

IN BRIEF

Grand Jury Indicts Man Accused of Threatening To Kill Federal Judges In New York

A man who has filed several lawsuits that were deemed frivolous has been indicted on charges he threatened to kill two judges who had presided over some of his cases.

A federal grand jury issued the indictment against Anthony Salvatore Perri this week in the Eastern District of New York. He called the judges' chambers and left graphic voicemails, federal prosecutors said.

Perri, who has a lengthy criminal history, has filed nearly a dozen lawsuits since 2006, representing himself in each case, and nearly all were summarily dismissed. The defendants he sued include a New York City police commissioner, former President Barack Obama and the entire Eastern District court.

Perri was arrested in Washington, D.C., on Aug. 15 and was returned to New York, where he remains jailed. He faces up to 10 years in prison if convicted.

Charles Millioen, a federal public defender who is representing Perri in this case, declined to comment Wednesday.

—The Associated Press

SEC Clears Path for IPOs With Mandatory Arbitration Clauses

Companies seeking to go public can more easily force shareholders to resolve lawsuits through arbitration rather than in court under a U.S. Securities and Exchange Commission policy approved Wednesday.

The SEC has historically blocked or discouraged initial public offerings that have mandatory arbitration provisions in their registration statements. The new policy clarifies that a mandatory arbitration clause will not affect the commission's decision on whether to accelerate the effective date of a company's registration statement.

SEC Chair Paul Atkins, a Republican, said the new policy would help "make IPOs great again" at an open commission

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meeting in Washington.

"The policy statement provides the commission's views on whether mandatory arbitration provisions are inconsistent with the federal securities laws and it concludes that they are not," Atkins said.

The SEC adopted the measure by a vote of 3-1, with Democratic Commissioner Caroline Crenshaw dissenting.

The Republican commissioners stressed the change in policy does not reflect a judgment by the commission on whether companies should adopt mandatory arbitration.

"Past signaling from the SEC—unrooted in any apparent statutory authority—that it would block the registration statements for companies with arbitration clauses prevented companies from taking a step that some viewed to be value maximizing, and thus good for their shareholders," said Republican Commissioner Hester Peirce. "Whether those companies are correct should be up to the market to decide."

Crenshaw said the commission's action will open the floodgates to mandatory arbitration and that the SEC was "stacking the deck against investors."

Companies favor shareholder disputes to go through arbitration, where testimony can be shared in a private setting rather than a public forum in the courts, she said.

Crenshaw added that arbitration suits are brought on an individual basis rather than in class-action lawsuits, which could garner more monetary damages for investors.

"The commission has decided to hastily construct a new shortcut to its preferred policy destination," Crenshaw said. "Investors will be distressed to discover that the only thing waiting to greet them at the end of this journey down this new path to the courthouse is the door welded shut."

Sen. Elizabeth Warren of Massachusetts—the Senate Banking, Housing and Urban Affairs Committee's top Democrat—wrote in a letter to Atkins Tuesday that "allowing shareholders to waive their litigation rights not only harms individual shareholders but also confidence in the market and the ability to deter future misconduct."

The commission Wednesday also voted 3-1 on party lines to extend the compli-

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Federal Judge Grants Buffalo Shooter's Request To Preview Impact Statements

BY BRIAN LEE

A FEDERAL judge in western New York signed an order on Tuesday that sets guardrails for Payton Gendron's death penalty case, to ensure the mass shooter's trial isn't prejudiced by the emotions of victim-impact witnesses.

The government is required to prepare a cumulative written summary of victim-impact witnesses'



Judge Lawrence Vilaro made the ruling out of concern for potential prejudice against the defendant, who faces the death penalty in the Buffalo court.

proposed testimony, or write-ups of individual witnesses, by May 1, 2026, according to U.S. Judge Lawrence Vilaro's order.

Vilaro further ordered that the write-ups be "thorough and com-

plete, covering every topic about which the witness or witnesses will testify."

Gendron's lawyers will have a chance to review the proposed statement or statements and weigh each point to ensure that their probative value isn't overshadowed by the potential danger of unfair prejudice.

Vilaro made the ruling in the U.S. District Court, Western District of New York,

against the objections of prosecutors, who argued that such a procedure was "a foul of the victims' statutory rights" and created a hardship for them.

Vilaro based his ruling on the "high" risk of prejudice to the now 22-year-old Gendron.

The judge's ruling was also based upon other federal courts that had adopted the procedure to prevent prejudice; among them, the Eastern District of New York, where Ronell Wilson faced, but ultimately evaded the death penalty, for the 2003 murders of two New York Police Department detectives.

Vilaro, however, declined Gendron's lawyer's request to require that witnesses read their statements verbatim.

The judge called that request a significant departure from the court's ordinary procedures and unfair to witnesses and the government.



This is the first time the Donnelly Act will be used for criminal prosecutions in New York State, according to DA Alvin Bragg's office.

Manhattan DA Bragg Says His Office Will Use NY State Laws To Combat Wage-Fixing

BY EMILY SAUL

MANHATTAN District Attorney Alvin Bragg plans to go after wage-fixing and other labor crimes through a novel use of New York State's criminal antitrust laws, his office said.

The strategy is aimed at protecting workers' rights and labor issues, which are historically com-

bated through federal and civil means, via criminal prosecution.

"Wage-fixing hurts workers who deserve a competitive market," Bragg said. "We are asking unions, professional organizations, labor lawyers and companies that are hurt by collusion among their competitors to come forward."

Under the Donnelly Act, the DA's Worker Protection Unit can investigate and prosecute

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'Imperative Public Importance': Cases of Fired Agency Officials Converge on High Court

BY JIMMY HOOVER

WASHINGTON, D.C.

THE U.S. Supreme Court is under increasing pressure to resolve the constitutionality of independent agencies, with a number of cases brought by officials fired by President Donald Trump now converging on the high court at the same time.

The justices have already said various independent officials fired by Trump must be reinstated while they challenge their firings as illegal in court.

However, the high court has also declined multiple chances to consider, on the merits, whether Trump has a constitutional prerogative to fire members of those agencies at will, despite federal statutes mandating they can only be removed for cause.

"[T]hat question is better left for resolution after full briefing and



Legal challenges over President Donald Trump's attempted removal of Federal Reserve Board member Lisa Cook, left, and Commissioner of the Federal Trade Commission Rebecca Kelly Slaughter have begun piling up.



argument," the court explained. It's a question that strikes at the heart of the separation of powers, and could upend 90

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DC Circuit Blocks Firing Of Fed Governor »2

Financial Watchdog Urges NY-Regulated Banks To Roll Out Blockchain Analytics To Aid in Risk

BY BRIAN LEE

REGULATED banks that are contemplating or already conducting virtual currency-related activities should add blockchain analytics tools to their risk management practices, New York's state government financial services watchdog recommended on Wednesday.

Lawyers serving the industry saw the move as directed at smaller institutions just now dipping their toe in virtual assets.

The New York State Department of Financial Services' guidance letter, which is short of a regulatory mandate, called for assessing risk exposure through a variety of means.

This includes customer wallet screening and funds verification involving virtual asset service providers, and the conducting of holistic monitoring for illicit activity exposure and risk management of third parties, the guidance stated.

Additionally, analytics tools should augment due diligence controls to evaluate expected versus actual activity and weigh risks associated with a virtual currency product or service to be offered.

Alexandra Steinberg Barrage, a partner and co-chair of Morrison Foerster's Digital Assets

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DECISIONS OF INTEREST

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WAGE AND HOUR LITIGATION: **Class certified in construction site 'flaggers' action for prevailing wages.** *McMillian v. Out-Look Safety LLC, App. Div.*

DAMAGES: **Court increases pain and suffering damages in bathroom-ceiling collapse case.** *Watson v. OLR ECW Housing Development Fund Company Inc., Supreme Court, Bronx.*

CRIMINAL LAW: **Despite lack of obligated discovery; motion to dismiss denied.** *People v. Acevedo, Criminal Court, Bronx.*

Second Department

MEDICAL MALPRACTICE: **Court dismisses malpractice action; order and judgment given in previous action.** *Ayhan v. Rastogi, Supreme Court, Kings.*

LABOR LAW: **Defendant denied dismissal of Labor Law § 240(1) claim in staircase fall case.** *Villa-Farez v. 840 Fulton, LLC, Supreme Court, Kings.*

CONTRACTS LAW: **Motion for summary judgment in breach of contract action denied.** *Fenix Capital Fund-*

ing, LLC v. JPS Clothing Corporation, Supreme Court, Kings.

CRIMINAL LAW: **Motion to invalidate certificate of compliance denied by court.** *People v. Mendoza, Supreme Court, Queens.*

U.S. Courts

CIVIL RIGHTS: **Order vacated, appeal dismissed; parties no longer have stake in action's removability.** *Town of Newburgh, New York v. Newburgh EOM LLC, 2d Cir.*

PATENT LITIGATION: **Design patent not infringed; cookware lids' sole similarity is that they are round.** *E. Mishan & Sons Inc. v. Caraway Home Inc., SDNY.*

CONTRACTUAL DISPUTES: **Plaintiff's status as 'freelance worker' under FIFA disputed; corporate veil not pierced.** *SF Entities Inc. v. Gamborg, EDNY.*

CRIMINAL LAW: **Arrest supported by probable cause; laser pointer found in plain view not suppressed.** *U.S. v. Crapsi, WDNY.*

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LLM Improvements May Be Slowing Down. What Does It Mean for Legal Tech?

BY BENJAMIN JOYNER

THE LONG-AWAITED release of OpenAI's GPT-5 last month was largely met with a shrug, with many users saying it represented a smaller step forward than previous large language models (LLMs) from the company. This ambivalence has been reflected in the legal tech industry, where adoption of the model has been mixed given the distinct trade-

offs it presents compared to other models.

There's some thought the let-down isn't a one-off, as the pace of change in LLM development may be slowing overall, with incremental steps replacing more transformational changes. But legal tech companies, buoyed by more subtle improvements to the models and strong relations with their developers, still expect to be able to leverage new releases to improve their offerings.

Legal tech vendors largely share the broad consensus that GPT-5 represented a smaller step forward than previous model launches from OpenAI.

"It's definitely not what the leap was from GPT-3 to GPT-4," said Scott Stevenson, CEO and co-founder of Spellbook, which has incorporated GPT-5. "We've just had these wild leaps the past few years, and we're a little bit spoiled."

But while top-line performance may not be growing at

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Statute of Limitations for Tax Assessment: Whose Fraud Matters?
by Jeremy H. Temkin

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. Important Part information, including addresses, phone numbers and courtrooms are updated daily. **Only at nylj.com.**

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by Andrea M. Alonso and Kevin G. Foley

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Climate Change Forcing GCs To Confront Complex Web of Emerging Risks
by Trudy Knockless

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DC Circuit Blocks Trump's Firing of Fed Governor, Notes Likely Due Process Violation

BY AVALON ZOPPO

WASHINGTON, D.C.

A DIVIDED U.S. Court of Appeals for the District of Columbia has denied President Donald Trump's bid to fire Federal Reserve Governor Lisa Cook while her legal challenge plays out, saying her abrupt removal over mortgage fraud allegations likely violated her due process rights.

"In this court, the government does not dispute that it failed to provide Cook even minimal process—that is, notice of the allegation against her and a meaningful opportunity to respond—before she was purportedly removed," Judge Bradley Garcia wrote in a concurrence to the D.C. Circuit's unsigned order.

Judge J. Michelle Childs, a fellow Joe Biden appointee, joined Garcia's concurrence.

Cook filed a complaint Aug. 28 alleging Trump unlawfully attempted to remove her from the Fed's Board of Governors in violation of

her Fifth Amendment due process rights and of the Federal Reserve Act's bar on removing governors without cause. U.S. District Judge Jia Cobb entered a preliminary injunction this month ordering Cook be reinstated.

Garcia wrote that Cook—as a principal officer not removable at will—has a constitutionally protected property interest in her position under the U.S. Supreme Court's 1985 decision in *Cleveland Board of Education v. Loudermill*. Therefore, she must be given meaningful notice and an opportunity to respond to the reason for her removal, Garcia added.

In addition, the Supreme Court's recent emergency orders allowing Trump's firing of other independent agency commissioners—such as National Labor Relations Board member Gwynne Wilcox and Consumer Product Safety Commission member Mary Boyle—have no bearing on Cook's case, Garcia wrote.

"This case differs in material respects. First, neither *Wilcox*, *Boyle*,



Federal Reserve Governor Lisa Cook

nor any similar case involved a constitutional due process claim like Cook's, on which Cook is likely to succeed. That difference alters the equitable calculus," Garcia wrote.

"Second, Cook's role at the Federal Reserve differs in relevant

ways from the role of the officials addressed in *Wilcox* and *Boyle*," Garcia added. "Most simply, unlike in those cases, the government does not dispute that Federal Reserve Governors are properly protected from at-will removal."

Federal Housing Finance Agency Director Bill Pulte, appointed by Trump, accused Cook of making misrepresentations in applying for home mortgages before she was appointed to her position in 2023. Cook has denied the allegations.

Cobb, the district court judge, said in entering the preliminary injunction ordering Cook's reinstatement that permissible for-cause removal is limited to a board member's actions while in office.

In dissent, D.C. Circuit Judge Gregory Katsas said pre-appointment actions can be the president's motive for removal and warned of the consequences of the opposite holding.

"Imagine a Governor who amassed his great wealth and stellar reputation based on financial fraud discovered only after he took office," wrote Katsas, a Trump appointee.

"Imagine a Governor who is discovered to have bribed a Senator to ensure confirmation," Katsas

added. "Or imagine a Governor who is discovered to have committed murder before taking office. Such pre-appointment acts clearly would relate to the 'conduct, ability, fitness, or competence of the officer' for the office."

Katsas also wrote that Cook has no constitutionally protected property interest in her office that would entitle her to a pre-removal hearing. Katsas contended the due process protections in *Loudermill* apply only to civil-service employees who are removed for cause.

"Does one 'own' a public office as private 'property'? Of course not," Katsas wrote. "The employee-removal cases do not upend the commonsense intuition that one does not have a 'private property' right to wield '[g]overnmental powers' in our democratic system of government."

The D.C. Circuit appeal is *Cook v. Trump*, No. 25-5326.

Avalon Zoppo can be reached at azoppo@alm.com.

Google Faces New Antitrust Claims Alleging AI Search Training 'Misappropriation'

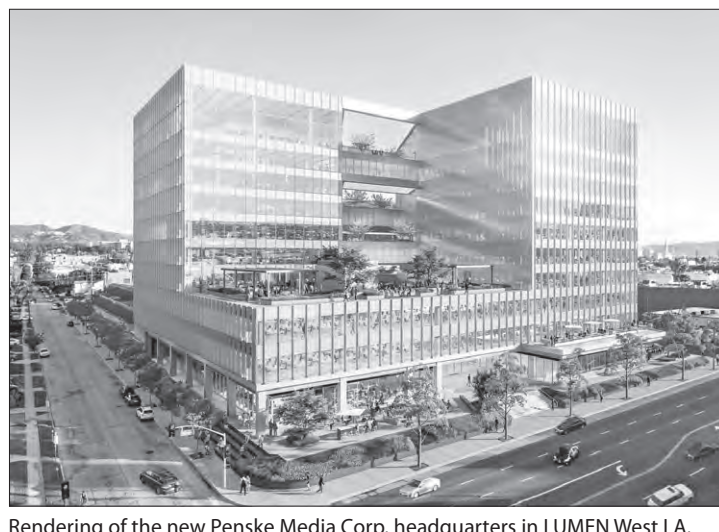
BY SULAIMAN ABDUR-RAHMAN

LOS ANGELES

THE OWNER of Rolling Stone, Variety and other digital properties has filed a lawsuit alleging Google uses its unlawful internet search monopoly to train generative artificial intelligence and display Google AI overviews without third-party publishers' permission.

Susman Godfrey on behalf of plaintiff Penske Media Corp. seeks treble damages and a court order to end Google's alleged misappropriation of digital publishers' content in violation of the Sherman Act and common law principles of unjust enrichment.

"The law does not permit Google's systematic anti-competitive conduct," counsel for PMC alleged in a 101-page complaint filed Sept. 12 in the U.S. District Court for the District of Columbia.



Rendering of the new Penske Media Corp. headquarters in LUMEN West LA.

"By this action, PMC seeks to hold Google responsible for the millions of dollars of harm it is causing and illicit profits it is reaping by

misappropriating PMC's unique and valuable works, and to protect the public's continued access to high-quality and trustworthy online

information," the plaintiff alleged in the complaint.

The case is assigned to U.S. District Judge Amit P. Mehta of the District of Columbia, who in August 2024 ruled Google violated the Sherman Act by monopolizing online search.

PMC cites Mehta's liability ruling in its complaint alleging Los Angeles-based PMC has "suffered an antitrust injury as a result of Google's illegal monopoly maintenance in the General Search Services market."

According to the allegations in the complaint, Google scans third-party content by crawling the web and forces third-party publishers to "acquiesce to this misappropriation of their content" that Google leverages to display AI overviews and featured snippets in search engine results pages.

Mehta in a Sept. 2 decision ordered behavioral remedies but

rejected the U.S. Department of Justice's proposed divestiture solution in Google's search engine monopoly case, ruling the government overreached in seeking a forced sale of Google's Chrome web browser and Android mobile operating system.

In addition to citing Mehta's liability ruling, PMC's complaint also mentions the advertising monopoly case where U.S. District Judge Leonie M. Brinkema of the Eastern District of Virginia in April found Google liable for alleged Sherman Act violations in the ad tech markets.

"Google itself recently admitted in briefing to the [U.S.] District Court for the Eastern District of Virginia that 'today, the open web is already in rapid decline,'" counsel for PMC wrote in the complaint. "Google is driving that decline, by siphoning referral traffic with AI Overviews." Mountain View, California-based

Google filed a "corrected memorandum" on Sept. 8, arguing "open-web display advertising is already in rapid decline" and that the DOJ's proposed divestiture remedies for ending Google's alleged monopolization of the ad tech markets would only make matters worse for publishers.

"With AI Overviews, people find Search more helpful and use it more, creating new opportunities for content to be discovered," a Google spokesperson said Tuesday in a statement. "Every day, Google sends billions of clicks to sites across the web, and AI Overviews send traffic to a greater diversity of sites. We will defend against these meritless claims."

Counsel as of Tuesday have not entered an appearance for Google in the PMC case.

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

DOT To End Delta-Aeromexico Partnership, Alleging Mexico's Open Skies Violations

BY DAN NOVAK

WASHINGTON, D.C.

THE TRUMP administration will end an antitrust exemption that permitted Delta Air Lines and Aeromexico to operate a joint venture and coordinate on pricing, scheduling and capacity, the U.S. Department of Transportation announced Tuesday.

The nine-year partnership between the airlines has created ongoing anticompetitive effects in U.S.-Mexico City markets, giving an unfair advantage to Delta and Aeromexico—the two dominant competitors, the DOT stated in its order. These effects have harmed passengers and cargo operations in additional markets between the United States and Mexico, and ending the exemption will level the playing field for other airlines, the department added.

The administration proposed the withdrawal of the exemption in July, when it accused the Mexican government of violating the 2015 U.S.-Mexico Air Transport Agreement. The accord—also known as the Open Skies agreement—allows American and Mexican airlines to operate between the countries with no restrictions on flights or pricing, subject to competition laws.

The DOT said Mexico in 2022 abruptly rescinded flight slots at Mexico City's Benito Juárez International Airport, which benefited Aeromexico. Mexico then forced U.S. cargo carriers to relocate operations to the less-preferred Felipe Angeles airport outside Mexico City, the department said.

Mexico's President Claudia Sheinbaum has denied the allegations of wrongdoing, saying flights were directed to Felipe Angeles to ease congestion and improve efficiency, not to punish U.S. carriers.



Delta and Aeromexico say their agreement creates 4,000 jobs.

Still, the DOT said Tuesday that Delta and Aeromexico should not be given an antitrust exemption as

long as Mexico continues to disadvantage U.S. carriers. The agency warned that a continuation of the

agreement would lead to higher fares in some markets, stifle innovation and reduce flight capacity.

"After years of taking advantage of the U.S. and our carriers, we need to see definitive action by Mexico that levels the playing field and restores fairness," U.S. Transportation Secretary Sean Duffy said in a statement. "Under President [Donald] Trump's leadership, we will continue to put America First and hold any country who thinks they can distort the rules accountable."

Delta and Aeromexico say their agreement creates 4,000 jobs, adds more than \$310 million to the U.S. gross domestic product and adds more than \$200 million of annual tourism spending in the United States. Mexico is the most common international destination for U.S. air travelers, according to DOT data.

"We are disappointed that the Department of Transportation has chosen to terminate its approval

of the strategic and pro-competitive partnership between Delta and Aeromexico, a decision that will cause significant harm to U.S. jobs, communities and consumers traveling between the U.S. and Mexico," Atlanta-based Delta said in a statement. "We are reviewing the Department's order and considering next steps."

Mexico City-based Aeromexico did not immediately respond to requests for comment. The exemption termination takes effect Jan. 1.

The DOT said it is reviewing similar air travel agreements with other countries for potential violations, including those in Europe.

"The Department is committed to enforcing our agreements to ensure that aviation markets are fair and pro-competitive," DOT said.

Dan Novak can be reached at dnovak@alm.com.

Matter of William James Furber III, an attorney and counselor-at-law

Motion No. 2023-06473

Appellate Division, Second Department

Lasalle, P.J., Dillon, Duffy, Barros, Nelson, JJ.

Decided: August 27, 2025

Courtney Osterling, White Plains, NY, for petitioner.

Frankfurt Kurnit Klein & Selz, P.C., New York, NY (Tyler Maulsby and Khasim K. Lockhart of counsel), for respondent.

Per Curiam—By affirmation dated July 25, 2023, on notice to the respondent, the Grievance Committee for the Ninth Judicial District advised this Court of the respondent's criminal conviction. By order to show cause dated December 21, 2023, this Court, pursuant to 22 NYCRR 1240.12(c)(3)(iii), directed the respondent to show cause at a hearing before the Honorable Arthur J. Cooperman, as Special Referee, why a final order of suspension, censure, or disbarment should not be made based on the respondent's conviction of driving while intoxicated, in violation of Vehicle and Traffic Law §1192(3). After a hearing conducted on February 28, 2024, the Special Referee filed a report dated May 14, 2024, setting forth his findings and con-

Disciplinary Proceeding

cluding that the respondent had not demonstrated why a final order of suspension, censure, or disbarment should not be made. The Grievance Committee now moves to confirm the Special Referee's report and to impose such discipline upon the respondent as this Court deems just and proper. The respondent cross-moves to disaffirm the Special Referee's report and direct the Grievance Committee to issue a private admonition or, in the alternative, to impose a sanction no greater than a public censure. The Grievance Committee opposes the cross-motion.

On September 17, 2021, at approximately 10:28 p.m., a bystander observed the respondent's vehicle to be in a single-vehicle accident and called the 911 emergency number. Police arrived on scene and observed the respondent's vehicle to be damaged, with the air bags deployed, and further observed the respondent to be with his minor daughter (hereinafter the daughter), who was a passenger in the vehicle. While approaching the respondent, the police smelled an odor of alcohol emanating from the respondent's breath and observed that the

respondent had slurred speech and watery eyes and appeared confused and dazed. The respondent informed the police on scene that he was a former Manhattan Assistant District Attorney and that he had had one drink. The respondent denied having any injuries, but the daughter complained of pain to her head and arm and appeared to be in shock. The daughter was seen by emergency medical services personnel on scene and was released to the custody of her mother, who arrived on scene after the accident and refused medical attention on the daughter's behalf.

The police determined that the respondent drove his vehicle eastbound on Hillside Road, drifted to the left side of the road, and struck a large tree, which caused

the vehicle to spin to face south-bound and strike a curb. The police administered a field sobriety test to the respondent, and he performed poorly. The respondent subsequently refused to give a breath test sample for the portable breath test and was arrested.

Following his arrest, the respondent was charged with violating: (1) Vehicle and Traffic Law §1192(2-a)(b) (aggravated driving while intoxicated with a child, a felony); (2) Vehicle and Traffic Law §1192(3) (driving while intoxicated, a misdemeanor); (3) Penal Law §260.10(1) (acting in a manner injurious to a child less than 16, a misdemeanor); and (4) Vehicle and Traffic Law §1194(1)(b) (refusal to take a breath test, a traffic infraction). The respondent was

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Expert Analysis

TAX LITIGATION ISSUES

Statute of Limitations for Tax Assessment: Whose Fraud Matters?

The Internal Revenue Service generally has three years from the date a tax return is filed to assess taxes for the year in question. 26 U.S.C. §6501(a). The three-year limitations period is, however, subject to numerous exceptions, including one that permits the IRS to assess tax “at any time” in “the case of a false or fraudulent return [filed] with the intent to evade tax.” 26 U.S.C. §6501(c)(1). Although logic might suggest that the extended limitations period should only be available to the IRS when the taxpayer acted with fraudulent intent, the code does not specify whose intent controls whether the IRS can invoke the “intent to evade tax” exception.

Last month, in *Murrin v. Commissioner*,—F.4th—, 2025 WL 2384059 (3d Cir. Aug. 18, 2025), the United States Court of Appeals for the Third Circuit concluded that §6501(c)(1) extends the statute of limitations based on fraud committed by the professional who prepared the tax returns at issue, even though the taxpayer was not implicated in the preparer’s fraud.

This article reviews the Third Circuit’s decision in *Murrin*, the Federal Circuit’s contrary treatment of the issue in *BASR Partnership v. United States*, 795 F.3d 1338 (Fed. Cir. 2015), and highlights the options available to affected taxpayers pending a possible resolution of the Circuit split by the Supreme Court.

Murrin

Between 1993 and 1999, Stephanie Murrin and her husband underpaid their taxes based on fraudulent entries their return preparer, Duane Howell, placed on their tax returns.

Nearly 20 years after the last return had been filed, the IRS discovered the fraudulent entries and,

JEREMY H. TEMKIN is a principal in Morvillo Abramowitz Grand Iason & Anello P.C. EMILY SMIT, an associate of the firm, assisted in the preparation of this article.

By
Jeremy H. Temkin



In 2019, it issued a notice of deficiency to Ms. Murrin for \$65,318 in taxes, an accuracy-related penalty of \$13,064, and an estimated \$250,000 in interest. Ms. Murrin filed a petition in the Tax Court arguing that the notice of deficiency was untimely.

Before the Tax Court, the parties stipulated that Howell had placed the fraudulent entries on Murrin’s returns without her knowledge, and that Howell had acted with the intent to evade taxes that she owed.

Relatedly, in discussing the statutory context of §6501(c)(1), the court noted that Congress expressly referenced the affected taxpayer’s conduct in three provisions relating to the application of the civil fraud penalty under §6663(a).

It was also undisputed that the assessment was issued after the three-year limitations period expired, so the only question before the court was whether Howell’s intent was sufficient to permit the IRS to invoke §6501(c)(1).

In ruling for the IRS, the Tax Court held that it was. *Murrin v. Comm’r*, T.C. Memo 2024-10 (2024).

In addition to relying on its prior resolution of the issue in *Allen v. Commissioner*, 128 T.C. 37 (2007), the court analyzed the text of §6501(c)(1) and the broader statutory context, and concluded that the exception is not tied to a particular person. Murrin then appealed to the Third Circuit, which affirmed the Tax Court’s decision.

In evaluating whether §6501(c)

(1)’s indefinite limitations period can be triggered without a showing that the taxpayer acted with fraudulent intent, the Third Circuit first looked to the statute’s text, noting that “[a]bsent from §6501(c)(1) is any express or implied textual indication that the ‘intent to evade tax’ is cabined to the taxpayer” and that “the plain and ordinary meaning of the phrase ‘intent to evade tax’ reveals no taxpayer-only limitation.”

The court next addressed the impact of Congress’s use of the passive voice in the statute, which it concluded “further evinces that the statute does not depend on a taxpayer’s intent.” Quoting from the Supreme Court’s decision in *Bartenwerfer v. Buckley*, 598 U.S. 69 (2023), which addressed a similar issue in the context of the Bankruptcy Code, the Third Circuit noted that by drafting the statute “without listing who must intend to evade tax, ‘Congress was agnostic about who[se]’ intent matters.”

In rejecting what it described as Murrin’s “strongest” textual argument—“that because the tax evaded is that owed by the taxpayer, the plainest reading of ‘intent to evade tax’ must refer to a taxpayer’s conduct”—the court reasoned that the code demonstrates that Congress knows how to limit a statute’s application to taxpayers and its failure to do so supports the conclusion that no limitation was intended.

Relatedly, in discussing the statutory context of §6501(c)(1), the court noted that Congress expressly referenced the affected taxpayer’s conduct in three provisions relating to the application of the civil fraud penalty under §6663(a).

According to the court, Congress’s failure to do the same in addressing the scope of §6501(c)(1) supports the IRS’s position that the extended statute could be predicated on a third party’s intent.

The court also looked at whether its interpretation was congruous with other sections of the code, specifically the fact that taxpayers are only subject to a civil fraud penalty based on

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Guardrails, Not Leashes: Preserving The Zone of Danger’s Boundaries

In *DeBlase v. Hill*, 83 Misc 3d 1242(A), 213 N.Y.S.3d 921 (N.Y. Sup. Ct. 2024) Justice Aaron D. Maslow took a significant step toward expanding tort liability by allowing a claim for negligent infliction of emotional distress (NIED) to proceed where the alleged injury was not to a human relative, but to a dog. Nan DeBlase witnessed her son’s dog being struck and killed by a negligent driver while she was crossing a Brooklyn street.

The court found that because DeBlase was in close physical proximity to the accident and feared for her own safety, her emotional trauma was potentially compensable under New York’s zone of danger doctrine, even though the decedent was a pet.

This decision pushes the bounds of a doctrine that the New York Court of Appeals has long treated with exceptional caution.

The zone of danger rule allows bystanders to recover for emotional harm only under tightly controlled conditions: where the plaintiff is in physical danger, suffers serious and verifiable emotional injury, and contemporaneously witnesses the death or serious injury of an immediate family member.

Courts have consistently rejected efforts to stretch this rule to include more attenuated relationships, emphasizing the importance of doctrinal clarity and administrable boundaries. Expanding recovery to a pet owner risks undermining the doctrine’s core principles.

New York’s current zone of danger framework reflects a deliberate, policy-driven effort to pigeon-hole liability for emotional harm.

While society may value pets as family, the legal system does not recognize emotional injuries arising from harm to animals as compensable under this doctrine. Nor is there any statute in New York that permits recovery for emotional dis-

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By
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And
Kevin G. Faley

trass resulting from the injury or death of a pet. Multiple appellate courts have reaffirmed that pets are treated as personal property in tort, and emotional damages stemming from their death are not recoverable.

New York’s Zone of Danger Doctrine: Tight by Design

New York’s zone of danger doctrine stands out as one of the nar-

New York law has been unequivocal: pets are classified as personal property. Emotional damages arising from a pet’s injury or death are not recoverable, even when the circumstances prove to be devastating.

rowest frameworks in the country for bystander emotional distress claims. Established in *Bovsun v. Sanperi*, 61 N.Y.2d 219 (1984) the rule permits recovery for NIED only when four distinct conditions are met: (1) the plaintiff was within the physical zone of danger created by the defendant’s negligence, (2) the plaintiff contemporaneously observed the death or serious physical injury of a third party, (3) the third party was a member of the plaintiff’s immediate family, and (4) the plaintiff suffered serious and verifiable emotional harm as a result.

The Court of Appeals has made clear that this doctrine is rooted not in empathy alone but in the fundamental need to “limit the legal consequences of wrongs to a controllable degree,” as first

articulated in *Tobin v. Grossman*, 24 N.Y.2d 609, 619 (1969).

The narrowness of the rule reflects a deliberate tradeoff: preserving administrability in tort law at the expense of denying recovery in some emotionally compelling cases. The concern is not that emotional harm is unreal, but that permitting recovery based on subjective relationships or psychological trauma risks unbounded liability.

Courts have reinforced these limits. In *Trombetta v. Conkling*, 154 Misc.2d 844 (1992), the court allowed recovery for a niece who had been raised by her aunt and was holding her aunt’s hand when she was struck and killed by a truck.

However, this decision was later reversed, indicating judicial reluctance to broaden the scope of “immediate family” beyond traditional definitions. In *Thompson v. Dhaiti*, 103 A.D.3d 711 (2d Dept 2013), the Second Department denied recovery to a stepdaughter who had been raised and supported by her stepfather.

These decisions demonstrate that even quasi-parental relationships do not qualify unless they fall within the bright-line category of immediate family.

More recently, in *Greene v. Esplanade Venture Partnership*, 36 N.Y.3d 513 (2021), the Court of Appeals carved out a narrow exception by allowing a grandparent to recover under the zone of danger doctrine. In that case, the plaintiff grandmother was walking with her two-year-old granddaughter when a piece of a building façade broke loose and fatally struck the child.

The court emphasized that the grandmother was within the zone of danger and had directly witnessed the death. Its decision was influenced by societal changes, the special status of grandparents under New York family law, and the increasing recognition of their caregiving roles.

The court maintained its cautious approach, underscoring that the inclusion of grandparents was a discrete expansion limited to those with legally recognized familial status, and did not open

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Off the Front

Officials

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years of Supreme Court precedent affirming the constitutionality of federal agencies that exist outside the direct control of the White House.

It's also a question the Supreme Court may not be able to avoid much longer.

Trump, and various officials whom he has fired, are urging the high court to hear their cases and settle the issue of the president's removal authority. "It is of imperative public importance that any doubts concerning the constitutionality of traditional independent agencies be resolved promptly," wrote lawyers for Rebecca Kelly Slaughter, the lone Democrat on the Federal Trade Commission who received an email from Trump on March 18 purporting to fire her from the agency.

Fired members of the National Labor Relations Board and Merit Systems Protection Board have also urged the court to take up their cases if it is inclined to consider the constitutionality of independent agencies.

The Trump administration has maintained that federal laws establishing job protections for dozens of agencies across the federal government are unconstitutional. The Justice Department insists that these various independent agencies violate

the president's authority under Article II of the Constitution to control the executive branch.

In its 1935 *Humphrey's Executor v. United States* decision, the high court upheld removal protections for FTC members in a landmark case that paved the way for Congress, over the ensuing decades, to create dozens of independent agencies whose members cannot, by law, be summarily fired by the president.

The Supreme Court held in *Humphrey's Executor* that presidents lack the "illimitable power of removal" and that Congress can create agencies that operate "independently of executive control." The ruling was a unanimous victory for the estate of a former FTC commissioner fired by President Franklin Delano Roosevelt over the commissioner's hostility to the New Deal.

As Trump's firing of members of the NLRB, MSPB and the Consumer Product Safety Commission have come up to the justices, the high court's conservative majority has granted the president's requests to pause lower court orders reinstating the officials to their posts.

However, the court has rebuffed U.S. Solicitor General D. John Sauer's repeated request to reconsider its landmark *Humphrey's Executor* precedent, preferring to wait until the lower courts have acted.

In the latest case involving Slaughter's firing from the FTC, a

split panel of the the U.S. Court of Appeals for the D.C. Circuit said it was bound by *Humphrey's Executor* to reinstate her to the agency.

Chief Justice John Roberts Jr. has temporarily paused that order to give his high court colleagues time to consider whether she should continue on the commission while challenging her removal in court.

The Trump administration, now with the consent of Slaughter herself, is once again asking the court to fast-track the case and reconsider the merits of *Humphrey's Executor* before the full appeals process has played out in the lower courts.

The NLRB and MSPB officials have responded to that development by urging the court to take up the merits of their firings instead, or in addition.

The battle over Trump's attempted removal of Federal Reserve Board member Lisa Cook is similarly playing out at high speed. A Justice Department spokesman declined to comment Tuesday on whether the administration will be seeking emergency intervention from the Supreme Court after she too was ordered reinstated by the D.C. Circuit.

The cases are *Trump v. Slaughter*, *Wilcox v. Trump* and *Harris v. Bessent*.

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Wage-Fixing

« Continued from page 1

wage-related and other employment crimes like no-poach agreements.

This is the first time the law will be used for criminal prosecutions in New York State, according to the DA's office.

Antitrust has most often been a federal responsibility, with enforcement coming in the form of civil actions. The Department of Justice in late 2020 began bringing criminal cases against employers for colluding to suppress wages.

But Terri Gerstein, Director of the NYU Wagner Labor Initiative, says a smattering of "progressive" state prosecutors across the country have started turning their attention to workers' rights and labor issues.

"These are people who are taking a broader view of what public safety means and what harm

means to people," said Gerstein, who previously worked for Bragg at the New York State Attorney General's Office.

"If a worker embezzles from an employer, no one questions the premise of whether or not that's criminal," she explained. "But if you reverse it...people say that's civil; go to small claims court."

Part of the push also comes from workers' advocates concerned that employer violations remain so persistent, she observed.

Gerstein said that when she was Labor Bureau Chief in the AG's office, it became clear to her that some offenders could be pursued civilly time and time again and would not change their behavior.

"There are the frequent fliers who just continue violating the law," she said. "There are employers where the conduct is so egregious...civil cases are not going to make a difference to them."

Bragg in 2023 announced the creation of the unit to protect workers from wage theft, exploitation, and other crimes.

To date, the Office's worker protection unit has prosecuted 11 cases, including one against the wonders of Grimaldi's Pizzeria, and recovered and distributed over \$1.3 million in stolen wages.

The DOJ has faced an uphill battle in criminalizing employment restrictions. Prosecutors in Nevada earlier this year secured the DOJ's first and lone trial conviction of a home health agency that conspired to cap the wages of nurses in its area.

"As rights at the federal level are rolled back, as staffing is reduced, it's so important for state and local government, elected officials, to fill the space and protect people," Gerstein said.

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LLM

« Continued from page 1

the same pace as it has previously, below the surface, subtler changes to the models such as improved tool calling and reasoning are making them better fits for increasingly popular agentic workflows. Many legal tech developers also use multi-model approaches, allowing them to work around the underlying models' limits and assign discrete tasks to the models best suited to handle them.

"I think what's important ... is not that the model gets much better, but the model becomes much better at a very particular thing, which gives it scope to do a lot more," said Joel Hron, chief technology officer at Thomson Reuters. "If you look at something like deep research, like GPT-4 would have never been capable of doing something like [that]. ... I think if you sort of get really technical at the core fundamentals of the model, not a lot has really changed, but still, I think the impact is quite large."

These changes are particularly important for companies developing legal tech tools. LLMs are already capable of producing high-quality output for many legal tasks when prompted well and given access to relevant information. What legal professionals are looking for is safety, consistency and reliability in products that are easy and intuitive to use.

"The models are pretty darn good for a lot of the things we need to do," said Jeff Reihl, executive vice president and chief technology officer at Lexis Nexis. "It's

less about the model performance now for us, and more about, 'how do we create all of these different agents using different tools that we have and piece them together, orchestrate them together in a way that's solving much more complex problems?'"

It also remains early days for GPT-5, meaning developers may continue to discover areas of improved performance as they experiment with the model and as OpenAI rolls out updates and tweaks.

"When we first tried it, we were actually initially disappointed," Stevenson said. "We just learned you had to prompt it differently. We had to feed it context differently, and once we did that, we were able to actually get much better performance out of it."

Good Relations

The legal tech industry's ability to continue to make important improvements even as LLM advancement slows is derived in part from the close relationships many vendors have with AI providers like OpenAI. Thomson Reuters, LexisNexis and Spellbook all had access to versions of GPT-5 prior to its release, as did some other legal tech companies, allowing them to experiment with the model and see where it might perform well in their workflows.

These relationships extend beyond early access to new models, as engineers from OpenAI will work directly with counterparts at vendors to help them apply the company's LLMs to legal

work most effectively, drawing on their intimate knowledge of the models.

"[OpenAI has] a whole team of engineers who can help," Stevenson said. "They're in our Slack channel helping our engineers. They've learned the best practices for how to prompt these new models."

The foundation model developers also rely on legal tech companies to provide feedback on what's working and what isn't with new models. This feedback is incorporated in updated versions of the models provided by the AI labs, which are particularly frequent prior to general availability. "Our initial feedback to OpenAI was, 'hey, it's not performing better, plus it seemed quite a bit slower,'" Reihl said. "During alpha phases, they're coming out with new versions all the time, so later in the week we might get a new version, and they'll say, 'try this one. We added a parameter that lets you control the length of the output.'"

At the end, the focus of working with the model developers is less about onboarding new models as quickly as possible than making sure the LLMs a vendor is using are those best suited to the products they're building.

"If you just try to stay current and on the latest thing because it's the latest thing, I think you're missing the real important point," Hron said. "It's not about being on the latest model. It's about building the most accurate solution that you can."

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Buffalo

« Continued from page 1

"Some victim impact procedures are appropriate to ensure a fair trial, but this goes too far," Vilardo noted.

The judge will also require the government to inform the court and defense counsel in advance of the hearing if it anticipates that any of its witnesses might have difficulty

controlling their emotions on the stand.

This will allow the court to play a video recording of their testimony, have another person read it, or take other measures.

Vilardo said he agreed with the government in its vow to make a good-faith effort to advise witnesses about the need to maintain their composure and decorum.

Gendron was convicted and sentenced to life imprisonment in his state case, and was hit with

27 felony counts in the federal indictment connected with the then 18-year-old's live-streamed, racially-motivated shooting that killed 10 people and injured three at a Tops grocery store in Buffalo on May 14, 2022.

Victim impact is one of nine aggravating factors for which the government is seeking a death sentence.

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Outside Counsel

The Appointments Clause, Part II: The Second Circuit and 'Flinton'

In the first installment of this two-part article, we analyzed *Kennedy v. Braidwood Management, Inc.*, 606 U.S. ___ (No. 24-316) (June 27, 2025), the U.S. Supreme Court's newest addition to the Appointments Clause pantheon. This second writing expounds the current internecine conflict among the federal appellate courts regarding the appropriate remedy for a violation of the Clause's provisions, focusing upon the Second Circuit's very recent contribution to that constantly evolving jurisprudence.

Flinton v. Commissioner of Social Security, ___ F.4th ___ (No. 23-7715-cv) (2d Cir. July 2, 2025), informs us that in March, 2018 the plaintiff was denied Social Security disability benefits by an in-house adjudicator. However, barely three months later, *Lucia v. S.E.C.*, 585 U.S. 237 (2018), proclaimed that administrative law judges who were not appointed by the President, with the advice and consent of the Senate, held office in violation of the Appointments Clause. *See U.S. Const., Art. II, § 2, cl. 2.*

The Supreme Court furthermore decreed that such a constitutional infraction must be rectified by reassigning the case to a different, properly appointed ALJ. Notwithstanding that directive, Flinton's case was returned to the same hearing officer, who denied her claims for a second time.

Now before the appellate bench, Flinton complained that, without a fresh adjudicator, the remand had been similarly "infected by an uncured unconstitutional violation." The government countered that any detritus of the prior Appointments Clause breach had been sponged away by the subsequent reappointment of the presiding officer in a manner consistent with Article II; moreover, the slate had been wiped clean by the merits-based vacatur of that official's prior decision.

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By
Anthony
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The U.S. Court of Appeals for the Second Circuit agreed with the claimant, declaring that "since Flinton did not receive *Lucia's* remedy of a hearing before a different ALJ," the follow-on proceeding "was still marred by the prior Appointments Clause violation." And mindful of inter-circuit dissension on this issue, the panel announced it was siding with the Fourth and Ninth Circuits, while "parting ways" with the Eleventh Circuit in regard to this controversy.

Flinton accorded the greatest weight to the dual linchpins under-

'Flinton' aptly illustrates that the appellate courts are in discord regarding the appropriate remedy for an Appointments Clause violation; high Court intervention is therefore inevitable.

girding *Lucia*: first, the high Court's conclusion that an administrative law judge cannot be expected to render a second judgment as if presiding over the controversy for the first time; and second, the supreme tribunal's clear edict that the same officer is prohibiting from conducting a subsequent hearing, even if that individual now benefits from a proper Article II appointment.

In a parenthetical, *Lucia* had expounded that Appointment Clause challenges do more than advance structural purposes. Circuit Judge Lee now relied upon that passage for finding that, since an incumbent ALJ would have no reason to think she had erred, Article II violations are best solved by assigning a fresh adjudicator.

Admittedly, the Supreme Court had stipulated that not every Appointments Clause misstep

requires a new hearing officer; nevertheless, opined *Flinton*, the remedy of remanding to a substitute adjudicator "presumptively applies," especially where there is no lack of constitutionally qualified administrative law judges.

The tribunal then paused momentarily to contemplate *Carr v. Saul*, 593 U.S. 83 (2021), which likewise arose from an ALJ's denial of Social Security benefits. There the high Court extrapolated from *Lucia* that Article II challenges may be raised for the first time before an Article III jurist, and are exempt from any issue-exhaustion prerequisite. In the case at bar, it was of no consequence that the claimant occupied a posture distinct from the petitioners in *Carr* because the government "did not raise [the issue-exhaustion] defense before the district court or on [this] appeal."

Now turning to elaborate upon the internecine conflict dividing the courts of appeals (as well as the Second Circuit's own district judges), the panel now declared unity with tribunals to the west and south. Its first alliance was with the Ninth Circuit, and the latter's conclusion in *Cody v. Kijakazi*, 48 F.4th 956 (9th Cir. 2022), that referral to an entirely new adjudicator was essential to rectifying any contravention of the Appointments Clause.

There the incumbent ALJ had copied, verbatim, portions of the initial decision into the second judgment, demonstrating that the presumed solution of a proper Article II reappointment of the same official does not cure the constitutional defect. Rather, opined the westernmost circuit, assigning a fresh hearing officer is the optimal path to satisfying the "remedial aims" of *Lucia*, among them, propagating the structure and intent of Article II, and encouraging litigants to raise Appointments Clause claims.

Next, the Second Circuit joined itself to the Fourth Circuit's holding in *Brooks v. Kijakazi*, 60 F.4th 735 (4th Cir. 2023), an opinion remarkably similar to *Cody*, yet with the significant addendum that a merits-based vacatur of a prior

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IN BRIEF

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ance date for amendments to Form PF adopted in 2024. The updates to the private funds form—which Republican Commissioners Peirce and Mark Uyeda voted against—will impose more stringent disclosure requirements on private fund advisers.

The SEC has delayed the compliance date three times, now to

March 1, 2026.

Atkins said further changes to the form could be coming.

"I, for one, certainly want to make sure that if we're demanding information from people that it's not excessive," he said. "So I think it's incumbent on us to be careful as we go through this."

The chair added that SEC staff was preparing a policy recommendation on semi-annual

reporting by public companies in response to a social media post by President Donald Trump.

"Subject to SEC Approval, Companies and Corporations should no longer be forced to 'Report' on a quarterly basis," Trump wrote. "This will save money, and allow managers to focus on properly running their companies."

—Dan Novak

Blockchain

« Continued from page 1

practice group, said the guidance is "directed at banks that are just getting into this, really for the first time," rather than large institutions already involved in forms of crypto-asset custody, or piling up different products.

The guidance does a good job of spelling out that it's going to depend on the actual bank and the risk profile, Barrage said in an interview with the Law Journal and Law.com.

She said of the guidance: "I think that the top recommendation is there is an expectation that New York-regulated banks are going to consider this. This is not a regulation. This is the supervisory expectation of DFS that banks that are already using some kind of crypto activity, or thinking about it, are going to incorporate blockchain analytics in their risk management. I think that what the guidance does a good job of saying is it's going to depend on the actual bank, and the risk profile, and so there's no one-size-fits-all results for any one bank."

It's important that an expectation is being imposed, Barrage said. "But it's clear that that expectation is there, and frankly, I think it makes sense," Barrage said. "Just based on my own practice, different types of banks are getting involved in crypto in terms of their size or their risk profile. How they're tailoring controls to fit their risk profile and their business models are different. They have different geographical footprints."

Nixon Peabody Complex Disputes partner Andrew Glass noted that, as virtual currency adoption expands, federal and state govern-

ments have encouraged the financial services industry to develop new tools to mitigate the risk of fraud and abuse.

"Congress in the GENIUS Act, and now the New York Department of Financial Services, have promoted the development of blockchain-based technologies to aid in the prevention of money laundering and other illicit practices," Glass said in a statement to the Law Journal.

"In developing new anti-risk analytic tools," Glass added, "industry members should remain knowledgeable about any legal requirements imposed by the New York Department of Financial Services or other agencies to maintain clearly documented policies, processes, and procedures regarding the use of blockchain analytics in connection with their risk prevention systems."

Another Nixon Peabody Complex Disputes partner, Gregory Blase, said that by emphasizing the need for collaboration with covered institutions to enhance the safety of virtual currency-related activities, the DFS industry letter serves to highlight the important role the industry plays in monitoring its own activities.

"Institutions can leverage blockchain technology to augment risk prevention measures through specific applications such as screening customer wallets involved in crypto transactions, verifying funds sources coming from virtual asset service providers, or high-level monitoring within the ecosystem to raise awareness of sanctions violations and money laundering efforts that might have an impact on virtual currency transactions. And the industry is expected to roll out new tools in the coming years."

Barrage said it's important to note that when banks are entering this kind of crypto activity, they have to continue to abide by the Bank Secrecy Act, a guardrail for money laundering and financing of terrorism.

"Blockchain analytics considerably aids in that regard," she said. Barrage said that she always talks about the importance of blockchain analytics when she speaks to banks that are looking to engage in different crypto activities.

Yet, it's not the only risk management tool she discusses.

"It's also really important for banks to have the right subject-matter experts at the bank," she advised. "They have to be able to monitor this activity on some level, and oftentimes it's happening at a third-party level. So having some window into that activity, through blockchain analytics can be really useful. But it's not the only thing they need."

In a statement, DFS Superintendent Adrienne A. Harris said:

"As traditional banking institutions expand into virtual currency activities, their compliance functions must adapt, onboarding new tools and technologies to mitigate new and different risks. As a leader in the regulation of virtual currency, DFS will continue to set clear and transparent expectations for institutions, to protect consumers and safeguard market integrity, while also ensuring New York-regulated banking organizations can remain resilient and competitive."

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Corporate Update

Climate Change Forcing GCs To Confront Complex Web of Emerging Risks

BY TRUDY KNOCKLESS

EXTREME weather isn't just an operational nuisance anymore—it's a board-level concern, and general counsel are being pulled into the center of the storm.

That's a key takeaway from Gartner's recently released Extreme Weather Risk report.

"Extreme weather events now rank in the top 10 of Gartner's quarterly emerging risk report, with global data showing they're becoming more frequent and destructive," said Alex Ossington, director of advisory in Gartner's assurance practice.

"Yet this risk can be difficult to manage because an extreme weather event can be seen as a random occurrence, leading to a perception among organizations that it is harder to monitor and prepare for."

While enterprise risk management has historically lived within finance, audit or compliance functions, the rise in regulatory scrutiny, investor pressure and potential litigation has placed legal in a more strategic seat, the report said.

It's a natural evolution, given legal's role in assessing political risk, geopolitical disruption and regulatory exposure, noted Jason Winnill, managing partner of the in-house consultancy Argopoint.

But many GCs lack the technical knowledge on the topic to provide the strategic advice their companies will need, Winnill said. "Very few people studied climate change, climate resilience or extreme weather preparedness in law school," he said. "This is going to be a new area for general counsels and legal leaders to get smart on."

And they'll need to do so quickly. According to Gartner, the number of S&P 500 companies mentioning "extreme weather" or "climate" in their annual reports has nearly doubled over the past four years.

These disclosures have implications for compliance, of course, but also for litigation, contracts and shareholder communication.

"General counsel need to help the organization and the board to understand the risks that could arise under different potential scenarios," said Drew Tannenbaum, a senior director in Gartner's legal and compliance practice.

Those include litigation exposure, shifts in insurance coverage, and changes to contractual obligations or rights.

Gartner's report urges companies to consider both physical risks—such as wildfires, floods or hurricanes—and transitional risks, such as regulatory changes, rising insurance costs or reputational damage from climate inaction.

For example, GCs may be asked to review whether climate scenarios impact "materiality" thresholds in public filings, or whether vendor and lease agreements address "force majeure" events or business-continuity obligations.

While GCs aren't expected to become climate scientists, Winnill said they must develop a "graduate-level" understanding of how these risks manifest within their organizations.

"The first step for the general counsel is to recognize what environmental risks their businesses are exposed to, based on its geographic and operational footprint," he said. "Don't study droughts if you're not in an area that has ever had a drought."

Achieving that level of preparedness will require studying industry-specific risk reports, reading agency data, joining professional communities, and building a network of subject-matter experts, Winnill said.

"There's probably going to be some late nights and cramming to do on this one," he added.

At the same time, GCs need to build rapport and trust with colleagues from other parts of the company who are participating in the planning. "The first key to being a successful contributor to any kind of cross-functional team is knowing your colleagues. Part of it is building the relationships you need with your cross-functional team before the fire alarm goes off."

Companies will count on their legal departments to flag when climate-related events, rules or laws are creating risks and to gauge the severity of those risks, said Scott McLester, a former at Wyndham Worldwide and Orangetheory Fitness.

From there, legal departments will need to advise on legal exposure and help craft business-continuity and crisis-response plans, he said.

Yet at many companies, the board hasn't yet discussed what role the GC should play in managing climate risk, according to Charles Elson, a retired finance professor at the University of Delaware who founded the school's Weinberg Center for Corporate Governance.

He advised GCs to proactively make the case for a seat at the table. "It's an education process," Elson said.

Winnill said GCs can add value by insisting on simulations and critiquing how they go, as well as by helping to ensure the participants in the planning think broadly.

"The greatest failure in most catastrophes is the failure of imagination," Winnill said, referencing a post-9/11 analysis by Harvard's Dean Graham Allison.

Imagination is one area where GCs can excel, he added. "Lawyers are really good at imagining things going wrong."

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CORPORATE CRIME

The Case for Contingent Fees in Presidential Pardons

By
Evan T.
Barr



In the wake of several highly controversial presidential pardons handed down earlier this year to white collar defendants, the media reported that numerous similarly situated offenders were now retaining lawyers and lobbyists boasting of ties to the Trump Administration.

According to one story, some clients were willing to spend as much as \$1 million or more on legal fees just for the chance to clear their names through the executive clemency process.

Of course, regardless of the choice of counsel, every pardon petition faces long odds against success. For that reason, agreeing to pay a huge upfront retainer under the circumstances would appear to be a poor investment for most applicants.

A contingent fee agreement, however, in which the attorney's compensation depends on the result obtained, might make more economic sense, and have the added benefit of making the process itself more accessible to a larger pool of petitioners.

This article will explore whether such a fee arrangement would pass muster under the applicable ethical rules and if so, whether it would be desirable from a criminal justice standpoint.

Model Rule 1.5

Most practitioners are aware that under ABA Model Rule 1.5 (d), which has been uniformly adopted by jurisdictions around the country, a lawyer may not accept "a contin-

gent fee for representing a client in a criminal case."

Proponents of this rule have put forth several rationales in support of this ban, as described in an excellent article by Cardozo Law Professor Peter Lushing, *The Fall and Rise of the Criminal Contingent Fee*, 82 J. Crim. & Criminology 498 (1991).

First, a contingent fee may create a conflict of interest between the lawyer's financial interests and the best interests of the client facing criminal charges. Specifically, if an attorney only gets paid in the event of outright acquittal, the lawyer might be tempted to advise against a reasonable guilty plea offer or fail to request that the court instruct the jury on a lesser included offense.

Second, legal services rendered in criminal cases typically do not produce a *res* (corpus of funds) from which to readily pay the lawyer's fee, as typically exists in a personal injury civil case.

Third, defense attorneys might take advantage of vulnerable criminal defendants who might feel compelled to accept disadvantageous fee terms under the pressure of facing the loss of liberty.

As Professor Lushing points out, however, many of these same concerns can and do equally arise in situations where defense counsel negotiates for a flat (non-refundable) upfront fee or even when he or she is being paid by the hour.

Opinions and Precedents

While there are no decisions on point regarding the propriety of soliciting or accepting a contingent fee in relation to seeking a pardon or commutation, there are at least two opinions (and one Clinton-era anecdote) that touch on the issue of whether such an arrangement

can be used in post-conviction proceedings.

In Florida Bar Ethics Opinion 80-5, the inquiring attorney asked for an advisory opinion as to whether the standard prohibition against contingent fees in criminal cases applied where the attorney and client agreed that fees paid up front would be refunded if the attorney were *unsuccessful* in obtaining post-conviction relief from a criminal conviction. The opinion did not describe the specific type of post-conviction relief being sought.

The only open question, for the Ethics Committee, was whether this unconventional monetary arrangement qualified as a contingent fee—as opposed to any analysis of whether *post-conviction* work should be treated differently than a pending criminal case.

Because funds were to be paid in advance with a refund upon lack of success, the Committee concluded there was no operative distinction between the proposed arrangement and a contingent fee as described under Rule 1.5(d), and therefore it was prohibited.

In D.C. Bar Ethics Opinion 262 (1995), a lawyer sought permission

apply to criminal cases in which the government proceeds against a criminal defendant" but would not apply to a "petitioner" who "after release from custody, claims error in the previous criminal proceeding" and "initiates the legal action."

In February 2001, the media reported that South Florida lawyer Hugh Rodham, brother of then-Senator Hillary Clinton, was paid a "success fee" of approximately \$200,000 for obtaining a pardon on behalf of Almon Glenn Braswell, who had previously been convicted on drug-related charges.

The story generated a firestorm of criticism, leading Rodham to return the fees at the request of former President Clinton and Mrs. Clinton. At the time the media focused on Rodham's allegedly improper access to the White House, not on the ethical propriety of the contingent fee arrangement at issue.

Nature of a Pardon Petition

While the temporal distinction drawn by the D.C. Bar opinion makes sense, pardons cannot automatically be categorized as either pre- or post-conviction proceedings.

Third, defense attorneys might take advantage of vulnerable criminal defendants who might feel compelled to accept disadvantageous fee terms under the pressure of facing the loss of liberty.

to accept a contingent fee in connection with filing a writ of *coram nobis* (an extraordinary court order used to correct a fundamental error) seeking to set aside the client's prior court martial conviction.

In approving this request, the Ethics Committee found that the standard prohibition against such fees under Rule 1.5 (d) was only "intended to

Under Department of Justice guidelines related to executive clemency, pardon applications are not supposed to be filed until a waiting period of at least five years after the date of release from prison or (if no jail sentence was imposed) the date of conviction.

From a constitutional standpoint, however, the pardon pow- » Page 7

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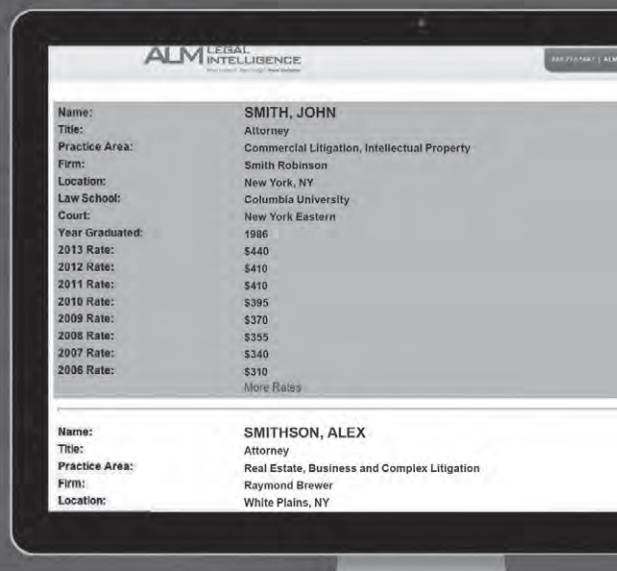
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Microsoft's Nowbar Confirms Departure, Hints at Next Move

BY GREG ANDREWS

HOSSEIN Nowbar has updated his LinkedIn to show that he stepped down as Microsoft's chief legal officer this month and is departing the company, capping a 28-year career with the technology giant.

The post followed a Law.com story on Monday reporting that Microsoft General Counsel Jon Palmer had updated his LinkedIn to show his promotion to CLO. Palmer also identified himself as CLO on Sept. 11 while serving on a panel at a Berkeley Law AI conference.



Microsoft General Counsel Jon Palmer

Law.com had asked Microsoft for clarification on Nowbar's status Sept. 12 and Monday and received confirmation late Monday afternoon of his departure, but with scant details.

In addition to updating the "experience" portion of his LinkedIn, Nowbar, 57, published a 322-word post early Tuesday that recounted highlights of his Microsoft career.

"In every role, whether advising engineers, supporting sales, or engaging with policymakers, I tried to follow a simple creed: put people first, empower them to do their best work, and then step aside to let them shine," Nowbar wrote. "Together, we showed that law can be a catalyst for innovation and trust, not just a safeguard."

He closed by saying, "I am thrilled that Jonathan (Jon) Palmer will serve as Microsoft's next Chief Legal Officer. The company's legal future is in outstanding hands."

The post offered no explanation for his departure after just two years as CLO, a post that put him over one of the world's largest legal departments and a senior executive at one of the world's largest companies.

Nowbar did not specify what he will do next, but said he wants to remain immersed in helping shape the technology revolution.

"As the world stands at a new inflection point—with AI, quantum, and space exploration—» Page 6

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Calendar of Events

THURSDAY, SEPT. 18

New York City Bar (Non CLE) Fall Gathering for Solos and Small Firms

6 p.m. - 8 p.m.
In-Person Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=SLF091825&mcode=NYLJ>
Location: 42 West 44th Street
Contact: 212-382-6663 or customerrelations@nycbar.org

America's Trial: Torture and the 9/11 Case on Guantanamo Bay : A Book Release and Discussion

6:30 p.m. - 8:30 p.m.
In-Person Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=MVA091825&mcode=NYLJ>
Location: 42 West 44th Street
Contact:
212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, SEPT. 24

New York City Bar (Non CLE) vLex Fastcase - Efficient Searching Webinar

3 p.m. - 3:30 p.m.
Registration Link: <https://services.nycbar.org/EventDetail?EventKey=fas092425&mcode=NYLJ>
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

THURSDAY, SEPT. 25

New York City Bar (Non CLE) Law Student Welcome Reception

6 p.m. - 8 p.m.
In-Person Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=LSWR092525&mcode=NYLJ>
Location: 42 West 44th Street
Contact: 212-382-6663 or customerrelations@nycbar.org

FRIDAY, SEPT. 26

New York City Bar (CLE) Restaurant Law Conference

9 a.m. - 5 p.m.
5.5 CLE credits
In-Person Registration Link:
<https://services.nycbar.org/RestaurantLaw/>
Location: 42 West 44th Street
Contact: 212-382-6663 or customerrelations@nycbar.org

MONDAY, SEPT. 29

New York City Bar (CLE) Ethical Considerations for Corporate Investigations:

Views from All Sides
2 p.m. - 5 p.m.
3 CLE credits
Registration Link: https://services.nycbar.org/EventDetail?EventKey=_

WEB91025&mcode=NYLJ
Location: Zoom
Contact: 212-382-6663 or customerrelations@nycbar.org

TUESDAY, SEPT. 30

Federal Bar Council (CLE) Federal Rules Update

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

New York City Bar (Non CLE) vLex Fastcase - Vincent AI for Estate Planning

3 p.m. - 4 p.m.
Registration Link: <https://services.nycbar.org/EventDetail?EventKey=fas093025&mcode=NYLJ>
Location: Zoom
Contact:
212-382-6663 or customerrelations@nycbar.org

BootCamp: Basic Training for Law- yers

9 a.m. - 2 p.m.
In-Person Registration Link:
<https://services.nycbar.org/EventDetail?EventKey=BOOT2025&mcode=NYLJ>
Location: 42 West 44th Street
Contact: 212-382-6663 or customerrelations@nycbar.org

Disciplinary Proceedings

The Appellate Division, Second Department

Matter of John J. Halton, an attorney and counselor-at-law

Motion No. 2022-04058

Appellate Division, Second Department

Lasalle, P.J., Dillon, Barros,
Connolly, Love, JJ.

Decided: September 10, 2025

Catherine A. Sheridan,
Hauppauge, NY (Rona I. Kugler
of counsel), for petitioner.

John J. Halton, Bay Shore, NY,
respondent pro se.

Per curiam—By affirmation dated May 24, 2022, on notice to the respondent, the Grievance Committee for the Tenth Judicial District advised this Court that on December 24, 2020, the respondent was arrested in Hempstead and charged with: (1) aggravated driving while intoxicated, in violation of Vehicle and Traffic Law §1192(2-a)(a), (2) driving while intoxicated per se, based on blood alcohol content of 0.08 percent or more, in violation of Vehicle and Traffic Law §1192(2), and (3) driving while intoxicated, in violation of Vehicle and Traffic Law §1192(3), all unclassified misdemeanors, and three traffic infractions. On August 18, 2021, in Nassau County District Court the respondent pleaded guilty to aggravated driving while intoxicated, in violation of Vehicle and Traffic Law §1192(2-a)(a), in satisfaction of all of the charges. During his plea, the respondent admitted to operating a motor vehicle on a public roadway with a blood alcohol content of 0.18 percent or higher after drinking “some beers.” The respondent was sentenced to a term of incarceration of seven days and a conditional discharge of one year, with the conditions that his driver license be revoked for one year, that he install an ignition interlock device in any vehicle that he owned or operated for one year, that he remain in an alcohol treatment program, that he complete the Impaired Driver Program, and that he attend a Victim Impact Panel. He was also required to pay \$1,395 in fines and surcharges.

The Grievance Committee also advised this Court that, in an unrelated matter, on March 7, 2021, and while the matter in Nassau County District Court was still pending, the respondent was arrested in Southold and charged with driving while intoxicated, in violation of Vehicle and Traffic Law §1192(3), an unclassified misdemeanor, and refusal to submit to a breath test, in violation of

Vehicle and Traffic Law §1194(1)(b). The allegations against the respondent included, inter alia, that a 911 call was received reporting that a vehicle was driving in an erratic manner by randomly stopping and making U-turns. A police officer arrived at the scene and observed the vehicle make a U-turn. The police officer conducted a traffic stop, and, upon finding the respondent to be driving the vehicle, determined that the respondent was intoxicated. The respondent refused to submit to chemical testing to determine his blood alcohol content. On February 11, 2022, the respondent pleaded guilty to driving while intoxicated, in violation of Vehicle and Traffic Law §1192(3). At his plea and sentencing, the respondent admitted to drinking at least six to seven beers prior to or during the operation of his vehicle and that this rendered him intoxicated. The respondent was sentenced to a term of incarceration of 45 days, his driver license was revoked for 18 months, and he was required to pay \$1,400 in fines and surcharges.

By order to show cause dated January 12, 2023, this Court, pursuant to 22 NYCRR 1240.12(c)(3)(iii), directed the respondent to show cause at a hearing before Honorable Peter B. Skelos, as Special Referee, why a final order of suspension, censure, or disbarment should not be made based on his convictions of aggravated driving while intoxicated and driving while intoxicated, in violation of Vehicle and Traffic Law §1192(2-a)(a) and (3), respectively, both unclassified misdemeanors.

After a hearing on April 25, 2023, the Special Referee filed a report dated January 2, 2024, setting forth his finding that the respondent failed to establish that a sanction of public discipline should not be imposed. The Grievance Committee now moves to confirm the Special Referee's report and to impose such discipline upon the respondent as this Court deems just and proper. The respondent submits no papers in response to the Special Referee's report or the Grievance Committee's motion.

Prior to his hearing before the Special Referee, the respondent submitted an affidavit attesting that he had completed all aspects of the Nassau County District Court sentence, except that he was not eligible for the Impaired Driver Program at that time. He attested that he was continuing his alcohol treatment program and that, with regard to his Southold conviction, he had completed his jail sentence but had yet to pay his fine. He stated that he had not timely filed a record of his convictions with this Court because he “was distraught and extremely emotionally impaired” following

his incarceration but had sent the Grievance Committee a letter dated January 14, 2022, providing information about both his first conviction and second arrest, and another letter dated March 23, 2022, regarding, among other things, his second conviction.

At the hearing before the Special Referee, the respondent did not dispute his criminal convictions and presented only mitigation evidence, including that, in the time leading up to his arrests, he was very troubled to be out of work due to the COVID-19 pandemic and had experienced personal challenges including the ending of a long-term relationship. He further noted his unblemished disciplinary record during his 32 years of practice of the law and that he took full responsibility for his “bad choices,” had accepted his punishment, served jail time twice, and had paid all of the fines assessed against him. The respondent expressed gratitude that no one was injured by his impaired driving, as well as his awareness that his conduct endangered lives. He testified that he had successfully completed treatment, including individual and group therapy, as well as random urine tests which all showed negative results for alcohol, and that he had stopped drinking alcohol. The respondent submitted an affirmation of his therapist, stating, inter alia, that the respondent had completed alcohol treatment and was emotionally and psychologically stable. The respondent further testified that he had secured rewarding employment at a rehabilitation and nursing center in client services and that he could commute to this employment by bus, as his driver license had not been reinstated.

In a report dated January 2, 2024, the Special Referee summarized the evidence in the record and found no aggravating factors. In mitigation, the Special Referee found that the respondent had taken full responsibility for the conduct which resulted in his convictions, completed the terms of his sentencing, including his incarceration and early release, engaged in therapeutic treatment for about 1½ years, received negative chemical testing results, and had not practiced law in the three years prior to the hearing but was engaged in non-legal employment which brought him personal satisfaction from helping others. The Special Referee concluded that, in light of the respondent's two convictions, and not withstanding the mitigating evidence and absence of aggravating circumstances, the respondent failed to establish that a sanction of public discipline should not be imposed.

The Grievance Committee moves to confirm the Special Referee's report and

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Microsoft

« Continued from page 5

tion poised to transform the global economy—I am excited to carry forward the learnings I developed over my career,” Nowbar wrote. “My goal is to help organizations embrace disruptive technologies responsibly and sustainably to drive economic and societal impact.”

In the post, Nowbar said, “I want to thank everyone who has been part of this journey: family, mentors, colleagues, and friends. I am profoundly grateful for your guidance, support, and the fun we shared along the way, and I look forward to sharing what's next.”

Nowbar was among the longest-serving employees of Microsoft's legal department. An American immigrant born in Iran, Nowbar

was working at a law firm when the release of Windows 95 so impressed him that he applied to work at Microsoft.

Palmer has been with Microsoft since 2010, when he joined as senior attorney. A slew of promotions followed—assistant general counsel in 2012, associate general counsel in 2015, head of litigation in 2019 and GC in 2023.

A company spokesman said employees learned in a March 2025 internal memo that Nowbar would be leaving. He wasn't fired, the spokesman said, and there weren't disputes surrounding his departure.

It's not clear why Microsoft did not announce Palmer's promotion or Nowbar's departure. The spokesman said the company doesn't announce every hiring. However, in June it did announce two appointments that fell below Nowbar in the legal department

hierarchy: the promotion of C.J. Mahoney, a trade official during the first Trump administration, to become the company's second general counsel, and the hiring of Lisa Monaco, who was deputy attorney general in the Biden administration and homeland security adviser in the Obama administration, as president of global affairs.

Veteran in-house observer Jason Winmill, managing partner of the consultancy Argopoint, called Nowbar's departure “a bit of a head-scratcher.”

He added: “We see an incredibly accomplished, well-connected senior legal executive making a transition that is unexpected. What's also unexpected is there doesn't seem to be any follow-up communication from Microsoft.”

@ Greg Andrews can be reached at gandrews@alm.com.

Matter of Furber

« Continued from page 2

subsequently charged by Superior Court Information (SCI) No. 72584/22 in the Supreme Court, Westchester County, with one count of aggravated driving while intoxicated with a child, in violation of Vehicle and Traffic Law §1192(2-a)(b), a felony, and driving while intoxicated, in violation of Vehicle and Traffic Law §1192(3), an unclassified misdemeanor. On January 24, 2023, the respondent pleaded guilty to count two of the SCI, driving while intoxicated, in violation of Vehicle and Traffic Law §1192(3). The respondent was placed on interim probation, which included the following conditions: being barred from driving, continued compliance with any treatment he was engaged in, 50 hours of community service, a Mothers Against Drunk Driving impact panel, an alcohol monitoring device, and completion of a parenting skills program. The respondent's sentencing was adjourned to January 23, 2024, for the respondent to satisfy the conditions of the plea.

On December 21, 2023, this Court issued an order to show cause directing the respondent to show cause at a hearing before the Special Referee why a final order of suspension, censure, or disbarment should not be made based on the respondent's criminal conviction in Westchester County.

On January 23, 2024, the respondent was sentenced to a period of three years of probation, with credit for one year served, a \$500 fine, driver license revocation for a period of six months, the installation of an ignition interlock device, 150 hours of community service, which the respondent completed prior to sentencing, and completion of the Impaired Drivers Program.

At the hearing before the Special Referee, the respondent testified that he had always wanted to go to law school and that he sought to serve the public, having worked as an Assistant District Attorney for approximately nine years before

leaving for private practice. As to his arrest, he was ashamed and filled with regret regarding his actions.

After the respondent's arrest, he began alcohol counseling and was diagnosed with minor alcohol use disorder. He was treated once weekly from October 2021 through October 2022, and despite completing treatment, the respondent still sought weekly treatment with the counselor. The respondent further testified that he attended an alcohol accountability group, You Are Accountable, and worked with a counselor on goal setting and implementation. The respondent further sought treatment from a psychiatrist, who diagnosed the respondent with low-level anxiety and prescribed him medication, and the respondent continued to seek treatment from that psychiatrist.

After his arrest, the respondent volunteered with a food pantry in Port Chester for approximately a year and a half, at which point he joined the board of directors for the organization that operated the food pantry. The respondent, as part of his sentence, was ordered to perform 150 hours of community service; however, by the end of the first year of his interim probation, he had completed 180 hours of service with the food pantry.

The respondent testified that he had not had a drink of alcohol since the night of the incident and that he no longer drank alcohol. The respondent further testified that this incident led to an investigation by Child Protective Services, but the ultimate result of that investigation was a “no finding.”

The respondent admitted that while many of the actions he took after his arrest were voluntary, he was aware that the actions would be favorable with respect to the resolution of his criminal matter and that his activities were reported to the Westchester County District Attorney's Office in relation to negotiating a plea agreement. Further, the respondent admitted that despite the field test report from the night of the arrest indicating that the respondent advised

the police he had had one drink, the respondent in fact had had 3½ drinks.

The respondent submitted character letters and had witnesses testify on his behalf as to his good character.

By report dated May 14, 2024, the Special Referee found and concluded that the respondent had not demonstrated why a final order of suspension, censure, or disbarment should not be made based on his criminal conviction.

The Grievance Committee now moves to confirm the Special Referee's report. The respondent cross-moves to disaffirm the Special Referee's report and direct the Grievance Committee to issue a private admonition or, in the alternative, to impose a sanction no greater than a public censure.

Findings and Conclusion

We find that the Special Referee properly concluded that the respondent failed to meet his burden of establishing why this Court should not issue a final order of suspension, censure, or disbarment based on his conviction of Vehicle and Traffic Law §1192(3) on January 24, 2023. In view of the evidence adduced, the Grievance Committee's motion to confirm the Special Referee's report is granted. The respondent's cross-motion is denied.

In determining an appropriate measure of discipline, this Court considered, inter alia, the respondent's history of civil service, his remorse, the efforts made to rectify the consequences of his conviction, and the substantial character evidence presented. Nevertheless, the respondent made the decision to drive while intoxicated, with his minor daughter in the vehicle, causing the respondent's vehicle to drift to the side of the road and strike a tree, which then spun his vehicle, causing it to strike a curb.

Under the totality of the circumstances, we find that the respondent's conduct warrants his suspension from the practice of law for a period of six months.

All concur.

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Expert Analysis / Outside Counsel / Corporate Update

Limitations

« Continued from page 3
 their own conduct. The court concluded that “it makes sense” that “Congress treats the payments of tax and the imposition of penalties differently.”

As the final piece, the court returned to *Bartenwerfer*, and reviewed the Supreme Court’s reasoning, namely the court’s reliance on common law fraud principles that establish “innocent people are sometimes held liable for fraud they did not personally commit.”

The Third Circuit rejected Murrin’s argument that *Bartenwerfer* was inapplicable to §6501(c)(1) since Bartenwerfer had been held liable for fraud committed by her partner and “tax-return preparers are not agents.”

Instead, the court found that *Bartenwerfer*’s approach to passive-voice phrases is more general in that it “pulls the actor off the stage,” regardless of the type of fraud at issue.

The court further noted that the Supreme Court’s last opinion interpreting §6501(c)(1), *Badaracco v. Commissioner*, 464 U.S. 386, 391 (1984), aligns with *Bartenwerfer*’s analysis, specifically that the statute of limitations “must receive a

strict construction in favor of the government.”

BASR Partnership

In *Murrin*, the Third Circuit acknowledged that the Federal Circuit had concluded that the extension of the limitations period pursuant to §6501(c)(1) is only available when the taxpayer acted with fraudulent intent.

In *BASR Partnership*, a family partnership entered into a series of transactions designed by a lawyer to reduce the partners’ tax liabilities following the sale of a printing business. Eleven years later the IRS sent a final partnership administrative adjustment (FPAA) to the partnership, finding that the transactions lacked economic substance, and adjusted the tax liabilities accordingly.

Unlike Murrin who opted to litigate the assessment in Tax Court, the taxpayers in *BASR Partnership* paid the tax and sued for a refund in the Court of Federal Claims. The taxpayers then filed a motion for summary judgment arguing that the adjustments and increased tax liability were untimely under §6501(a).

The IRS conceded that the taxpayers lacked fraudulent intent but argued that the lawyer had acted with the requisite intent when he

recommended the structure of the partnership. The court rejected this argument and agreed with the taxpayers that the lawyer’s fraud was too remote to toll the statute of limitations.

The IRS then appealed to the Federal Circuit. With the notable difference that the case predated

The court also looked at whether its interpretation was congruous with other sections of the code, specifically the fact that taxpayers are only subject to a civil fraud penalty based on their own conduct.

Bartenwerfer’s approach to passive statutory language by eight years, Judge Raymond Chen’s majority opinion followed the same general approach as the Third Circuit—looking to the statutory text, context, and precedent—but arrived at a different interpretation of the statute.

Chen first examined the words of §6501(c)(1), and unlike the Third Circuit, reasoned that “silence alone does not automatically compel the conclusion” that Congress envisioned that third party intent could suspend the statute of limitations.

Without finding a clear answer to the question of whose intent matters in the statutory text, the court looked to other fraud provisions

in the code, and unlike the Third Circuit, concluded that these provisions strongly suggest that the code “confines the ‘intent to evade tax’ inquiry to the taxpayer’s intent.”

Finally, Chen addressed the Tax Court’s contrary interpretation in *Allen v. Commissioner*, 128 T.C. 37 (2007), which the Third Circuit

described as “well-trod ground.” Chen pointed out that *Allen* did not consider the larger statutory scheme and distinguished that case on the ground that it involved fraud by the return-preparer, as opposed to the lawyer who advised the taxpayers in *BASR Partnership*, who was one step removed from the preparation of the fraudulent return.

Judge Kathleen M. O’Malley concurred in Chen’s decision agreeing that “it is the taxpayer (or possibly his authorized agent) who must have the requisite ‘intent to evade tax,’” and that the IRS’s assessment was untimely.

Judge O’Malley, however, concluded that the case was governed by 26 U.S.C. §6229, which fixes

the limitations period for making assessments attributable to partnership items.

In a dissenting opinion, Chief Judge Sharon Prost found §6501(c)(1) unambiguously “places no limits on who must have the intent” and disagreed with the majority’s analysis of how the statute fits with other fraud-related provisions of the code.

Rather, Prost argued that the express references to “the petitioner” or a “partner” in other provisions show that Congress knew how to limit intent if it so wished.

Conclusion

In a footnote in *Murrin*, the Third Circuit noted that its treatment of §6501(c)(1) aligned with the Second Circuit’s decision in *City Wide Transit, Inc. v. Commissioner*, 709 F.3d 102 (2d Cir. 2013).

In *City Wide*, however, an accountant had filed fraudulent tax returns on behalf of a client to facilitate his embezzlement of funds the client had allocated to pay its tax liabilities, and the Tax Court had rejected the commissioner’s attempt to trigger §6501(c)(1), finding that the accountant’s actions did not support a finding of fraudulent intent and instead were an “incidental consequence” of efforts to cover up his embezzle-

ment scheme. *City Wide Transit, Inc. v. Comm’r*, 102 T.C.M. 542 (2011). On appeal, the Second Circuit described the question before it as “very narrow” and rejected the Tax Court’s focus on the “incidental” nature of the accountant’s fraud as “inappropriately substitut[ing] motive for intent.”

Given the taxpayer’s concession that §6501(c)(1) would apply if the accountant had filed its returns with the requisite intent, unlike the Third Circuit in *Murrin*, the Second Circuit did not have occasion to analyze the statutory language.

Until the Supreme Court addresses the split between the Federal Circuit and the Third Circuit, practitioners representing affected taxpayers should advise their clients of the potential benefits of paying the assessed tax and challenging the IRS’s invocation of §6501(c)(1) in the Court of Federal Claims, as opposed to litigating in the Tax Court.

Assuming the Federal Circuit stands by its decision in *BASR Partnership*, litigating in that forum offers taxpayers who can afford to pay the assessment pending a claim for a refund an opportunity to avoid the harsh outcome of an extended limitations period based on their tax professional’s misconduct.

Zone

« Continued from page 3
 the door to broader reinterpretations of the doctrine.

The throughline across these cases is judicial restraint. The zone of danger doctrine is not designed to reach every case of genuine emotional harm.

It is a narrow, purpose-built exception that rests on clear criteria, physical danger, contemporaneous observation, and close legal kinship, not subjective emotional bonds. This disciplined approach has preserved the doctrine’s legitimacy, even in the face of changing social norms.

Companion Animals: Valued, but Still Property

To many New Yorkers, pets are not just animals; they are companions, confidants, and, in many households, surrogate children. Courts have acknowledged as much in their rhetoric, recognizing that a pet is not just a thing and occupies a special place in its owner’s life.

New York law has been unequivocal: pets are classified as personal property. Emotional damages arising from a pet’s injury or death are not recoverable, even when the circumstances prove to be devastating.

The principle was clearly articulated in *Schrage v. Hatzlacha Cab Corp.*, 13 A.D.3d 150 (2004) where the First Department held that a pet’s death caused by negligence did not give rise to a claim for emotional harm.

The court reaffirmed that a dog, no matter how beloved, is property, and the owner’s remedies are limited to economic damages.

The same conclusion was reached in *Johnson v. Douglas*, 187

Misc.2d 509 (2001), where the court rejected emotional distress damages for the negligent destruction of a dog. *see also Young v. Delta Air Lines, Inc.*, 78 A.D.2d 616 (1980) (where the court reaffirmed that New York law does not permit recovery for mental suffering or emotional disturbance as an element of damages for the loss of property, including pets).

Some trial courts have gestured toward a more compassionate view. In *Corso v. Crawford Dog and Cat Hospital, Inc.*, 97 Misc.2d 530 (1979), the court noted that a pet is not simply an item of personal property but occupies a special place between a person and a piece of property. In *Travis v. Murray*, 42 Misc.3d 447 (2013), a matrimonial court declined to treat a dog as a mere chattel in a divorce proceeding.

These decisions are the exception, not the rule. They do not alter the controlling doctrine in tort law. In fact, *Travis v. Murray* was later superseded by statute, reinforcing the Legislature’s role in redefining the legal status of animals, not the judiciary’s.

The law is clear: emotional harm caused by the loss or injury of a pet is not compensable in tort unless the plaintiff independently satisfies the narrow requirements of the zone of danger doctrine.

That doctrine requires fear for one’s own physical safety, not merely grief over another’s death, animal or human. While courts may acknowledge the emotional toll of losing a pet, they have repeatedly declined to transform that recognition into a basis for legal recovery.

Why Expanding Zone of Danger Recovery Is Doctrinally Incoherent

Expanding New York’s zone of danger doctrine to include emo-

tional distress over the death of a pet would not merely stretch existing precedent, it would rupture the doctrine’s core structure. The rule’s legitimacy has always depended on its restraint.

It draws enforceable lines between compensable and non-compensable harm, not based on emotional intensity, but on objective, administrable criteria. Adding companion animals to the category of immediate family would unmoor the doctrine from its legal founda-

However, the court’s suggestion that witnessing the death of a dog may support a bystander claim under the zone of danger rule disregards decades of New York precedent limiting recovery to those who witness harm to immediate family members.

tions and invite precisely the kind of speculative, subjective claims it was designed to avoid.

The trial court in *DeBlase v. Hill* acknowledged that Nan DeBlase feared for her own safety when her son’s dog was struck and killed in a crosswalk. That finding certainly placed her within the zone of physical danger.

However, the court’s suggestion that witnessing the death of a dog may support a bystander claim under the zone of danger rule disregards decades of New York precedent limiting recovery to those who witness harm to immediate family members.

It is precisely in close-call cases like *Trombetta v. Conkling*, where the plaintiff had been raised by the decedent, or *Thompson v. Dhaiti*, where the stepdaughter was financially and emotionally dependent on the victim, that the Court of Appeals and Appellate Divisions have declined to extend the zone.

Pets, however cherished, do not share a recognized legal status

within the family unit. In *Greene v. Esplanade Venture Partnership*, the Court of Appeals allowed recovery for a grandmother who witnessed her granddaughter’s death, but only after grounding the decision in existing statutory recognition of grandparental rights under the Domestic Relations Law. *Greene*, 36 N.Y.3d.

The court took pains to clarify that it was not opening the door to broader expansion. *Greene* underscores the court’s careful

that is a question for the Legislature.

Parallel Legislative Restrain: Grieving Families Act and The Role of Statutes

New York has a long tradition of grounding recovery for emotional and wrongful death damages in clear statutory frameworks. This tradition underscores the judiciary’s reluctance to expand emotional distress recovery outside well-defined legislative channels.

The Estates, Powers, and Trusts Law (EPTL) confines wrongful death recovery to the decedent’s “distributees”, as defined by EPTL §4-1.1, reflecting the state’s inheritance chart. Damages are apportioned among distributees based on their pecuniary losses, not emotional anguish. Stepchildren, romantic partners, or even siblings may be excluded entirely unless they qualify under the statute.

Efforts to change that paradigm have taken the form of proposed legislation like the Grieving Families Act. That Act seeks to expand wrongful death recovery to include non-economic losses, such as grief and loss of companionship, and to broaden the class of eligible plaintiffs to include domestic partners and other close family members.

Despite passing both houses of the legislature multiple times, the bill has been vetoed due to concerns over insurance costs, litigation burdens, and ambiguous definitional standards.

These legislative debates mirror the same policy concerns animating the judiciary’s tight control over the zone of danger doctrine: the need to limit liability to a controllable degree.

Just as courts have declined to expand the class of zone of danger plaintiffs beyond traditional family relationships, the legislature has

been cautious in extending wrongful death recovery beyond pecuniary loss and statutorily defined distributees.

Importantly, while the Grieving Families Act reflects an ongoing policy conversation, there is no comparable bill seeking to expand the zone of danger doctrine to include pets or other non-human companions.

Judicial restraint in tort expansion is not judicial coldness. It is fidelity to the rule of law. Where legislative bodies have hesitated to act, courts should be even more cautious about creating new categories of emotional harm.

Leave Change To the Legislature

The emotional bond between people and their pets is undeniable. New York’s zone of danger doctrine confines recovery for emotional distress to plaintiffs who were physically endangered and who witnessed the death or injury of a narrowly defined class of close family members.

Expanding that doctrine to include pet owners would undermine decades of doctrinal consistency.

The trial court’s decision in *DeBlase v. Hill* may have been well-intentioned, but it signals a shift that the Court of Appeals has resisted. The judiciary has drawn the outer limits of bystander recovery with extraordinary care.

That line should not be moved based on emotional intuition. We await to see what the Second Department does on this matter. If New York is to recognize emotional damages for the death of a pet, it should do so through clear, legislative action, not through case-by-case judicial improvisation. The zone of danger doctrine was never meant to stretch. It was meant to hold.

‘Flinton’

« Continued from page 4
 outcome does not wipe away the stain of an earlier Appointments Clause offense nor does it obviate the need for a different ALJ.

The New York tribunal concurred that *Lucia* did not authorize halfway measures. Wherever a previous judgment is “tainted with an [A]ppointments [Clause] violation,” opined Circuit Judge Lee, nothing less than total relief will suffice. Merits-based vacatur simply cannot surmount the difficulty inherent in asking the same adjudicator to consider the matter as if she had not heard it before. *Flinton, supra, slip op. at 15-16* (internal citations and quotations omitted).

Notwithstanding that the Second Circuit made common cause with the Ninth and Fourth, the panel was eminently fair in expositing the contrary view, as exemplified

by the Eleventh Circuit in *Raper v. Commissioner of Social Security*, 89 F.4th 1261 (11th Cir. 2024), *cert. denied sub nom., Raper v. O’Malley*, ___ U.S. ___, 145 S. Ct. 984 (2024). There the southern tribunal ruled that a merits-based vacatur of an administrative decision effectively stamps out an earlier Appointments Clause infraction.

The Eleventh Circuit’s rationale was threefold: vacatur eradicates the original decision; erasing the prior judgment moots *Lucia*’s remedial aim of encouraging constitutional challenges; and reverting to the same ALJ is equivalent to an appellate remand to a trial court. As such, nothing should forestall the same official from presiding over a second hearing, assuming, of course, there has been an intervening reappointment consonant with Article II.

Flinton was unmoved. The Second Circuit steadfastly maintained that *Lucia* not only mandates a hearing *de novo* before a properly

seated administrative law judge, it likewise prohibits the original adjudicator from hearing the controversy for a second time. “There would be no need for the second component of the remedy if any Appointments Clause violation

The Appointments Clause is constantly evolving, and we look forward to the Supreme Court continuing in its never-ending task of refining that vital guarantor of liberty.

were fully ameliorated by a plenary hearing before any properly appointed ALJ” (internal quotation and citation omitted). In contradiction to its southernmost peer, this appellate court declined to interpret *Lucia*’s “proffered rationales as imposing preconditions” for the application of particular solutions.

In sum, *Flinton* concluded that *Lucia* “did not carve out any exceptions” to its well-defined response to Article II violations, and this tri-

bunal was “not at liberty to create one here.” Having “suffered an unalleviated Appointments Clause violation,” this plaintiff had the right to a substitute ALJ.

For sake of completeness, the Second Circuit characterized as

a “nonstarter” the government’s assertion that reversion to the identical hearing officer was permissible. While acknowledging the adjudicator’s second decision “did materially differ from his earlier determination,” that was not enough to assuage the panel’s grave doubts that this same ALJ had truly reconsidered the matter anew.

Almost as an aside, the tribunal took a final note of the Ninth Circuit’s apparent willingness to

indulge in an “*ad hoc* exercise” of quantifying any taint to a follow-on decision rendered by a returning adjudicator.

Disinclined to endorse any such additional inquiry, the Second Circuit cast itself more in line with the Fourth Circuit’s stance, agreeing that, even if the same appointee subsequently takes office in a manner consistent with Article II, there is irreversible contamination from the initial Appointments Clause miscue.

For its *coda*, the appellate bench reaffirmed that *Lucia*’s directives control, most especially its command that the best relief for an Article II transgression is proceeding anew before a fresh ALJ. Said landmark makes no exemptions for merits-based vacatur, and “does not invite *ex post* scrutiny” to determine if a hearing officer’s second holding is “dissimilar enough...to be sufficiently untainted” by the initial decision.

Indeed, the Second Circuit found

persuasive the claimant’s allegation that failing to refer a case to a different administrative law judge whenever there is a merits-based vacatur, while awarding a new ALJ to a litigant who had endured only a constitutional infraction, would cast dysfunction into the Supreme Court’s well-crafted framework for resolving Appointments Clause controversies.

Flinton aptly illustrates that the appellate courts are in discord regarding the appropriate remedy for an Appointments Clause violation; high Court intervention is therefore inevitable. Just as *Lucia* gave impetus to the current disharmony, we forecast that *Kennedy* and *Flinton* both shall be the progenitors of new constitutional challenges predicated upon different aspects of Article II. In sum, the Appointments Clause is constantly evolving, and we look forward to the Supreme Court continuing in its never-ending task of refining that vital guarantor of liberty.

Pardons

« Continued from page 5
 er indisputably “may be exercised at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction and judgment.” *Ex Parte Garland*, 71 U.S. 333 (1866). Famously, President Ford pardoned Richard Nixon prior to the filing of any Watergate-related charges against him.

Pardons also differ *qualitatively* from criminal cases. As the Supreme Court has noted,

“[c]lemency proceedings are not part of the trial – or even of the adjudicatory process.

They do not determine the guilt or innocence of the defendant and are not intended primarily to enhance the reliability of the trial process. They are conducted by the executive branch, independent of direct appeal and collateral relief...” *Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 284 (1998).

Due to the political nature of the process, at least one federal court has ruled that counsel seeking a pardon are acting principally as lobbyists, not lawyers, and thus

their communications may not be covered by the attorney-client or work product privileges. *See In re Grand Jury Subpoenas Dated March 9, 2001*, 179 F.Supp. 2d 270 (S.D.N.Y. 2001).

Conclusion

Given the absence of guidance in almost every jurisdiction, a lawyer contemplating a contingent fee for seeking a pardon must tread very carefully, especially in pre-conviction or pre-indictment settings, where it is much more likely that a bar ethics committee scrutinizing

the arrangement would consider such work to be in relation to “a criminal case.”

As the legal market for pardon work continues to evolve, it is probably only a matter of time before a court or ethics panel will confront this issue.

Some will argue that contingent fees would add to the appearance of a pay-to-play culture that already allegedly surrounds the pardon process, and for that reason alone should be banned in this context.

On the other hand, the conflict of interest that Rule 1.5(d) is primarily concerned with in criminal

cases simply does not apply in most pardon applications, where there are no longer any potentially fraught decisions related to taking a guilty plea, for instance.

And assuming the president (as is most likely) does not grant the pardon, the contingent client is no worse off, from either a financial or litigation standpoint, than the status quo ante.

There is also a public policy argument to consider. As the former DOJ Pardon Attorney recently told *Bloomberg* in bemoaning the present situation with pardons, “it seems like ordinary people

who don’t have the resources to hire a lobbyist or well-connected lawyer and don’t have political connections and access to the White House front door are not being considered for clemency at all.”

If that’s true, then allowing contingent fee arrangements in connection with pardon petitions might benefit those *less* privileged applicants (including non-white collar offenders) who would otherwise not be able to afford to hire clemency counsel out of pocket, especially to pursue a cause that is always going to be a legal longshot.

Disciplinary Proceedings

Matter of Halton

«Continued from page 6»

for this Court to impose such discipline upon the respondent as it may deem just and proper. The Grievance Committee notes that the respondent has no disciplinary history.

The respondent does not cross-move or submit any response to the Grievance Committee's motion.

Findings and Conclusion

In view of the evidence adduced, the Grievance Committee's motion to confirm the Special Referee's report is granted. Under the totality of the circumstances, including evidence that the respondent completed the terms of his sentencing, engaged in therapy, has remained sober, and has secured rewarding non-legal employment, the respondent is publicly censured for the unlawful conduct that resulted in his convictions of aggravated driving while intoxicated and driving while intoxicated (see *Matter of Lovell*, 232 AD3d 64; *Matter of Battaglia*, 177 AD3d 16).

All concur.

Matter of Andrew F. Plasse, an attorney and counselor-at-law

Motion No. 2022-06115

Appellate Division, Second Department

Lasalle, P.J., Dillon, Duffy, Barros, Christopher, J.J.

Decided: September 10, 2025

David W. Chandler, Brooklyn, NY (Susan Korenberg of counsel), for petitioner.

Michael S. Ross, New York, NY (Eugene Gormakh of counsel), for respondent.

Per curiam—The Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts commenced a formal disciplinary proceeding pursuant to 22 NYCRR 1240.8 against the respondent by serving and filing a notice of petition and a verified petition, both dated July 14, 2022. The petition contains four charges of professional misconduct. The respondent served and filed an answer dated August 29, 2022. By decision and order on application dated October 19, 2023, this Court, pursuant to 22 NYCRR 1240.8(b) (1), referred the matter to the Honorable David B. Vaughan, as Special Referee, to hear and report. In a report dated July 22, 2024, the Special Referee sustained the four charges in the petition. By notice of motion dated September 19, 2024, the Grievance Committee moves to confirm the Special Referee's report and to impose such discipline upon the respondent as this Court deems just and proper. In response, the respondent submits an affirmation in which he does not oppose the Special Referee's findings but offers arguments in mitigation and requests that the discipline imposed be limited to a six-month suspension.

The Petition

The petition alleges four charges of professional misconduct surrounding the respondent's escrow account. The respondent maintained an attorney escrow account at Capital One Bank entitled "Andrew F. Plasse, IOLA Attorney Trust Account" with an account number ending in x-0369 (hereinafter the escrow account). Charge one alleges that between February 1, 2018, and March 25, 2019, the respondent deposited settlement checks into the escrow account, totaling \$305,100.77, on behalf of 14 clients. Between September 4, 2018, and May 23, 2019, the respondent made disbursements on behalf of these client matters and the escrow account balance repeatedly fell below what he was required to maintain.

On December 11, 2018, the respondent was required to be holding at least \$11,621.60 in the escrow account. However, on that day, the balance in the escrow account had been depleted to \$8,689.16, creating a \$2,932.44 deficiency.

On January 15, 2019, the respondent was required to be holding at least \$25,037.47 in the escrow account. However, on that day, the balance in the escrow account had been depleted to \$21,782.54, creating a \$3,254.93 deficiency.

On February 8, 2019, the respondent was required to be holding at least \$15,656.43 in the escrow account. However, on that day, the balance in the escrow account had been depleted to \$6,251.50, creating a \$9,404.93 deficiency.

On March 1, 2019, the respondent was required to be holding at least \$24,378.51 in the escrow account. However, on that day, the balance in the escrow account had been depleted to \$7,945.13, creating a \$16,433.38 deficiency.

On April 23, 2019, the respondent was required to be holding at least \$72,980.40 in the escrow account. However, on that day, the balance in the escrow account had been depleted to \$63,113.26, creating a \$9,867.14 deficiency.

On May 23, 2019, the respondent was required to be holding at least \$6,710.23 in the escrow account. However, on that day, the balance in the escrow account had been depleted to \$26.32, creating a \$6,683.91 deficiency.

Based on the above, the respondent was charged with engaging in a pattern and practice of misappropriating client funds entrusted to him as a fiduciary, incident to his practice of law, in violation of rule 1.15(a) of the Rules of Professional Conduct (22 NYCRR 1200.0).

Charge two alleges that on March 4, 2019, the respondent deposited a check into the escrow account in the amount of \$20,241.39, representing an earned legal fee on behalf of the respondent's client, Joseph Haggerty. On March 8, 2019, the respondent deposited a check into the escrow account in the amount of \$33,264.92, representing an earned legal fee on behalf of the respondent's client, Odell Barksdale. Both checks were deposited into the escrow account while the respondent maintained client funds on deposit. Based on the foregoing, the respondent was charged with commingling personal funds with client funds in the escrow account in violation of rule 1.15(a) of the Rules of Professional Conduct.

Charge three alleges that between December 14, 2018, and May 20, 2019, the respondent routinely failed to promptly withdraw earned legal fees from the escrow account, while he maintained client funds on deposit in the escrow account. Based on the foregoing, the respondent was charged with commingling personal funds with client funds in the escrow account in violation of rule 1.15(a) of the Rules of Professional Conduct.

Charge four alleges that the respondent failed to maintain an accurate ledger or similar record for the escrow account showing the source of all funds deposited therein, the names of all persons for whom the funds were held, the amount of such funds, the description and amounts, and the names of all persons to whom such funds were disbursed. Based on the foregoing, the respondent was charged with failing to maintain the required bookkeeping records for the escrow account in violation of rule 1.15(d) of the Rules of Professional Conduct.

The Hearing Record

A hearing was held on March 12, 2024. The Grievance Committee rested on eight exhibits entered into evidence without objection to prove its case in chief. The respondent admitted to all of the charges in the petition, testified on his own behalf in mitigation, and did not call any witnesses. The respondent submitted 32 exhibits, which included 13 character letters in support of his good character and reputation.

The respondent testified that he opened his own practice in 1993 in Manhattan where he handled workers' compensation litigation, prisoner litigation, and personal injury cases. The respondent's office moved to a few different locations in Manhattan and eventually to Flushing in 2015. By this point, the respondent mostly was handling cases involving incarcerated individuals at Rikers Island, as well as incarcerated individuals in state prisons. Although the respondent does not contest the allegations in the petition, he offered a number of exhibits in explanation and in mitigation as to each of the charges.

The respondent explained that while he believes there is a minor discrepancy in the petition regarding the total amount of settlement checks in the account, he does not deny the charge of misappropriation. The respondent testified that he had written checks amounting to more than he was holding on deposit in the escrow account, resulting in deficiencies ranging from approximately \$3,000 to \$16,000 over a six-month period from December 2018 to May 2019.

The respondent explained that in May 2019, he moved his residence, and that during the move he lost his physical ledger books and his office computer was broken. The respondent stated that he had kept a running ledger through QuickBooks on his computer since 2005. Once the respondent realized that his handwritten escrow ledger and computer ledger were destroyed during his move in May 2019, he started a new ledger by creating Microsoft Word documents for each client using his Capital One banking application to

advise him how much was available in the escrow account. However, with his files destroyed, he could not determine exactly how much money belonged to each client, so he recreated his ledgers from memory for each client to the best of his ability. These recreated ledgers are what he provided during the Grievance Committee's investigation. The respondent acknowledged that there may be some errors in his recreated ledgers but stated that it was "not [his] style, it has never been to take money from [his] clients."

The respondent stated that he knew that the escrow account was short "a few thousand, I am not exactly sure," that he was attempting to figure it out, and that he was doing the best he could. The respondent was not sure how the deficiencies occurred and acknowledged that any discrepancies were due to bookkeeping errors on his part.

The respondent stated that he now understands the rule regarding earned legal fees in the escrow account, but asserted that, regarding the two checks he deposited into the escrow account referenced in charge two, he was unsure whether he would be obligated to satisfy his clients' liens from his legal fees and, therefore, he kept the money in the escrow account until the liens were resolved. The respondent stated that he understood that leaving legal fees in the escrow account for 60 days may not be considered prompt, and he apologized for his misinterpretation of the rule. The respondent stated that he now removes legal fees promptly in "quick increments" and no longer leaves earned legal fees in the escrow account.

Regarding the bookkeeping records, the respondent stated that he maintained handwritten individual client ledgers with each client having a separate page in his ledger book. The respondent stated he kept these records for almost 20 years until he lost them when he moved in May 2019. However, the misappropriation of client funds charged in charge one predated the respondent's move and the loss of his ledgers.

In addition to the 13 character letters submitted, the respondent also submitted evidence of his pro bono work with incarcerated individuals, including a list of settlements for pro bono cases that he handled.

The Special Referee's Report

In a report dated July 22, 2024, the Special Referee sustained the four charges of professional misconduct in the petition, noting that, prior to the hearing, the respondent admitted to all of the charges contained in the petition. The Special Referee indicated that, in mitigation, the respondent stated: as to charge one, that his conduct was not venal or malicious; as to charge two, he had a good-faith belief that the payments were not earned legal fees as he believed they were subject to liens; as to charge three, since 2019, he has promptly paid all earned legal fees; and as to charge four, he lost all of his files when he moved.

Findings and Conclusion

In view of the evidence adduced at the hearing and the respondent's admissions, we find that the Special Referee properly sustained the four charges in the petition. Accordingly, the Grievance Committee's motion to confirm the Special Referee's report is granted. In determining an appropriate measure of discipline, the respondent requests that this Court limit the discipline imposed to a six-month suspension in view of the evidence offered in mitigation including, inter alia, his remorse, his lack of venality, the evidence of his positive character, his pro bono work, and the remedial measures he has undertaken. Notwithstanding the mitigation advanced, the respondent failed to honor his obligations as a fiduciary. Moreover, this Court considers the respondent's prior disciplinary history, the respondent's prior public censure for, among other things, failing to satisfy a judgment for approximately three years and failing to retain funds for a lien after acknowledging the lien (see *Matter of Plasse*, 17AD3d 33), as well as the respondent's receipt of an Admonition in 2000 and a Letter of Admonition in 2020 for unrelated professional misconduct, which is an aggravating factor.

Under the totality of the circumstances, we find that the respondent's conduct warrants his suspension from the practice of law for a period of one year (see *Matter of Dave*, 205 AD3d 70).

All concur.

DECISIONS WANTED!

The editors of the New York Law Journal are eager to publish court rulings of interest to the bench and bar. E-mail decisions to decisions@alm.com.

Court Calendars

First Department

APPELLATE DIVISION

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

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

FRIDAY, SEPT. 26

9:30 A.M.

153838/20 Patino v. 51 West 81st Street

11 A.M.

150359/25 Feigen v. Hamill

THURSDAY, OCT. 2

10 A.M.

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

1 P.M.

650671/21 Tahari v. Narkis

FRIDAY, OCT. 3

10 A.M.

603111/05 Lee v. Luk

MONDAY, OCT. 6

10 A.M.

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

12 P.M.

811164/24 Jimenez v. Sixt Rent A Car

WEDNESDAY, OCT. 8

10 A.M.

656443/22 Bank of Utah v. Abouhazale

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

FRIDAY, OCT. 17

10 A.M.

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

FRIDAY, OCT. 24

9:30 A.M.

153055/23 McGeehan v. 14th Street HK Realty

CALENDAR FOR THE SEPTEMBER TERM

THURSDAY, SEPT. 18

2 P.M.

24/1981 People v. Choncey Chance

25/1288 Nitru v. WV Preservation

24/5408 M., Peter v. Fezeka G.

24/5202 Ovale v. Church Street Construction

24/4715 Pallero v. Romero

23/2655(1) People v. Andre Morris

23/2690(1) People v. Andre Morris

25/798 ARC NYWWPJ001 v. WWP JV

24/3218 Murillo v. Downtown NYC Owner

20/1196 People v. Derrick Harris

25/7 A., Emmanuel v. Evelyn G.

24/4317(2) Gedula 26 v. Lightstone Acquisitions

24/3145 Bank NY Mellon v. Kim

24/7555 Brevet Direct Lending v. Aprio LLP

22/5204 People v. Alvin Brown

22/4915 People v. Norman Crony

23/6788 413 East 187 Holdings v. NYC Dept of Housing

24/3203 Black v. City of NY

23/1032(1) People v. Markuise McGrier

23/2676 People v. Junior Zorrilla

24/4660N Shanghai Yongrun Investment v. Kashi Galaxi

25/278(3)NGrace v. Sabal

24/6859N Bey v. City of NY

TUESDAY, SEPT. 23

2 P.M.

19/4847 People v. Orlando Correa

24/5581 Amtrust North America v. Insurance Specialty

25/414 M., Darryl v. Shaniqua D.

25/542 Lee v. Jay Housing Corporation

24/2844 Cerda v. Cydonia W71

21/2475 People v. Carlos Guzman

20/1659 People v. Luis Sastre

24/6871 Gomez v. Thomas

23/6557 J.N., an Infant v. Strong

24/1177 Adago v. Sy

17/1547 People v. Kenneth Ferguson

24/469 People v. Jaytawn Braxton

24/4927 Lopez v. Rodriguez

24/4087(2) Thorbird Grand v. M. Melnick & Co.

24/5054 State of NY v. Tyrone N.

23/1876 People v. Elijah Santiago

24/4306 Nunez v. Turo, Inc.

24/2903 People v. Sterling Wade

23/5751 People v. Andre Seda

22/4809(1) People v. Liz Thompson

24/4359 Metropolitan Property v. Pentair Residential

24/5245N Charlton v. 92 Pinehurst Avenue

25/24N ARK292 v. Archdiocese of NY

WEDNESDAY, SEPT. 24

2 P.M.

20/997 People v. Brian Gutierrez

23/4993(2) 600 Associates v. Illinois Union Insurance

24/6686 D., Luellin

24/2494 Wadsworth Associates v. NYS Division of Housing

25/3876 Doe v. Archdiocese of NY

19/3817 People v. Nicole Fields

23/5512 People v. Shaquille Dinkins

24/2444 Uno a Brokeage v. Inshur, Inc.

24/2645 Brito v. City of NY

20/2000 People v. Daniel Newell

24/3875 Gonzalez v. City of NY

24/3068(2) Gu v. Ji

24/6343 People v. Lamar Withall

24/3125 People v. Yusef Brown

24/1759 Best Work Holdings v. Ma

22/4342 People v. Vadim Shilman

23/1682 People v. Willie Santos

24/2903 Trzuskot v. Johnson

23/571 People v. Javier Rosario

24/5803(1) Molner v. Molner

25/799(1)NMolner v. Molner

24/7867(6)N Cohn v. RTW Retailwinds Acquisition

23/632N N47 Associates v. Jemco Realty

THURSDAY, SEPT. 25

2 P.M.

24/219 People v. David Young

24/2453 Lewis v. Ganesh

24/2022 P/B., Children

25/697 Rivera v. ShopRite of Bruckner

24/7923 Elberg v. International Bank of Chicago

19/4979 People v. David Rivera

24/3834 People v. Pharaoh Holmes

23/122 Edwards v. NJ Transit

24/4524 National Community v. Midtown Coalition

24/5438 670 River Realty v. NYS Division of Housing

24/5626 People v. Tariq Gouldbourne

22/2962 People v. Brandon Holley

24/6287 White v. Turitz

22/4917 People v. Melissa Concepcion

23/5553 People v. Franklin Cabrera-Fernandez

24/6133 383 W. Broadway Corp. v. Tax Commission

24/3063(2) 383 W. Broadway Corp. v. Solomon

25/1239 Dorilton Capital Management v. Stilus LLC

24/565 People v. Peter Showers

21/3101 People v. Precila Smith

25/1064(1)N Phillips v. Uber Technologies

24/3607(1)N Phillips v. Uber Technologies

24/4110N Board of Managers v. 166F Apartment

CALENDAR FOR THE OCTOBER TERM

TUESDAY, SEPT. 30

2 P.M.

24/7638 People v. Latiqua Gibbs

25/2403 Liberty Mobility v. Port Authority

24/4189 F., Michayla

25/1461 Lema v. 1148 Corporation

25/2124 McGregor v. Manhattan Nursing Home

24/235 Bennigson v. Solomon Guggenheim Foundation

23/785 People v. Jeury Marte

24/6591 Suarez v. City of NY

25/1701 Ancart v. Crespo

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

23/6751 G.R., Children

24/6097 U.S. Bank v. Tiburico

25/918 Gamble v. MTA Bus Company

**PART 40TR
JUDICIAL MEDIATION**

On Rotating Schedule:
13 Silvera: 300 (60 Centre)
13 Adams 300 (60 Centre)

EARLY SETTLEMENT
ESC 1 Vigilante 106(80 Centre)
ESC 2 Wilkenfeld 106 (80 Centre)

**SPECIAL REFEREES
60 Centre Street**

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

**JHO/SPECIAL REFEREES
80 Centre Street**

81R Hewitt: Room 321
87R Burke: Room 238
89R Hoehling: Room 236

**SPECIAL REFEREE
71 Thomas Street**

Judicial Hearing Officers

Part 91 Hon. C. Ramos
Part 93 Hon. Marin

**Supreme Court
Motion Calendars
Room 130, 9:30 A.M.
60 Centre Street**

**Supreme Court
Motion Dispositions
from Room 130
60 Centre Street**

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

Motion Calendar Key:

- ADJ—Adjourned to date indicated in Submission Courtroom (Room 130).
- ARG—Scheduled for argument for date and part indicated.
- SUB (PT #)—Motion was submitted to part noted.
- WDN—Motion was withdrawn on calendar call.
- SUB/DEF—Motion was submitted on default to part indicated.
- APB (All Papers By)—This motion is adjourned to Room 119 on date indicated, only for submission of papers.
- SUBM 3—Adjourned to date indicated in Submission Court Room (Room 130) for affirmation or so ordered stipulation.
- S—Stipulation.
- C—Consent.
- C MOTION—Adjourned to Commercial Motion Part Calendar.
- FINAL—Adjournment date is final

**60 CENTRE
STREET**

**Submissions Part
THURSDAY, SEPT. 18**

Submission

- 1 100982/25 Holt v. Arons
- 2 100808/25 Leon v. NYC Dept. of Education High School For Excellence And Innovation
- 3 100519/25 Miss Elegant v. Dr. Arthur

FRIDAY, SEPT. 19

Submission

- 1 101437/24 Butler v. NYC
- 2 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 3 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 4 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 5 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 6 100854/25 Ginn v. J.P. Morgan Chase Bank N.A.
- 7 100887/25 Olutuvinyin Olufunmilayo v. NYC Dept. of Health And Mental Hygiene
- 8 100209/25 Pratt v. Desimone
- 9 100051/25 Scott v. NYCHA

MONDAY, SEPT. 22

Submission

- 1 100408/25 Bass v. McNeal
- 2 100418/25 Ruiz v. Community Access Inc

**Paperless Judge Part
THURSDAY, SEPT. 18**

- 152480/25 112 Equities LLC v. Powell
- 655786/182 Gies Acey LLC v. Larrea
- 652059/2522 West 34th St. LLC v. Sol Goldman Investments LLC v. Kim
- 155572/25 601 West 180 St. NYC LLC v. Rojas
- 650957/25 Able v. Harmonic Health Inc.
- 651008/25 Ag Light And Sound Inc. v. Ez Festivals LLC Et Al
- 157963/21 Alves Do Nascimento v. Topcat Rly. Corp. Et Al
- 157832/23 American Transit Ins. Co. v. St. Lukes Roosevelt Hosp. Center A/o Rock Gomes
- 157833/23 American Transit Ins. Co. v. St. Lukes Roosevelt Hosp. Center A/o Rock Gomes
- 152284/25 An v. Universal Music Group, Inc., Individually And D/b/a Interscope Capitol Labels Group Et Al
- 655151/23 Anderson v. Lubin
- 151263/21 Arthurs v. Haven Rooftop
- 655145/24 Atalaya Capital Mgt. Lp v. Ballard
- 159250/25 Balford Specialty Foods v. NYC Et Al
- 157655/22 Benfield Partners, Inc. v. Home Record LLC Et Al
- 157656/22 Benfield Partners, Inc. v. Home Record
- 156662/18 Blandon v. Petit-Frere
- 160532/20 Block v. Uber Technologies, Inc.
- 150436/17 Brito v. NYC
- 152037/20 Cardona v. E.E. Cruz & Co., Inc.
- 151301/25 Cavalry Spy Iv. Tomlinson
- 651692/23 Crestwood Services LLC v. Soleil Chartered Bank Et Al
- 160370/25 Finance Hldg. Co. v. Farzam
- 153799/25 First Flight Helicopters v. NYC Et Al
- 160200/22 Flores v. Sylbert
- 161900/24 Fora Financial Advance v. Tempe Precision Ltd Et Al
- 651392/25 Frank Capezza v. Antika Pizzeria, Inc.
- 162478/19 Frolova v. Miller
- 450155/21 Global Merchant Cash, Inc. v. Global Logistic And Trading LLC D/b/a Global Logistic And Trading Et Al

- 157110/25 Gonzalez v. Jrkb Properties LLC Et Al
- 157807/19 Gordon v. NYC Et Al
- 159779/24 Govt. Employees Ins. Co. v. Al-Rahma Physical Therapy
- 651445/23 Grain Belt Express Hldg. LLC v. Invernery Transmission LLC Et Al
- 152177/23 Guallias Jima v. 1571-1573 Third Ave. LLC Et Al
- 154488/25 Hamilton Equity Group v. Vzon Tech, Inc. Et Al
- 452302/23 Hernandez v. Franco
- 654730/25 Heun v. Friedman Llp
- 158406/23 Hook v. Coronel
- 652764/25 Hyposwiss Private Bank Geneva Sa v. Jlr4 LLC Et Al
- 161868/25 In The Matter of The Application of Moog Inc. Et Al v. NYC Police Dept.
- 452301/25 In The Matter of The Application of The Metro. Transportation Auth. Relative To Acquiring Temporary Easements in Real Prop. Required For The Second Ave. Subway Project - Phase 2 Block 1687 v. Na
- 153726/25 Interli LLC v. Sisco
- 850027/12 Kats v. Agosto
- 100949/24 Katz v. NYCHA Preservation & Dev. Et Al
- 155242/25 Kershaw v. Kershaw
- 650319/25 Kusun Inc. v. Utica First Ins. Co.
- 651072/23 Lexington Ins. Co. v. Alistar Security & Consulting, Inc.
- 653800/24 Ludwig Plus v. Bi2credit, Inc.
- 805215/24 Madalinska v. Agnes Radzio M.D. Et Al
- 100609/25 Meirowitz v. Judy White Esq.
- 151809/24 Mejia Gomez v. Brookfield Properties One Wfc Co. LLC Et Al
- 651357/25 Mic General Ins. Corp. v. Bachan
- 805229/23 Moore v. Mount Sinai Hosp. Et Al
- 161484/17 Nat. Alliance of New v. Lim
- 652893/20 New Deal Rly. LLC v. 84 Owners Corp.
- 653424/22 NY Spine & Sport Rehabilitation Medicine v. Jafar
- 156110/20 Norton v. Brodsky Organization Et Al
- 155270/24 NYCTL 1998-2 Trust And The Bank of NY Mellon As Collateral Agent And Custodian v. Hodge
- 654287/25 Perez v. The Board of Mgrs. of The Langston Condominium Et Al
- 190324/20 Petro v. Aerco Int'l, Inc.
- 156048/25 Pittman v. Pandora Media
- 652840/25 Pryor Cashman Llp v. Int'l Institute For The Brain
- 652252/24 Qian Rly. LLC v. Global Synergy Ventures LLC Et Al
- 156368/21 R v. NYCHA
- 653874/24 Rebel Hospity LLC Et Al v. Sompo America Ins. Co.
- 155838/23 Richardson v. Bpp Pcv Owner LLC
- 154025/24 Rivero v. Jones
- 154636/23 Rosler v. Mehra
- 151276/23 Ross v. Franco
- 805132/24 Sarmiento v. Mount Sinai Hosp. Et Al
- 161066/19 Schacter v. Bolivar Apt. Corp. Et Al
- 161603/23 Shtanhret v. Air Comfort Refrigeration Corp. Et Al
- 651674/25 Sig Rers C Mf 2023 Venture LLC v. Mj Group Hldgs. LLC Et Al
- 160984/19 Simmons v. Odmann
- 654502/22 Slsjet Mgt. Corp. v. Ichioka Ventures LLC Et Al
- 452566/22 Smith v. NYC Et Al
- 161051/21 Sokolov v. Trader Joes East Inc. Et Al
- 157677/17 Sosa v. NYC
- 155708/22 Soto v. Superpark Rly.
- 850218/25 Spectrum Mortgage Hldgs. v. The Heirs At Large of Mary Thompkins
- 654934/25 Staffing Group Hldgs. v. Luxurban Hotels, Inc.
- 159566/24 State Farm Fire And Casualty Co. v. Sahadeo
- 654597/22 Storms v. Flat Rate Movers
- 653392/23 Tedford's Tenancy v. Horizons Investors Corp. Et Al
- 152530/18 Teshabaeava v. Life Quality Homecare
- 158982/25 The Legal Aid Society v. NYC Admin. For Children's Services Et Al
- 850075/23 U.S. Bank Trust Nat. Assoc. v. Agnol
- 100753/25 Waheed v. Bui

FRIDAY, SEPT. 19

Submission

- 1 101437/24 Butler v. NYC
- 2 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 3 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 4 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 5 101373/23 Emmanuel Omokha v. 2395 Fbd Dev. LLC
- 6 100854/25 Ginn v. J.P. Morgan Chase Bank N.A.
- 7 100887/25 Olutuvinyin Olufunmilayo v. NYC Dept. of Health And Mental Hygiene
- 8 100209/25 Pratt v. Desimone
- 9 100051/25 Scott v. NYCHA

MONDAY, SEPT. 22

Submission

- 1 100408/25 Bass v. McNeal
- 2 100418/25 Ruiz v. Community Access Inc

COURT NOTES

*****THIS EVENT HAS BEEN CANCELLED*****

ADMINISTRATIVE BOARD FOR THE OFFICES OF THE PUBLIC ADMINISTRATOR

Meeting To Be Held on Monday, Sept. 22

Pursuant to the New York State Open Meetings Law (Public Officers Law Article 7, §104) you are hereby notified of the next meeting of the Administrative Board for the Offices of the Public Administrators (which is established pursuant to §1128 of the Surrogate's Court Procedure Act):

September 22, 2025
10:30 a.m.

New York City Bar Association
Hughes Room
42 West 44th Street
New York, NY 10036

INDIGENT LEGAL SERVICES BOARD

Meeting To Be Held on Friday, Sept. 19

Notice is hereby given that the Indigent Legal Services Board (ILSB) will be holding a regular meeting on Friday, September 19, 2025, at 11:00 AM. The meeting will be held at the Association of the Bar of the City of New York, located at 42 West 44th Street, New York, New York.

The meeting will also be available by videoconference and recorded for public viewing. After the meeting is over, ILS will post on its website (https://www.ils.ny.gov/) an announcement about the meeting with a link to a recording of it. Those interested in attending can obtain instructions for the WebEx meeting by emailing Liah Darlington (liah.darlington@ils.ny.gov).

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 dcainyochoosing@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

THE BRONX COUNTY

Surrogate Court

Court is Accepting Applications for Deputy Public Administrator

Application Deadline is Sept. 18

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 September 18, 2025.
Starting salary: \$139,567.00 Per Year
An equal opportunity employer

NEW YORK STATE COURT OF APPEALS

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

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

Motions for permission to file a brief amicus curiae must be served personally or by certified 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.

Notice to the Bar – August 2025 Appeals

The Clerk's Office announces that briefing schedules have been issued for the following appeals during August 2025.

Docket information, briefing schedules, filings and oral argument dates are or will be available through the Court's Public Access and Search System (CourtPASS).

Nonparties seeking to appear as amicus curiae should refer to Court of Appeals Rule of Practice 500.23.

Criminal Appeals by Leave Grant of Judges of the Court of Appeals and Justices of the Departments of the Appellate Division:

APL-2025-00144: People v. Harris (Jamien); 239 AD3d 1279; Crimes—Double Jeopardy—CPL 40.40—Conduct Underlying Murder Charge Part of Same Criminal Transaction as Conduct Underlying Previous Charges for Firearm Possession

APL-2025-00145: People v. Lora (Miguelina); 236 AD3d 820; Crimes—Sentence—Probation—Consent to Searches—Penal Law 65.10—For Conviction of Aggravated DWI Probation Condition to Consent to Search of Person, Vehicle and Abode

APL-2025-00147: People v. Mears (Stephen); 235 AD3d 779; Crimes—Endangering the Welfare of Child—Does Defense of Justification Apply—Any View of Evidence that Conduct Was Justified

APL-2025-00159: People v. Coggins (Tonie); 236 AD3d 608; Crimes—Evidence—Best Evidence Rule—Admission of Testimony as to Contents of Surveillance Video Footage

Civil Appeals Taken as of Right:

APL-2025-00140: Matter of B.F.; 239 AD3d 451; Parent and Child—Abused or Neglected Child—Person Legally Responsible—Functional Equivalent of Parent

APL-2025-00138: Brown v. Z-Live Inc.; 238 AD3d 658; Intoxicating Liquors—Dram Shop Act

APL-2025-00131 (Rule 500.11 Procedure): Mega Beverage v. Mount Vernon; 239 AD3d 631; Pleading—Amendment—Substitution of Cause of Action

Civil appeal on remand from Supreme Court of the United States:

APL-2025-00157: Roman Catholic Diocese v. Harris; S.Ct. (2025) 42 NY3d 213; Constitutional Law—Insurance—Abortion—Religious Employer—Consideration of Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commn. 605 U.S (2025)

U.S. DISTRICT COURT EASTERN DISTRICT

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

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

U.S. DISTRICT COURT SOUTHERN DISTRICT

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

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

DESCRIPTION

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

POSITION OVERVIEW

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

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

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

DUTIES AND RESPONSIBILITIES

The Chief Counsel, under the direction of the Chief Judge, is responsible for hiring, training, supervision, and general management of the staff attorneys, which includes performance evaluation. The Chief Counsel is responsible for ensuring that the Office's handling of its screening duties remains responsive

Continued on page 10

- 160139/20 Edwards v. Ramosherrera
- 153452/25 Estate of Laura Stein v. Davidov Davidov Siegel & Stern Llp Et Al
- 155600/24 Estate of Lup Suet Ngai (a/a Nancy Ngai) v. 98 Rivington Rly. Corp. Et Al
- 151540/25 Fairchild v. Beau Diel & Associates The Seaport NYC Et Al
- 157365/22 Fama v. The American Museum of Natural History Et Al
- 157382/25 Feil v. NYC Et Al
- 158977/25 Florez Bravo v. Metro. Transportation Auth.
- 153767/25 Fuhv v. Smith
- 156032/21 Gimenez v. Happy Living Dev. LLC Et Al
- 153177/25 Great American Ins. Co. A/s/o of Csc 2045 Madison LLC Et Al v. Romo Const. Corp.
- 151623/21 Greif v. NYC Et Al
- 659879/24 Gs 800 6th LLC Et Al v. Sompo America Ins. Co. Et Al
- 153865/22 Guarnieri v. The Metro. Transportation Auth. Et Al
- 653147/25 Gulati v. Ankura Consulting Group
- 150674/19 Hamilton v. Basketball City NY LLC
- 158444/25 Harbor Hill Associates LLC v. NYC Water Board Et Al
- 153042/25 Harvard Agency Co. Inc. v. Benares
- 151347/19 Hollenberg v. Cvc Fitness Partners LLC
- 154515/20 Huper v. NYCHA Et Al
- 452208/25 In The Matter of The Application of NY Black Car Operators' Injury Compensation Fund Inc. A/a NY Black Car Fund As Subrogee of Javed Iabal v. NYC
- 452214/25 In The Matter of The Application of NY Black Car Operators' Injury Compensation Fund Inc. A/a NY Black Car Fund As Subrogee of Shun Chen v. NYC
- 452231/25 In The Matter of The Application of NYCTA As Subrogee of Carlos Cachay Badillo And April Carlisle v. Hertz Vehicles LLC
- 152548/25 Island Intellectual Prop. Llc v. Td Ameritrade, Inc. (n/a Ameritrade of New York, Inc.) Et Al
- 157179/25 J.M. An Infant By Her Father And Natural Guardian Xavier Milon And Xavier Milon Individually v. Steady Buckets, Inc.
- 659255/24 Jpmorgan Chase & Co. Et Al v. Liberty Mutual Fire Ins. Co. Et Al
- 805171/21 Kannadan v. Munawar & Andrews-Santillo
- 655377/21 Kapitus Servicing, Inc. v. Midwest Motoplex
- 651534/25 Khmel v. Vlasov
- 154951/25 Kiamie-Princess Marion Rly. Corp. v. Rafano
- 151701/20 King v. Global Experience Specialists
- 150882/21 Lampel v. Con Ed Co. of New York, Inc. Et Al
- 157990/25 Liverpool v. NYC Dept. of Education Et Al
- 161156/15 Livingston v. NYC
- 158885/22 Lopez v. Rkcp 72 Owner LLC. Et Al
- 159841/22 Ly v. Veira
- 157249/19 Madera v. Jabar Rly. Corp.
- 161003/22 Makarewicz v. Jsgp Llc. D/b/a Mdl Solutions v. Dlp Mechanical, Inc. Et Al
- 190038/24 Martin v. A.O. Smith Water Prods. Co Et Al
- 161215/19 Martinez v. Bop One North End LLC
- 805397/21 Medina v. Licata M.D.
- 160416/25 Melendez v. Heberger
- 151002/22 Mercedes v. Cool Wind Ventilation Corp. Et Al
- 652392/25 Metro. Commercial Bank v. Hiday
- 805049/21 Miller v. Remzi
- 154203/25 Morad v. Jpmorgan Trust I Et Al
- 155629/25 NY Civil Liberties Union v. NYC Police Dept. Et Al
- 651426/25 Newt-Tso II Spv v. Michael E. Jones M.D.
- 155699/25 Nolan Treanor Select Floors v. U.E.S. Mgt. Et Al
- 156762/22 Nrt NY LLC D/b/a The Corcoran Group v. Anzeleto
- 158709/22 NYCTL 2021-A Trust And The Bank of NY Mellon v. Rim Group Properties of NY II Corp Et Al
- 655931/20 Oldcastle Infrastructure, Inc. v. Bronx Commons Builders
- 154471/21 Oportunity Int'l Inc. Et Al v. Dtlendorf
- 154480/23 Ordaz v. Paul Maslin Co. LLC Et Al
- 157800/25 Ortega Feliz v. Rivera
- 451881/25 People of The State of Ny v. Assurance Ins. Co. Et Al
- 160282/24 Phongvichith v. Leanna Entertainment Inc. Et Al
- 160048/21 Pilon v. Miglq Investors
- 655168/25 Poirot v. Keshab Raj Seaside
- 159253/23 Pulido v. 440 Hamilton Developer LLC Et Al
- 161117/25 Ramirez v. Police Comm'r.
- 154303/21 Rivas-Zapata v. Bridge 652115/25 Rivera v. Play Browne At Sea Dream Vacations
- 652572/24 Rizzi Hldgs. LLC Et Al
- Nassau John Investors LLC Et Al
- 155286/25 Roth & Roth v. NYCTA Et Al
- 805050/25 Ruffin v. Long Island Jewish Medical Center Et Al
- 158314/25 S&E Bridge & Scaffold LLC v. Clerk of NY County
- 654220/25 S2bn Entertainment Corp. v. Aniaar Ltd Et Al
- 157300/24 Sanders v. NYCTA Et Al
- 154549/22 Sanguino v. Rxr 196 Willoughby Owner LLC Et Al
- 650175/25 Shi v. Jfd Sushi Restaurant Inc. Et Al
- 161755/23 Singh v. NYC Et Al
- 805034/22 Sobrinho v. Metro. Hosp. Et Al
- 652916/25 Spac Recovery Co. v. North Atlantic Imports
- 155312/20 St-Louis v. Harbeck
- 151480/22 Taylor v. The John Adams Owners, Inc. Et Al
- 650018/24 Telco Insights v. Telco Experts
- 850210/24 Terracotta Nine v. Br 52 LLC Et Al
- 153453/25 Tetrick v. Worlwide Plaza Condominium Et Al
- 154232/25 Teuber v. Oxio Corp Et Al
- 157623/25 Trucking Assoc. of NY Et Al v. Metro. Transportation Auth. Et Al
- 652760/25 Trust Services, Inc. v. Cx3 Financial Services
- 652874/25 Trustees of NYC Dist. Council of Carpenters Pension Fund v. Mnk Enterprises LLC Et Al
- 655702/21 Urban Ecospaces, Inc. v.

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150829/23 Tolchinsky v. Castaneda
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161995/24 Whw Housing Corp. v.
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Part 1

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

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156005/16 Pj By Anita Diaz v. East
Harlem Pilot Block

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Part 2

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

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252082/171120 Park Corp. v. The
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252090/03120 East 16 St. Co. L.v.
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252857/18124 East 57th St. LLC v.
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258571/19125 Bowers Inc. v. The
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261537/23144 Bleecker St. v. The
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251013/13156-08 Rly. Co., LLC v.
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253951/22340 East 34 LLC v. The
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252462/04 Nyp Ventures LLC v.
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256023/10411 West End Ave.
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264937/20660 Columbus Retail
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251021/13775 Rly. Co., LLC v. The
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254484/1879 Walker Owner LLC Et
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251603/16 The John James
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254152/05 Third 28th LLC v. Tax
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261962/19 W149 Rly. LLC v. The
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Part 7

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

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Part 3

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

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655765/23 U.S. Fire Ins. Co. Et Al v.
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655249/20 Valley Nat. Bank v.
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Part 6

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

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Part 9

Justice Linda M. Capitti
60 Centre Street
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Room 355

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Part 11

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

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450155/21 Global Merchant Cash,
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Shop 1 Inc v. NYC Office of
Administrative Trials And
Hearings Et Al
152894/23 Manda Int'l Corp. v. Jm
& A Const. Corp. Et Al
190324/20 Petro v. Aerco Int'l, Inc.
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152290/22 Peck v. Milbank LLP Et Al
659787/24 Trachten v. Wolowitz
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656368/23 Cho v. 6 Cortland Alley
151947/23 HInoo Courtland Bronx
NY v. Wenger Esq.
152548/25 Island Intellectual Prop.
LLC v. Td Ameritrade, Inc. (n/a/a
Ameritrade of New York, Inc.) Et Al
154203/25 Morad v. Jpmorgan Trust
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651034/25 Schweitzer v. Vincent
I Et Al

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656368/23 Cho v. 6 Cortland Alley
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Fund v. Zags Spy 1 LLC Et Al
654144/24 Deer Park Road Mgt. Co.
Lp Et Al v. Nrz Sponsor Holdco
653563/22 Fordue 26 v. Bogart
154203/25 Morad v. Jpmorgan Trust
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653389/22 One River Run
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654132/23 Puritan Partners LLC v.
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653563/22 Fordue 26 v. Bogart

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

THURSDAY, SEPT. 18
652764/25 Hyposwiss Private Bank
Geneve Sa v. Jire4 LLC Et Al

FRIDAY, SEPT. 19
652331/25 Amer v. Nab-Cw
651435/25 Emusc v. Anthem Hp
650013/24 Gsp Merrimack LLC v.
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654769/24 Nassiripour Esq. v.
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651101/22 Ria R Squared, Inc. v. Dv
Partners

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654862/24 630 West 52nd LLC v.
Fresh Inventory Services
656248/19 Avane Engineers v. Cdm
Smith Inc.
653919/21 Bldg. Concepts, Inc. v.
220 East 26th St.

Part 57
Justice Sabrina Kraus
60 Centre Street
Phone 646-366-3195
Room 218

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951059/21 Docket v. The
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950451/21 Doe v. Archdiocese of NY
950001/21 Escalante v. NYC Dept. of
655507/21 Hudson Meridian Const.
Group v. Travelers Casualty Ins.
Co. of America Et Al
950969/21 Kardaras v. Allen-
Stevenson School For Boys
951172/21 Nurse v. NYC Et Al
158903/18 Pankov v. Bonide Prods.
950735/20, v. NYC

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950294/21 B, v. NYC
950277/17 De La Cruz v. Roman
Catholic Archdiocese of NY Et Al
950716/21 M, v. Archdiocese of NY
158710/18 Murchison v. NYCHA
950511/21 R, v. Madison Square
Boys & Girls
950237/19 Taylor Jr. v. The Roman
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950262/21 Tremere v. Madison
Square Boys & Girls Club, Inc.
(E/a/a Madison Square Boys Club,
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950507/20 Dawn Gaither v.
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157696/18 Gomez Rodriguez v.
Manhattan Hldgs. NY LLC
950428/21 N, v. NYC
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Part 59
Justice Debra A. James
60 Centre Street
Phone 646-386-3351
Room 331

THURSDAY, SEPT. 18
162521/14 Cote v. 36 Attorney St.
150530/23 Encalada v. Rref II 34
Desbrosses Owner
151599/23 Gonzalez v. Pinko
150846/23 Macas Reinerio v. Henry
Meyers Plumbing & Heating,
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654927/19 Robins v. Wenn Ltd
650569/21 Tg Duane v.
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162521/14 Cote v. 36 Attorney St.
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850011/13938 St. Nicholas Ave. v.
936-938 Cliffcrest Housing
151480/22 Taylor v. The John
Adams Owners, Inc. Et Al

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850011/13938 St. Nicholas Ave. v.
936-938 Cliffcrest Housing
152324/18 Grinberg v. NYC

**Part 60
Commercial Div.**
Justice Melissa A. Crane
60 Centre Street
Phone 646-386-3310
Room 248

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650193/25 Roc Debt Strategies
Int'l Bond Investments LLC v.
Cwcapital Asset Management Lc
650028/24 Tailpot Esg Investments
LLC Et Al v. Bulltick Financial
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652179/24 Trust For Advised
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650028/24 Tailpot Esg Investments
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652179/24 Trust For Advised
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162142/24 Assad v. Processa
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659498/24 Canaan Equity Partners
III v. Verance Corp.
654008/24 Chadab of Gramercy
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450284/16 Fendt v. Aff-Psa Bronx-
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653218/25 Marcussi Ltd.
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653218/25 Marcussi Ltd.
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Ventures

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653148/23 180 Renssen LLC v. St.
Francis College Et Al
652740/22 Hart v. Rosenberg
850041/22 Ready Capital Mortgage
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Grand LLC Et Al
652970/25 Silverman v. Rosenberg
160830/22 The Glenmede Trust Co.
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650744/23 Ubs Securities LLC Et Al
v. Dondoro

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653148/23 180 Renssen LLC v. St.
Francis College Et Al
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v. Infinity Q Capital Mgt. LLC Et Al
650744/23 Ubs Securities LLC Et Al
v. Dondoro

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

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656423/21 Ayres Argentina Master
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652835/23 Newark & Co. Real
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650048/23 Rivendale Jewish Center
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Et Al
655269/24 Syndigate Media Inc. v.
Seeking Alpha Ltd.
651860/20 Tiny 1 v. Samfet Marble
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659314/24 Ya II Pn v. Triller Group
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652835/23 Newark & Co. Real
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652835/23 Newark & Co. Real
Estate, Inc. D/b/a Newark v.
Shs Upper City NY III
653000/23 Yiwan Trading Co. Ltd.
v. Sotheby's Financial Services
California, Inc.

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652392/25 Metro. Commercial Bank
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652460/25 Ostad v. 3694 B'way.
Associates LLC Et Al
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155227/24 Trane Technologies Co.
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655084/25 Maloney v. Kdc Solar
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651227/24 Trane Technologies Co.
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151637/25 Markland 766 v. 34 East
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151637/25 Markland 766 v. 34 East
29 Holding

**Transiting Authority
Settlement Part**
60 Centre Street
Phone 646-386-3281
Room 408

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

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Prep Endurance Middle School
156026/24 Accident Fund Ins.
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Underwriters At Lloyd's A/s/o
Green Apollo LLC v. Cibaov Food
Center Corp.
157063/24 Avila Palacios v.
Greenpoint Landing Lot 6 LLC Et Al
160320/23 Braham v. Winta Asset
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451445/24 Cohen Personally v. NYC
NYCH&HC Corp. Et Al
452519/23 Comm'r. of The NYS
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155295/24 Corbin v. Laz Parking
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153570/24 Doe v. Paduch M.D.
153571/24 Doe v. Paduch M.D.
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Ins. Co. A/s/o Battery Pointe
Condominium v. Master Tech
Plumbing
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157110/25 Gonzalez v. Jrkb
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152642/17 Gonzalez v. NYC Et Al
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152055/21 Lexington Ins. Co. Et Al
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157781/22 Neubauer v. Responsive
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155599/23 Preli v. L& P Dune
Associates
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Companies, Inc. Et Al
152268/23 Reddy v. Rh Ny Mf P&B
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159735/24 Reyes-Garcia v. Owings,
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659463/24 Roa v. Courier Car
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154737/21 Rokof Associates v.
Village Pl. Corp.
160633/22 Siguencia v. Benchmark
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159021/22 Soraya Alvarado Malla v.
140 West St. Condominium Et Al
155563/22 Soto v. 110 Post LLC
159548/24 Stillwater Ins. Co. v.
Skyline Windows
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156874/22 Westside 309 LLC v.
Berit Rtly. LLC
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151296/23 Xi Ins. America, Inc. Et Al
v. Ii, Inc. Et Al

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655736/24 American Transit Ins.
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155541/25 Davis v. Estate of James
A. Barclay Et Al
152249/22 Diaz v. Rector
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157179/25 J.M. An Infant By Her
Father And Natural Guardian
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Inc.
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652874/25 Trustees of NYC Dist.
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155786/21 Ian Soloway v. Thor
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Et Al
151530/25 Stephen v. NY Institute
of Tech. Et Al
654199/25 The Avanza Group v.
Kingdom Logistics
160436/21 Woodford v. Vornado
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**Part 5
City Part**
Justice Hasa A. Kingo
80 Centre Street
Phone 646-386-3374
Room 320

THURSDAY, SEPT. 18
157807/19 Gordon v. NYC Et Al
100949/24 Katz v. NYCHA
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452006/25 Acosta v. 156-158 East
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152527/24 Sena Martinez v. NYC
Dept. of Education Et Al
154362/23 Strauss v. NYC Et Al

Part 8
Justice Lynn R. Kotler
80 Centre Street
Phone 646-386-3578
Room 278

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155991/22 Groover v. 100 Freedom
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659879/24 Gs 800 6th LLC Et Al v.
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150674/19 Hamilton v. Basketball
City NY LLC

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

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NYCTA Et Al
155643/24 De Morales v. NYCTA Et
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452943/24 Ford v. NYCTA Et Al
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155392/22 Franco v. NYCTA Et Al
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161282/19 Gutierrez v. NYCTA
162257/24 Hart v. Metro.
Transportation Auth. Et Al
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151725/23 Islam v. Lozier
154417/21 Kandel v. Con Ed Co. of
New York, Inc. Et Al
158664/19 Kandel v. Meringoff
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162540/23 Matos Cabral v. NYCTA
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452379/18 Mathews v. NYCTA
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156933/17 Monroy v. NYCTA
152254/20 Munroe v. NYCTA
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153990/25 Rosa v. New York City
NYCTA Et Al
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155297/24 Sanchez v. NYCTA Et Al
160676/22 Sanchez v. The NYCTA
Et Al
156874/20 Sarker v. The NYCTA Et
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NYCTA Et Al
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NYCTA Et Al
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**Part 2
City Part**
Justice Richard A. Tsai
80 Centre Street
Phone 646-386-3738
Room 280

THURSDAY, SEPT. 18
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151921/25 Aucar v. NYCTA Et Al
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Transportation
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NYCTA Et Al
155643/24 De Morales v. NYCTA Et
Al
450584/21 Delgado v. Mta Bus Co.
Et Al
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Et Al
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160528/21 Medina v. The NYCTA Et
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155248/22 Otero v. Rockerfeller
Group Et Al
153365/22 Picarda v. The NYCTA Et
Al
152239/24 Quito v. NYCTA Et Al
160362/24 Rauch v. NYCTA Et Al
452216/22 Reeves v. Ford
161484/24 Ritter v. The NYCTA Et Al
154025/24 Rivo v. Jones
153626/22 Roman v. NYCTA Et Al
161006/20 Rolan v. NYCTA Et Al
153990/25 Rosa v. New York City
NYCTA Et Al
451353/23 Samuels v. NYCTA Et Al
155297/24 Sanchez v. NYCTA Et Al
160676/22 Sanchez v. The NYCTA
Et Al
156874/20 Sarker v. The NYCTA Et
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805053/24 Scott v. Edwards
150297/24 Sherritt v. The Metro.
NYCTA Et Al
160984/19 Simmons v. Odmann
153360/23 Smith v. Metro.
Transportation Auth. Et Al
452974/21 Sobota v. NYCTA
152797/22 Stone v. Metro.
Transportation Auth. Et Al
452942/24 Stoute v. NYCTA Et Al
154536/23 Tai v. NYC Et Al
153770/23 Taylor v. NYCTA Et Al
152892/20 Thomas v. NYCTA
153800/22 Torres-De Martinez v.
NYCTA Et Al
153676/18 Tun v. NYCTA
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152308/22 Wilson v. Metro.
Transportation Auth. Et Al
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450192/23 Ysison v. NYCTA
Et Al

FRIDAY, SEPT. 19
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158977/25 Florez Bravo v. Metro.
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153865/22 Guarnier v. The Metro.
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NYCTA Et Al
153182/23 Di Amario v. NYCTA Et Al
152394/22 Johannie Leon-Burgos
And Clariza Castillo-Alberto v.
NYCTA Et Al

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

THURSDAY, SEPT. 18
151269/22 Barreto v. Dessalines
154336/24 Barros v. Hertz Vehicles
LLC.
160532/20 Block v. Uber
Technologies, Inc.
161079/24 Brito v. Priestner
160200/22 Flores v. Sylbert
155609/25 Gittens-Willis v. Academy
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151741/23 Habib v. Hamer
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452302/23 Hernandez v. Franco
158406/23 Hook v. Coronel
157601/25 In The Matter Of The
Application of Andrew Brown
v. Motor Vehicle Accident
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150218/22 Nicolai v. Daisak
155743/23 Paez v. Favorite
155361/24 Peralt v. Nuride
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153830/19 Pickett v. Diallo
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156010/20 Scheimberg v. Lahey
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152293/20 Longdon v. NYCTA
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Walsh

**Part 2
City Part**
Justice Richard A. Tsai
80 Centre Street
Phone 646-386-3738
Room 280

THURSDAY, SEPT. 18
158108/22 Atterbury v. NYCTA
151921/25 Aucar v. NYCTA Et Al
450196/23 Baker v. NYCTA Et Al
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Transportation
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NYCTA
152037/20 Chardon v. E.E. Cruz &
Co., Inc.
155839/23 Cateau v. NYCTA Et Al
162590/14 Choi v. NYCTA Et Al
154726/18 Copland v. Ery North
Tower Rbc Tenant LLC
155468/18 Currence v. NYCTA
161363/19 Danger v. NYCTA
156325/24 De Leon Fermin v.
NYCTA Et Al
155643/24 De Morales v. NYCTA Et
Al
450584/21 Delgado v. Mta Bus Co.
Et Al
153382/24 Diaz v. Hernandez
152020/25 Dombia v. NYCTA
159808/18 Fairclough v. NYCTA
15

21643/14 Bridgemahon v. Pathmark Stores, Inc.
23508/16 Data Automotive Repair Inc. v. Bronx Blvd Automotive Repair
4204/16 Fontane v. Heras
811798/24 Govt. Employees Ins. Co. v. Pacheco
801446/23 Grullon v. Nespo Rlty. Corp.
30571/18 Hubbard v. Jpmorgan Chase Bank
80151/23 Llano Yugi v. Home Builders 1 L.P. Et Al
29292/20 Pacheco v. Ming Yuan Corp.
300038/16 Vasquez v. Lugones

Part 21
Justice Matthew Parker-Raso
Phone 718-618-1435
Room 405, 9:30 A.M.

Part 22
Justice Marissa Soto
Phone 718-618-1193
Room 709, 9:30 A.M.

THURSDAY, SEPT. 18
805390/24 Beato Cruz v. Alarcon Centeno
804841/24 Beato v. Giron
802943/24 Hernandez v. Ann-Gur Rlty. Corp.
81425/23 Molcho Vasquez v. 21st St. Dev. LLC Et Al
800555/24 Sinckler v. Mohammed

FRIDAY, SEPT. 19
802601/25 J. v. Baker
803136/23 Miah v. Haan Fat Rlty. Corp.

Part 24
Justice Shawn T. Kelly
Phone 718-618-1248
Room 623, 9:30 A.M.

THURSDAY, SEPT. 18
813858/23 Arias v. Liberty Coca-Cola Beverages LLC
818663/22 Ashram v. Rubin Dev. And Const. Inc. Et Al
812947/21 Avila v. 1133 Fifth Ave. Corp. Et Al
802320/23 Campoverde Robles v. 2150c LLC Et Al
31972/19 Chica v. Fountain Seaview B3 Housing
814624/23 Cieza Gamonal v. 532 Neptune Associates LLC Et Al
24707/17 De La Cruz v. Cadence Prop. Group
808514/21 Dominguez v. Daniels Food Equipment Et Al
812607/24 Ellerbe v. Polanco Martinez
807429/23 Fitzpatrick v. Empire City Subway (Hd.)
814141/22 Fuentes v. 4720 Third Ave LLC Et Al
817524/22 Camero Garcia v. Third And Thirty Four LLC Et Al
816681/22 Gomez Avilez v. Mingi Ave Rlty. LLC Et Al
804435/23 Gonzales Diaz v. 2980 Third Ave. Hldgs. LLC Et Al
802198/21 Greif v. Metro-North Commuter
810279/22 Gundersen v. Port Auth. of NY And New Jersey Et Al
805124/24 Hernandez v. B&B Mgt. Co. Et Al
817249/21 Jabbi v. Prom Rlty. Co., LLC Et Al
814955/23 Lemetti v. 1114 6th Ave. Owner
808248/23 Lopez Peralta v. 66 Clinton Hldgs. LLC Et Al
31034/18 Lopez v. Port Auth. of NY & Nj
30581/01/14 Lopez v. Ceylon Leasing Ltd
22025/20 Martinez v. Lopez
29185/20 McMillan v. Con Ed Co.
817910/22 Medina Vasquez v. Bridge Rockaway Housing Dev. Fund Co., Inc. Et Al
807906/23 Mendez Mendez v. Efin Mgt. Corp. Et Al
818773/22 Motoa Holguin v. Yedid Builders Inc. Et Al
805733/23 O'Donnell v. Empire City Subway (Hd.)
817367/22 Ochoa Calderon v. B.P. Electric Corp. Et Al
814636/24 Ortiz-Reyes v. Pilgrim United Church of Christ, Inc. Et Al
302457/16 Pacheco v. Ballia Rlty. Corp.
814722/23 Patterson v. Motor Vehicle Accident Indemnification Corp.
800801/24 Paula v. Heo Hldg. Corp.
817706/21 Paulino v. 979 3rd Ave. Associates LLC Et Al
24891/20 Pena Vasquez v. Toll Ny II
815648/22 Perez Jadán v. 414 Gerard Owner LLC Et Al
807039/23 Quichimbo v. 1333 B'way LLC Et Al
817749/22 Ramos Borda v. Rxr 2413 Third Owner LLC
807223/23 Rengifo Mestanza v. 200 East 20th LLC. Et Al
814752/23 Serrano v. Athena Properties LLC Et Al
804855/23 Tamazuiza Ichapanta v. 101 Lincoln Associates Prop. LLC Et Al
26073/20 Truss-Clegg v. Citywide Mobile Response
806382/24 Weekes v. Travieso
817095/23 Williams v. Tkppco Corp. Et Al

Part 27
Justice Naita A. Semaj
Phone 718-618-1226
Room 622 9:30 A.M.

Part 28
Justice Sarah P. Cooper
Phone 718-618-1254
Room 402, 9:30 A.M.

THURSDAY, SEPT. 18
399520 Guzman v. Reyes
803606/21 Huff v. Martinez
12247/09 Rodriguez v. Rodriguez
818432/24 Tavares Cuello v. Solano De Tavares
335720 Vaughan v. Vaughan

Part 29
Justice Veronica Romero Guerrero
Phone 718-618-1479
Room 701, 9:30 A.M.

THURSDAY, SEPT. 18
8502/19 Baez v. Robles
814842/22 Barkat v. Barkat
808887/23 Hunter v. Hunter

FRIDAY, SEPT. 19
4721/21 Bartley v. Campbell
814903/24 Concepcion v. Arizmendi

Part 30
Justice Erik L. Gray
Phone 718-618-1320
Room 703, 9:30 A.M.

THURSDAY, SEPT. 18
804124/22 Almanzar Cabral v. Lag Builders Corp. Et Al
807050/23 Antonio v. Abeco Const. LLC
810563/23 Arricchi v. 2754 Creston Prop. LLC
804701/22 Bautista Hernandez v. Rb Rlty. Capital LLC Et Al
801044/23 Cadena v. Mta Triborough Bridge And Tunnel Auth. Et Al
805980/23 Caleno v. 3178 Villa Bsd Et Al
805470/21 Campos De Souza v. 550 Tienzi LLC Et Al
197725 Candanedo v. NYCHA
817582/24 Cardoza v. Bk Cluster Rehab Housing Dev. Fund Corp.
800889/25 Casado Minjety v. Rosales Ramirez
801710/21 Castillo v. 153 West 48th St. LLC
805921/23 Castro Quispe v. Coney Island Phase 2 Housing Dev. Fund Corp. Et Al
800571/24 Collins v. Starks
802551/25 Constantino v. Peralta
812830/23 Crespo Boranda v. Bushburg Builders
811147/21 Cruz v. Dragon Tompkins LLC Et Al
815928/23 Cruz v. St. Simon Stock-St. Joseph Rc Church
812785/23 Cruzado Lizana v. Tishman Const. Corp. Et Al
816426/23 Dominguez v. 1530 Plimpco
804659/23 Faconda Lema v. Jc Consulting Mgt. Corp. Et Al
813238/24 Fortes v. David
803231/23 Gonzales Bustamante v. 2980 Third Ave. Hldgs. LLC Et Al
801096/23 Grullon Baez v. Bmr Owners Corp. Et Al
806355/25 Guzman-Joaquin v. Tieman
801024/24 Ramirez v. Doe
810705/23 Mendoza Rimarachin v. Bronx Point Owner LLC Et Al
814787/24 Menton v. Cornielle
805096/25 Myers v. Weinstein
820543/24 Nunez v. Wiggers Jr.
801593/23 Ortiz v. NY Developers & Mgt. LLC Et Al
804275/23 Padron Sosa v. 42 West Broad Developers LLC Et Al
802481/24 Payano Fernandez v. Dougert Mgt. Corp. Et Al
802814/21 Psychopedas v. Triborough Bridge And Tunnel
810544/23 Quintero v. NYCHA
811749/23 Rodriguez v. The NY And Presbyterian Hosp.
804206/23 Samboy v. Hp Arverne Preservation Housing Co. Inc.
800059/25 Sanchez Reinoso v. Singh
816116/24 State Farm Fire And Casualty Co. A/s/o Eduardo Quevedo v. Vasquez
814105/24 T.M. v. 600 East 156th St. Housing Dev. Fund Corp.
808018/22 Tabora-Mejia v. 7 Third Ave. Fee LLC Et Al
815952/21 Tavarez v. 2775 King Terrace Assoc. LLC
810128/22 Thompson v. Genesis Kc Dev. LLC Et Al
801689/23 Torres Figueroa v. Deluxe Home Builders Corp. Et Al
809481/21 Torres v. 313 Linden St.
815491/24 Velez v. Luciano Trucking LLC Et Al
810011/23 Vincente Ramirez v. The NYCHA Et Al
807680/24 Vongnarath v. Iole Rlty. Co., LLC

Part 31/32
Justice Fidel E. Gomez
Phone 718-618-1203
Room 403, 9:30 A.M.

Part 34
Justice Michael A. Frishman
Phone 718-618-1349
Room 705, 9:30 A.M.

THURSDAY, SEPT. 18
21609/20 Delacruz v. Abraham Operations

820574/24 Johnson v. Casa Redimix Concrete Corp.
816118/21 Kelly v. Diego Beekman Mutual Housing Assoc. Housing Dev. Fund Corp. Et Al
806444/22 Kennerly v. 2705 Marion Rlty. LLC
811735/25 Koehler v. NYC Et Al
807806/23 Lavar v. The Port Auth. of New York And New Jersey Et Al
803801/22 Malpica v. New Era Foods One Inc. And Et Al
28968/19 Marte v. Salvation Army
813302/22 Mendez v. Teitel Bros.
304807/15 Mott Haven Victory Housing v. Expo Dev. Corp.
806033/23 Ortiz v. Parkchester Preservation Co.
811076/24 Oviedo Cordova v. West St Gardens LLC Et Al
811657/23 Palestina v. 1975 Lafontaine Rlty. Corp
816014/24 Palestina v. Aleseda Mgt. Corp.
811594/24 Perdomo v. Law Firm of Nonna Shikh Esq. Et Al
804058/25 Perez Hernandez v. Minick
818020/24 Peters v. Walgreen Co.
806456/22 Pimentel Mella v. Newstart Rlty. Housing Dev. Fund Co., Inc. Et Al
813750/25 Pimentel Ramirez v. Nueva Imagen Express LLC Et Al
29857/20 Randolph v. 1199 Housing Corp.
804389/21 Rentas v. Norse Rlty. Group Inc.
803030/22 Rivera v. Queens Ballpark Co., LLC
807222/23 Rodrigues v. Vno Bruckner Plaza
807174/23 Rodriguez Reyes v. Fgny W14
21469/20 Rodriguez v. 416 East 187th St. LLC
818425/24 Rosario v. Laforce
810540/23 Sanchez Castillo v. Parkash 180 LLC
803941/25 Silva v. Cortes
37472/16 Thompson v. Sneed
31699/19 Ubakanna v. River Park Bronx Apts.
805826/23 Ward-Lynch v. Jhy Properties Inc.
20531/13 Washington Ave. Prop., Inc. v.
808348/24 Wright v. Prince Food Corp

Part 35
Justice Raymond P. Fernandez
Phone 718-618-1216
Room 625, 9:30 A.M.

THURSDAY, SEPT. 18
810857/24 Cook v. 961 Southern Boulevard Partners LLC Et Al
816373/22 Flores Castillo v. United Parcel Service, Inc. Et Al
802279/24 Foat v. Blandon
809503/22 Gray v. Moncada Saenz
813445/24 Hargrett v. Rigo Limo-Auto Corp. Et Al
815372/24 Jacobs v. Crabtree
808760/24 James v. Brown
820695/23 Lozano v. Chatsworth Builders LLC Et Al
803728/25 Ramirez v. Wakefern Food Corp. D/b/a Shophrite of Greenway Plaza
806556/22 Smith v. Musallam
813334/24 Villamedel v. Jiminian-DeRosario

Part 36
Justice Rivera
Phone 718-618-1378
265 East 161st Street
Room 300, 9:30 A.M.

Part T11 (Trial)
Justice Mitchell
Phone 718-618-1076
265 East 161st Street
Room 450, 9:30 A.M.

Part C
Justice Lieb
Phone 718-618-1097
265 East 161st Street
Room 320, 9:30 A.M.

Part IDV-SCT
Justice Flores
Phone 718-618-1067
265 East 161st Street
Room 420, 9:30 A.M.

Part JD/T
Justice Lieb
Phone 718-618-1097
265 East 161st Street
Room 620, 9:30 A.M.

Part TRP
Justice Fabrizio
Phone 718-618-1103
265 East 161st Street
Room 340, 9:30 A.M.

Part 11
Justice Mitchell
Phone 718-618-1076
265 East 161st Street
Room 450, 9:30 A.M.

Part 12
Justice Michels
Phone 718-618-3623
265 East 161st Street
Room 570, 9:30 A.M.

Part 14
Justice Busching
Phone 718-618-1034
265 East 161st Street
Room 660, 9:30 A.M.

Part 15
Justice Tba
265 East 161st Street
Room 570, 9:30 A.M.

Part 16
Justice Bruce
Phone 718-618-1043
265 East 161st Street
Room 540, 9:30 A.M.

Part 17
Justice Tbd
Phone 718-618-1106
265 East 161st Street
Room 350, 9:30 A.M.

Part 18
Justice Yearwood
Phone 718-618-3629
265 East 161st Street
9:30 A.M.

Part 19
Justice Collins
Phone 718-618-1058
265 East 161st Street
Room 550, 9:30 A.M.

Part 21

Justice Powell
Phone 718-618-1133
265 East 161st Street
Room 690, 9:30 A.M.

Part 22
Justice McCormack
Phone 718-618-1001
265 East 161st Street
Room 600, 9:30 A.M.

Part 23
Justice Villegas
Phone 718-618-1046
265 East 161st Street
Room 380, 9:30 A.M.

Part 24
Justice Hornstein
Phone 718-618-1073
265 East 161st Street
Room 440, 9:30 A.M.

Part 27 (DV)
Justice Stone
Phone 718-618-1031
265 East 161st Street
Room 590, 9:30 A.M.

Part 28
Justice Clancy
Phone 718-618-3638
265 East 161st Street
Room 560, 9:30 A.M.

Part 29
Justice Rodriguez-Morick
Phone 718-618-1118
265 East 161st Street
Room 430, 9:30 A.M.

Part 31
Justice Zimmerman
Phone 718-618-1022
265 East 161st Street
Room 670, 9:30 A.M.

Part 32
Justice Rosenbluth
Phone 718-618-1019
265 East 161st Street
Room 500, 9:30 A.M.

Part 60
Justice Barrett
Phone 718-618-1007
265 East 161st Street
Room 620, 9:30 A.M.

Part 70
Justice Lewis
Phone 718-618-1103
265 East 161st Street
Room 340, 9:30 A.M.

Part 71
Justice Steed
Phone 718-618-1004
265 East 161st Street
Room 610, 9:30 A.M.

Part 73
Justice Tba
Phone 718-618-1085
265 East 161st Street
Room 510, 9:30 A.M.

Part 75
Justice Bruce
Phone 718-618-1043
265 East 161st Street
Room 540, 9:30 A.M.

Part 77
Justice Parker
Phone 718-618-1025
265 East 161st Street
Room 680, 9:30 A.M.

Part 78
Justice Marcus
Phone 718-618-1001
265 East 161st Street
Room 600, 9:30 A.M.

Part 96
Justice Morales
Phone 718-618-1082
265 East 161st Street
Room 460, 9:30 A.M.

Part 21

Justice Powell
Phone 718-618-1133
265 East 161st Street
Room 690, 9:30 A.M.

Part 22
Justice McCormack
Phone 718-618-1001
265 East 161st Street
Room 600, 9:30 A.M.

Part 23
Justice Villegas
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265 East 161st Street
Room 380, 9:30 A.M.

Part 24
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265 East 161st Street
Room 440, 9:30 A.M.

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Justice Clancy
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Room 620, 9:30 A.M.

Part 70
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Part 75
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265 East 161st Street
Room 600, 9:30 A.M.

Part 96
Justice Morales
Phone 718-618-1082
265 East 161st Street
Room 460, 9:30 A.M.

SURROGATE'S COURT
Surrogate
Nelida Malave-Gonzalez
Phone 718-618-2350
Courtroom 406

Second Department

APPELLATE DIVISION
THURSDAY, SEPT. 18
10 A.M.
Court To Be Held In Brooklyn, NY
Duffy, J.P., Ford, Golia and Quirk, J.J.
23/06888 People v. Clarke, Antoinette (Q)
22/05092 People v. Clarke, Antoinette (Q)
22/05092 People v. McDonald, Ricardo (K)
23/08307 People v. Aguilera-Varela, Francisco (D)
23/11663 People v. Smith, Anthony W. (S)
21/03211 Gupta v. Long Island Jewish Medical Center (Q)
21/04495 Chancy v. Powell (S)
21/01764 Randolph v. Gholis of Brooklyn Corp. (K)
24/06592 Cohen v. City of New York (K)
24/04536 Sands v. City of New York (Q)
24/05339 Citibank, N.A. v. Yanling Wu (Q)
24/05705 Citibank, N.A. v. Wu (Q)
23/11424 Matter of Asia v. Town of Shelter Island (S)
22/02233 Romero v. Evergreen Gardens II LLC (K)
24/08812 Willett Avenue LLC v. Village of Port Chester (W)
24/07161 J&T Beach Corp. v. Town of Oyster Bay (N)
24/06662 Deutsche Bank National Trust Company v. Groder (N)
24/07240 Kinnier v. City of Long Beach (N)
24/12745 Wells Fargo Bank, N.A. v. Costa (Q)
23/11754 Ash Development, LLC v. Fidelity National Title Insurance Company (N)
23/11755 Ash Development, LLC v. Fidelity National Title Insurance Company (N)
24/09520 Ash Development, LLC v. Fidelity National Title Insurance Company (N)
23/11967 O. v. Economic Opportunity Council of Suffolk, Inc. (S)
FRIDAY, SEPT. 19
10 A.M.
Court To Be Held In Brooklyn, NY
Connolly, J.P., Brathwaite Nelson, Hom and Goldberg Velazquez, J.J.
23/07094 People v. Serva, James (K)
24/06223 People v. Mondy, Anaya (N)
24/10650 People of State of New York v. Portillo-Perez (RO)
22/06732 Matter of Abraham v. Banaszek; Banaszek v. Abraham (N)

Part 35
Justice Raymond P. Fernandez
Phone 718-618-1216
Room 625, 9:30 A.M.

THURSDAY, SEPT. 18
810857/24 Cook v. 961 Southern Boulevard Partners LLC Et Al
816373/22 Flores Castillo v. United Parcel Service, Inc. Et Al
802279/24 Foat v. Blandon
809503/22 Gray v. Moncada Saenz
813445/24 Hargrett v. Rigo Limo-Auto Corp. Et Al
815372/24 Jacobs v. Crabtree
808760/24 James v. Brown
820695/23 Lozano v. Chatsworth Builders LLC Et Al
803728/25 Ramirez v. Wakefern Food Corp. D/b/a Shophrite of Greenway Plaza
806556/22 Smith v. Musallam
813334/24 Villamedel v. Jiminian-DeRosario

Part 36
Justice Rivera
Phone 718-618-1378
265 East 161st Street
Room 300, 9:30 A.M.

Part T11 (Trial)
Justice Mitchell
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Part C
Justice Lieb
Phone 718-618-1097
265 East 161st Street
Room 320, 9:30 A.M.

Part IDV-SCT
Justice Flores
Phone 718-618-1067
265 East 161st Street
Room 420, 9:30 A.M.

Part JD/T
Justice Lieb
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Part TRP
Justice Fabrizio
Phone 718-618-1103
265 East 161st Street
Room 340, 9:30 A.M.

Part 11
Justice Mitchell
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Part 12
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Part 14
Justice Busching
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Room 660, 9:30 A.M.

Part 15
Justice Tba
265 East 161st Street
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Part 16
Justice Bruce
Phone 718-618-1043
265 East 161st Street
Room 540, 9:30 A.M.

Part 17
Justice Tbd
Phone 718-618-1106
265 East 161st Street
Room 350, 9:30 A.M.

Part 18
Justice Yearwood
Phone 718-618-3629
265 East 161

2500740 Boulevard Together Master Tenant, LLC v. Brian Felix, "John Doe" a/k/a Carl Felix, "Jane Doe"
 2500751 Luis Alcalá v. Metropolitan Transit Authority (Mta) (Legal Dept.)
 2500770 Mohamed Tibta v. 156 E. 21. LLC and Ammar Omar and "John Doe" and "Jane Doe"
 2500772 Veronica Cronwell and Tommie Johnson and Nancy Smith and Jerome Brown v. Az 400 Herkimer Street LLC and Amrabin Ahmed and Department of Housing Preservation and Development
 2500773 Brownsville Associates v. Rosemarie Garrison and Jerome C. Cutherie, Deshon D. Garrison, Amel G. Garrison and J. Doe
 2500775459 Chauncy LLC v. Natanya Hamilton
 2500780 Fi General Construction Co. v. Trevor Bartley
 2500797 Howard Venue Associates v. Jose Colon-Fernandez
 2500808 Luis Alcalá v. Bay Laundry Depot
 2500809 Derrica D. Kearney v. Paul Notice
 2500864 Alicia R. Ferguson v. Paris Alexandra
 2500896 Anukwara Ketosogbo Md, Pc aao Monique Espinal v. Affirmative Direct Insurance Company
 25010297 Luis Alcalá v. Laundry King
 25010350 Department of Housing Preservation and Development v. Kenneth Banks and Seyed A. Moussavi and 22 Hawthorne Street, LLC
 25010373 Us Levin Grp Corp. v. Kristine Erkm
 2501074 Weifei Lu v. Fu Ping Jiang
 25010375 Alexandria Kennedy v. Victor J. Capobianco and Josiah Frazier
 25010737 Lloyd Nwankwo v. v. 853 Empire Boulevard Associates and Property Services, LLC
 25010385 Iona Itskov v. Bay Decorators, Inc. and Ken Gams
 25010386 1338 Prospect LLC v. Franklyn Stephen and Denise Stephen, Michael Stephen, Katherine Stephen, Rosita Cunningham, Andrea Reid, Shannon Reid, Crystal Reid a/a Kristal A. Reid, Bryant Service, Joshua A. Service, Christina C. Rembert, Visma M. King, "John Doe" and "Jane Doe"
 2501388 1338 Prospect LLC v. Franklyn Stephen and Denise Stephen, Michael Stephen, Katherine Stephen, Rosita Cunningham, Andrea Reid, Shannon Reid, Crystal Reid a/a Kristal A. Reid, Bryant Service, Joshua A. Service, Christina C. Rembert, Visma M. King, "John Doe" and "Jane Doe"
 2501398

50818425 Petriashvili v. Dimentman
 52045925 Polanco v. Ianniciello
 51278225 Rivera Cabrera v. Bh Ruth Red Hook LLC Et Al
 50252825 Rumph-Sanders v. Alcounty Plumbing & Heating Corp. Et Al
 52594524 Russo v. Croom
 51613825 Simon v. Penske Truck Leasing Co
 50737224 Small v. Yafai
 51482125 Solorzano-Morocho v. Edwards
 53143222 Stathakis v. Farina
 50516325 Sterling-Smith v. Hernandez
 51769025 Taylor v. Perez
 50807322 The Board of Mgrs. of 105 Neptune Ave. Condominium v. Tveritnev
 51172625 Thomas v. Long Island Jewish Forest Hills Et Al
 51205025 Thorne-Vincent v. Carrington
 51472725 Wheeler v. Morgan
 51542724 White v. Singh
 51321324 Xie v. F And R Royal Inc. Et Al
 51354323 Zacharias v. American United Transportation, Inc. Et Al
 51574824 Zahler v. Drillman
 52397724 Zhang v. Good Neighbor Laundromat Et Al

FRIDAY, SEPT. 19
 517636254918 Church Avenue v. Keda
 50373924 Al-Iman Center, Inc. v. Massoud
 50975725 Alexander v. Lyft, Inc. Et Al
 52220324 Austin v. Gaetano III
 50365725 Ayala v. Almanzar
 50424525 Babosa-Mcletchie v. Scrubb
 50830125 Ball v. Crowder
 51700125 Barrett v. Lucermiramon
 50621825 Benn v. Shukla M.D.
 51193725 Berry v. Samaritan Daytop Village Inc Et Al
 51334524 Cannon v. Parker
 50723225 Cha v. Q Mei Trucking, Inc. Et Al
 5168025 Charley v. Litorow
 50060222 Charles v. Motor Vehicle Accident Indemnification Corp.
 53337624 Chong v. Chui
 51436925 Cochran v. Boro Architects
 50410024 Coles v. Riverdale Osborne Towers Commercial LLC
 51002223 Con Ed Co. of New York, Inc. v. Fine Craftsmen Group
 50661125 Diaz v. Cumbouris
 52948924 Edri v. Advanced Recovery Equipment And Supplies
 51004125 Epelbaum v. Shlayan
 50024625 Fenix Capital Funding v. Landmark Prop. Enhancements
 52490424 Fishman v. 1299 St. Johns Pl.
 52465124 Flash Funding Services Inc. v. Gemini Collision Center D/b/a Gemini Collision Center Et Al
 52053724 Franqui v. 291 Wyckoff LLC Et Al
 53094024 Frazer v. Nelson
 51268925 Gregorio v. Ahmed
 50392125 Guy v. Lux Credit Consultants LLC Et Al
 50508625 Holmes v. Dygulska M.D.
 51163225 Isakulov v. Royal Seaford Baza Inc. Et Al
 50706925 Jean-Baptiste v. Shilaire
 52949323 Joseph v. Prospect Park Operating
 523939722 Jr. Roach v. 215 Sterling LLC Et Al
 51955925 Lasheen v. Klein
 51539625 Lend Bug LLC v. Gibranco LLC Et Al
 52270725 Luke v. Lyndsey Partners LLC
 52015924 Margolla v. Modebadze
 52055925 Martinez v. Empire Rty. of Corbin LLC
 50360024 Mayard v. Baldor Specialty Foods, Inc. Et Al
 52517124 McDuffie v. Pacific Enterprise LLC Et Al
 52026525 McLarty v. Singh
 52074624 Medina v. Maldonado Jr
 50455220 Melendez v. Tri-Med Home Care Services, Inc. Et Al
 51260025 Mercado v. NYCHA Et Al
 53538124 Mirza v. Amazon Logistics, Inc. Et Al
 51194825 Mitchell v. Beg Imports LLC Et Al
 51222225 Montana v. Mede
 51091425 Nataran v. Maimonides Medical Center Et Al
 18951121 Onewest Bank v. Stephens
 50231325 Patel v. NYC Et Al
 51644925 Perotine v. Perveev
 53101424 Portillo v. Molina-Medrano
 50029825 Robles v. Liu
 52352623 Rodriguez v. 420 Stockton St. Associates Lo
 51011025 Rodriguez v. Sanchez Toribio
 52098525 Shi v. Metro. Transportation Auth. Et Al
 51558321 Simon v. Atwater
 51832725 T. Siddiqui
 51088124 The Estate of Nidia Reyes v. Cnh Operating
 53174524 Thomas v. Bitmars Lico
 53661523 Topast. Builders LLC v. Rufenach
 51313723 Tripifoods, Inc. v. Ahmad
 50718425 Witvickhead v. Grandy
 51785324 Whitehurst v. Razzq
 51179125 Yu v. Jacobson M.D.

MONDAY, SEPT. 22
 53564224 1140 Flatbush Ave. Rty. Corp. v. 1142 Flatbush Suites LLC v. Marshall
 51153925 171a Schaefer St. Bklyn. LLC v. Marshall
 52722224 Aguiar v. Fulton Prop. Owner LLC Et Al
 53053024 And Natural Guardian Polina Zilbert v. Avalon Bklyn. Bay Et Al
 51500624 Arslan Javeed v. Singh
 52280725 Ashley v. Wright
 52051025 Babronov v. Davis
 51237625 Berkolayko v. J King Logistics Corp. Et Al
 51424 Bhiakarie v. Security USA, Inc.
 52767424 Board of Mgrs. of The 280 Metro. Ave. Condominium v. 280 Metro. Partners LLC Et Al
 50947024 Borrome v. Block 7918 Rty. Corp. Et Al
 51899925 Brian Nivar v. Dollar Tree Stores, Inc. Et Al
 50259623 Brick Land Corp. v. Alvarez Jr.
 53060024 Cano v. Certified Carting Et Al
 50024721 Charles v. Li
 50908125 Common Builders, Inc. v. Arevkh
 51252225 Daley v. Alicock
 50671324 Durand v. Medina Quailias
 52477824 Empro Staffing LLC v. Watkins
 52983024 Escorcia Perez v. Bp Ny 2 LLC Et Al
 51556925 Espinal v. Braverman
 50333524 Espinoza v. Shore Towers Ozb LLC
 51163125 Espinoza v. Citybridge
 52020225 Flores v. Sojitra
 491223 Franco v. Rivera
 50949225 Garcia-Carrillo v. 205 14th St. LLC Et Al
 50781224 Germain v. in Murthil Pierre
 50692324 Gershon v. Pierre
 51719424 Hodzie v. Rahman
 50782923 Hyundai Marine & Fire Ins. Co. v. G
 50000825 In The Matter of The Application of Protective Ins. Co. v. Bravo
 51206525 Joseph v. Salvatore Castellano Landscaping
 12125 Karas v. 208 Franklin Liquors Inc.

CONFERENCE
 51620825 Birchwood Funding v. Legacy Distribution Group LLC Et Al
Commercial Division Part 6
Justice Lawrence Knipel
 360 Adams Street
 Phone 347-296-1630
 Room 774
THURSDAY, SEPT. 18
 50590423 Dml Capital Mortgage Fund v. Investor's Genie LLC Et Al
 5044522262 Funding LLC v. Meir Bernstein LLC Et Al
 50767623 Gould v. Bklyn. Union Gas Co. D/b/a Nat. Grid NY Et Al
 865061 Lopez v. Martinez
 50980424 Luna v. NYC Et Al
 50053920 Radharani Properties LLC v. 1499 Fulton Rty. LLC Et Al
 50254523 Rosenblum v. Cb 60 LLC Et Al
 52517724 Stathakos v. Chudhary
 51518225 Suraya Capital 11 N. Elliot v. Royal Gardens 641 LLC
 51015324 U.S. Bank Nat. Assoc. v. Jade Sunshine LLC Et Al
 51247524 U.S. Bank Trust Co. v. 1376 St. Johns Pl.
 50587523 U.S. Bank Trust Nat. Assoc. As Trustee of Cabana Series V Trust v. 268 Dean LLC Et Al
 302512 Wilmington Savings Fund v. Bennett
 52955622 Wilmington Savings Fund Society v. 105a Hull LLC Et Al
FRIDAY, SEPT. 19
 51104225 Ace Funding Source LLC v. Authentic Contracting Solutions LLC Et Al
 51342825 Carlio, Inc. v. Gao
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LIQUOR LICENSES

NOTICE IS HEREBY given that a license, number NA-0524-25-01441, for beer, cider, liquor, and wine has been applied for by the undersigned* to sell beer, cider, liquor, and wine at retail in a restaurant/bar under the Alcoholic Beverage Control Law at 435 E 153rd St, Bronx, New York 10455 for on premises consumption. *(El Chicano Sports Bar Corp.) (435 E 153rd St, Bronx, New York 10455) s11-Th s18

NOTICE IS HEREBY given that a license, number pending, has been applied for by Foodance the Living Room by Cesare Vangeli Corp to sell beer, wine, and liquor at retail in a tavern under the Alcoholic Beverage Control Law at 690 10th Ave, New York, NY 10019 for on-premises consumption. s11-Th s18

NOTICE IS HEREBY given that a license with Application ID: NA-0240-25-105217, for beer, wine & cider has been applied for by the undersigned to sell beer, wine & cider at retail in a restaurant under the Alcoholic Beverage Control Law at 2817-19 Broadway New York, NY 10025 for on premises consumption. The company's name is Kim & Bao Trading LLC dba Nai Brother Sauerkraut Fish. 14134 s11-Th s18

NOTICE IS HEREBY given that an On-Premise Catering Establishment Full Liquor License Application ID NA-0346-25-125305 has been applied for by Compass Group USA, Inc serving beer, wine, liquor, mead, and cider to be sold at retail for on premises consumption in a Catering Establishment for the premises located at 120 Park Ave Fl 22 New York NY 10017. s11-Th s18

NOTICE IS HEREBY given that an On-Premise Catering Establishment Full Liquor License Application ID NA-0346-25-124446 has been applied for by Compass Group USA, Inc serving beer, wine, liquor, mead, and cider to be sold at retail for on premises consumption in a Catering Establishment for the premises located at 731 Lexington Ave Fl 6 & 7 New York NY 10022. s11-Th s18

NOTICE IS HEREBY given that an On-Premise Catering Establishment Full Liquor License Application ID NA-0346-25-126320 has been applied for by Compass Group USA, Inc serving beer, wine, liquor, mead, and cider to be sold at retail for on premises consumption in a Catering Establishment for the premises located at 731 Lexington Ave Fl 28 New York NY 10022. s11-Th s18

NOTICE IS HEREBY given that an On-Premise Restaurant Full Liquor License, NYS Application ID: NA-0340-25-127058 has been applied for by KJUN BUKU Inc. serving beer, wine, cider, mead and liquor to be sold at retail for on premises consumption in a restaurant, for the premises located at 334 Lexington Ave New York NY 10016-0907. s11-Th s18

NOTICE IS HEREBY given that an On-Premise Restaurant Full Liquor License, NYS Application ID: NA-0340-25-127868 has been applied for by GEO Hospitality East Lp, serving beer, wine, cider, mead and liquor to be sold at retail for on premises consumption in a restaurant, for the premises located at 1712 2nd Ave New York NY 10128-3273. s11-Th s18

NOTICE IS HEREBY given that an On-Premise Restaurant Wine License, NYS Application ID: NA-0240-25-127764 has been applied for by Tachi-339 W 44 LLC serving beer, wine, cider and mead to be sold at retail for on premises consumption in a restaurant, for the premises located at 339 W 44th St West Store New York NY 10036. s11-Th s18

NOTICE IS HEREBY given that a Tavern Wine License, NYS Application ID NA-0267-25-127136 has been applied for by BK Dumping US LLC dba Brooklyn Dumping Shop to sell beer, wine, mead and cider at retail in a Tavern. For on premises consumption under the ABC law located at 453 East 78th Street New York NY 10075. s11-Th s18

LIMITED LIABILITY ENTITIES

CHERYL KRAVATZ, ESQ., PLLC. Arts. of Org. filed with the SSNY on 08/05/25. Office: Nassau County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC, 16 Maplewood Drive, Plainville, NY 11803. Purpose: For the practice of the profession of Law. 12992 au14-Th s18

MUBARAK LAW PLLC. a Prof. LLC. Arts. of Org. filed with the SSNY on 07/22/2025. Office location: NY County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: Omar Hussein Mubarak, 80 Broad St., 5th Floor, NY, NY 10004. Purpose: To Practice The Profession of Law. 13023 au14-Th s18

THE LAW OFFICE OF FEILEN AND KATZ, PLLC. Arts. of Org. filed with the SSNY on 06/03/25. Office: New York County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC, 928 Broadway, Suite 1000, New York, NY 10010. Purpose: Any lawful purpose. 13578 au28-Th o2

NOTICE OF FORMATION OF OPISSO Studio Architecture PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/10/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to PO Box 88, Cooper Station, 93 4th Ave, NY, NY 10276. P/B/A: 444 Manhattan Ave, Unit 1N, NY, NY 10026. Purpose: any lawful act. 12982 Au14 Th S18

NOTICE OF FORMATION of Mind Share Therapy LCSW, 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 363 West 30th St, Apt 2D, New York, NY 10001. Purpose: any lawful act. 13883 S04 Th O09

BODY LOGIC MESSAGE THERAPY PLLC. Arts. of Org. filed with the SSNY on 09/03/2025. 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, 252 East Park Avenue, Long Beach, NY 11561. Purpose: To Practice The Profession of Massage Therapy. 14183 s11-Th o16

NOTICE OF FORMATION of LEE MENTAL HEALTH COUNSELING SERVICES, PLLC. 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 PLLC to 400 Central Park West, Apt 2G, New York, NY 10025. Purpose: any lawful act. 14435 S18 Th O23

LIMITED LIABILITY ENTITIES

49 HARBORVIEW WEST LLC. Arts. of Org. filed with the SSNY on 08/08/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 165 West End Ave, Apt 15N, NY, NY 10023. Purpose: Any Lawful Purpose. 13046 au14-Th s18

BENNY'S BURGERS LLC. Arts. of Org. filed with the SSNY on 08/11/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 165 West End Ave, Apt 15N, NY, NY 10023. Purpose: Any Lawful Purpose. 13046 au14-Th s18

ELCORE SOLUTIONS LLC. Art of Org. filed with SSNY 7/25/25. Office location: Nassau County. SSNY designated as agent for process. SSNY shall mail copy of process to: c/o The LLC, 146 Hunter Ridge Rd., Massapequa, NY, 11758.. Any lawful act or activity. 12994 au14-Th s18

FINAL STEP LLC. Arts. of Org. filed with the SSNY on 08/08/2025. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 21 Bonaventure Avenue, Ardsley, NY 10502. Purpose: Any Lawful Purpose. 12996 au14-Th s18

SALES

NOTICE OF SALE
SUPREME COURT COUNTY OF KINGS DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE, ON BEHALF OF THE HOLDERS OF THE AAMES MORTGAGE INVESTMENT TRUST 2006-1, MORTGAGE BACKED NOTES, Plaintiff AGAINST MAGALIE PHILANTROPE, ET AL, Defendants) Pursuant to a Judgment of Foreclosure and Sale duly entered March 3, 2014, I, the undersigned Referee will sell at public auction at the Kings County Supreme Court, in Room 224, 360 Adams Street, Brooklyn, New York 11201 on September 25, 2025 at 2:30 PM, premises known as 3728 Lyme Avenue, Brooklyn, NY 11224. All that certain plot piece or parcel of land, with the buildings and improvements erected, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, Block: 7000 Lot: 21. Approximate amount of judgment \$526,002.10 plus interest and costs. Premises will be sold subject to provisions of filed Judgment. Index #13056/2011. Roger Siegel, Esq., Referee FEIN, SUCH & CRANE, LLP 28 East Main Street, Suite 1800 Rochester, NY 14614 SP-SJN35 86725 13239 au28-Th s18

NOTICE OF SALE

SUPREME COURT NEW YORK COUNTY U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA SUCCESSOR INTEREST TO LASALLE BANK NA AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE WAMU MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-0A4 TRUST, Plaintiff against YOUNG IL LEE, et al Defendants) Attorney for Plaintiff(s) Fein Such & Crane, LLP, 28 East Main Street, Suite 1800, Rochester, NY 14614. Pursuant to a Judgment of Foreclosure and Sale entered February 4, 2021, I will sell at public auction to the highest bidder at Room 130, Supreme Court, 60 Centre Street, NY, NY 10007 on October 22, 2025 at 2:15 PM. Premises known as 200 Chambers Street, Unit 13, New York, NY 10007. Block 142 Lot 1309. All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City and State of New York. Approximate Amount of Judgment is \$695,757.59 plus interest, fees, and costs. Premises will be sold subject to provisions of filed Judgment. Index No 110626/2009. The foreclosure sale will be conducted in accordance with 1st Judicial District's Covid-19 Policies and foreclosure auction rules. The Referee shall enforce any rules in place regarding facial coverings and social distancing. Referee will only accept a certified bank check made payable to the referee. Matthew D. Hunter III, Esq., Referee File #SPSNY303 14107 s18-Th o9

LIMITED LIABILITY ENTITIES

Notice of Formation of Laver Wave, LLC. Articles of Organization filed with the SSNY on 7/30/2025. Office location: Westchester County. SSNY has been designated as agent of LLC upon whom process against it may be served and SSNY should mail a copy of process to 222 Purchase St, #209, Rye, NY 10580. Purpose is to engage in any and all business activities permitted under NY laws. 12986 Au14 Th S18

NOTICE OF FORMATION OF MARTIN WELLNESS SOLUTIONS LIMITED LIABILITY COMPANY. Arts of Org filed with Secy. of State of NY (SSNY) on 4/15/2025. Office location: NY County. SSNY designated as agent upon whom process against the LLC may be served and shall mail copy of process against LLC to 18 East 127th St, #1, New York, NY 10035. Purpose: any lawful act. 12267 Au14 Th S18

NOTICE OF FORMATION of Bria Cheri LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/30/2025. Office location: NY County. SSNY designated as agent upon whom process against the LLC may be served and shall mail copy of process against LLC to 228 Park Ave S #135373, NY, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave. #202, BK, NY 11228. Purpose: any lawful act. 13329 Au21 Th S25

PROVISIONAL PLANNED FUNDS LLC. Arts. of Org. filed with the SSNY on 08/29/2025. 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, 306 Glen Cove Road, Carle Place, NY 11514. Purpose: Any Lawful Purpose. 13887 s4-Th o9

SALES

NOTICE OF POSTPONEMENT SALE DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK
NDFI, LLC, Plaintiff v. ALBERT VERWAYNE, SR.; et al. Defendants. Attorney for Plaintiff: Hasbani & Light, P.C., 450 7th Ave, Suite 1901, New York, NY 10123; (212) 643-6677 Pursuant to judgment of foreclosure and sale granted herein on 05/19/2025, I will sell at Public Auction to the highest bidder in the District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201 on September 26, 2025, at 10:30 PM (Previously scheduled for September 18, 2025 at 1:00 PM) Premises known as 799 Albany Avenue, Brooklyn, New York, NY 11203 Block: 4862 Lot: 51 All that certain plot, piece or parcel of land, situate, lying and being in the County of Kings, City and State of New York. As more particularly described in the judgment of foreclosure and sale. Sold subject to the terms and conditions contained in said judgment and terms of sale. Approximate amount of judgment: \$155,454.90, plus interest and costs. CIVIL DOCKET FOR CASE #: 1:24-cv-05584-BMC 14457 s18-Th-11

NOTICE OF PUBLIC SALE OF A COOPERATIVE APARTMENT

PLEASE TAKE NOTICE: by virtue of default under Loan Security Agreement, and other Security Documents executed to CITIBANK, N.A., c/o Cenlar, FSB with an address of 425 Phillips Boulevard, Newark, New Jersey and a phone number of (800) 223-6527, as lender, the Auctioneer, will sell at public auction, with reserve, on October 15, 2025, at the Portico outside of the New York County Courthouse, 60 Centre Street, New York, NY 10007, commencing at 1:30 p.m., 118 shares of the capital stock of Hillview Owners Corp. (a Cooperative Housing Corporation), issued in the name of Nora M. Carmichael, and all right, title and interest in a Proprietary Lease to Apt.12B2, located at 345 145th ST W aka 345 W. 145th STREET, NEW YORK, NY 10031-5323. The Debtor(s) are entitled to an accounting of the unpaid indebtedness secured by the above-referenced Shares of Stock and Proprietary Lease at no cost to the Debtor(s), which may be requested by calling Roach & Lin, P.C. at (516) 938-3100. Sale to be held at 10:00 a.m. at the office of CITIBANK, N.A., as Lender, who reserves the right to bid. Ten percent (10%) Bank/Certified check payable to the Escrowee, Roach & Lin, P.C., as attorneys for CITIBANK, N.A. Balance due at closing within thirty (30) days. The Cooperative Apartments will be sold "AS IS", and possession is to be obtained by the purchaser(s). Dated: September 4, 2025 ROACH & LIN, P.C. (ESCROWEE) Attorneys for CITIBANK, N.A. 6851 Jericho Turnpike, Suite 185 Syosset, NY 11791 (516) 938-3100 14362 s18-Th o2

LIMITED LIABILITY ENTITIES

Paper Plastic Supply One LLC. Arts. of Org. filed with the SSNY on 08/28/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 189 Peters Avenue, East Meadow, NY 11554. Purpose: Any lawful purpose. 14440 s18-Th o23

Paper Plastic Supply One LLC. Arts. of Org. filed with the SSNY on 08/28/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 189 Peters Avenue, East Meadow, NY 11554. Purpose: Any lawful purpose. 14442 s18-Th o23

LIMITED LIABILITY ENTITIES

Palisade Acquisition III, LLC Arts. of Org. with the Secy of State of NY (SSNY) on 4/1/2025. Office: Bronx County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 225 Crossways Park Dr, Woodbury, NY 11797. Purpose: any lawful act. 13902 s4-Th o9

PPN Associates LLC filed Arts. of Org. with the Secy of State of NY (SSNY) on 6/12/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 225 Crossways Park Dr, Woodbury, NY 11797. Purpose: any lawful act. 13902 s4-Th o9

PRIMEROS NORTH AMERICA LLC. Arts. of Org. filed with the SSNY on 07/24/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 368 Ocean Ave, Lynbrook, NY 11563. Purpose: any lawful act. 13901 s4-Th o9

WE BRIGHTEN AI LLC. Arts. of Org. filed with the SSNY on 09/16/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 5 Schanck Drive, Edison, NJ 08820. Purpose: Any Lawful Purpose. 13910 s4-Th o9

NOTICE OF FORMATION OF SHINE SANG LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/30/2024. Office location: NY County. SSNY designated as agent upon whom process against the LLC 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: 337 W 30th St, NY, NY 10001. Purpose: any lawful act. 13569 Au28 Th O02

SALES

NOTICE OF SALE
SUPREME COURT COUNTY OF NEW YORK, NYCTL 1998-2 TRUST AND THE BANK OF NEW YORK MELLON AS COLLATERAL AGENT AND CUSTODIAN FOR THE NYCTL 1998-2 TRUST, Plaintiff, vs. ARVIN G. AMATORIO AS HEIR AND DISTRIBUTOR OF THE ESTATE OF EZER B. GONZALES, ET AL, Defendants) Pursuant to a Judgment of Foreclosure and Sale dated June 6, 2025 and duly entered on June 10, 2025, I, the undersigned Referee will sell at public auction at Room 130 of the New York County Courthouse, 60 Centre Street, New York, NY 10007 on October 8, 2025 at 2:15 p.m., premises known as 459 West 153rd Street, New York, NY 10031. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, Block 2068 and Lot 8. Approximate amount of judgment is \$47,608.54 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #157754/2019. Robert A. Abrams, Esq., Referee Bronxer, LLP, 156 West 56th Street, Suite 703, New York, New York 10019, Attorneys for Plaintiff 13492 s4-Th s25

NOTICE OF SALE

SUPREME COURT SBRONX COUNTY KIVAFI FUNDING, INC., Plaintiff against BRONX COUNTY LLC, et al Defendants) Attorney for Plaintiff(s) Kelley Kronberg, 111 Broadway, Suite 1205, New York, NY 10006, (800) 484-4381. Pursuant to a Judgment of Foreclosure and Sale entered July 8, 2025, I will sell at public auction to the highest bidder at the Bronx County Courthouse, Courtroom 711 at 851 Grand Concourse, Bronx, New York on September 29, 2025 at 2:15 PM. Premises known as 3148 Westchester Avenue, Bronx, New York 10461. Block: 2377 Lot 5. All that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of the Bronx, City and State of New York. Approximate amount of judgment is \$1,180,540.58 plus interest, fees, and costs. Premises will be sold subject to provisions of filed Judgment Index No 802064/2023E. The foreclosure sale will be conducted in accordance with 12th Judicial District's Covid-19 Policies and the Bronx County foreclosure auction rules. The Referee shall enforce any rules in place regarding facial coverings and social distancing. Sergio Marquez, Esq., Referee File # 02209261 13241 au28-Th s18

LIMITED LIABILITY ENTITIES

JNPRO PAINTING SERVICES, LLC. Arts. of Org. filed with the SSNY on 09/09/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Josue A Alvarado Navarrete, 90 Sunset Dr, Hempstead, NY 11550. Purpose: Any Lawful Purpose. 14182 s11-Th o16

155 W 68th Property LLC filed 8/28/25. Cy: New York. SSNY desig. for process & shall mail to: 15 Broad St, #3422, NY 10005. Purp: any lawful. 14135 s12-Th o16

3046 BURNS AVENUE LLC. Arts. of Org. filed with the SSNY on 09/17/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 236 1st Avenue, Massapequa Park, NY 11762. Purpose: Any Lawful Purpose. 14470 s18-Th o23

464 WEST 44 TH STREET UNIT 2A, LLC. Art. Of Org. Filed Sec. of State of NY 9/16/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o The Foote Firm, PLLC, 1225 Franklin Avenue, Suite 325, Garden City, NY 11530, USA. Purpose: Any lawful purpose. s18-Th o23 14475

MAVERA ROOFING LLC. Arts. of Org. filed with the SSNY on 05/29/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 5 Schanck Drive, Edison, NJ 08820. Purpose: Any Lawful Purpose. 13910 s4-Th o9

FARMACIA VIVA LLC. Arts. of Org. filed with the SSNY on 06/10/2025. Office loc: Bronx County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 746 Calhoun Avenue, Bronx, NY 10465. Purpose: Any lawful purpose. 14443 s18-Th o23

ES PH4B LLC Articles of Org. filed NY Sec. of State (SSNY) 8/25/25. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to c/o Naverse, 152 West 57th St, 21st Fl, NY, NY 10019. Purpose: Any lawful purpose. 13920 s4-Th o9

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF NEW YORKERS FOR HARNES RACING LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/28/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 450 Lexington Avenue, #1022, New York, NY 10163. Purpose: any lawful act. 14132 S11 Th O16

NOTICE OF FORMATION OF THE RED KNOT PRODUCTIONS LLC. Art/Org filed 8/26/25. Ofc loc Nassau County. SSNY designated for svc/proc & shall mail to 108-14 72ND 2ND FLOOR, FOREST HILL, NY 11375. Purpose: Any lawful act. 13658 s11-Th o16

NOTICE OF FORMATION OF EJ RUSH ENTERPRISES L.L.C. Arts of Org filed with Secy. of State of NY (SSNY) on 7/15/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #613936, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14388 S18 Th O23

NOTICE OF FORMATION OF Elana Consulting, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/30/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 350 E 65th St, Apt 7, New York, NY 10065. Purpose: any lawful act. 14429 S18 Th O23

NOTICE OF FORMATION OF Lumiere Ventures 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 228 Park Ave S #286226, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 14414 S18 Th O23

CSP ROSLYN 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 process to: The LLC, 1011 Third Avenue, New York, NY 10065. Purpose: Any lawful purpose. 14073 s11-Th o16

FRGMTENOT LLC. Art. Of Org. Filed Sec. of State of NY 8/6/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: 129 Verbena Ave., Floral Park, NY 11001, USA. Purpose: Any lawful purpose. 14136 s11-Th o16

JNPRO PAINTING SERVICES, LLC. Arts. of Org. filed with the SSNY on 09/09/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Josue A Alvarado Navarrete, 90 Sunset Dr, Hempstead, NY 11550. Purpose: Any Lawful Purpose. 14182 s11-Th o16

155 W 68th Property LLC filed 8/28/25. Cy: New York. SSNY desig. for process & shall mail to: 15 Broad St, #3422, NY 10005. Purp: any lawful. 14135 s12-Th o16

3046 BURNS AVENUE LLC. Arts. of Org. filed with the SSNY on 09/17/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 236 1st Avenue, Massapequa Park, NY 11762. Purpose: Any Lawful Purpose. 14470 s18-Th o23

464 WEST 44 TH STREET UNIT 2A, LLC. Art. Of Org. Filed Sec. of State of NY 9/16/2025. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o The Foote Firm, PLLC, 1225 Franklin Avenue, Suite 325, Garden City, NY 11530, USA. Purpose: Any lawful purpose. s18-Th o23 14475

MAVERA ROOFING LLC. Arts. of Org. filed with the SSNY on 05/29/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 5 Schanck Drive, Edison, NJ 08820. Purpose: Any Lawful Purpose. 13910 s4-Th o9

FARMACIA VIVA LLC. Arts. of Org. filed with the SSNY on 06/10/2025. Office loc: Bronx County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 746 Calhoun Avenue, Bronx, NY 10465. Purpose: Any lawful purpose. 14443 s18-Th o23

LIMITED LIABILITY ENTITIES

MANSFIELD WOODSON LLC Articles of Org. filed NY Sec. of State (SSNY) 8/8/25. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to 158 Bank St., Apt. 2A, NY, NY 10014, which is also the principal business location. Purpose: Any lawful purpose. 13018 au14-Th s18

NA MARA THREADS LLC. Arts. of Org. filed with the SSNY on 08/07/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 137 15th Avenue, Sea Cliff, NY 11579. Purpose: Any lawful purpose. 13232 au21-Th s25

12D STUDIO LLC. Arts. of Org. filed with the SSNY on 07/17/25. 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, 141 E. 3rd Street, 12D, New York, NY 10009. Purpose: Any lawful purpose. 13579 au28-Th o2

1 ANCHORAGE WAY 710 LLC. Arts. of Org. filed with the SSNY on 08/18/25. 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, 1 Anchorage Way, #710, Freeport, NY 11520. Purpose: Any lawful purpose. 13576 au28-Th o2

AGENT OF LAUGHTER LLC. Arts. of Org. filed with the SSNY on 08/12/25. 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, 412 East Shore Road, Kings Point, NY 1024. Purpose: Any lawful purpose. 13575 au28-Th o2

ANTIGUA ROAD LLC. Arts. of Org. filed with the SSNY on 08/30/24. 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, c/o Michael Tornabe, 112 Clayton Avenue, East Atlantic Beach, NY 11561. Purpose: Any lawful purpose. 13567 au28-Th o2

C&R 120 J ENTERPRISES LLC. Arts. of Org. filed with the SSNY on 08/05/25. 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, 42-40 Bell Boulevard, Suite 601, Bayside, NY 11361. Purpose: Any lawful purpose. 13573 au28-Th o2

GALAS EVEN 44TH ST. LLC. Arts. of Org. filed with the SSNY on 03/07/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2415 Jerusalem Avenue, Suite 106, Bellmore, NY 11710. Purpose: Any lawful purpose. 13

Court Calendars

LIMITED LIABILITY ENTITIES

KALIGO LLC. Arts. of Org. filed with the SSNY on 07/08/25. 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, 57 McKinley Avenue, Albertson, NY 11507. Purpose: Any lawful purpose. Au14-Th s18

Olive LB LLC filed w/ SSNY 9/12/25. Off. in Nassau Co. Process served to SSNY - desig. as agt. of LLC & mailed to the LLC, 517 Monroe Blvd, Unit 3, Long Beach, NY 11561. Any lawful purpose. Au21-Th Sept25

NOTICE OF FORMATION OF SOFT RUSH STUDIO LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/31/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 110 W 90th St, Apt 3B, New York, NY 10024. Purpose: any lawful act. Au21 Th S25

NOTICE OF FORMATION OF THE DOCUMENTARY HELPLINE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/18/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 445 E 12th St Apt 2B, New York, NY 10009. Purpose: any lawful act. Au21 Th S25

Notice of Formations of N Ouch Magadon LLC. Filed with Sec. of NY State, 8/6/2025. SSNY serves as designated agent Location: NY County, whom process may be served and mail copy process against the LLC to 1178 W Bay #1333, NYC, NY 10001. Purposes Only Lawful Act. Au21 Th S25

NOTICE OF FORMATION OF 843 E 227 STREET LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/26/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Hope Danville-Quinlan, 106 W 117 St, #5E, New York, NY 10028. P/B/A: 843 E 227 St, Bronx, NY 10466. Purpose: any lawful act. Au28 Th O02

NOTICE OF FORMATION OF EL REY VENTURES LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/17/2024. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 136 Madison Ave, Manhattan, NY 10016. Purpose: any lawful act. Au28 Th O02

NOTICE OF FORMATION OF OPSMYTH LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 03/26/2025. 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 #711057, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. Au28 Th O02

NOTICE OF FORMATION OF RIVETING STRATEGIES, LLC. 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 LLC to c/o Nuco Filings Corp., 200 Blvd of the Americas, Ste 104B, Lakewood, NJ 08701. Purpose: any lawful purpose. Au28 Th O02

NOTICE OF FORMATION OF Z&L 66, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/22/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 235 W 56th St, Apt 29G, New York, NY 10019. Purpose: any lawful act. Au28 Th O02

NOTICE OF FORMATION OF AUTEUR DE VERITE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/10/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 136 W 129th St, Apt 3F, New York, NY 10027. Purpose: any lawful act. S04 Th O09

NOTICE OF FORMATION OF HAPPY KIND MEDIA LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/3/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 447 Broadway, 2nd FL - #3000, New York, NY 10013. P/B/A: 276 Fifth Ave, Ste 704 PMB 70152, New York, NY 10001. Purpose: any lawful act. S04 Th O09

NOTICE OF FORMATION OF Jessica & The Muzze 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 Jessica Godwin, 3333 Broadway, D16G, New York, NY 10031. Purpose: any lawful act. S04 Th O09

Notice of Formation of Speed Networking, LLC. Articles of Organization filed with SSNY on 12/09/2024. Office Location: Westchester County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: Elina Skripochnik, 29 Coutant Drive, New Rochelle, New York 10804. Purpose: any lawful purpose. S04 Th O09

Notice of formation of 10 Covert Street LLC, a domestic LLC. Arts. of Org. filed with Sec. of State of NY (SSNY) on 05/19/2025. Office location: Nassau County. SSNY is designated as agent upon whom process against it may be served. SSNY shall mail process to: c/o Albanese Organization, Inc., 1001 Franklin Ave, Ste 300, Garden City, NY 11530. Purpose: any lawful act. S11 Th O16

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF TWIN PROP CREATIVE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/1/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 500 West End Avenue, Apt 12A, New York, NY 10024. Purpose: to engage in any lawful act or activity. S04 Th O09

NOTICE OF FORMATION OF 1975 PAMELA COURT LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/11/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1625 East 33rd Street, Brooklyn, NY 11234. Purpose: any lawful act. S11 Th O16

NOTICE OF FORMATION OF CONCIERGE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/27/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 169 Madison Ave, Ste 15833, New York, NY 10016. R/A: Zen Business Inc., 41 State St, Ste 112, Albany, NY 12207. Purpose: any lawful act. S11 Th O16

NOTICE OF FORMATION OF INDIGO MACAW LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/19/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #542307, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. S11 Th O16

NOTICE OF FORMATION OF Memo The Band LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/27/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to R/A: Zenbusiness Inc., 41 State St, Ste 112, Albany, NY 12207. Purpose: any lawful act. S11 Th O16

NOTICE OF FORMATION OF HILLY VENTURES HOLDING LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/11/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 156A East 83rd Street, New York, NY 10028. Purpose: any lawful act. S18 Th O23

175 E BWAY 7A LLC. Art. of Org. filed with SSNY 8-19-2022. Office Location: NY County. SSNY designated as agent of the LLC for service of process. SSNY shall mail a copy of any process to, c/o C/O Robinson Brog Leinwand Greene Genovese & Gluck P.C. Attn: Leonard E. Nathanson, 875 Third Ave., 9 Th Fl., NY, NY 10022. Purpose: Any lawful act or activity. 13907 s4-Th o9

420 LONG ISLAND LLC. Arts. of Org. filed with the SSNY on 09/02/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Larry Miller, 23 Pearl St., Valley Stream, NY 11581. Purpose: Any Lawful Purpose. 13909 s4-Th o9

ELEVATION MARKETING, LLC. Arts. of Org. filed with the SSNY on 08/14/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: c/o Capstone Equities, 345 Fifth Ave., Ste. 1209, NY, NY 10017. Required off: 800 North State St., Ste. 304, Dover, DE 19901. Cert. Of Org. filed with SSDE, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any Lawful Purpose. 13888 s4-Th o9

G NAIM 40TH LLC. Arts. of Org. filed with the SSNY on 08/29/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Shahin Naim, 2 Cow Ln, Great Neck, NY 11024. Purpose: Any Lawful Purpose. 13889 s4-Th o9

G NAIM TR UW 40TH LLC. Arts. of Org. filed with the SSNY on 08/29/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Shahin Naim, 2 Cow Ln, Great Neck, NY 11024. Purpose: Any Lawful Purpose. 13888 s4-Th o9

LE CAFE PAM LLC Art. Of Org. Filed Sec. of State of NY 5/22/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o 342 E. 204th Street, Bronx, NY 10467-4066, USA. Purpose: Any lawful purpose. S4-Th o9

MN 40TH LLC. Arts. of Org. filed with the SSNY on 08/29/2025. 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, 6 Hamptworth Drive, Great Neck, NY 11024. Purpose: Any Lawful Purpose. 13891 s4-Th o9

SDN 40TH LLC. Arts. of Org. filed with the SSNY on 08/29/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: c/o Albanese Organization, Inc., 1001 Franklin Ave, Ste 300, Garden City, NY 11530. Purpose: any lawful act. 13899 s4-Th o9

SOLAIRE 8K LLC filed Arts. of Org. with the Secy of State of NY (SSNY) on 5/27/2025. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: c/o Albanese Organization, Inc., 1001 Franklin Ave, Ste 300, Garden City, NY 11530. Purpose: any lawful act. 13899 s4-Th o9

LIMITED LIABILITY ENTITIES

TODE HALL PRODUCTIONS LLC. Arts. of Org. filed with the SSNY on 08/15/2025. 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, c/o 100 Garvies Point Road, Apt 1344, Glen Cove, NY 11542. Purpose: Any Lawful Purpose. 13892 s4-Th o9

A 1 WINGS & SEAFOOD LLC. Articles of Org. filed with the NY Sec. of State (SSNY) 09/12/2025. Office in Bronx Co. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 324 S 3RD AVE, BRONX NY 10451. Purpose: any lawful activity. S18 Th O23

NOTICE OF QUALIFICATION OF ALTOGETHER IMPACT LLC. Application for authority filed with Secy. of State (SSNY) on 4/26/2024. Office location: NY County. LLC formed in DE on 4/8/2024. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: R/A: Corporation Service Company, 251 Little Falls Dr, Wilmington, DE 19808. P/B/A: 2218 Broadway, #218, New York, NY 10024. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 12984 Au14 Th S18

NOTICE OF QUALIFICATION OF BENCHMARK 250 LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/26/25. Office location: NY County. LLC formed in Delaware (DE) on 07/16/25. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Services Co. (CSC), 30 State St, Albany, NY 12207-2543. DE addr. of LLC: c/o CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 3, Dover, DE 19901. Purpose: Any lawful activity. 13632 Aug28 th Oct2

NOTICE OF QUALIFICATION OF 99 HUDSON 15-17, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/10/25. Office location: NY County. LLC formed in Delaware (DE) on 09/02/25. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Services Co. (CSC), 30 State St, Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 13632 Aug28 th Oct2

NOTICE OF QUALIFICATION OF Lanco Pole Buildings, LLC. Authority filed with NY Dept. of State, 8/29/25. Office location: NY County. LLC registered in PA: 3/14/16. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E 42nd St, 18th Fl., NY, NY 10168. PA and principal business address: 52A Old Leacock Rd., Ronks, PA 17572. Cert. of Reg. filed with PA Sec. of the Commonwealth, 401 North St., Harrisburg, PA 17120. Purpose: all lawful purposes. 14420 Sep18 th Oct23

NOTICE OF QUALIFICATION OF You Re Underwriting Solutions LLC. Office location: NY County. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc. (CGI), 122 E. 42nd St, 18th Fl., NY, NY 10168. DE addr. of LLC: c/o CGI, 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activity. Sep18 th Oct23

CE 140 CROSBY, LLC APP. for Auth. filed NY Sec. of State (SSNY) 8/22/25. LLC was organized in DE on 1/31/25. Office in NY Co. SSNY desig. as agent of LLC upon whom process may be served. SSNY to mail copy of process to c/o Capstone Equities, 345 Fifth Ave., Ste. 1209, NY, NY 10017. Required off: 800 North State St., Ste. 304, Dover, DE 19901. Cert. Of Org. filed with SSDE, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful purpose. 13921 s4-Th o9

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