated the loss. But there might be some mitigation if repairs could have been done concurrent with the turnaround.

Saved Costs

The insurance claim should reflect costs that are saved as a result of the incident.

» Page 11

Evolving Cyber Insurance in the Age of AI

BY STUART POLKOWITZ

The insurance industry now operates at a faster pace due to AI implementation, but this accelerated pace increases insurers' exposure to escalating cyber threats. AI functions as an everyday tool, transforming underwriting, claims processing, fraud detection, customer service, and more.

With this transformation comes a pivotal intersection of embracing the technology, while facing new legal and cybersecurity challenges that the insurance industry must confront.

AI integration into business operations has increased the need for cyber insurance while insurance policies adapt to current market requirements. According to Allianz Commercial, "the global cyber insurance market is expected to more than double to nearly \$30 billion by 2030, driven by increasing digitalization and growing awareness of cyber risks."

Legal Risks and Challenges of AI Adoption

AI demonstrates clear capabilities to optimize insurance business operations. However, its use also creates major legal obstacles for businesses to handle. The use of algorithms with biased or limited data can potentially lead to discriminatory results.

Automated decision-making in underwriting or claims processing, if left unchecked, may result in legally questionable outcomes. However, insurance regulators are on the front lines to address these concerns head-on.

The New York State Department of Financial Services (NYDFS) is implementing new insurance compliance expectations through Insurance Circular Letter No. 7, which requires that all insurers must assess



and reduce bias from their AI systems and external consumer data platforms. NY Assembly Bill A1456, if enacted, would require insurers to inform policyholders when "artificial intelligence-based algorithms" are used for utilization review and claim determinations, while providing detailed information about how these systems affect decision-making.

Additionally, New York's Artificial Intelligence Act (S1169A), if enacted, defines "high-risk" AI systems and requires them to perform impact assessments and disclose their AI decision-making processes.

The potential changes for insurers involve reassessing their current AI applications in risk assessment, fraud prevention and customer segmentation processes. Failure to comply could result in regulatory penalties, reputational damage and litigation.

Proactive Guidance for Insurers and Businesses

Organizations need to create proper systems of technical, operation and legal strategies for effective cyber risk management. The increasing complexity of cyber threats, along with AI-driven risks, requires legal counsel to take more proactive steps for protection. Attorneys advising their clients on AI compliance concerns, threat protection and insurance coverage guidance should focus on the following key areas:

1. Governance and Compliance

AI systems need proper governance structures for their deployment. This includes required documentation of training data sources and audit trails. Counsel should also advise on compliance with emerging AI regulations; for

example, New York's Circular Letter and the numerous proposed legislation and federal guidance from agencies such as the Federal Trade Commission (FTC).

2. Insurance Policy Design And Risk Allocation

Lawyers can play a critical role in shaping cyber insurance policies that reflect the actual risks AI technology presents. This might include creating detailed guidelines that clarify coverage boundaries, including for AI-related

risk, and negotiating terms that incentivize compliance risk mitigation and proactive cybersecurity measures.

The cyber insurance market is evolving and reacting to risks as they become more readily identifiable. The evolution of cyber insurance coverage appears in underwriters' recalibration of premiums and in the details of coverage afforded, excepted, and available to be "bought back."

3. Incident Response and Litigation Readiness

In the event of a breach, legal counsel must coordinate investigations and litigation strategies. Cyber insurers typically have panel breach-response teams available to be engaged by insureds and/or the insurer. The insured may "pre-negotiate" the approved breach-response team during the underwriting process.

AI-related claims may involve complex questions of liability, especially if an algorithm's decision contributed to the incident. Attorneys should prepare clients for these scenarios through assessment of current general liability coverage and breach simulation training.

The Road Ahead

Cyber insurance has evolved from its original purpose as a financial protection tool into a strategic risk management solution. Policies should include:

- Pre-incident services such as employee training and security audits.
- Post-breach support, including forensic analysis, legal counsel and crisis communications.
- Conditional coverage that depends on the implementation of cybersecurity protocols.

Underwriters have developed better skills to evaluate AI-related risks, which enables them to create advanced pricing systems and insurance coverage models. Some insurers now offer multi-year policies that depend on continuous security monitoring, an approach that matches New York's focus on active risk prevention.

Cybersecurity must also become a board-level priority. Businesses should perform security audits and keep human employees in charge of AI systems, while working with insurers to create customized insurance policies based on their individual risk levels. This collaborative approach requires businesses to work closely with carriers for proper policy selection based on their current risk situation and business development.

Ransomware attacks remain the primary cause of major claims, representing roughly 60% of large cyber incidents in 2025. But litigation, supply chain attacks and complex regulatory demands may result in higher financial losses.

Organizations that establish strategic partnerships with insurers before incidents occur will achieve the best possible results. The insurance industry needs to adapt through innovative risk management strategies and forward-thinking approaches as AI transforms business operations.

Assessments

Generally, this represents costs that are saved as a result of lost sales.

In the example above, the claim should reflect costs saved by the damaged plant. This would likely include the cost of materials to produce finished goods, normal shipping costs, and bad debt. A detailed analysis might be necessary to determine if any labor costs were saved.

Additional Costs

In addition to the inefficiencies that result from the incident, the insured may incur additional costs as result of the incident. For example, additional shipping costs incurred as a result of the incident should be included in the claim as an "Expediting Expense," an "Expense to Reduce Loss" or an "Extra Expense". In general, an "Expediting Expense" or an "Expense to Reduce Loss" are included in a claim if they reduce the overall loss. (For example, incurring additional shipping costs or overtime typically is done to reduce lost sales and the resultant business interruption impact.

Insurers prefer to pay \$100,000 overtime than \$150,000 of additional business interruption loss if the insured loses sales.) Additional labor costs to make the product at the other plant should be included in the claim. This might require a comparison of saved labor costs at the damaged plant to normal labor costs at the other plant and should include overtime costs.

In the example above, additional costs to mitigate the loss should be included. This might include expedited shipping costs to avoid lost sales, higher labor costs to produce product at a plant that was damaged.

Extended Period Of Indemnity

Most insurance policies include coverage for losses after repairs are or should have been complete. This is typically referred to as "Extended Period of Indemnity" coverage and is typically for 30-days to 180-days. This would cover losses should the insured's customers move business to another supplier. It is especially important when customers enter into long-term contracts. If the insured can't provide product timely, customers may need to enter into a contract with another supplier, often for one year.

FIGURE 1

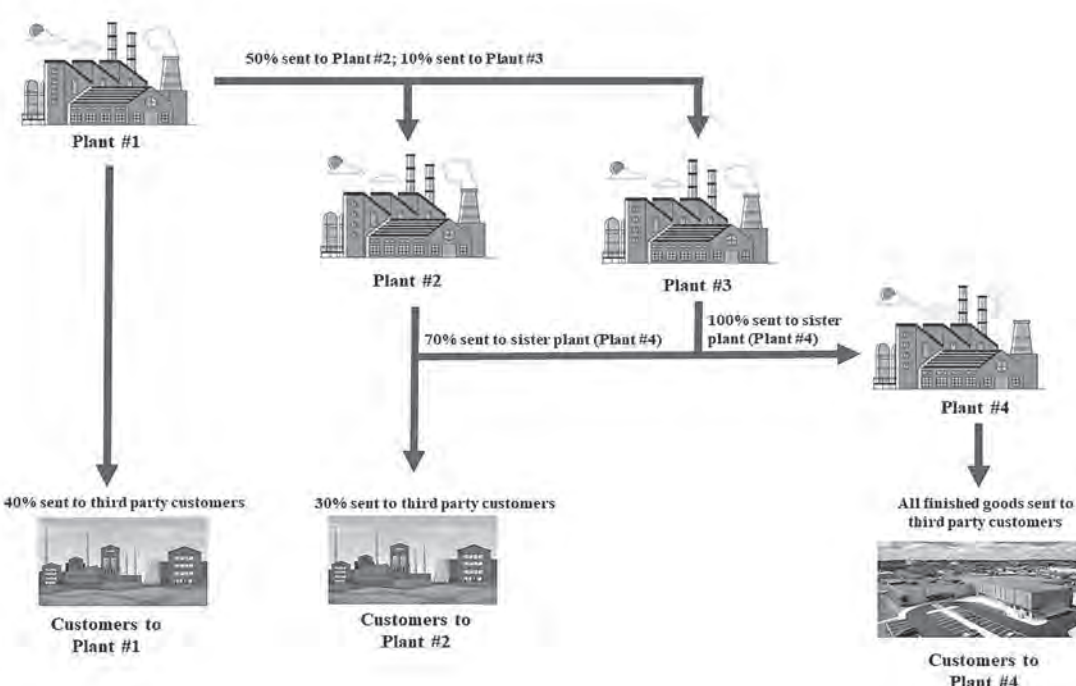
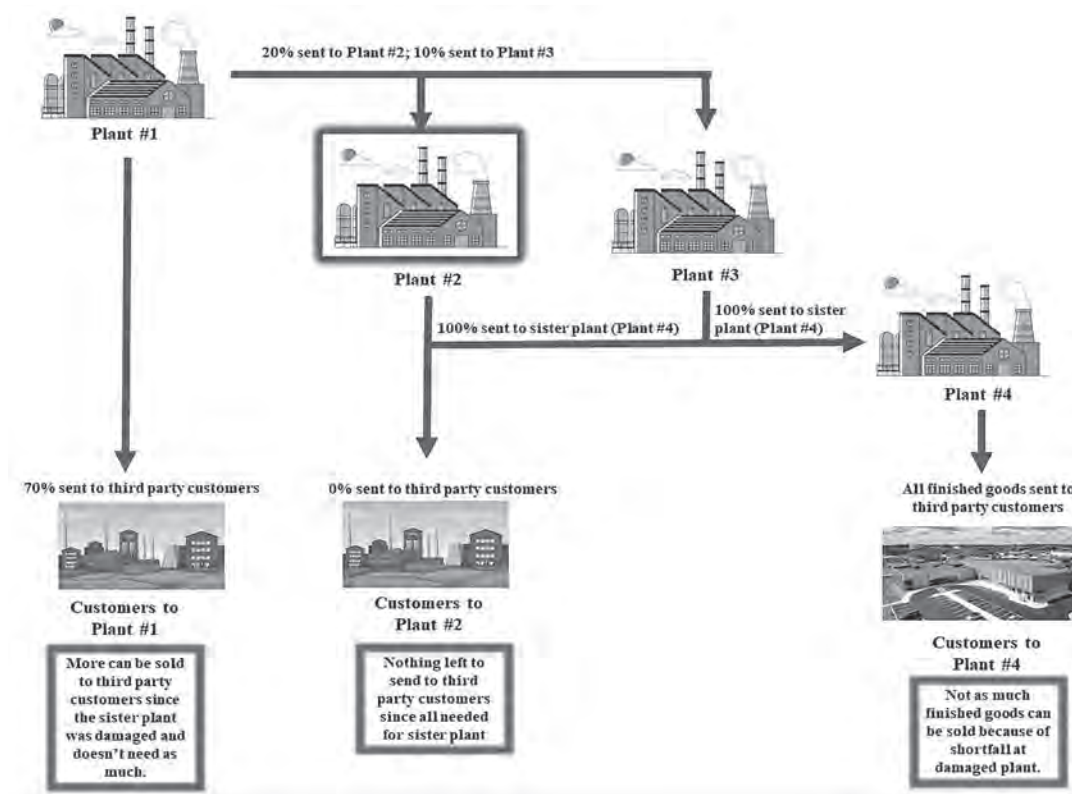


FIGURE 2



In the example above, there might be a claim during the Extended Period of Indemnity if customers moved business to competitors because of damage to the insured and didn't return when repairs were complete. However, if the insurance policy included an 180-day Extended Period of Indemnity, losses that extend more than 180-

days after repairs were complete may need to be excluded from the insurance claim.

Conclusion

To properly assess damages and insured losses, a forensic accountant needs to understand the insured's operations and the

interdependencies between plants. The forensic accountant will work with the insured's insurance broker and outside coverage counsel to ensure that the losses are calculated in accordance with the terms of the insurance policy.

Renew your subscription. Call 1-877-256-2472.

Insurers

by governments alleging harms caused by dangerous products appear to be prejudging liability, which is not how courts are supposed to approach the duty to defend.

Instead of considering all the underlying allegations to determine if any of them could give rise to coverage, they are distilling the underlying cases down to what courts see as the cases' "critical" core. This practice improperly makes premature assumptions about underlying fact issues—such as whether Primary's alleged sales are in fact illegal as alleged in *Granite State*—that remain unresolved and disputed.

While an insurer's duty to indemnify the insured will depend on the actual basis for the insured's liability, as established by the proven facts, that analysis has long been recognized as a separate inquiry typically undertaken long after the duty to defend is decided. The duty to defend is supposed to be applied much more broadly, whenever allegations against the insured even "arguably arise from covered events." See *Frontier Insulation Contractors, Inc. v. Merchants Mut. Ins. Co.*, 91 N.Y.2d 169, 175 (1997).

Although it is not an explicit part of their reasoning, the novel approach courts have taken in recent cases involving underlying government claimants may stem from the nature of the underlying products and claims. All civil

litigation alleges some form of "wrongdoing" resulting in harm; even negligence involves breach of a duty. But when the plaintiff is a government, the allegations take on a punitive air, even though they remain civil claims.

Perhaps courts in the resulting coverage disputes feel the need to construe insurance policies more narrowly given the status of the underlying plaintiff. That approach misconstrues the courts' role—especially at the duty to defend stage—in interpreting liability insurance policies, which follow longstanding rules of application by the courts.

The policyholder is entitled to coverage regardless of public sentiment surrounding the product being sold. This is particularly true as policyholders are beginning to see diametrically opposed duty-to-defend decisions depending upon the state in which the lawsuit is filed.

With *Granite State* on appeal, the Second Circuit can restore the duty to defend to its traditional footing—reaffirming Judge Hand's mandate in *Lee v. Aetna* that doubts be resolved in the insured's favor, rejecting judicial efforts to identify "critical" allegations that sidestep potentially covered claims, and refusing to infer intent or the ultimate merits of the underlying lawsuit.

By returning to the well-established approach to the duty to defend, where the complaint's full allegations are compared to the insurance policy in order to find, not avoid, coverage, the court can ensure that insurers honor the defense bargain they struck.

Graphics

strating to the jury that the team had mastered the complexity rather than contributed to it. The case underscores a broader truth: in document-heavy insurance disputes, the winning side is often the one that helps decision-makers see both the forest and the trees.

A Practical Checklist

- For litigators, the question is not whether to use graphics, but how to use them responsibly. Five guideposts stand out:
1. Is the visual tied directly to evidence in the record?
 2. Does it summarize without being misleading?
 3. Is it tailored to explain, persuade, or compare?
 4. Will it be most effective at mediation, trial, or appeal?
 5. Does it keep jurors engaged rather than fatigued?

A disciplined approach ensures that graphics support the case rather than distract from it. In the end, insurance litigation is about clarity in the face of volume. The side that organizes the evidence into a coherent story is the side most likely to win.

Graphics make that possible: they distill complexity, reinforce expert testimony, and keep triers of fact engaged from start to finish. Treating visuals as central to strategy, not as an afterthought, is what turns paper-heavy disputes into compelling, winnable cases.

FRT

«Continued from page 9
low them. Failing to have or adhere to such a policy is a direct violation of BIPA and can form the basis of a lawsuit on its own.

3. Implement Robust Data Security Measures

Once a company lawfully collects biometric data, there is an ongoing duty to protect it. BIPA, for example, requires entities to store and protect all biometric information “using the reasonable standard of care within the private entity’s industry,” and in a manner that is at least as protective as how the company protects its other confidential and sensitive information.

Failing to secure biometric data properly significantly increases a company’s risk. Because biometric identifiers like a faceprint or fingerprint are permanent and cannot be changed, a data breach involving this information is a catastrophic event for consumers, making businesses utilizing this technology prime targets for litigation, including class actions.

Strong cybersecurity measures, including robust encryption and well-tested incident response plans, are critical not only for compliance but also for securing favorable terms from your insurance carriers.

4. Test Systems for Accuracy and Fairness

Studies and regulatory bodies have raised concerns that FRT systems can be inaccurate and perpetuate biases based on race and gender. The National Association of Insurance Commissioners (NAIC), in a model bulletin adopted by 24 states as of June 2025, noted



A facial recognition display at the World Artificial Intelligence Conference (WAIC) in Shanghai

that AI systems present “unique risks to consumers, including the potential for inaccuracy, [and] unfair discrimination.”

Using a biased system can lead to discriminatory outcomes, reputational damage, and new avenues for litigation and enforcement. As part of any company’s due diligence, it should vet all third-party FRT vendors and, where possible, conduct its own testing to ensure the technology is fair and accurate for all individuals.

5. Diligently Review Your Insurance Coverage

When a lawsuit is filed, whether under BIPA or other privacy protection regulations, many businesses are shocked when their insurance companies deny the claim. While several types of policies may potentially offer protection—including Commercial General Liability (CGL), Employment Practices Liability (EPL), Directors and Officers (D&O), and standalone

Cyber insurance – insurance companies often cite policy conditions and exclusions designed for other types of liability in an effort to avoid coverage.

Insurance companies have aggressively fought these claims in court, first relying on common exclusions in CGL and other liability insurance policies such as those for “Access or Disclosure of Confidential or Personal Information,” “Recording and Distribution of Material in Violation of Law,” and

“Employment-Related Practices.”

Policyholders initially found success defeating these exclusions in court, such as in the landmark *West Bend Mutual Ins. Co. v. Krishna Schaumburg Tan* decision where the Illinois Supreme Court found a duty to defend a BIPA claim under a CGL policy.

Insurance companies adapted by introducing even more restrictive exclusions specifically targeting the collection of data and violations of biometric privacy laws.

It is critical to work with knowledgeable insurance brokers to review your entire insurance portfolio, identify potential gaps, and negotiate the broadest possible coverage before a claim is made. And when a claim does occur, it is often beneficial to engage experienced coverage counsel early on to head off some of the typical insurance company efforts to avoid coverage.

6. Stay Informed on Regulatory Trends

The legal landscape for biometrics is evolving at breakneck speed. Many states, including New York, Arizona, and Hawaii, are considering BIPA-style legislation, and more are expected to follow.

Federal proposals like the American Privacy Rights Act (APRA) are under consideration, and SEC rules now require public companies to make timely disclosures about cybersecurity incidents, creating another layer of D&O liability risk. Staying informed about these trends is crucial for adapting your compliance programs and anticipating future risks.

Conclusion

The key to navigating the rapidly changing regulatory and legal environment in which biometric technology operates is a proactive strategy focused on rigorous compliance and diligent risk management.

By obtaining explicit consent, maintaining transparent data policies, ensuring robust security, and regularly reviewing your insurance coverage with brokers and counsel, you can mitigate the risk of devastating lawsuits and ensure your business is protected. In this high-stakes arena, an ounce of prevention is worth millions of dollars in cure.

Coverage

«Continued from page 9
minate deceptive practices at the outset [would] be of great benefit to the public.” See Bill Jacket, L. 1970, ch. 43, governor’s Approval Mem. (Mar. 3, 1970); Bill Jacket, L. 1970, Mem. of the Attorney General (Feb. 18, 1970).

New York’s highest court has consistently construed the statute in line with its purpose of protecting consumers at large. In *Oswego Laborers’ Local 214 Pension Fund v. Marine Midland Bank, N.A.*, 85 N.Y.2d 20, 25-26 (1995), the Court of Appeals noted that a plaintiff “must demonstrate that the acts or practices have a broader impact on consumers at large,” and emphasized that “[p]rivate contract disputes, unique to the parties... would not fall within the ambit of the statute.”

The court warned that if Section 349 were applied beyond its “legislative objective” there would be “potential for a tidal wave of litigation against businesses that was not intended by the Legislature.”

In *N.Y. Univ. v. Cont’l Ins. Co.*, the court for the first time substantively addressed Section 349 in the insurance coverage context. See 87 N.Y.2d 308 (1995). That case arose from NYU’s allegation that its insurer wrongfully denied and mishandled NYU’s claim for coverage relating to embezzlement by a university employee. The trial court denied the insurer’s motion to dismiss NYU’s Section 349 claim, and the Appellate Division affirmed.

The Court of Appeals reversed. In rejecting NYU’s Section 349 claim, the court, relying on *Oswego*, concluded that the parties’ “private contract dispute over policy coverage and the processing of a claim which is unique” to the parties was not conduct affecting the consuming public at large.

The court stated that NYU’s policy was “tailored to meet the purchaser’s wishes and requirements” and was negotiated for the insured’s benefit. The court also observed that the case involved “complex insurance coverage and proof of loss in which each side was knowledgeable and received



expert representation and advice.”

The court noted that the policy had limits of up to \$10 million and that NYU was assisted by a large broker, and distinguished NYU’s insurance claim from the “modest” type of transaction that Section 349 “was primarily intended to reach.”

Gaidon v. Guardian Life Ins. Co. of Am. provides another significant data point, as it reflects the Court of Appeals’ view on when Section 349 may properly be applied in the insurance context. See 94 N.Y.2d 330 (1999). *Gaidon* arose out of the insurer’s marketing of “vanishing premium” life insurance policies, whereby insurance agents represented that the policyholders would not need to pay out-of-pocket premiums after a certain number of years. When interest rates declined, however, policyholders discovered they would have to continue making

the premium payments long after the projected “vanishing” period.

The Court of Appeals reinstated the Section 349 claim, distinguishing the case from *NYU*. The court held that “in contrast to a private contract dispute as to policy coverage, the practices before us involved an extensive marketing scheme that had a broader impact on consumers at large.”

Recent Section 349 Decisions in the CVA Context

The CVA created a two-year “lookback window” under which survivors of childhood sex abuse could bring claims against abusers and institutions with which they were affiliated that would otherwise have been time-barred.

Currently, a number of insurance coverage disputes related to CVA claims are being litigated across the courts of this state, and there

have been several recent decisions in which courts have found policyholder allegations sufficient to state a Section 349 claim in the context of insurance coverage disputes arising out of CVA litigation.

In *Rockefeller Univ. v. Aetna Cas. & Sur. Co.*, the Appellate Division permitted a Section 349 claim to proceed where the insured alleged deceptive claim-handling practices, including that the insurer adopted a uniform “wait-and-see” strategy that financially harmed plaintiff and “potentially other policyholders, sexual abuse survivors, and the insurers’ investors.” See 231 A.D.3d 457, 458 (1st Dep’t 2024).

In 2025, a New York trial court denied a motion to dismiss a Section 349 claim premised on allegations of systemic bad-faith settlement tactics, holding that the plaintiff “adequately allege[d] consumer-oriented behavior[,] as the subject policies [were] alleged

to have been standard form policies provided to multiple consumers.” *Archdiocese of N.Y. v. Century Indem. Co.* 2025 N.Y. Misc. LEXIS 3780 (Sup. Ct., N.Y. Cnty. May 6, 2025). See also *Montague v. Poly Prep Country Day Sch.*, 2025 U.S. Dist. LEXIS 69071, at *19 (E.D.N.Y. Apr. 10, 2025) (concluding that plaintiff had sufficiently pleaded Section 349 claims through allegations that the conduct was “widespread and impact[ed] many policyholders”).

In all three cases, the courts rested their decision on the alleged “standard form” nature of the commercial general liability policies at issue. However, the decisions do not expressly engage with other of the factors emphasized by the Court of Appeals, including the size and sophistication of the policyholder or broker, or the complexity or unique facts of the coverage dispute.

Continued Litigation of Section 349 In CVA-Related Insurance Disputes

Because of its time-limited window to file claims, the CVA resulted in a wave of litigation against institutions, and a resulting wave of insurance coverage claims by these institutions.

Some educational and religious institutions faced dozens or even hundreds of individual claims brought under the CVA, and, over the first half of this decade, many insurers were handling large volumes of CVA claims. Accordingly, in alleging the “consumer-oriented” element of a Section 349 claim, some policyholders have been able to allege that insurers’ practices in handling their claims were applied also to other policyholders.

However, the CVA claims are often markedly different from other large-volume insurance and other purchase transactions about which Section 349 claims have been brought historically. For instance, the policyholder may be large and sophisticated, may have been assisted by a sophisticated broker, or have had customized elements in its insurance policies.

Further, the policy limits are often in the seven figures, and the coverage disputes can be complex and dependent on unique facts. It remains to be seen how these factors may be addressed in court decisions going forward, both at the pleading stage and when confronted post-discovery on the merits.

The recent decisions in the CVA context threaten to expand application of Section 349 into “private contract disputes,” *Oswego*, 85 N.Y.2d at 25, well beyond its historical parameters and those set by the Court of Appeals. Careful consideration will need to be applied such that Section 349 is not stretched beyond the “modest” type of transaction” that the statute “was primarily intended to reach,” *N.Y.U.*, 87 N.Y.2d at 321, and there is not a “tidal wave of litigation against businesses that was not intended by the Legislature.” *Oswego*, 85 N.Y.2d at 26.

Point Your Career in the Right Direction.

Find the right position today.
Visit lawjobs.com | Your hiring partner

ALM. | lawjobs.com

Court Calendars

First Department

APPELLATE DIVISION

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

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

TUESDAY, OCT. 14

- 21 Tsai: 280 (80 Centre)
- 22 Chin: 136 (80 Centre)
- 23 Schumacher 304 (71 Thomas)
- 24 Katz: 325 (60 Centre)
- 25 Marcus: 1254 (111 Centre)
- 26 James, T.: 438 (60 Centre)
- 27 Dominguez: 289 (80 Centre)
- 28 Tingling: 543 (60 Centre)
- 29 Ramirez: 311 (71 Thomas)
- 30 McMahon: Virtual (60 Centre)
- 32 Kahn: 1127B (111 Centre)
- 33 Rosado: 442 (60 Centre)
- 34 Ramseur: 341 (60 Centre)
- 35 Perry-Bond: 684 (111 Centre)
- 36 Saunders: 205 (71 Thomas)
- 37 Engoron: 418 (60 Centre)
- 38 Crawford: 1166 (111 Centre)
- 39 Clynes: 232 (60 Centre)
- 41 Moyné: 327 (80 Centre)
- 42 Morales-Minera: 574 (111 Centre)

12:30 P.M.

813693/21 Ruffin v. Sef Cedar

FRIDAY, OCT. 17

10 A.M.

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

MONDAY, OCT. 20

10 A.M.

304792/18 Sherry v. Hogan

TUESDAY, OCT. 21

10 A.M.

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

2 P.M.

654264/24 Qualified Industries v. Legends Hospitality

THURSDAY, OCT. 23

11 A.M.

651725/22 Rivas v. M3dicine Holdings

FRIDAY, OCT. 24

9:30 A.M.

153055/23 McGeehan v. 14th Street HK Realty

30842/18 Ferreira v. Mega Contracting

159443/20 Mayzone v. Kramer

MONDAY, OCT. 27

9 A.M.

803262/21 Blanco v. Glicker Realty

11 A.M.

161132/22 Gil v. GVS Properties II

1 P.M.

156184/19 Norris v. MSG Networks

TUESDAY, OCT. 28

9 A.M.

25403/20 Moore-Reason v. Manhattan College

11 A.M.

651299/21 Arcadia I LLC v. Haggerty

WEDNESDAY, OCT. 29

10 A.M.

656798/21 901 Properties v. Bear Glass Inc.

WEDNESDAY, NOV. 5

10 A.M.

650973/17 Talking Capital Windup v. Omanoff

THURSDAY, NOV. 6

2 P.M.

654264/24 Qualified Industries v. Legends Hospitality

TUESDAY, DEC. 2

10 A.M.

652913/19 Murphy Kennedy Group v. Board of Managers

APPELLATE TERM

60 Centre Street Room 401

10 A.M.

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

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

New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term Part

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

Special Term Proceedings

Bellevue Psychiatric Center Kirby Psychiatric Center Metropolitan Hospital Manhattan Psychiatric Center Bellevue Hospital

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

IAS PARTS

- 1 Silvera: 300 (60 Centre)
- 2 Sattler: 212 (60 Centre)
- 3 Cohen, J.: 208 (60 Centre)
- 4 Kim: 308 (80 Centre)
- 5 Kingo: 320 (80 Centre)
- 6 King: 351 (60 Centre)
- 7 Lebovits: 345 (60 Centre)
- 8 Kotler: 278 (80 Centre)
- 9 Capitri: 355 (60 Centre)
- 11 Frank: 412 (60 Centre)
- 12 Stroth: 328 (80 Centre)
- 13 Schumacher 304 (71 Thomas)
- 14 Bluth: 432 (60 Centre)
- 15 Johnson: 116 (60 Centre)
- 17 Hagler: 335 (60 Centre)
- 18 Tisch: 104 (71 Thomas)
- 19 Sokoloff: 540 (60 Centre)
- 20 Kaplan: 422 (60 Centre)

COURT NOTES

MAYOR'S ADVISORY COMMITTEE ON THE JUDICIARY

Public Hearing To Be Held on Oct. 21 For Nominees for Criminal Court

A public hearing will be held by the Mayor's Advisory Committee on the Judiciary on Tuesday, Oct. 21 at 9 a.m. at the Office of Administrative Trials and Hearings, 100 Church Street, 12th Floor, New York.

The public hearing will be conducted in-person, for the purpose of receiving information concerning the fitness of the following candidates who are nominees for appointment by the Honorable Eric Adams, Mayor of the City of New York, as Judges of the courts indicated below:

Philip Pilmar: Criminal Court
Jennifer Saint-Preux: Criminal Court

A concise written signed statement of any information or testimony intended for presentation at the hearing must be received no later than 10 a.m. on Monday, Oct. 20, 2025 at the Mayor's Advisory Committee on the Judiciary, Attention: Ms. Ayanna Soret, Executive Director, via Email: judiciary@city-hall.nyc.gov.

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

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

Applications Being Accepted for Position of Federal Public Defender in Connecticut

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

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

The website for the office is: <https://ct.fed.org/>

Applicants must satisfy the following conditions:

- (1) be a member in good standing in the bar of the state in which the candidate is admitted to practice;
- (2) have a minimum of five years criminal practice experience, preferably with significant federal criminal trial experience, which demonstrates an ability to provide zealous representation of consistently high quality to criminal defendants;
- (3) possess the ability to effectively administer the office, including the following management areas:
 - Budget, procurement, and travel
 - Human resources
 - Space, facilities, and property;
 - (4) have a reputation for integrity; and
- (5) demonstrate a commitment to the representation of those unable to afford counsel.

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

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

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

FIRST DEPARTMENT Appellate Term

December 1st Session To Be Held in the Bronx

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

Filing Dates for the November Term

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

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

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

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

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

BRONX COUNTY Surrogate Court

Court Continues To Seek Applicants For Deputy Public Administrator

Application Deadline is Oct. 30

The Bronx County Surrogate, Hon. Nelida-Malave Gonzalez, seeks applicants for the position of Deputy Public Administrator. Under the general supervision of the Public Administrator, the incumbent is responsible for the investigation, documentation, and administration of estates of persons who die intestate in the absence of readily accessible next-of-kin, or estates assigned to the Public Administrator by the Surrogate Court.

Graduation from a college or university with a bachelor's degree and three years of experience in accounting, business management, investments, finance, real estate, law degree or related fields is preferred for candidates applying for the Deputy Public Administrator Position.

Candidates should have knowledge of accounting practices; familiarity with personal assets, methods of determining value, and markets for their disposal, as well as working knowledge of the laws related to the work of the Public Administrator in Bronx County. Incumbent must be bondable.

Interested persons may apply by submitting a cover letter, stating their qualifications and their resume to:

Bronx County Public Administrator
Danielle S. Powell
851 Grand Concourse, Room 336,
Bronx, NY 10451.

Applications must be received no later than October 30.

An equal opportunity employer

NEW YORK CIVIL COURT Housing Part

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

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

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

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

Persons interested in applying to become a Housing Court Judge may obtain a questionnaire from the courts website, Advisory Council - NY Housing | NYCOURTS.GOV. In as much as November 6, 2025, has been established as the deadline date for submission of such applications, Judge Hoffman encourages all applicants to obtain, complete and submit the original questionnaire as soon as possible. Applications can be emailed to dcajnyhousing@nycourts.gov and the original mailed to the Office of the Deputy Chief Administrative Judge Adam Silvera, 111 Centre Street, Room 1240, New York, New York 10013. Dated: September 9, 2025

NEW YORK STATE COURT OF APPEALS

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

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

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

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

U.S. DISTRICT COURT SOUTHERN DISTRICT

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

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

DESCRIPTION

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

POSITION OVERVIEW

The principal responsibilities of the Chief Counsel are to lead the Office of Pro Se Litigation, which cur-

Continued on page 18

- 159071/24642 E. 14th St. v. 644 East 14th St. Owner
- 15897/2595 West B'way. Hdgs. LLC Et Al v. Prose
- 15725/24 American Express Nat. Bank v. Horowitz
- 656382/20 American Express Nat. Bank v. Matthews
- 190121/22 Anderson v. Avon Prod.s, Inc. Et Al
- 159885/25 Andreine v. Courier Health, Inc.
- 651306/25 Arini Credit Master Fund L.L.C. Et Al v. Ardagh Group S.A. Et Al
- 452775/24 Asaro v. NYC
- 151105/18 Asaro v. Ihms
- 654225/25 Asher v. Guggenheim
- 650111/25 Asymchem, Inc. v. Entero Therapeutics, Inc.
- 152849/24 Avila v. Corner 1st And 115th
- 154392/23 Bacye v. Tousand
- 151498/19 Berkovich v. Judau Contracting, Inc.
- 157472/20 Bjari v. Tchouza
- 850198/21 Bixby Bridge Fund Iv v. Empire Broome LLC Et Al
- 154625/25 Calender v. NYC Et Al
- 158865/24 Cawley v. Balloon Museum USA LLC
- 150418/25 Central Plumbing And Drains v. Fryer
- 156869/19 Cevoli v. Con Ed Co.
- 158855/25 Chowdhury v. NYC Office of Administrative Trials And Hearings (oath) Et Al
- 152259/24 Chubb Indemnity Ins. Co. v. Atelier 4 Inc.
- 654268/24 Clear Haven Investment Fund v. Zags Spv 1 LLC Et Al
- 153037/24 Colony Ins. Co. Et Al v. Hudson Excess Ins. Co.
- 452834/24 Comm'rs. of. State Ins. Fund v. Avarie 1 Auto Recycling LLC
- 453031/24 Comm'rs. of. State Ins. Fund v. Champions Ma 13th Ave. Inc.
- 451911/24 Comm'rs. of. State Ins. Fund v. M.I.R. Const. Group LLC
- 159106/25 Commonwealth Land Title Ins. Co. v. North 10th Hdgs. LLC Et Al
- 652953/25 D & S Restoration, Inc. v. Ndura LLC
- 654359/25 Da Lanca v. Cirrus Nexus Corp.
- 157697/23 De Jesus v. H.L.G. Liquor, Inc. Et Al
- 155966/24 Decook v. 103 Pharmacy Inc. Et Al
- 151577/25 Doe v. Barnard College
- 150926/25 Fed. Express Corp. v. Sves Apparel LLC
- 150871/22 Feican v. Maxrem Rlty. LLC Et Al
- 159107/25 Fidelity Nat. Title Ins. Co. v. Cf 620 Owner One LLC Et Al
- 652691/25 First American Title Ins. Company v. 9 East 38th St. Rlty. LLC Et Al
- 850030/25 Fordham Landing North Hdgs. v. Mdbzjgs
- 654563/25 Freedman Norman Friedland Llp v. Lavan, Inc.
- 452262/22 Garcia v. Theradamam
- 161468/24 Global Operations Security Services Inc. A/s/a Global Operations A/s/a Global Ops v. Trivino
- 152391/24 Green v. NYC Police Dept.
- 653156/25 Hanmi Bank v. Maple Ave. Discount Inc Et Al
- 154899/24 Hereford Ins. Co. v. Biopath Diagnostic Associates
- 161880/24 Hogan v. Citibank
- 153325/23 Hou v. King Lung Corp. Et Al
- 159048/24 Hubert-Ross v. Lane
- 805150/21 Huntley v. NYCH&HC And
- 850044/24 Jpmorganchase Bank. Nat. Assoc. v. Sw Vestry
- 653630/20 Kaplan v. Tritt
- 651214/25 King Contracting Group NY Inc. v. Bober
- 151076/22 King v. Gillespie
- 653123/25 L.E.A. Electric Corp. v. Ocep LLC Et Al
- 158707/17 McCord v. Broadwall Mgt. Corp.
- 156950/25 McGill v. NYS Office of Children And Family Services
- 154484/21 McInerney v. Hudson Yards Const.
- 654537/20 Men of Steel Enterprises v. Bespoke Harlem West
- 155935/25 Newport Designs Corp. v. F-Int LLC Et Al
- 655628/24 Nostrand Prop. Owner LLC v. Auh 2 Inc. Et Al
- 152892/22 NYCTL 2019-A Mellon And The Bank of NY Trust v. McMahon
- 654380/25 Pnc Bank v. David's Tefilin, Inc. Et Al
- 654288/25 Pnc Bank v. New Galaxy Int1
- 156055/24 Premier Brands Group Holdco., Inc. Et Al v. Lechar Rlty. Corp. Et Al
- 652252/24 Qian Rlty. LLC v. Global Synergy Ventures LLC Et Al
- 160159/24 Oosja v. Port Auth. of NY And New Jersey Et Al
- 156192/25 Ramos v. Tisch
- 150123/24 Rance v. Loreal USA, Inc. Et Al
- 162184/23 Rivero v. NYC Et Al
- 159510/22 Rondon v. 200 Varick St. De Llc Et Al
- 157808/24 Rosario v. Bbl 1-65-2 LLC Et Al
- 158342/19 Sabillon v. 254 Seaman Residences
- 650608/19 Sabr Chemicals Group v. Northeast Chemicals, Inc.
- 650663/23 Seneca Ins. Co., Inc. Et Al v. Rosanna Food Corp Et Al
- 155440/21 Shuford v. NYC Et Al
- 654475/25 Sishodia v. Serhant
- 151136/21 Smartmatic USA Corp. v. Fox Corp.
- 150193/25 State Farm Mutual Automobile Ins. Co. v. Garcia
- 653492/25 Tausig Capital Inc. v. Vision Biobanc Hdgs.
- 654696/25 The Cadle Co. v. Alexander
- 651860/20 Tiny 1 v. Samfet Marble Inc.
- 157532/24 Unintrin Safeguard Ins. Co. v. Albert Graziosa Md
- 152190/23 Unintrin Safeguard Ins. Co. v. Ortiz
- 160429/24 Vargas Lopez v. Rangel Lopez
- 162510/25 Vieira v. NYC
- 157017/20 Washington v. Metro.
- 655464/25 Wasserman Media Group v. Morris
- 158125/25 Wells Fargo Bank v. Camilo
- 850160/24 Wells Fargo Bank v. West 45th Apt
- 805282/20 Williams v. Terence Cardinal Cooke Health Care Center Et Al
- 162184/25 Wyatt v. NYC Dept. of Education
- 659769/24 Yan v. Sr Exotic Rental Corp. Et Al
- 155720/25 Yang v. West 57th St. Funding
- WEDNESDAY, OCT. 15**
- 650740/20 145 Ave. A Rlty. LLC v. Gelarito, Inc. Et Al
- 654986/23 Amedia Group, Inc. v. Rxmedical Dynamics
- 160601/21 Alberto Sorto v. Nci Funeral Services of Ny
- 65341/23 Altamira Investments II v. The Bolivarian Republic of Venezuela

E-Filing Submission Part

Adjourned for Working Copies Part

Part 1

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

TUESDAY, OCT. 14
805146/20 Auguste v. Steinberger
153681/20 Baldwin v. Dd West 29th St. LLC.
16223/19 Cabrera v. Greene
Package Rlty. LLC
151426/23 Norena v. M&G 60th St. LLC Et Al

WEDNESDAY, OCT. 15

652795/12267 Edgeco LLC v. NYC
15763/16 Coronato v. NYC
155802/13 Crump v. NYC
160109/21 Cuatell v. NYC Et Al
450814/19 Cuthbert v. NYC
157547/16 Derobertis v. NYC
153934/18 Fam v. NYC
160270/17 Genicoff v. NYC
152960/20 Giunta v. Forge Restaurant
155323/21 Gotlerman v. NYC
150682/20 Leyro v. Gospel Spreading Assoc.
450963/20 Mushaiev v. Starrett 280 B'way. Lessee
162271/15 Palmer v. NYC
151750/17 Patino-Gomez v. NYC
160517/18 Pecoraro v. NYC
157613/17 Reyes v. NYC
150552/15 Ridelin Solis v. NYC
450862/18 Salodkaya v. Th NYC
150165/16 Smith v. NYC
150038/21 Wade Batten v. NYC

Part 2

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

TUESDAY, OCT. 14

651175/23110839 Associates v. Big Apple E Time LLC Et Al
650458/2314 Gay St. v. A & Nyla Const. Corp. Et Al
162163/1416 West 8th LLC v. Gluckman
656244/2050 East 96th St. LLC v. Prestige Salon, Inc.
657016/2180-82 Bowers LLC v. Lin
158242/22 Aig Prop. Casualty Co. v. Pam Air-Conditioning, Inc. Et Al
153411/23 Bankers Standard Ins. Co. A/s/o Andrew M. Murstein And Barbara Murstein v. Disalvo Contracting
156935/23 Empire Hell's Kitchen Temp'l v. NY Communications Center Associates
652155/22 Hove v. Amerquest 11 LLC Et Al
653632/23 Kanari v. 246 East 77th St. Associates
653630/20 Kaplan v. Tritt
651170/23 Metro. Baptist Church v. Wesco Ins. Co.
650773/23 Murstein v. Boyarsky
654502/22 Slijet Mgt. Corp. v. Ichioku Ventures LLC Et Al
152766/22 Teague v. Immanuel Evangelical Lutheran Church
153908/22 The Murray Hill Terrace Condominium v. 3rd & 36th LLC Et Al
651675/17 Zhongqing Wang Individually v. Zhang

Motion

162163/

CLASSIFIED ADVERTISING

LAWJOBS.COM

When results matter

#1 Global Legal Job Site

Ranked by Alexa

Contact: Carol Robertson

Phone: 212.457.7850

Email: crobertson@alm.com

LIQUOR LICENSES

NOTICE IS HEREBY given a license, NYS Application ID: CL-25-101475-01 for beer, wine, cider and liquor has been applied for by the undersigned to sell beer, wine, cider and liquor at retail in a restaurant under the Alcoholic Beverage Control Law at 525 Nepperhan Avenue, Store #3, Yonkers, NY 10701 for on-premises consumption. CANTINA 914 INC 15518 o14-Tu o21

NOTICE IS HEREBY given that an On-Premise Restaurant Full Liquor License, NYS Application ID: NA-0340-25-129424 has been applied for by Tavern 1860 LLC d/b/a The Derby Club serving beer, wine, cider, mead and liquor to be sold at retail for on premises consumption in a restaurant, for the premises located at 358 East 57th Street New York NY 10022. 15268 o7-Tu o14

NOTICE IS HEREBY given that license# NA-0340-25-128662 for liquor has been applied for by the undersigned to sell liquor at retail in a restaurant under the ABC law at 115 Christopher St NY, NY 10014, NY County for on-premises consumption. 115 Christopher Street Restaurant Group LLC 115 Christopher St New York NY 10014 15592 Oct14 tu Oct21

NOTICE IS HEREBY given that license# NA-0340-25-132392 for liquor has been applied for by the undersigned to sell liquor at retail in a tavern under the ABC law at 130 W 46th St BSMT NY, NY 10036, NY County for on-premises consumption. The Easy Way Listening LLC 130 W 46th St BSMT New York NY 10036 15559 Oct14 tu Oct21

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF ALEXANDRA MOORE NP INC ACUTE CARE PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/14/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 237 E 20th St, Apt 4G, New York, NY 10003. Purpose: any lawful act. 14085 s16 T O21

NOTICE OF FORMATION OF Daphne Spector Law Practice PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/16/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 43 West 43rd Street, Suite 392, New York, NY 10036-7424. Purpose: to provide legal services and advice. 14616 s23 T O28

NOTICE OF FORMATION OF SCHOENFELD LEGAL PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on September 15, 2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 11 East 87th Street, New York, NY 10128. Purpose: any lawful act. 14978 s30 T N04

DR L ROITMAN PSYCHIATRY PLLC Art of Org. filed with the SSNY on 08/12/2025 Office: New York County. SSNY is designated as the agent of the LLC for service of process. Any legal documents served to the LLC through SSNY will be forwarded to LEGALCORP SOLUTIONS, LLC 11 BROADWAY SUITE 615 NEW YORK, NY 10004 Purpose: Any lawful purpose. 13821 s09 T O14

J. FABIAN LAW PLLC Articles of Org. filed NY Sec. of State (SSNY) 6/9/25. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to 485 Madison Ave., Ste. 1600, NY, NY 10022, which is also the principal business location. Purpose: To practice Law. 14327 s16-Tu o21

PHYSICAL THERAPY OF HICKSVILLE, PLLC. A Prof. LLC. Arts. of Org. filed with the SSNY on 09/05/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 265 North Broadway, Hicksville, NY 11801. Purpose: To Practice The Profession Of Physical Therapy. 14345 s16-Tu o21

NOTICE OF FORMATION OF MODERN HEALTHCARE FAMILY HEALTH NP PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/16/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 418 Broadway, Ste N, Albany, NY 12207. P/B/A: 137 Washington St, Morrisstown, NJ 07960. Purpose: any lawful act. 14493 s23 T O28

LIMITED LIABILITY ENTITIES

ETHICS STREET ANESTHESIA SERVICES PLLC. Filed with SSNY on 09/12/2025. Office location: Nassau County. SSNY designated as agent for process and shall mail to: 1 FOX RUN, OYSTER BAY, NY 11771. Purpose: Any Lawful 14593 s23-Tu o28

LIMITED LIABILITY ENTITIES

Formation of Peaks Lake Placid Associates General Partner, LLC filed with the Secy. of State of NY (SSNY) on 9/12/2025. Office loc.: NY County. SSNY designated as agent of LLC upon whom process against it may be served. The address SSNY shall mail process to: The Am Group, 589 Eighth Ave., 3rd Fl., New York, NY 10018. Purpose: Any lawful activity. 14696 s30-Tu n4

Notice of Formation: DAVADAM LLC. Art. Of Org. filed with Sec. of State of NY (SSNY) on 08/14/2025. Office Loc.: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 176 BERRY HILL ROAD, SYOSSET, NY 11791. Purpose: Any lawful activity. 14069 s09 T O14

NOTICE OF FORMATION OF AGALLS EQUITIES RE GP I, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/23/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Manuel Tavarez, 1 Maiden Ln, F15, New York, NY 10038. Purpose: any lawful act. 14069 s09 T O14

NOTICE OF FORMATION OF ALL DATA SOLUTIONS, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/1/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 3333 Henry Hudson Parkway, #6H, Bronx, NY 10463. Purpose: any lawful act. 14013 s09 T O14

NOTICE OF FORMATION OF CLEMONS DIVINE VENTURES LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/21/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to R/A: Zenbusiness Inc., 41 State Street, Suite 112, Albany, NY 12207. Purpose: any lawful act. 14031 s09 T O14

NOTICE OF FORMATION OF Curacious LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/13/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 217 Centre Street, Unit 326, New York, NY 10013. Purpose: any lawful act. 14018 s09 T O14

Notice of Formation of GrandMillennium20A LLC. Art. Of Org. filed with Secy. of State of NY (SSNY) on 07/10/2025. Office Loc.: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1965 Broadway Apt 20A, New York, NY 10023. Purpose: Any lawful activity. 14068 s09 T O14

NOTICE OF FORMATION OF Harper Stanton Design LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/17/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Northwest Registered Agent LLC, 418 Broadway, Ste N, Albany, NY, 12207. P/B/A: 1129 Northern Blvd, Ste 404, Manhasset, NY 11030. Purpose: any lawful act. 9674 s09 T O14

NOTICE OF FORMATION OF KLEE CREATIVE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/6/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Kee E Lee, 99 John St, Apt 819, New York, NY 10038. Purpose: any lawful act. 14030 s09 T O14

NOTICE OF FORMATION OF MAPLE RABBIT FARMS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/19/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Republic Registered Agent Services Inc., 54 State St, Ste 804, Albany, NY, 12207. P/B/A: 137 Washington St, Morrisstown, NJ 07960. Purpose: any lawful act. 14041 s09 T O14

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF PRODUCEDBYJT KITTY COACH LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/6/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 120 E 34th St, Apt 7G, New York, NY 10016. Purpose: any lawful act. 13988 s09 T O14

NOTICE OF FORMATION OF Prosperaource LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 4/28/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 300 West 145 St, New York, NY 10039. Purpose: any lawful act. 14053 s09 T O14

NOTICE OF FORMATION OF ZARA OSTROFF LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/13/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 12 E 62nd St, Apt 4F, New York, NY 10065. Purpose: any lawful act. 13929 s09 T O14

NOTICE OF FORMATION OF BYH REAL ESTATE LIMITED LIABILITY COMPANY. Arts of Org filed with Secy. of State of NY (SSNY) on 8/24/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 108 W 39th Street, Ste 1066, New York, NY 10018. Purpose: any lawful act. 14173 s16 T O21

NOTICE OF FORMATION OF ZGFP, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/3/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Management Partners, LLC, 888 7th Avenue, 4th Floor, New York, NY 10106. Purpose: any lawful act. 14319 s16 T O21

NOTICE OF FORMATION OF 5196 Associates LLC. Arts of Org. filed with Secy. of State of NY (SSNY) on 08/29/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: the Company 7110 Republic Airport, 2nd Fl., Farmingdale, NY 11735. Attn: Adam Katz. Purpose: any lawful activities. 14355 s16-Tu o21

NOTICE OF FORMATION OF 5196 Associates LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/29/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: the Company, 7110 Republic Airport, 2nd Fl., Farmingdale, NY 11735. Attn: Adam Katz. Purpose: any lawful activities. 14355 s16-Tu o21

NOTICE OF FORMATION OF 82 Tides LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/22/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Paracorp Incorporated, 2804 Gateway Oaks Dr. #100, Sacramento, CA 95833. Purpose: any lawful activities. 14349 s16-Tu o21

NOTICE OF FORMATION OF BUCKY NYC CONDO, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/29/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: THE LLC, 250 WEST 57TH ST, 23RD FL., NEW YORK, NY 10119. Purpose: any lawful activities. 14351 s16-Tu o21

NOTICE OF FORMATION OF DOUGLAS JOSEPH HOLDINGS LLC. Arts of Org. filed with Secy. of State of NY (SSNY) on 08/28/2025. Office location: New York County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: DOUGLAS JOSEPH, 25 ORCHARD ST, APT 202, NEW YORK, NY 10002. Purpose: any lawful activities. 14352 s16-Tu o21

PRELA BUSHI REALTY LLC. Filed with SSNY on 09/09/2024. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3064 BURE AVE, APT 3, BRONX, NY 10461. Purpose: Any Lawful 14590 s23-Tu o28

137 5TH AVE LLC Articles of Org. filed NY Sec. of State (SSNY) 5/11/23. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to: 495 Route 54, Ste. 2, New City, NY 10956. Purpose: Any lawful purpose. 14012 s9-Tu o14

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF CROSS COUNTRY KITTY COACH LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/7/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 447 Broadway 2nd fl #3000, NY, NY 10013. P/B/A: 333 E 91st St, NY, NY 10128. Purpose: any lawful act. 14510 s23 T O28

NOTICE OF FORMATION OF CSSP, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/28/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 303 E 37th St, #41B, Manhattan, NY 10022. Purpose: any lawful act. 14634 s23 T O28

NOTICE OF FORMATION OF DOUBLE YCARE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 03/27/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1855 Adam Clayton Powell, Jr Blvd, Apt 3A, New York, NY 10026. Purpose: any lawful act. 14651 s23 T O28

NOTICE OF FORMATION OF Flying Lotus LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/4/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 287 Bleeker St, 5R, New York, NY 10014. Purpose: any lawful act. 14507 s23 T O28

NOTICE OF FORMATION OF KMJ SERVICES ENTERPRISE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/8/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 793 Saint Anns Ave Apt B, Bronx, NY 10456. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14511 s23 T O28

NOTICE OF FORMATION OF NEMEC STUDIO LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/8/2023. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1178 Broadway, 3rd Fl #1225, NY, NY 10001. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14418 s23 T O28

NOTICE OF FORMATION OF ITS OWN KIND LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/4/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 229 Park Ave S #788583, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14514 s23 T O28

NOTICE OF FORMATION OF ROSIE VISION LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/14/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 135 W 10th St Apt 6, New York, NY 10014. P/B/A: 447 Broadway, 3rd Fl, New York, NY 10013. Purpose: any lawful act. 14432 s23 T O28

NOTICE OF FORMATION OF SOLOMON ENTERTAINMENT LLC. Arts of Org. filed with Secy. of State of NY (SSNY) on 5/29/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1600 Broadway, New York, NY 10019. Purpose: any lawful act. 14433 s23 T O28

132 EL CAMINO LOOP LLC. Arts. of Org. filed with the SSNY on 09/05/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 2001 Grove Street, Wantagh, NY 11793. Purpose: Any Lawful Purpose. 14077 s9-Tu o14

KEYSTONE GROWTH PARTNERS LLC. Filed with SSNY on 03/17/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 157 EAST 86TH ST, 4TH FL, NEW YORK, NY 10028. Purpose: Any Lawful 14579 s23-Tu o28

LLOYD MEDIA NY LLC. Filed with SSNY on 09/17/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 100 BARCLAY ST, UNIT 27C, NEW YORK, NY 10007. Purpose: Any Lawful 14586 s23-Tu o28

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION (LLC). Name: VDUBBS8 LLC Articles of Organization filed with NY Dept. of State on 08/25/2025. Office location: Nassau County. NY DOS shall mail copy of process to: THE LLC, 47 GRINSTED ST, MANHASSET, NY, 11030. Purpose: Any lawful activity. 14679 s23-Tu o28

NOTICE OF FORMATION OF 118 WILLOW WOOD, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/09/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o 280 Harbor Ln., Massapequa Park, NY 11762. Purpose: any lawful activities. 14671 s23-Tu o28

NOTICE OF FORMATION OF BREBOYS 18, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/08/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o 367 Yale Ave., Woodmere, NY 11598. Purpose: any lawful activities. 14673 s23-Tu o28

NOTICE OF FORMATION OF gk 29 East 20th Street NYC LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/05/2025. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: the Company, 1306 East Imperial Ave., El Segundo, CA 90245, Attn: Harsh Chowdhary. Purpose: any lawful activities. 14674 s23-Tu o28

NOTICE OF FORMATION OF DISSONANCE MUSIC, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/4/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 224 W 35th St, Ste 500 # 2462, New York, NY 10001. Purpose: any lawful act. 14826 s30 T N04

NOTICE OF FORMATION OF Elliott Fuegos Studios, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/15/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 4 Lexington Ave, Apt 2C, New York, NY 10010. Purpose: any lawful act. 14997 s30 T N04

NOTICE OF FORMATION OF MIMAKITA PUBLICATIONS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/18/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1407 Broadway, Ste 4002, New York, NY 10018. Purpose: any lawful act. 14971 s30 T N04

NOTICE OF FORMATION OF Natasha Colvin Studios LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/12/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 447 West 18th Street, New York, NY 10011. Purpose: any lawful act. 14992 s30 T N04

NOTICE OF FORMATION OF RESOURCE RANGER LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/27/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 309 E 91st St, Ste 3W, New York, NY 10128-6019. Purpose: any lawful act. 14166 s30 T N04

NOTICE OF FORMATION OF SPINDALIS CAPITAL LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/4/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #462885, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14980 s30 T N04

BK FUND HOLDING LLC. Arts. of Org. filed with the SSNY on 09/08/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 111 Great Neck Road, Suite 514, Great Neck, NY 11021. Purpose: Any lawful purpose. 14328 s16-Tu o21

JG MIDDLE NECK HOLDINGS LLC. Filed with SSNY on 08/26/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 94 WILLIS AVE, MI-NEOLA, NY 11501. Purpose: Any Lawful 14592 s23-Tu o28

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Williamsbridge Home LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/8/2025. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1562 Williamsbridge Rd, Bronx, NY 10461. Purpose: any lawful act. 14970 s30 T N04

NOTICE OF FORMATION OF TEAMS A2025 LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/25/25. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to: 72 New Hyde Park Rd., Franklin Square, NY 11010. Purpose: any lawful act. 14952 s30-Tu n4

NOTICE OF FORMATION OF ROSCO COLLISION AVOIDANCE, LLC. Arts. of Org. filed with SSNY on 09/11/2025. Office location: Nassau County. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to 806 CENTRAL AVENUE, WOODMERE, NY, UNITED STATES, 11598. Any lawful purpose. 14307 sept16 Tu o21

NOTICE OF FORMATION OF ROSCO, LLC. Arts. of Org. filed with SSNY on 09/11/2025. Office location: Nassau County. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to 806 CENTRAL AVENUE, WOODMERE, NY, UNITED STATES, 11598. Any lawful purpose. 14308 sept16 Tu o21

NOTICE OF FORMATION OF LONQUO LLC. Art. Of Org. filed with the Sec'y of State of NY (SSNY) on 08/20/25. Office in Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 233 EAST MARSHALL ST HEMPSTEAD, NY, 11550. Purpose: Any lawful purpose 14039 Sept9 tu Oct14

NOTICE OF FORMATION OF MYLA KR LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 02/25/25. Office location: Nassau County. Princ. office of LLC: 1 Sycamore Ln., Roslyn Heights, NY 11577. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, c/o Gunnercooke US LLP, Attn: Eileen Breslin, 475 Park Ave. South, NY, NY 10016. Purpose: Any lawful activity. 14037 Sept9 tu Oct14

NOTICE OF FORMATION OF MYLA R LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 02/25/25. Office location: Nassau County. Princ. office of LLC: 1 Sycamore Ln., Roslyn Heights, NY 11577. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, c/o Gunnercooke US LLP, Attn: Eileen Breslin, 475 Park Ave. South, NY, NY 10016. Purpose: Any lawful activity. 14036 Sept9 tu Oct14

16GOTHAM, LLC. Arts. of Org. filed with the SSNY on 08/30/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jeanette Prymas C/O Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Reg Agent: Jeanette Prymas, 101 Crossways Park Drive West, Woodbury, NY 11797. Purpose: Any Lawful Purpose. 14346 s16-Tu o21

1826SIVAN HOLDINGS LLC. Arts. of Org. filed with the SSNY on 07/15/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 1163 Broadway, Hewlett, NY 11559. Purpose: Any Lawful Purpose. 14344 s16-Tu o21

350 SUNRISE LLC. Arts. of Org. filed with the SSNY on 09/04/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 141 Hewlett Avenue, Merrick, NY 11566. Purpose: Any lawful purpose. 14332 s16-Tu o21

STORYLINE SPORTS LLC. Arts. of Org. filed with the SSNY on 09/02/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 27 Camel Lane, Westbury, NY 11590. Purpose: Any lawful purpose. 14602 s23-Tu o28

TEDDY V MOTORS LLC. Filed with SSNY on 07/31/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 2421 CEDAR SWAMP RD, GLEN HEAD, NY 11545. Purpose: Any Lawful 14595 s23-Tu o28

LIMITED LIABILITY ENTITIES

DIASPORA SOUND LLC. Arts. of Org. filed with the SSNY on 09/08/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 3000 Marcus Avenue, Suite 1W5, Lake Success, NY 11042. Purpose: Any lawful purpose. 14330 s16-Tu o21

EMGWKG LLC. Arts. of Org. filed with the SSNY on 09/08/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 8 Roscoe Court, Greenvale, NY 11548. Purpose: Any lawful purpose. 14331 s16-Tu o21

FASTMANFIVE PROPERTIES LLC. Arts. of Org. filed with the SSNY on 09/03/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 75 The Serpentine, Roslyn, NY 11576. Purpose: Any lawful purpose. 14300 s16-Tu o21

HB ATLANTIC LLC Articles of Org. filed NY Sec. of State (SSNY) 9/12/25. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to 561 Tenth Ave., Apt. 49G

2025 Statement of Ownership

1. Publication Title: New York Law Journal. 2. Publication No. 383-020. Filing Date: October 8, 2025. 4. Frequency: Daily Except Holidays & Weekends. No. of Issues Published Annually: 248. 6. Annual Subscription Price: Various. Contact Person: Michael Sciolibaglio Telephone (Include area code) 212-457-9529. 7. Complete address of Known Office of Publication: 150 E. 42nd St., Mezzanine Level, New York, NY 10017. 8. Complete Mailing Address of Headquarters or General Business Office of Publisher: 150 E. 42nd St., Mezzanine Level, New York, NY 10017. 9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor: Publisher: Josh Gazes, 150 E. 42nd St., Mezzanine Level, New York, NY 10017. Editor: Andrew Denney, 50 E. 42nd St., Mezzanine Level, New York, NY 10017. Managing Editor: Max Mitchell, 150 E. 42nd St., Mezzanine Level, New York, NY 10017. 10. ALM Global, LLC, 150 E. 42nd St., Mezzanine Level, New York, NY 10017. 11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities: None. 12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one): The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: Has Not Changed During Preceding 12 Months. Has changed during preceding 12 Months (Publisher must submit explanation of change with this statement): Not Applicable. 13. Publication Title: New York Law Journal. 14. Issue Date for Circulation Data Below: August 29, 2025. 15. Extent and Nature of Circulation. Daily Newspaper 15a. Total No. of copies (net press run) - Average No. Copies Each Issue During Preceding 12 Months: 3,583 Actual No. Copies of Single Issue Published Nearest to Filing Date: 3,378. 15b. Paid Circulation (By Mail and Outside the Mail) - (1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) - Average No. Copies Each Issue During Preceding 12 Months: 781. No. Copies of Single Issue Published Nearest to Filing Date: 659. (2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) - Average No. Copies Each Issue During Preceding 12 Months: 118. No. Copies of Single Issue Published Nearest to Filing Date: 102. (3) Paid Distribution Outside the Mails including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS® - Average No. Copies Each Issue During Preceding 12 Months: 1,063. No. Copies of Single Issue Published Nearest to Filing Date: 992. (4) Paid Distribution by Other Classes of Mail through the USPS (e.g., First-Class Mail®) - Average No. Copies Each Issue During Preceding 12 Months: None. No. Copies of Single Issue Published Nearest to Filing Date: None. 15c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4)) - Average No. Copies Each Issue During Preceding 12 Months: 1,962. No. Copies of Single Issue Published Nearest to Filing Date: 1,753. 15d. Free or Nominal Rate Distribution (By Mail and Outside the Mail) - (1) Free or Nominal Rate Outside-County Copies included on PS Form 3541 - Average No. Copies Each Issue During Preceding 12 Months: None. No. Copies of Single Issue Published Nearest to Filing Date: None. (2) Free or Nominal Rate In-County Copies included on PS Form 3541 - Average No. Copies Each Issue During Preceding 12 Months: None. No. Copies of Single Issue Published Nearest to Filing Date: None. (3) Free or Nominal Rate Copies Mailed at Other Classes through the USPS (e.g., First-Class Mail) - Average No. Copies Each Issue During Preceding 12 Months: None. No. Copies of Single Issue Published Nearest to Filing Date: None. (4) Free or Nominal Rate Distribution outside the Mail (Carriers or other means) - Average No. Copies Each Issue During Preceding 12 Months: 1,372. No. Copies of Single Issue Published Nearest to Filing Date: 1,377. 15e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3), and (4)) - Average No. Copies Each Issue During Preceding 12 Months: 1,372. No. Copies of Single Issue Published Nearest to Filing Date: 1,377. 15f. Total Distribution (Sum of 15c and 15e) - Average No. Copies Each Issue During Preceding 12 Months: 3,334. No. Copies of Single Issue Published Nearest to Filing Date: 3,130. 15g. Copies not Distributed (See Instructions to Publishers #4 (page #3)) - Average No. Copies Each Issue During Preceding 12 Months: 248. No. Copies of Single Issue Published Nearest to Filing Date: 248. 15h. Total (Sum of 15f and g) - Average No. Copies Each Issue During Preceding 12 Months: 3,583. No. Copies of Single Issue Published Nearest to Filing Date: 3,378. 15i. Percent Paid (15c divided by 15f times 100) - Average No. Copies Each Issue During Preceding 12 Months: 58.85%. No. Copies of Single Issue Published Nearest to Filing Date: 56.01%. 16a. Requested and Paid Electronic Copies - Average No. Copies Each Issue During Preceding 12 Months: 610. No. Copies of Single Issue Published Nearest to Filing Date: 479. 16b. Total Requested and Paid Print Copies (Line 15c) + Requested/Paid Electronic Copies (Line 16a) - Average No. Copies Each Issue During Preceding 12 Months: 2,572. No. Copies of Single Issue Published Nearest to Filing Date: 2,232. 16c. Total Requested Copy Distribution (Line 15f) + Requested/Paid Electronic Copies (Line 16a) - Average No. Copies Each Issue During Preceding 12 Months: 3,944. No. Copies of Single Issue Published Nearest to Filing Date: 3,609. 16d. Percent Paid and/or Requested Circulation (Both Print & Electronic Copies) (16b divided by 16c x 100) - Average No. Copies Each Issue During Preceding 12 Months: 65.21%. No. Copies of Single Issue Published Nearest to Filing Date: 61.85%. I certify that 50% of all my distributed copies (electronic and print) are legitimate requests or paid copies. 17. Publication of Statement of Ownership. If the publication is a general publication, publication of this statement is required. Will be printed in the October 14th, 2025 issue of this publication. 18. Signature and Title of Editor, Publisher, Business Manager, or Owner. Date: I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions. Josh Gazes, Senior Vice President, Operations. 10/09/25

LIMITED LIABILITY ENTITIES

2527B FRISBY AVENUE LLC. Filed with SSNY on 09/18/2025. Office: Bronx County. SSNY designated as agent for process & shall mail to: 7 GRAND ST, NEW CITY, NY 10956. Purpose: Any Lawful 14954 s30-Tu n4

39 FOUNTAIN PROPERTY LLC Art. of Org. Filed Sec. of State of NY 9/10/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to Corporation Service Company, 80 State St, Albany, NY 12207. OH address of LLC: 75 E Market St, Akron, OH 44308. Arts of Org. filed with the Secy. of State of OH. 180 Civ. Ct. Case No. Columbus CV 43215. Purpose: any lawful activity. 14017 S09 T 014

CONDREN & COMPANY LLC. App. for Auth filed with the SSNY on 09/18/25. Originally filed with the Secretary of State of Florida on 12/21/22. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Monarch Law Group, 30 Wall Street, 8th Floor, New York, NY 10005. Purpose: Any lawful purpose. 14984 s30-Tu n4

DoLi's Little Tots Daycare LLC filed Arts. of Org. with the Secy of State of NY (SSNY) on 8/14/2025. Office: Bronx County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 152 Tier St, #102A, Bronx, NY 10464. Purpose: any lawful act. 14950 s30-Tu n4

HEXAGON INVESTORS LLC. Arts. of Org. filed with the SSNY on 09/11/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 225 Sands Point Road, Port Washington, NY 11050. Purpose: Any Lawful Purpose. 14983 s30-Tu n4

MANHASSET AVENUE 2-4, LLC. Arts. of Org. filed with the SSNY on 08/04/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 225 Sands Point Road, Port Washington, NY 11050. Purpose: Any Lawful Purpose. 14946 s30-Tu n4

NEVEREST REALTY CO. LLC. Filed with SSNY on 09/24/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 170 COVE RD, OYSTER BAY, NY 11771. Purpose: Any Lawful Purpose. 14956 s30-Tu n4

PATMAR9 LLC. Arts. of Org. filed with the SSNY on 09/25/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Eric M. Kutner, 200 Old Country Road, Suite 364, Mineola, NY 11501. Purpose: Any Lawful Purpose. 14943 s30-Tu n4

SHORE ROAD 118-120, LLC. Arts. of Org. filed with the SSNY on 08/04/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 225 Sands Point Road, Port Washington, NY 11050. Purpose: Any Lawful Purpose. 14947 s30-Tu n4

SUTTON PLACE TMS, LLC. Filed with SSNY on 09/12/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 60 SUTTON PL, STE 1CN, NEW YORK, NY 10022. Purpose: Any Lawful Purpose. 14974 s30-Tu n4

USA PROSPERITY PARTNERS LLC. Arts. of Org. filed with the SSNY on 09/11/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 68 Jayson Ave, Great Neck, NY 11021. Reg Agent: Jianhui Ma, 68 Jayson Ave, Great Neck, NY 11021. Purpose: Any Lawful Purpose. 14942 s30-Tu n4

VIACAP GLOBAL LLC. Arts. of Org. filed with the SSNY on 09/25/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Yasser Suarez, 31 Linda Dr, Massapequa Park, NY 11762. Purpose: Any Lawful Purpose. 14944 s30-Tu n4

55 DAVIS ST LLC. Arts. of Org. filed with the SSNY on 02/14/2018. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 55 Davis St, Locust Valley, NY 11560. Purpose: Any Lawful Purpose. 14079 s9-Tu o14

TFNY CAPITAL 48 MARKET ST LLC. Arts. of Org. filed with the SSNY on 09/04/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 48 Market St, CMF #2, NY, NY 10002. Reg Agent: Ming Teng Zhang, 48 Market St, CMF #2, NY, NY 10002. Purpose: Any Lawful Purpose. 14080 s9-Tu o14

Trifusion International Trading LLC filed w/ SSNY 8/27/25. Off. in Nassau Co. Process served to SSNY desig. as agt. of LLC & mailed to the LLC, 48 16th St, Jericho, NY 11753. Any lawful purpose. 13896 Sept9 tu Oct14

LIMITED LIABILITY ENTITIES

APP FOR AUTH FOR PARX TRADING, LLC App for Auth filed with SSNY 9/12/2025 LLC. Registered in Delaware on 11/8/2023 Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: 33 W. 66 th Street, Ste 234, New York, NY 10023, USA. Purpose: Any lawful purpose. 14901 s30-Tu n4

LIMITED LIABILITY ENTITIES

Notice of Qualification of Sunray Sustainability, LLC. Application for authority filed with Secy. of State of NY (SSNY) on 8/26/2025. Office location: NY County. LLC formed in OH on 10/14/2022. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Company, 80 State St, Albany, NY 12207. OH address of LLC: 75 E Market St, Akron, OH 44308. Arts of Org. filed with the Secy. of State of OH. 180 Civ. Ct. Case No. Columbus CV 43215. Purpose: any lawful activity. 14017 S09 T 014

NOTICE OF QUALIFICATION OF FEATHERED FISH, LLC. Application for authority filed with Secy. of State of NY (SSNY) on 8/21/2025. Office location: NY County. LLC formed in DE on 8/13/2025. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o eResidential Agent, Inc., 1 Rockefeller Plz, #1204, New York, NY 10020. DE address of LLC: 1013 Centre Rd, #403S, Wilmington, DE 19805. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful act or activity. 14321 S16 T 021

NOTICE OF QUALIFICATION OF UNSEEN RUG, LLC. Application for authority filed with Secy. of State of NY (SSNY) on 9/7/2025. Office location: NY County. LLC formed in DE on 8/27/2025. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o eResidential Agent, Inc., 1 Rockefeller Plz, #1204, New York, NY 10020. P/B/A, 2049 Century Park E, Ste 1400, Los Angeles, CA 90067. DE address of LLC: 1013 Centre Rd, #403S, Wilmington, DE 19805. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful act or activity. 14323 S16 T 021

NOTICE OF QUALIFICATION OF BLACKBRIDGE INVESTMENT GROUP MANAGEMENT LLC. Authority filed with Secy. of State of NY (SSNY) on 09/04/2025. Office location: New York County. LLC formed in Delaware (DE) on 01/25/2023. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Registered Agents Inc., 418 Broadway, Ste. R, Albany, NY 12207. Address required to be maintained in DE: 131 Continental Dr., Ste. 305 Newark, DE 19713. Arts of Org. filed with the Secy. of State, 401 Federal St, Ste. 4, Dover, DE 19901. Purpose: any lawful activities. 14350 s16-Tu o21

NOTICE OF QUALIFICATION OF GOOP FOOD GROUP LLC. Authority filed with Secy. of State of NY (SSNY) on 08/28/2025. Office location: Nassau County. LLC formed in Delaware (DE) on 09/28/2020. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1306 East Imperial Ave., El Segundo, CA 90245, Attn: Harsh Chowdhary. Address required to be maintained in DE: The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801. Arts of Org. filed with the DE Secy of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 14356 s16-Tu o21

NOTICE OF QUALIFICATION OF GOOP FOOD OP CO, LLC. Authority filed with Secy. of State of NY (SSNY) on 08/28/2025. Office location: Nassau County. LLC formed in Delaware (DE) on 09/28/2020. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1306 East Imperial Ave., El Segundo, CA 90245, Attn: Harsh Chowdhary. Address required to be maintained in DE: The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801. Arts of Org. filed with the DE Secy of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 14357 s16-Tu o21

NOTICE OF QUALIFICATION OF MELISSA COLGAN INTERIORS, LLC. Application for authority filed with NY Secy of State (SSNY) on 6/2/2025. Office location: New York County. LLC formed in District of Columbia (DC) on 4/2/2018. SSNY is designated as agent upon whom process against it may be served. SSNY shall mail process to principal business address: 1521 Wisconsin Ave, NW #3, Washington, DC 20007. Cert. of Formation filed with DC DLCP, 1100 4th St SW, Fl 2, Washington, DC 20024. Purpose: any lawful activities. 14765 S30 T N04

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF McWanta LLC. Authority filed with Secy. of State of NY (SSNY) on 09/02/2025. Office location: New York County. LLC formed in Delaware (DE) on 03/22/2021. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o eResidential Agent, Inc., 1 Rockefeller Plaza Ste. 1204, New York, NY 10020, also the registered agent upon whom process may be served. Address required to be maintained in DE: 1013 Centre Rd., Ste. 403S, Wilmington, DE 19805. Arts of Org. filed with the Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activities. 14354 s16-Tu o21

Notice of Qualification of LONDON SLOANE LLC. App. For Auth. filed with Secy of State of NY (SSNY) on 06/12/2025. Office location: NY County. LLC formed in Delaware (DE) on 05/23/2025. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: CT Corporation System, 28 Liberty Street, New York, NY 10005. DE address of LLC: Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801. Cert. of Form. filed with Secy. of State, Div. of Corps., 401 Federal St., John G. Townsend Bldg., Dover, DE 19901. Purpose: Any lawful activity. 13653 S23 T O28

NOTICE OF QUALIFICATION OF Blackbridge Investment Group Fund I LLC. Authority filed with Secy. of State of NY (SSNY) on 09/05/2025. Office location: New York County. LLC formed in Delaware (DE) on 01/25/2023. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Registered Agents Inc., 418 Broadway, Ste. R, Albany, NY 12207. Address required to be maintained in DE: 16192 Coastal Hwy., Lewes, DE 19958. Arts of Org. filed with the Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activities. 14670 s23-Tu o28

NOTICE OF QUAL. OF BO FORGE LENDER LLC Auth. filed with SSNY on 09/02/2025. Office location: New York LLC formed in DE on 09/02/2025. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to: 600 MAMARONECK AVENUE #400 , HARRISON, NY 10528. Arts. of Org. filed with DE SOS, Townsend Bldg, Dover, DE 19901. Any lawful purpose. Sept9 tu Oct14 14035

ALLIED PARTNERS, L.L.C., Fictitious Name: ALLIED CONSULTING PARTNERS, L.L.C. Filed with SSNY on 12/20/2013. Office: New York County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. WA SOS: 416 Sid Snyder Ave SW, Olympia, WA 98501. Purpose: any lawful 14589 s23-Tu o28

LIMITED LIABILITY ENTITIES

6 WALNUT PLACE NY LLC. Filed with SSNY on 08/28/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 6 WALNUT PL, GREAT NECK, NY 11021. Purpose: Any Lawful 14666 s23-Tu o28

ALL THE WORLD COLLECTIVE, LLC. Filed with SSNY on 09/12/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 222 W 80TH ST, #6C, NEW YORK, NY 10024. Purpose: Any Lawful 14588 s23-Tu o28

CITY ASSOCIATES, LLC. Filed with SSNY on 12/30/2021. Office: Nassau County. SSNY designated as agent for process & shall mail to: 4 DEERING LN, EAST ROCKAWAY, NY 11518. Purpose: Any Lawful 14594 s23-Tu o28

CLEARSNAP LLC. Arts. of Org. filed with the SSNY on 09/12/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 6 High Ridge Lane, Oyster Bay, NY 11771. Purpose: Any lawful purpose. 14603 s23-Tu o28

6 RODERICK LANE LLC. Filed with SSNY on 09/09/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 56 FIRST ST, GARDEN CITY, NY 11530. Purpose: Any Lawful 14668 s23-Tu o28

114 SUTPHIN LLC. Filed with SSNY on 09/23/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 144 SEA CLIFF AVE, GLENN COVE, NY 11542. Purpose: Any Lawful 14961 s30-Tu n4

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of limited partnership (LP) Peaks Lake Placid Associates, L.P. Cert. of LP filed with the Dept. of State on 9/12/2025. Office loc.: NY County. The Secy. of State of NY (SSNY) is designated as agent of LP upon whom process against it may be served. SSNY shall mail copy of process to The Am Group, 589 Eighth Ave., 3rd Fl., New York, NY 10018. The name and address of the General Partner is available from the SSNY. Latest date to dissolve is 12/31/2025. Purpose: Any lawful activity. s30-Tu n4 14697

KATRINE APARTMENT ASSOCIATES L.P. Certif. of Limited Partnership filed NY Sec. of State (SSNY) 9/25/25. Office in NY Co. SSNY desig. as agent of LP whom process may be served. SSNY to mail copy of process to Unqua Road Realty Corp., 1345 Avenue of the Americas, 2nd Fl., NY, NY 10105. Name and address of each general partner is avail. from SSNY. Purpose: Real estate. Latest dissolve date:12/31/2125. 14932 s30-Tu n4

LIMITED LIABILITY ENTITIES

TICAL PROPERTIES, LLC. Arts. of Org. filed with the SSNY on 09/05/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 27 Davison Place, Rockville Centre, NY 11570. Purpose: Any lawful purpose. 14301 s16-Tu o21

THE SUMMIT GROUP CONSULT LLC. Arts. of Org. filed with the SSNY on 08/28/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 266 E 78th Street, Apartment 17, New York, NY 10075. Purpose: Any lawful purpose. 14335 s16-Tu o21

4951 CEDAR OWNER LLC. Filed with SSNY on 07/24/2025. Office: New York County. SSNY designated as agent for process & shall mail to: 443 PARK AVE SOUTH, STE 700, NEW YORK, NY 10016. Purpose: Any Lawful 14581 s23-Tu o28

57-69 WANSER AVENUE LLC. Arts. of Org. filed with the SSNY on 08/20/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 696 Wilson Street, Valley Stream, NY 11581. Purpose: Any lawful purpose. 14601 s23-Tu o28

GET GOLDEN MEDIA LLC. Filed with SSNY on 09/12/2025. Office: New York County. SSNY designated as agent for process & shall mail to: MAILBOX NUMBER #186, 1178 BROADWAY 3RD FL, NEW YORK, NY 10001. Purpose: Any Lawful 14584 s23-Tu o28

HK2005FT SAWYER POINTE LLC. Filed with SSNY on 08/18/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 910 FRANKLIN AVE, STE 220, GARDEN CITY, NY 11530. Purpose: Any Lawful 14665 s23-Tu o28

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of ArielDesignStudio LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/8/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Ariel Barcia, 1454 Madison St, Elmont, NY 11003. Purpose: any lawful act. 14663 S23 T O28

NOTICE OF FORMATION of Two Islands Musubi LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/31/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 237 E 2nd St, Apt 3C, New York, NY 10009. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14512 S23 T O28

Notice of Formation of THE STEAM COLLECTIVE, LLC. Articles of Organization filed with SSNY on 11/16/2024. Office Location: Westchester County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: Kevin Sidney Stahl, 81 Chatsworth Avenue, Larchmont, NY 10538. Purpose: any lawful purpose. S30 T N04 4129

SALSA WORKSPACES LLC. Arts. of Org. filed with the SSNY on 09/11/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Salsa Industrial Supply LLC, 90 Broad Street, Suite 1804, NY, NY 10004. Purpose: Any Lawful Purpose. 14343 s16-Tu o21

NOTICE OF FORMATION (LLC). Name: VDUBBS8 LLC Articles of Organization filed with NY Dept. of State on 06/25/2025. Office location: Nassau County. NY DOS shall mail copy of process to: THE LLC, 47 GRINSTEAD ST, MANHASSET, NY, 11030. Purpose: Any lawful activity. 14679 s23-Tu o28

IN WHAT PRACTICES ARE YOUR COMPETITORS GROWING? Ask Legal Compass: at.alm.com/legalcompass ALM. Intelligence

VerdictSearch Too many questions, not enough time. Not enough hours in the day? Let us help. Research On Call has a team of research professionals on call, ready to help you get the precise information you need to get an edge over the competition. Same day rush service is available. To get started, visit VerdictSearch.com or contact the VerdictSearch Research Team at 1-800-445-6823 ALM.

**IF YOU'RE
THINKING
OF USING US
YOU
SHOULD**

GUARANTEED
Subpoena Service, Inc.

**1-800-PROCESS
or 908.776.2377**



**WE USE
BODY CAMS**

Reasonably Priced Where Available

(FAX) 800.236.2092 - info@served.com - www.served.com