IN BRIEF

Attorneys 'On the Move': **Clifford Chance Strengthens Energy & Infrastructure** Finance Team; Faegre Drinker **Adds Corporate Partner**

- Clifford Chance has hired Shellka Arora-Cox as a partner in its energy & infrastructure finance team. She joins from Pillsbury Winthrop Shaw Pit-
- Francesco Di Pietro has joined Blank Rome as a partner in the firm's business litigation group. He joins from Moses &
- Faegre Drinker has added **Jared Hershberg** as partner. He was previously at **Greenberg Traurig**, where he served as shareholder.
- Bracewell has added three partners to its of its global energy finance and infrastructure practices: **Jeeseon Ahn**, who joins from McDermott Will & Emery, Jared Joyce-Schleimer who joins from Orrick, and Jason Lewis who joins from Winston & Strawn.
- Baker Botts has added Ron Aizen and Fritz Lark as partners. They join from Paul Weiss and McDermott Will & Schulte respectively.
- Fox Rothschild has hired **Jake Bedor** as a partner in its real estate department. He was previously of counsel at Rosenberg & Estis.
- Katten Muchin Rosenman has promoted Matthew Jennings, Christopher Cook and Elise Michael to partners.
- Rosenberg & Estis has added **Alexander Shapiro** as a member and Joseph Kammerman as counsel to its commercial litigation practice. Shapiro joins from the boutique litigation firm Ford O'Brien Landy.
- Retired Justice Anil C. Singh has joined JAMS in New York. Most recently she served as an associate justice in the Appellate Division, First Department from 2017 to 2025.
- **Jeffrey Ruskin** has joined Jones Day as a partner in the firm's real estate practice. He was previously a partner at McDermott Will & Emery.
- Foster Garvey has added Christopher Beaver as counsel in the firm's business & corporate finance practice. He joins from gunnercooke, where he was a partner in that firm's global corporate practice.
- Proskauer Rose has added Nicole Bergstrom as a partner in the firm's litigation department.

DECISIONS OF INTEREST

CRIMINAL LAW: Dismissal granted;

charges dropped against defendant.

People v. Fransisco G., Criminal Court,

CRIMINAL LAW: Court deems state-

ments made by defendant not within

hearsay exception. People v. Ye, Crimi-

CONTRACT LAW: Motion to dismiss

contracts action denied. Syndicate

Group USA Inc v. Mission Mechanical

LANDLORD-TENANT LAW: Court

allows a summary proceeding against

tenant at sufferance under RPL. 11114

101 Ave Corp. v. Ramlogan, Civil Court,

FAMILY LAW: Court grants mainte-

nance and child support for plaintiff.

EE v. VE, Supreme Court, Richmond. MEDICAL MALPRACTICE: Direct ver-

dict motion denied in medical mal-

practice action. Santiago v. Berman,

Supreme Court, Westchester.

First Department

nal Court, New York

Second Department

LLC, Supreme Court, Kings.

New York.



- Yaira Dubin, formerly an assistant to the solicitor general, has joined Sullivan & Cromwell as a partner in its Supreme Court and appellate
- Sterlington has added Alexandra Buckingham, Daniel Cooper, Emalee Welsh and **Daniel Carmody** as partners to the firm's private wealth team. Associates Cordelia Ochis and Cody Witmer have also been added to the team. They all join from **Morgan Lewis**. In addition, Michael Gilligan has joined the firm as a partner in its corporate practice. He joins from WilmerHale, Schulte Roth & Zabel (now McDermott Will **& Schulte**), where he was also
- a partner. • McCarter & English has added a three-attorney team to its corporate practice group in New York; partner Gary Ross, special counsel Matthew Winkel, and associate Blessing



Ross Law Group. Becky Landau has joined Latham

Adeyeye all

join from the

boutique firm

& Watkins as a partner in the firm's real estate practice. She joins from Haynes Boone.

- Lawyers Alliance for New York has appointed Angela Fernandez as its new executive director.
- Tech and venture capital advisor **Adam Freiman** has joined **Orrick** as a partner in the firm's technology companies group.
- Coffey Modica has added Colleen Hastie as a » Page 4

Move Over FTC: Private Plaintiffs Take Point in Influencer Marketing Class Actions

COPYRIGHT LAW: Former congress-

man's copyright infringement claims

are barred by the fair use doctrine.

ANTITRUST: Sherman Act, CEA claims

of conspiracy to manipulate sterling

LIBOR fail. Sonterra Capital Master

CIVIL RIGHTS: Probable cause existed

to arrest, prosecute motorist over

forged temporary license plate. Waller

ATTORNEY COMPENSATION: 'Wells'

Factors favor fee award that is not

windfall: EAJA award must be refund-

CREDITORS' AND DEBTORS' RIGHTS:

Court lacks authority to stay under-

lying state court debt collection pro-

ceeding. Mosley v. Selip & Stylianou LLP,

DECISION SUMMARIES, Page 17

FULL-TEXT DECISIONS, nylj.com

ed. Hernandez v. Bisignano, SDNY.

Santos v. Kimmel, 2d Cir.

Fund Ltd. v. UBS AG, 2d Cir.

v. City of New York, SDNY.

U.S. Courts

Cooley Files Lawsuit Claiming Trump Unlawfully Fired Puerto Rico Oversight Board Members

SULAIMAN ABDUR-RAHMAN

WASHINGTON, D.C.

A FORMER U.S. bankruptcy judge, New York's top educator and a Stanford University economic policy fellow have filed a lawsuit alleging President Donald Trump unlawfully fired them from the local government body that oversees



Former Judge **Arthur Gonzalez** and two other fired members of the federal oversight board for Puerto Rico filed a lawsuit saving they can be removed "only for cause."

Puerto Rico's fiscal policy.

Represented by Cooley, Democracy Defenders Fund and the Washington Litigation Group, plaintiffs Arthur Gonzalez, Betty Rosa and Andrew Biggs allege Trump violated federal laws and the U.S. Constitution when he removed them from the Federal Oversight and Management Board for Puerto Rico without cause.

"Those purported removals were unlawful," counsel for the plaintiffs alleged in an 18-page complaint filed Thursday in the U.S. District Court for the District of Puerto Rico. "[The purported removals] have no basis in law or fact. And they have left Judge Gonzalez, Dr. Biggs, and Dr. Rosa with no other option but to file this lawsuit."

Gonzalez is a retired judge of the U.S. Bankruptcy Court for the Southern District of New York, Rosa serves as the New York State Education Department commissioner and president of the University of the State of New York, and Biggs is a Stanford Institute for Economic Policy Research fellow.

Puerto Rico's Financial Oversight and Management Board or FOMB is part of the local Puerto Rican government, according to a 2020 U.S. Supreme Court decision in FOMB for Puerto Rico v. Aurelius Investment LLC.

The plaintiffs all received emails from a White House aide in August stating Trump terminated their FOMB roles effective immediately. The Puerto Rico Oversight, Management and Economic Stability Act of 2016 says the president may remove FOMB members "only for

"If permitted to stand, the removals of Judge



A family member pays respects to a victim at the National September 11 Memorial Museum in New York. The court ruled that a VSST Fund special master's decisions are not subject to judicial review.

Judge Dismisses 9/11 Victims' Compensation **Suit Over Jurisdiction**

BY SULAIMAN ABDUR-RAHMAN

WASHINGTON, D.C.

MORE than 150 plaintiffs who had a family member killed or critically injured in the 9/11 terrorist attacks will seek review from the U.S. Court of Appeals for the D.C. Circuit after a federal judge dismissed their lawsuit seeking compensation from the U.S. Victims of State Sponsored Terrorism Fund. "We'll see what the D.C. Circuit has to say," Bruce Strong, an Anderson Kill shareholder who represents the 154 plaintiffs, said Thursday in an interview. "We are going to fight this issue and try to get the judge to rule on the merits of the complaint. We just want to be heard on the merits.'

U.S. District Senior Judge John D. Bates of the District of Columbia on Wednesday dismissed the plaintiffs' complaint, ruling he lacked jurisdiction under federal law to review whether the plaintiffs are eligible for payments

Dealmakers Are Optimistic About Fed Rate Cuts, but Hope For More

BY JON CAMPISI

TRANSACTIONAL attorneys are expressing cautious optimism about an increasing demand for work after the Federal Reserve this week trimmed interest rates by a quarter-point, but they are still hoping for further rate cuts from the central bank to spur M&A and private equity deals.

Stocks rose Wednesday following the move by the Fed, which also signalled two additional rate cuts to come before the end of 2025.

"It's a move in the direction that most dealmakers want to see," said Joshua Galante, a Stradley Ronon Stevens & Young partner who serves as vice chair of the firm's emerging companies and venture capital practice. "I guess it's a question of, have they been anticipating that, and are they anticipating further rate cuts in future meetings?

Private equity firms, for example, keep an eye on interest rates because when rates go up, and borrowing is more expensive, fewer

deals may occur, he said. For Jay Alicandri, a partner with Dechert's corporate and securities practice and a leader in the permanent capital and private credit practice, while the market is shifting, the impetus is coming from more than just a quarter-point drop in lending rates.

'We've got a really good sense from talking to people



Times spokesperson thinks it's pointless.

US Judge Tosses Trump's **Defamation Lawsuit Against New York Times**

BY LISA WILLIS

TAMPA, Fla.

A FEDERAL judge in Florida dismissed on Friday a defamation lawsuit brought by the President of the United States against the New York Times.

U.S. District Judge Steven D. Merryday of the Middle District of Florida ruled Friday that the 85-page complaint "stands unmistakably and inexcusably athwart the requirements of Rule 8" of the Federal Rules of Civil Procedure, which requires a "short, plain, direct statement of allegations of

In dismissing what Trump characterized as a \$15 billion defamation complaint against The Times and other defendants, Merryday, an appointee of former President George H.W. Bush, ruled that the

filing did not comply with federal pleading standards and addressed additional issues.

"As every lawyer knows (or is presumed to know), a complaint is not a public forum for vituperation and invective - not a protected platform to rage against an adversary," Merryday wrote. "A complaint is not a megaphone for public relations or a podium for a passionate oration at a political rally or the functional equivalent of the Hyde Park Speakers' Corner."

A spokesperson for the New York Times said, "We welcome the judge's quick ruling, which recognized that the complaint was a political document rather than a serious legal filing."

While dismissing the complaint, Merryday granted Trump's legal team permission to refile within 30 days. Any amended complaint, the judge said, must be

Manhattan Federal Judge **Upholds** \$2B in Bonds Backed by Citgo

BY ALYSSA AQUINO

VENEZUELA'S national energy company, Petróleos de Venezuela S.A., must honor \$2 billion worth of defaulted bonds that are backed by a majority interest in Citgo, the crown jewel of its overseas assets, according to a Thursday order from the New York federal court.

PDVSA and its affiliates—represented by Paul Hastings and Willkie Farr & Gallagher—couldn't convince U.S. District Judge Katherine Polk Failla that the defaulted



Citgo, one of the largest oil refiners in the U.S., is being sold to pay the debts of the bankrupt Venezuelan government.

bonds are invalid under Venezuela's Constitution, which requires all "national public interest contracts" to be approved by Venezuela's National Assembly.

Failla found that the bonds aren't public contracts, as public contracts must be » Page 4

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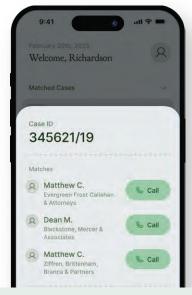


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Defending Against Change of Theory in **Malpractice Cases** by John L.A. Lyddane

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★ 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 Eric Tirschwell

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Move Over FTC: Private Plaintiffs Take Point in Influencer Marketing Class Actions

BY CHRIS O'MALLEY

CLASS action lawyers are zeroing in on social media influencers who fail to disclose they were paid by brands to endorse them.

And they're advancing novel legal theories in hopes of extracting settlements or judgments in the hundreds of millions of dollars.

At least five cases have hit the courts in California and Illinois this year, collectively seeking more than \$1 billion.

Defendants include influencers and companies that pay them, ranging from energy drink maker Celsius to fashion retailers Shein and Revolve Group.

Influencers for activewear retailer Alo Yoga and swimwear brand Beach Bunny have also been named in class actions so far this year.

While it's too early to assess whether the cases will gain traction with judges, the surge in suits is fueling a reckoning among companies that compliance risks stemming from their influencer programs may be a lot higher than they realized.

by Jeffrey S. Boxer

and A. Jonathan Trafimow

"I feel like the risk definitely has been there, and now the plaintiff's bar has started paying attention to these types of issues," said Sarah La Voi, a partner specializing in media and telecommunications at Baker & Hostetler.

Plaintiffs' attorneys are hoping for the jackpot with settlements or through trials. The smallest amount of damages sought is \$25 million in the Beach Bunny case. The case targeting Shein and several of its influencers seeks \$500

Historically, policing influencers and the companies they endorse has been the domain of the Federal Trade Commission, sometimes

with state attorneys general in tow. However, compared to the hundreds of millions of dollars sought in the class actions, the settlements struck by regulators have amounted to mere pocket change.

For example, in 2022, the FTC and seven state AGs sued iHeart-Media and Google over what the agency said were deceptive endorsements by radio personalities promoting their experience



The suit alleges a scheme to artificially inflate the prices for Celsius products by having influencers tag.

with Google Pixel phones. The problem was that the personalities hadn't actually used the phones. In a 2023 settlement, the companies agreed to pay a combined \$9.4

Before lowering the boom through enforcement actions, the FTC launched awareness and education efforts, which included

issuing guidance on advertising testimonials in 2009 and "Disclosures 101 for Social Media Influencers" in 2019.

The primary enforcement tool for the agency is Section 5 of the FTC Act, which prohibits unfair or deceptive trade practices.

Generally, influencers must clearly and conspicuously dis-

close in their endorsements and testimonials when they've been compensated by a brand.

The class action lawsuits brought on behalf of consumers who claim they were harmed by the lack of such disclosure also allude to the FTC guidance.

But they go further, citing violations of state consumer laws, such as for false advertising and unlawful business practices. That's why five of the suits filed this year have been in consumer-friendly California and Illinois.

Typical of these cases is a suit filed in January in U.S. District Court for the Central District of California by consumer Mariana Dubreu against drinkmaker Celsius Holdings and three of its social media influencers.

Dubreu, who seeks an eyewatering \$450 million, alleges the influencers misrepresented the material relationship they have with the brand—promoting it "without disclosing that they were paid to do it."

The suit alleges a scheme to artificially inflate the prices for Celsius products by having influencers tag or recommend the products while pretending they are "disinterested consumers.'

Relying on the undisclosed and misleading advertising, Plaintiff and the Class Members ... purchased products and paid a premium, while the products proved to be of a much lower value than the price paid," wrote Dubreu's attorneys from the Glen Ellyn, Illi-

nois law firm Aron Law. The law firm, which also filed the suits against Revolve Group and Beach Bunny Swimwear, did not respond to a request for comment.

Celsius has asked the court to dismiss the case, citing the outcome of a case filed in Florida against swimsuit maker LuliFama and its social media influencers.

A district court tossed the Luli-Fama suit claiming violation of the Florida Deceptive and Unfair Trade Practices Act on the grounds that the plaintiff failed to allege facts underlying the case with particu-

The handful of class action suits filed against brands and their influencers this year "follow a very similar formula," said » Page 10

Legal Departments Retreat From Secondees, Spend More on Interim Counsel

BY TRUDY KNOCKLESS

LEGAL departments are replacing law firm secondees with experienced interim counsel—and finding measurable cost savings, as well as improved efficiency and speed.

Secondees are lawyers from outside law firms hired to handle specific legal matters or fill temporary gaps. The secondees remain employed by their law firm but work at the client's offices.

Interim counsel also fill temporary needs but tend to be more experienced and less expensive. They come from alternative legal services providers, such as Axiom

and Paragon Legal. While secondees still have a place in some departments, many GCs say the traditional model no longer fits today's needs. Legal teams increasingly want attorneys who can start fast, work independently and deliver value—without the overhead.

"We've been able to find very good alternatives to firms that we may have used more extensively in the past but have, just for money, priced themselves out of our ability to continue to use them," said Richard Parr, general counsel at Dallas-based AEG Vision, a network

of optometry practices. Matthew Weaver, executive director of interim legal talent at Major, Lindsey & Africa, said requests for interim and fractional counsel are up across nearly every sector-especially banking, life sciences, tech, health care and



nonprofits. In fact, interim general

GC at

Richard Parr,

AEG Vision

counsel requests are up 77% from last year, he said. "Sectors that have traditionally engaged interim counsel have increased that usage by 40%.

We're also seeing an increase of 23% in first-time clients across atypical sectors," he said. One of the most striking examples of this shift comes from Atlanta, where a large global financial institution replaced 33 law firm secondees with interim counseland projected \$30 million in annual

savings from the move, according

to MLA's Q2 2025 Global In-house

Counsel Market Conditions Report. MLA declined to identify the firm. The company had previously relied on secondees from multiple law firms. The company is transitioning a swath of high-value legal work to interim counsel, including technology transactions, derivatives, repossessions, capital markets, global financing, export agency finance, supply chain

finance and global payments. That includes legal support for domestic and international funds transfers, electronic disbursements and e-commerce, as well as support for teams fighting payment fraud,



Weaver. Major, Lindsey & Africa

cyber fraud, money-laundering and ransomware. The change is global, with interim placements extending to London and the Asia-Pacific region.

The model is working, in part, because interim counsel often bring deeper experience to the table than law firm secondees, who tend to be midlevel associates

'When you are busy and need immediate relief, this is the profile you want: someone who can come in and hit the ground running," MLA Managing Director Navy Binning wrote in an April 2024 blog

"Clients do not need to dedicate time to provide this training, and the attorneys can get right to completing substantive work.'

She added: "Although secondees are meant to function like a full-time attorney and provide relief for the in-house team, many clients find they provide only limited utility and require so much training that the costs outweigh the benefits."

Letitia Haynes-Frasier, legal operations manager at Atlantabased Cox Media Group, said her legal department has used secondees to to cover a spike in workloads or to fill in for an attorney



Binning, Major, Lindsey & Africa

on parental leave.

Enlisting secondees is cheaper than hiring outside counsel to do the work, Haynes-Frasier said. Plus, pay for secondees is fixed. So there aren't the cost surprises that come with using outside counsel.

Haynes-Frasier said Cox has recently partnered with an ALSP to supplement its commercial contracts team after an AI rollout failed to meet expectations.

"We had implemented a new Al tool that we thought would be more efficient than it turned out to be. Using outside counsel to fill the gap was expensive," she said. "To fill the need without increasing outside counsel spend or adding headcount, we partnered with an ALSP. It avoided the need to increase our outside counsel spend, while also alleviating the pressure on our con-

tracts team." She sees the shift as part of a broader evolution in how legal departments approach staffingincluding insourcing.

"We're absolutely looking to bring more work in-house versus sending it out," she said. "We have one particular workflow that is high-volume and currently outsourced. By bringing it in-house,



Letitia Haynes-Frasier, Cox Media Group

we anticipate reducing that outside

spend by roughly \$200,000. Rather than view it as a binary decision between hiring or outsourcing, she said her department is exploring hybrid solutions that incorporate AI.

"I am currently creating a new template and workflow that would allow us to bring this in-house and leverage an AI tool," she said.

"It's also an example of adapting an existing AI tool that has a more general purpose to solve a very specific need. We're partnering with this AI vendor to re-design and adapt the tool. It's a middleground between the 'make vs. buy' binary, by adapting a tool to still another purpose—and thereby further reducing our outside counsel spend."

The same mindset is becoming more common across legal departments, as teams explore new ways to balance workload, cost and risk.

According to the Association of Corporate Counsel's 2024 Legal Department Benchmarking Report, 54% of departments expect their workloads to increase this year, while only 27% plan to add headcount. Meanwhile, 62% are considering new staffing models-including the use of ALSPs, interim attorneys and legal tech. For Haynes-Frasier, contract

review is a key example of where tech and interim support intersect.

"Contract review is the low hanging fruit here," she said. "To leverage our bandwidth and outside counsel expertise, we've engaged outside counsel at a special rate to help us design playbooks and templates that, in turn, we've used to maximize our implementation of Al tools for contract review. We see this as a project-based engagement that allowed us to maximize the cost-efficiency of an AI tool, while hedging the bandwidth demands

She added: "Using outside counsel for this limited project at a special rate provided a doubleefficiency—it got us the foundation we needed quickly and affordably and then allowed us to realize the efficiency gains of an AI tool."

That kind of workflow designanchored by templates, playbooks and AI-enabled review—is becoming more popular with legal ops leaders looking to stretch limited resources.

At AEG Vision, Parr said a similar approach helped the company process hundreds of contracts in a fraction of the time—and cost—of traditional review.

'We were going to have to review about three or four hundred contracts for a specific set of answers," he said. "If we had done it in-house, our group ... said it was going to take us months to get to this.

"Outside counsel » Page 6

Latham, Covington Among Several Law Firms Representing Biden Aides in Congressional Probe

BY ABIGAIL ADCOX

MORE than half a dozen law firms are representing Biden administration aides in a Republican-led congressional investigation into the former president's cognitive

state during his presidency. Covington & Burling; Latham & Watkins; Morrison & Foerster; Cooley; Akin Gump Strauss Hauer & Feld; Herbert Smith Freehills Kramer; Schertler Onorato Mead & Sears; and Steptoe are among the firms representing former aides and staffers to Biden, Law.com has

The list of counsel getting involved in the investigation appears to be growing, as the House Oversight Committee conducts a sweeping investigation into Biden's mental acuity while in office and the use of autopen

Among the law firms that are known to be involved, Latham



stands out in advising multiple aides in the investigation. Latham is one of nine Big Law firms that agreed to a deal with the Trump administration this year, pledging \$125 million in pro bono services to causes his administration sup-

Latham partner Jonathan Su is representing Anthony Bernal, Jill Biden's former chief of staff, and Annie Tomasini, former deputy chief of staff to Biden. Su was previ-



McQuaid is also representing Mike adviser. Latham also has a history with

ously deputy White House counsel

to Biden before joining Latham in

the Biden family, previously representing Hunter Biden in a tax investigation.

Latham partner Nicholas Donilon, Biden's former senior

Meanwhile, Covington is representing former White House chief

of staff Jeff Zients, who appeared for a voluntary closed-door interview with the House Oversight Committee on Thursday. Robert Kelner, chair of Covington's election and political law practice group, was present with Zients on Capitol Hill. President Donald Trump target-

ed Covington earlier this year, signing a memo removing a Covington partner's security clearance over the firm's representation of former special counsel Jack Smith. So far, more than a dozen for-

mer Biden aides and staffers have been called in to testify in recent months, some voluntarily and some who have been subpoenaed. Several sources with knowledge

of the investigation said that a number of former aides are being represented on a pro bono basis, with the understanding that they are former government officials.

Some former aides have turned to familiar faces, working with attorneys who previously worked in the Biden administration them-Steve Ricchetti, who was coun-

sel to former President Biden, turned to Richard Sauber at Herbert Smith Freehills Kramer. Sauber previously served as special counsel to Biden, spearheading the president's defense to Special Counsel Robert Hur's investigation into Biden's handling of classified

Sauber recently represented Skadden, Arps, Slate, Meagher & Flom in relation to a letter inquiry from Democratic lawmakers probing pro bono agreements between Trump and law firms.

documents.

Former White House deputy chief of staff Bruce Reed turned to Morrison Foerster. A team of Morrison Foerster attorneys led by Carlos Uriarte and Joseph Folio is

representing Reed. Anita Dunn, former senior adviser to Biden, turned to Cooley. The Cooley team includes partner Susanne Sachsman Grooms, who co-lead's the firm's congressional investigations group, and Andrew Goldstein, head of Cooley's whitecollar defense and investigations group and co-partner in charge of

the D.C. office. Biden's former press secretary Karine Jean-Pierre reportedly turned to Akin. Rafi Prober, co-head of Akin's congressional investigations practice, and senior counsel Abigail Kohlman were seen with Jean-Pierre on Capitol Hill last week as she appeared for her testimony.

In addition, Biden's former physician, Dr. Kevin O'Connor, has turned to D.C.-based litigation boutique Schertler Onorato Mead & Sears. Partners David Schertler and Mark MacDougall, white-collar criminal defense attorneys, were both present at O'Connor's deposition with the House Oversight Committee.

For his part, Michael Bromwich, senior counsel at Steptoe, is representing Neera Tanden, former White House domestic policy counsel director.

As for the former president himself, it's not clear how involved he will be in the investigation. Amid the congressional probe and a parallel Justice Department investigation into his presidency, Biden has hired a new personal lawyer, Hecker Fink partner Amy Jeffress, a former federal prosecutor, according to a New York Times report in July.

@ Abigail Adcox can be reached at

aadcox@alm.com.

Expert Analysis

MEDICAL MALPRACTICE DEFENSE

Defending Against Change of Theory in Malpractice Cases

requently a medical malpractice case is commenced against multiple defendants who are complained to have contributed to the patient's unfavorable outcome.

There is no shortage of conclusory claims, but even when the bills of particulars are received it is often unclear what connection is claimed between the alleged acts or omissions of a particular defendant and an injury to the patient.

The bills of particulars may be amended during months to years of discovery producing multiple documents. Together they may or may not provide notice to the defendant as to the focus of the claimed negligence or damages which will be presented at the point of disposition.

This column provides some insight as to the remedies available to the defendant who is not put on timely notice of the claim which she will be ultimately called upon to defend at trial.

The Court of Appeals has addressed this point as recently as 2020 in Hewitt v. Palmer, 35 N.Y.3d 541. In response to a defendant's summary judgment motion, the plaintiff sought to amend the bill of particulars to introduce a new theory of liability to avoid a likely dismissal of the complaint based upon the claims stated at the pleading stage of the

This amendment was attempted after the investigation and discovery phases of the case were concluded, several years into the litigation, with the case on the trial calendar. The trial court, Appellate Division and Court of Appeals were in agreement that the new theory of liability advanced in the "supplemental" bill of particulars should be stricken.

JOHN L.A. LYDDANE has over 50 years of experience in the defense of medical malpractice cases in the State and Federal Courts of New York. He continues to maintain an active trial calendar as a partner of Federico Schwartz Merolesi & Lyddane.

John L.A. Lyddane



The defendant was not put on notice of those claims based upon the original allegations of the complaint. The defendant had the right to investigate the claims to be tried on a timely basis and conduct discovery focused on those claims.

In Kassis v. Teachers Insurance, 258 A.D. 271 (1st Dept. 1999), the court pointed out that the "supplemental" bill of particulars served after the close of discovery, was in fact an "amended" bill of particulars which (without court approval) was a legal nullity.

The lower court had stricken the supplemental bill of particulars on defendants' motion, and had precluded the altered theory of recovery advanced three weeks before trial, finding no valid excuse for the delay.

The lower court had stricken the supplemental bill of particulars on defendants' motion, and had precluded the altered theory of recovery advanced three weeks before trial, finding no valid excuse for the delay.

The Appellate Division unanimously affirmed the order since the proposed amendment would have prejudiced the defendants by materially altering plaintiffs' theory of recovery on the eve of trial. [See also King v. Marwest, 192 A.D.3d 874 (2nd Dept. 2021)].

Even when the alteration of the theory of liability relates to the same fall and what precipitated it, the new theory may be precluded. Holder v. County of Westchester, 169 A.D.3d 1017 (2nd Dept. 2019). The same surgical procedure may be

involved and yet the change in plaintiff's theory may prevent that claim from being added.

This pertains even where the trial court has allowed the new theory at trial and the Appellate Division needs to define the issues for the retrial after a verdict is vacated. Durant v. Shuren, 33 A.D.3d 843 (2nd Dept. 2006).

The belated addition of a new and significantly different theory of recovery substantially prejudices the defendant where the plaintiff's new theory is not readily discernible from the allegations in the bill of particulars (Durant, supra at 844).

In Navarette v. Alexiades, 50 A.D.3d 869 (2nd Dept. 2008), the claim evolved from a surgical procedure which had occurred eight years prior to service of the plaintiff's expert disclosure. The plaintiff's expert witness response was found to include new theories of liability which were not readily discernible from the allegations contained in the bill of particulars served just two years previously.

The Appellate Division unanimously sustained Justice James Patrick Dollard Jr.'s denial of plaintiff's motion to amend the bill of particulars and his direction to plaintiff to serve new expert witness responses from the same expert witnesses limited to the allegations contained in the original bill of particulars (Navarette, supra at 870).

The decision in Lissak v. Cerabona, 10A.D.3d 308 (1st Dept. 2004) shows that the principles apply equally to those defendants who advance a previously undisclosed theory of defense.

After a codefendant settled with plaintiff on the eve of trial, the remaining defendant served new expert witness responses shifting his defense to implicate the doctor who was no longer before the

Although the trial court found no prejudice to plaintiff in the new theory, the Appellate Division reversed and precluded the newly raised defense theories citing the interference with plaintiffs' ability to prepare for trial after further discovery was » Page 6

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CONTRACTS

The FTC Switches Gears **On Noncompete Enforcement**

he Federal Trade Commission's (FTC) nationwide ban on virtually all noncompete agreements in the employment context was expected to take effect in Sept. 2024.

Losses in litigations challenging the noncompete ban and a change in the presidential administration have led the FTC to abandon its fight to salvage the noncompete ban and to instead refocus on challenging individual employer noncompete agreements.

The FTC approved the rule banning noncompete agreements on April 23, 2024, with the three Democratic commissioners voting in favor of the rule and the two Republican commissioners voting against the rule, primarily because they did not believe that the FTC had the authority to issue the rule.

Several litigations were filed challenging the FTC's authority to adopt a rule banning noncompete agreements, which have traditionally been regulated by state law.

In Ryan LLC v. Federal Trade Commission, the United States District Court for the Northern District of Texas initially enjoined enforcement of the noncompete rule and then issued a final decision in late Aug. 2024 concluding that the FTC exceeded its statutory authority in implementing the rule and that the rule was arbitrary and capricious.

Just a week before the Ryan ruling, the United States District Court for the Middle District of Florida granted an injunction in Properties of the Villages, Inc. v. Federal Trade Commission, holding that the plaintiff was likely to succeed on its claim that the FTC rule was unenforceable under the

major questions doctrine. The FTC under the Biden administration promptly appealed both decisions. After President Trump's inauguration, however, the FTC asked the appellate courts to hold the appeals in abeyance while the FTC reconsidered its position in light of the change in administration.

JEFFREY S. BOXER and A. JONATHAN TRAFI-

MOW are members of Carter Ledyard.



Jeffrey S.

Boxer



A. Jonathan Trafimow

On Sept. 5, 2025, the FTC (with a new Republican majority) filed papers withdrawing both appeals. The practical effect of the withdrawal of the appeals is that the lower court rulings that the FTC did not have authority to issue the rule stand and the nationwide rule banning noncompete agreements will not take effect.

Several litigations were filed challenging the FTC's authority to adopt a rule banning noncompete agreements, which have traditionally been regulated by state law.

The FTC walked away from the rule banning noncompete agreements not because the FTC now believes that noncompete agreements can never be illegal, but because the new, Republicanmajority did not believe the agency had the authority to issue such a wide-ranging rule.

Instead, the FTC will continue to engage in targeted enforcement actions against specific employers that the FTC believes are using post-employment restrictive covenants in ways that violate competition and labor laws.

On Feb. 26, 2025 (nearly six months before withdrawing its appeals), the FTC Chairman directed the agency to prioritize prosecuting unfair labor market practices that harmed workers, including noncompete agreements that contained "unnecessary, onerous and often lengthy restrictions" and formed a "Joint Labor Task

Force" to carry out these goals. (Directive Regarding Labor Markets Task Force | Federal Trade Commission). At the same time as it withdrew its appeals of the decisions striking down the rule banning noncompete agreements, the FTC took several steps to address its ongoing concerns about noncompete agreements.

First, on Sept. 4, 2025 (the day before withdrawing its appeals), the FTC approved a complaint against-and a settlement with-Gateway Services (Gateway), a pet cremation company.

The FTC asserted that Gateway required all newly hired employees (except those in California) to sign noncompete agreements precluding the employees from working in the pet cremation industry anywhere in the United States for one year after termination of employment without any "individualized consideration" of the employees' roles in the company.

The FTC alleged that Gateway imposed its noncompete agreement on hourly workers as well as highly compensated employees and required employees who had been terminated when Gateway closed facilities or otherwise reduced its labor force to abide by the noncompete provisions.

The FTC concluded that Gateway used the noncompete agreements to suppress, prevent, or minimize competition. As part of the settlement, Gateway agreed, among other things, to stop entering into or enforcing the offending noncompete agreements and to notify impacted employees that their noncompete agreements are not enforceable. (FTC Takes Action to Protect Workers from Noncompete Agreements Federal Trade Commission.)

Second, also on Sept. 4, 2025, the FTC issued a request for information about employers using noncompete agreements. The request asked members of the public to submit the names of any employers using noncompete agreements as well as information about the noncompete agreements used by those employers.

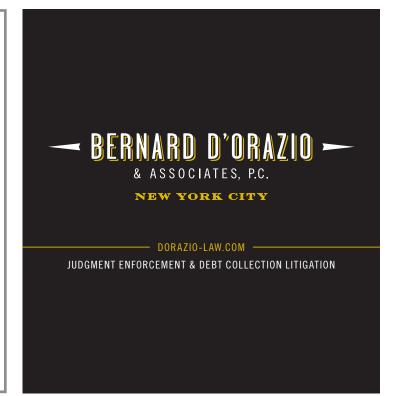
For example, the request seeks information about the

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Off the Front

Board

« Continued from page 1

Gonzalez, Dr. Biggs, and Dr. Rosa could have ramifications far beyond the FOMB," according to the complaint. "If the President can assert a constitutional basis to violate Congress's creation of statutory removal protections for territorial officers who exercise no federal executive power, then the President could fire any territorial officer at any time for any reason—or for no reason at all."

"It could also mean that the President could remove any officer exercising local authority over the District of Columbia," counsel for the plaintiffs wrote in their complaint, comparing the local D.C. government with Puerto Rico and its lack of statehood protections.

FOMB consists of seven members appointed by the president, but Trump in August removed six

of the board members without cause. Three of those members— Gonzalez, Rosa and Biggs—filed a lawsuit Thursday seeking immediate reinstatement.

The plaintiffs allege Trump fired them unlawfully in violation of PROMESA, the Administrative Procedure Act, the Fifth Amendment to the U.S. Constitution and separation-of-powers principles.

The lawsuit names Trump, White House aide Sergio Gor, FOMB member John E. Nixon and FOMB executive director Robert F. Mujica as defendants.

Cooley partners Eduardo Santacana and Simona Agnolucci plus associates Ellie Winter Barczak and Eva Spitzen in San Francisco are among the co-counsel representing the plaintiffs.

Local counsel from Puerto Rico-based Indiano & Williams, former federal prosecutors James Pearce and Mary Dohrmann of the Washington Litigation Group and Andrew H. Warren of Democracy Defenders Fund also represent the plaintiffs.

"We're proud to represent the Board members in their fight to regain their positions," Pearce, senior counsel at the Washington Litigation Group, said Thursday in a statement.

"The law says you can't fire board members without cause," Warren, the deputy litigation director for Democracy Defenders Fund, said in a statement. "The president doesn't get to hijack an independent board as a political stunt. The Constitution doesn't allow that, and neither should the courts."

Created by Congress, the Financial Oversight and Management Board for Puerto Rico is also known as FOMB or the Federal Oversight Management Board.

A spokesperson for the Puerto Rico oversight board declined to comment Friday.

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

9/11 Victims

« Continued from page 1 under the terrorism victims fund.

"Plaintiffs have suffered unimaginable tragedies at the hands of terrorists," Bates wrote in his 11-page memorandum opinion. "Although Congress empowered the Special Master to compensate certain victims of terrorism through the VSST Fund, it simultaneously expressly precluded courts from reviewing her decisions."

"Accordingly, the Court grants defendants' motion to dismiss for lack of jurisdiction," Bates added.

The plaintiffs previously secured judgments against Iran in the U.S. District Court for the Southern District of New York under the Justice Against Sponsors of Terrorism Act codified as 28 U.S.C. § 1605B.

Mary Patrice Brown, special master of the terrorism victims

fund, in December 2024 issued a final decision deeming the plaintiffs ineligible for VSST Fund compensation "because their judgments were granted pursuant to § 1605B, not § 1605A," according to Bates' opinion.

"The 154 plaintiffs here, however, could not take advantage of §1605A," Bates wrote in his decision. "Neither they nor their loved ones were United States citizens on September 11, 2001, and §1605A only waives sovereign immunity in suits in which 'the claimant or the victim' was a citizen at the time of the terrorist attack in question."

Bates ruled he lacked jurisdiction to review the merits of the plaintiffs' case under a provision of the VSST Fund Act—34 U.S.C. § 20144(b)(3)(B)—that says a VSST Fund special master's decisions are not subject to judicial review.

"This ruling protects what we believe is an erroneous decision from review," Strong said in an interview with Law.com and the National Law Journal. "It is a blow to these families who have already suffered so much."

Anderson Kill on behalf of the plaintiffs filed a complaint Feb. 21 naming U.S. Attorney General Pam Bondi and Brown as defendants and seeking a court order under the Administrative Procedure Act that would declare the plaintiffs eligible to participate in the VSST Fund.

Bates granted the U.S. Department of Justice's motion to dismiss the complaint in his ruling filed Wednesday.

"We are going to keep fighting on behalf of our clients and 9/11 communities just as we have for the past 24-plus years," Strong said.

A DOJ spokesperson did not immediately respond to a request for comment.

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

NII

« Continued from page 1

limited to 40 pages and structured in accordance with federal rules. And a Trump spokesperson confirmed that the president intends to refer

to refile.

"President Trump will continue to hold the Fake News accountable through this powerhouse lawsuit against the New York Times, its reporters, and Penguin Random House, in accordance with the judge's direction on logistics," the spokesperson said in the statement.

Test the Boundaries of Defamation Law

The original lawsuit, filed last week, accused The Times of acting as a "virtual mouthpiece" for the Democratic Party and sought damages from The Times, four of its reporters—including two who authored the book 'Lucky Loser: How Donald Trump Squandered His Father's Fortune and Created the Illusion of Success'—and the publisher of the literature, Penguin Random House.

The filing contained extensive commentary about Trump's business and political career, as well as references to other defamation suits the president has initiated against media organizations, including references to his recent \$15 million ABC News defamation settlement.

On Thursday, New York Times executive editor Joe Kahn, who happened to be appearing at an Axios event before news of the dismissal surfaced, said that Trump was "wrong on the facts" and "wrong on the law" regarding defamation.

"We'll fight it, and we'll win," Kahn said.

With Merryday's order, the case remains pending. The revised filing must present factual allega-

tions in a concise form that meets procedural requirements; otherwise, the judge suggests, it risks further dismissal. Trump's attorneys have sug-

gested that the outcome of this litigation could test the boundaries of defamation law as applied to public figures and national news outlets.

Florida attorney Blake Dolman, a partner with Krupnick Campbell, who is not involved in the litigation, believes Trump still has a strong case.

"This is not a bad ruling for President Trump or his legal team—it does not address the merits of the case, as it should not at this stage of the litigation," Dolman said. "Many cases end up with third, fourth or fifth amended complaints and would not be newsworthy but for the parties involved."

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Citgo

« Continued from page 1

entered into by the Bolivarian Republic of Venezuela, and not by state-owned enterprises like PDVSA.

"Because the [Bolivarian Republic of Venezuela] itself was not a party to the Governing Documents, they are not national public interest contracts, and they and the 2020 Notes were validly issued without National Assembly approval," Failla said in an 89-page decision.

Failla's ruling closes the books on a New York lawsuit that threatened to derail the ongoing auction of Citgo, which Venezuela is selling to cover billions of dollars of debt. That auction is currently being overseen by the Delaware federal court and is being closely watched by many of Venezuela's creditors, including holders of the so-called "2020 bonds."

Named for their 2020 maturation date, the 2020 bonds were issued under the administration of Venezuelan President Nicolás Maduro. The opposition-controlled National Assembly opposed the bonds, protesting its use of a controlling interest in Citgo as collateral. PDVSA defaulted on the debt in 2019 and later sued the bondholders' trustee and collateral agent—represented by Paul Weiss Rifkind Wharton & Garrison and Clark Smith Villazor—to void the bonds.

Failla had initially upheld the bonds in a 2020 ruling, finding them valid under New York law. But the case returned to her in 2024, when the New York Court of Appeals determined that Venezuelan law controlled the case.

The Venezuelan government has participated in the litigation in support of PDVSA, agreeing with PDVSA that it needed the National Assembly's permission to issue bonds backed by Citgo. PDVSA also argued that Failla can't enforce the bonds under the acts of state doctrine, which bars courts from invalidating foreign sovereigns' official acts. It argued that the National Assembly had retroactively cancelled the bonds through a set of resolutions.

But Failla disagreed, saying the bonds weren't public contracts and that the resolutions hadn't invalidated the debt.

Even if the resolutions had invalidated the bonds, Failla said, the acts of state doctrine doesn't apply, as those official acts would amount to extraterritorial takings.

"As the Court found in PDVSA I, '[t]he fact remains that papers were signed, contracts were executed, [and] payments are due in New York, and the collateral sits waiting in a vault in New York. Venezuela has no power, save by the actions of this Court or intervention by the United States, to stop Defendants from enforcing their contractual remedies," she said, quoting her 2020 ruling.

Representatives for PDVSA and the bondholders didn't respond to requests for comment.

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

Outside Counsel

Second Circuit Upholds NY's Gun Industry Accountability Law

Eric

Tirschwell

any attorneys are generally aware of a federal law granting the gun industry broad protection from liability for the criminal misuse of its products by third parties. That statute, the Protection of Lawful Commerce in Arms Act—or PLCAA—was signed into law by President Bush 20 years ago.

PLCAA is often misunderstood as providing the gun industry with "blanket immunity." It does not. In fact, Congress included several exceptions that allow for liability against gun-industry defendants for harm resulting from third parties misusing firearms.

Perhaps the most important of those exceptions allows lawsuits to proceed if the defendant "knowingly" violated a federal or state statute "applicable to the sale or marketing of firearms" and that violation was "a proximate cause" of the harm.

In other words, a gun manufacturer or retailer can be held legally responsible for a shooting by a third party if the company also knowingly violated the law and its own legal violation was a substantial factor in bringing about the harm.

A simple example is where a gun store violates the law by selling a firearm to a straw purchaser it knows or should know is illegally buying the weapon for someone else, typically a person with a felony conviction, who later uses the weapon in a shooting.

This so-called "predicate exception" has been the basis for a number of successful lawsuits against reckless gun-industry actors. For example, it featured in the case against Remington arising out of the Sandy Hook shooting, which resulted in a \$73 million settlement. It was used against now-defunct ghost gun seller Polymer80 in

ERIC TIRSCHWELL is the executive director of Everytown Law, the litigation arm of Everytown for Gun Safety. Everytown filed an amicus brief in support of upholding the New York law challenged in the 'NSSF v. James' case discussed in this article.



several municipal and individual lawsuits, resulting in numerous seven figure settlements.

And—just a few weeks ago—the predicate exception helped pave the way in a case against a firearms retailer for selling thousands of ghost gun kits that contributed to a public nuisance in Baltimore, resulting in a landmark \$62 million jury verdict.

The predicate exception is also at the center of many ongoing lawsuits against major firearms manufacturers and sellers arising out of

New York's gun-industry accountability law... reflects a legislative judgment...that the gun industry should abide by the same kinds of standards that govern other industries.

mass shootings and the much more common daily gun violence that takes the lives of tens of thousands of Americans every year.

Over the summer, the U.S. Court of Appeals for the Second Circuit issued an important decision that reinforces the importance of PLCAA's predicate exception in holding bad actors in the gun industry accountable. The case, National Shooting Sports Foundation, Inc. v. James, 144 F.4th 98 (2d Cir. 2025), involved a preenforcement, facial challenge to New York's firearms-related public nuisance law, N.Y. Gen. Bus. Law § 898-a, et seq. ("Section 898"), which was enacted in 2021. Section 898 sets out two mandates specifically applicable to the gun industry, and provides that a public nuisance exists when a gun-industry member violates either mandate and that violation

results in harm in New York. *Id.* §§ 898-b, 898-c.

The first of these mandates, sub-section b(1), requires that a gun-industry member not engage in unlawful or unreasonable conduct by which it knowingly or recklessly "create[s], maintain[s] or contribute[s] to a condition in New York state that endangers the safety or health of the public." *Id.* § 898-b(1). This sub-section closely tracks the language of New York's longstanding general criminal public nuisance provision, New York Penal Law § 240.45.

The second mandate, sub-section b(2), requires that every gunindustry member that conducts business in New York "establish and utilize reasonable controls and procedures to prevent its [] products from being possessed, used, marketed or sold unlawfully in New York state." NY GBL § 898b(2). Section 898 provides causes of action to the New York State Attorney General, the corporation counsels of New York municipalities, and private plaintiffs harmed by conduct that violates the statute. Id. §§ 898-d, 898-e.

Section 898, which expressly applies to the sale and marketing of firearms, fits squarely within PLCAA's predicate exception. Nevertheless, the National Shooting Sports Foundation (NSSF - the gun industry's main trade group) brought a legal challenge, arguing that Section 898 is: (a) inconsistent with and preempted by PLCAA and (b) unconstitutional. In an opinion issued on July 10, 2025, authored by Judge Eunice Lee and joined by Judge Raymond Lohier, the Second Circuit rejected all of NSSF's arguments and held that Section 898 is not facially invalid.

Reviewing PLCAA's legislative findings and purposes, the court found "some support" for both NSSF's view that "PLCAA's purpose [i]s primarily substantive—to insulate gun manufacturers and distributors from excess liability," and the State's view that PLCAA's purpose was "structural and procedural—to preserve the balance of power between legislatures and the judiciary and to ensure that gun industry members are » Page 9

IN BRIEF

« Continued from page 1

partner. The firm has also promoted **Veronica Mishkind** and **Amanpreet Dhaliwal** to counsel.

• Craig Handler has joined Ruskin Moscou Faltischek as a partner. He joins from Twomey Latham where he was also a partner.

• Dax Scharfstein and Chris Cosolito have joined Winstead as shareholders in the firm's real estate finance practice group. They were both formerly partners at Cassin & Cassin.

• Fried Frank has added Vadim Novik as a tax partner. He previously held senior roles at JPMorgan and Morgan Stanley. In addition, Allison Yacker has joined the firm as an asset management partner.

• **Peter Amend** has joined **Alston & Bird** as a partner in its financial restructuring & reorganization group.

• Simpson Thacher has added **Alec Jarvis** as a tax partner. He joins from **Skadden**, **Arps**, **Slate**, **Meagher & Flom**.

• Rushmi Bhaskaran, former assistant U.S. attorney for the Southern District, has joined Ballard Spahr as a partner in the firm's litigation department and white collar defense and investigations group.

Tarter Krinsky & Drogin
has added David Lackowitz and
Zaid Shukri as partners in the
firm's litigation practice. They
both join from Moses & Singer.
 Wang Hecker has promoted

 Wang Hecker has promoted Heather Gregorio as a partner and has hired Lily Sawyer-Kaplan, Maggie Hadley, and Jahne Brown as associates.

• Lani Medina has joined Weinstein and Klein as counsel in corporate and transactional matters practice.

• Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins has added Val Wallace as partner and Leslie Polanco-Linares as of counsel to the firm.

• McElroy Deutsch has added Joshua Glatter as of counsel in its litigation & insurance services practice group. (PHOTO R) • Blank Rome has added

Julia Markham-Cameron as an associate in its matrimonial & family law group. She joins from Dechert.

Dechert.
• Goldberg Segalla has added Carter Overbey, Amat Fatimah and Amanda Drantch as associ-

—Patricia Kane

Trump Asks Justices To Revive Policy Banning Trans Identities on Passports

President Donald Trump urged the U.S. Supreme Court on Friday to reinstate his policy requiring that passports list someone's "biological" sex, which was blocked by a lower court judge after being challenged by a group of transgender plaintiffs.

Trump's top Supreme Court lawyer, U.S. Solicitor General D. John Sauer, filed an emergency application to pause the district court's injunction against the policy while the legal challenge moves forward in the lower courts.

A federal judge in Massachusetts had found that the policy, implemented by the U.S. State Department in response to a Trump executive order, likely violated the equal protection clause of the U.S. Constitution as well as the Administrative Procedure Act. U.S. District Judge Julia Kobick awarded an injunction to a proposed class of trans

plaintiffs who had challenged the Trump administration's reversal of a Biden era policy allowing them to self-identify their gender on passport applications.

The U.S. Court of Appeals for the First Circuit declined to stay that decision, saying the government did not meaningfully engage with the substance of the district court's analysis or its findings that the plaintiffs were likely to experience irreparable harm if the Trump policy remained in effect.

The U.S. Justice Department told the Supreme Court that the district court's injunction "has no basis in law or logic."

"Private citizens cannot force the government to use inaccurate sex designations on identification documents that fail to reflect the person's biological sex—especially not on identification documents that are government property and an exercise of the President's constitutional and statutory power to communicate with foreign governments," Sauer

The solicitor general cited the Supreme Court's June ruling in U.S. v. Skrmetti, upholding a Tennessee law banning gender-affirming care for trans adolescents. That 6-3 decision, Sauer wrote, demonstrates that "a policy does not discriminate based on sex if it applies equally to each sex without treating any member of one sex worse than a similarly situated member of the other."

The plaintiffs have yet to file their response to the administration's request for a stay.

The case is *Trump v. Orr*, No. 25A319.

—Jimmy Hoover



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Verdicts&Settlements

EMPLOYMENT - RETALIATION

Employer Passed Her Over
To Promote Less Qualified Men: Plaintiff

Settlement: \$450,000

Alison Kent-Friedman v. The State of New York, The New York State Insurance Fund, Eric Madoff, William O'Brien, Peter Cusick, John Dormin, Joseph Mullen, and John and Jane Doe (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named Defendants), No. 1:18-cv-04422

Court: U.S. District Court, Southern District, N.Y.

Plaintiff Attorney(s):

Samuel O. Maduegbuna; Maduegbuna Cooper LLP; New York NY for Alison Kent-Friedman

Defense Attorney(s):

Michael L. Abitabilo; Jackson Lewis P.C.; White Plains, NY for New York State Insurance Fund, Eric Madoff, William O'Brien, Peter Cusick, Joseph Mullen Ana C. Shields: Jackson Lewis P.C.; White Plains

Madoff, William O'Brien, Peter Cusick, Joseph Mullen Ana C. Shields; Jackson Lewis P.C.; White Plains, NY for New York State Insurance Fund, Eric Madoff, William O'Brien, Peter Cusick, Joseph Mullen

Facts:

In July 2012, plaintiff Alison Kent-Friedman, 50, a supervising attorney of the Division of Confidential Investigations for the New York State Insurance Fund, was appointed to the position of acting director after the retirement of the previous director.

Kent-Friedman began working for the New York State Insurance Fund in 1992 and rose to the rank of supervising attorney before being appointed acting director of the Division of Confidential Investigations in July 2012. She continued in her acting role until a permanent director was hired in 2014. At that time, Kent-Friedman was listed as the acting assistant director, a position she held until she transferred to the New York State Attorney General's Office in 2018. Kent-Friedman claimed that from 2012 to 2018, she was never officially appointed as the director or assistant director and that she was passed over for promotion during that time.

Kent-Friedman sued her employer, the New York State Insurance Fund; and her supervising department heads and executives, consisting of Executive Director and Chief Executive Officer Eric Madoff, General Attorney William O'Brien, Deputy Counsel Peter Cusick and Director of Administration Joseph Mullen. Kent-Friedman alleged that the defendants' actions constituted employment discrimination and retaliation.

The state of New York and the director of the Division of Confidential Investigations (who was hired in 2016), John Dormin, were also originally named as defendants. However, both the state

and Dormin were let out of the case early on. Thus, the matter continued against the remaining defendants.

Kent-Friedman claimed that, from 2012 to 2018, while she served in acting leadership roles, her salary remained significantly lower than that of her male colleagues in equivalent or lesser roles. She also claimed that male colleagues with equal or lesser qualifications were promoted over her during that time. Specifically, Kent-Friedman alleged that from 2012 to 2018, her salary ranged from \$117,260 to \$132,054, while her male counterparts who were promoted over her earned between \$140,864 and \$169,678 during overlapping periods.

Kent-Friedman claimed that after she was appointed to the position of acting director in 2012, internal emails acknowledged her leadership and credited her with maintaining high performance in the department. However, she claimed she was never officially appointed as director or assistant director, despite assurances from senior officials that she would be considered for the permanent position

Although there was acknowledgment of her performance and institutional knowledge, Kent-Friedman claimed she was passed over for the position of director when male candidates were considered and interviewed, while she was not. She claimed that, ultimately, George Tidona was promoted to the director position in a permanent capacity in 2014, even though he had no experience in workers' compensation fraud. As a result, Kent-Friedman became the acting assistant director, but she claimed that Tidona continued to rely on her to advise him on the duties and responsibilities of the position. She further claimed that Tidona admitted to her that she is "the one with all the institutional knowledge." Kent-Friedman alleged that during that time, she applied for the permanent assistant director position multiple times, but instead, Madoff, O'Brien, Cusick and Mullen decided not to promote anyone and to continue to assign the assistant director's duties to her without a commensurate increase in pay or benefits.

In September 2016, Tidona was removed from the director position, allegedly due to poor leadership and performance. Dormin was then appointed the new permanent director of the Division of Confidential Investigations without a public posting for the position. Kent-Friedman claimed she was more qualified for the position than Dormin, but she didn't apply for the position at that time because the vacancy notice was not advertised. She alleged that, instead, she continued in her acting role of assistant director and was never officially promoted.

Kent-Friedman claimed that despite receiving outstanding performance reviews since becoming a supervising attorney in 2001, she was repeatedly denied promotions to the positions of director and assistant director. She also claimed she received no commensurate pay increase when she performed the duties of those positions in an acting capacity. Kent-Friedman noted that between the time of her

hiring in 1992 and the time she left the position in 2018, no woman had held, in a permanent capacity, the positions of director, assistant director (or chief of investigations), or principal investigator – the three highest positions in the Division of Confidential Investigations. She further noted that only white males held those positions and claimed that male employees were treated more favorably even when they underperformed. In addition, Kent-Friedman claimed that the defendants assumed legal duties that had previously been assigned to her and began giving her fewer duties and responsibilities in retaliation for her filing complaints of unlawful discrimination with the Equal Employment Opportunity Commission in March 2017.

The defendants gave multiple reasons for not promoting Kent-Friedman, ranging from an alleged lack of management skill to allegedly not embracing a new departmental direction. They also alleged that the assistant director position was eliminated because there was no need for it.

In response, Kent-Friedman's counsel argued that the defendants' alleged reasons for not promoting the plaintiff were inconsistent. Counsel also argued that there remained a business need for the assistant director position and that a new vacancy notice for a position with similar functions and responsibilities to the assistant director position was posted in October 2017. In addition, counsel argued that even if the New York State Insurance Fund didn't promote Kent-Friedman, it had multiple legal avenues to increase Kent-Friedman's pay, including temporary exempt appointments, reallocations, merit pay and retroactive increases, but those options were never explored.

Injury:

Kent-Friedman claimed the failure to be promoted caused her suffer from emotional distress, as well as a loss of earnings.

Kent-Friedman sought recovery of \$350,000 in damages for her garden-variety emotional distress claims and \$213,156 in lost wages from 2016 to 2020 (the time when Kent-Friedman was allegedly passed over for promotion). She also sought recovery of \$495,000 in attorneys' fees and costs and \$1 million in punitive damages.

The plaintiff's economics expert submitted a report in which she opined that Kent-Friedman's documented damages were in excess of \$100,000.

Result:

The parties negotiated a pretrial settlement. The state of New York, acting on behalf of all of the defendants, agreed to pay Kent-Friedman \$450,000.

Alison Kent-Friedman

Trial Information:

Judge: Victor Marrero Demand: \$975,000 Offer: \$125,000 Trial Length: 0 Trial Deliberations: 0

MOTOR VEHICLE

Pedestrian Sued Driver's Estate for Crash Injuries

Verdict: \$133,500.00

Emanuel Mejia Vargas v. Mohamed S. Nagooradumai, No. 721779/2023

Court: Queens Supreme, NY

Plaintiff Attorney(s):

Michael Samuel; The Samuel Law Firm; New York NY for Emanuel Mejia Vargas

Defense Attorney(s):

None Reported for Mohamed S. Nagooradumai

Facts:

On June 15, 2023, plaintiff Emanuel Vargas, 25, a delivery person, was walking in a pedestrian crossing at Broadway and 58th Street in Manhattan. A motor vehicle driven by nonparty Zuhaira Mohamed struck Vargas. Vargas claimed he fractured an ankle.

Mohamed died before a lawsuit was filed. Vargas sued Mohamed's widow, Mohamed S. Nagooradumai. The lawsuit alleged that Mohamed was negligent in operating a motor vehicle.

Nagooradumai did not appear in court.

Injury:

Vargas suffered a fractured ankle and underwent open reduction with internal fixation. He had physical therapy and claims to still be in pain today.

Result: Following a bench trial, Judge Robert I. Caloras awarded Vargas \$133,500 in damages.

Emanuel Mejia Vargas,

\$ 8,500 Past Lost Earnings \$ 125,000 Past Pain Suffering

\$ 133,500 Plaintiff's Total Award

Trial Information:

Judge: Robert I. Caloras Trial Length: 0

Trial Deliberations: 0

MOTOR VEHICLE

Red-Light Rear-Ender Led to Injuries, Per Plaintiff

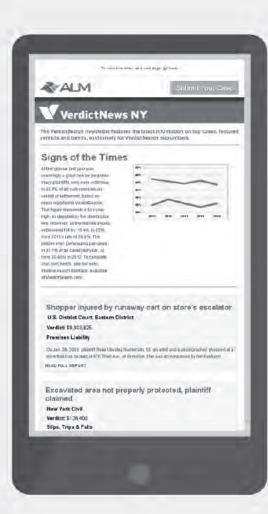
Verdict: \$125,000.00

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fourth quarter as well," said Elijah Hammans, a Taft Stettinius & Hollister partner who specializes

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But while many dealmakers welcomed the election of Donald Trump, predicting a more business friendly administration, the president's embrace of protectionism has caused alarms. The U.S. Supreme Court is set to review the legality of Trump's tariff regime

"There's total uncertainty," Galante said. "It could be a long time of true uncertainty as to whether those tariffs remain in place and that does cause a lot of uncertainty for people looking

Dealmakers

who run the funds on what is

happening. There is absolutely a

change in the market," he said.

"So, do I think the lowering of

interest rates is going to create

this huge boom in PE deals? I

don't, personally. No, I don't. I do

think that what is happening right

now is the world of private capital

Private equity still remains

somewhat stuck until deals

become less expensive, whether

that's some combination of infla-

tion reduction, growth or a fur-

ther reduction in interest rates,

10, 15% anymore," he said. "The

market is really saturated. That's a

"Direct lending is not growing

is radically changing."

he continued.

« Continued from page 1

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one shifting their capital? Asset-

cuts weren't as much as some folks would have hoped for, if one relies on debt financing to fund acquisitions, the cost of capital is now at least a bit lower, leading to an improved access to capital, said Jonathan Dhanawade, a partner with Mayer Brown's private equity, mergers and acquisitions practice, who predicted an increase in M&A activity during the balance of the year.

"It's not going to be a sudden uptick, but a more gradual uptick,"

Other law firm transactional partners are also hopeful for the

"We've had a pretty busy year, especially in the second and third \$3 trillion market. Where's every-quarter ... and we expect a busy

backed securities are all the rage While last week's interest rate in private equity transactions, M&A and general corporate matters.

on Nov. 5.

to make deals.'

Disciplinary Proceeding

The Appellate Division, First Department

Matter of Daphna Zekaria, a suspended attorney

Motion No. 2025-04095

Appellate Division, First Department

Manzanet-Daniels, J.P., Kennedy, Friedman, Mendez, Rosado, JJ.

Decided: September 11, 2025

Jorge Dopico, Chief Attorney, Attorney Grievance Committee, New York (Raymond Vallejo, of counsel), for petitioner

Respondent, pro se.

Per curiam—Respondent Daphna Zekaria was admitted to the practice of law in the State of New York by the Second Judicial Department on July 14, 1997. At the outset of the Attorney Grievance Committee (AGC)'s underlying investigation into the instant matter, respondent maintained a registered office for the practice of law within the First Judicial Department. Respondent later relocated to Huntington, NY, in the Second Judicial Department. On consent of the AGC for the Tenth Judicial District, the AGC for the First Judicial Department has continued to handle all matters concerning respondent (Matter of Zekaria, 230 AD3d 19 [1st Dept 2024]).

By order entered June 18, 2024, this Court, pursuant to Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.9(a)(1) and (3), suspended respondent from the practice of law effective immediately and until further order of this Court. This Court's suspension of respondent was based on her noncompliance with the AGC's

investigation into her conversion of client funds held in her escrow account, namely her failures to answer complaints against her, appear for an examination under oath pursuant to a subpoena, and comply with lawful demands of the courts and AGC to produce her escrow account information and bank records (id. at 23).

On May 21, 2025, respondent was convicted in the Supreme Court, Suffolk County, upon her plea of guilty, of two counts of grand larceny in the second degree, a class C felony (Penal Law §155.40 [1]); one count of grand larceny in the third degree, a class D felony (Penal Law §155.35 [1]); and one count of scheme to defraud in the first degree, a class E felony (Penal Law §190.65 [1] [b]). Respondent also pleaded guilty to one count of criminal contempt in the second degree, a class A misdemeanor (Penal Law §215.50 [3]). She is scheduled to be sentenced in 2026.

Respondent's conviction stems from her representation of three individuals. Respondent, a partner at a law firm, was hired to represent a woman during her divorce and the sale of her marital home. Respondent was expected to hold roughly \$150,000, the proceeds of the sale of her client's home, in her escrow account. However, instead of dispersing the funds when her client's divorce was finalized, respondent improperly used the funds for personal and/or business purposes. In a separate matter, respondent was hired by a lottery winner to hold a portion of his funds in escrow and invest an additional portion on his behalf, but instead, respondent made large transfers of the funds to other individuals. Respondent was also retained by an elderly woman to help her contest eviction proceedings,

for which respondent received

\$17,500 but performed no legal work on the woman's behalf. Instead, respondent improperly used the funds for personal and/ or business purposes.

The AGC now moves for an order striking respondent's name from the roll of attorneys, pursuant to Judiciary Law §90(4)(a) and (b) and 22 NYCRR 1240.12 (c)(1), on the ground that she was convicted of a felony as defined by Judiciary Law \$90(4) (e) and has therefore been automatically disbarred (see Matter of Solny, 213 AD3d 24 [1st Dept 2023]; *Matter of Scharf*, 193 AD3d 118 [1st Dept 2021]; Matter of Carlebach, 163 AD3d 192 [1st Dept 2018]). The AGC further asserts that its motion is timely even though respondent has yet to be sentenced because she was automatically disbarred at the time of her guilty plea (see Matter of Birnbaum, 206 AD3d 122, 123 [1st Dept 2022]; Matter of Ravelo, 163 AD3d 98 [1st Dept 2018]). Respondent consented to service of the instant motion by first-class mail on July 24, 2025 but has not submitted a response.

Pursuant to Judiciary Law §90(4), respondent was automatically disbarred when she entered a guilty plea to the felonies of grand larceny in the second degree, grand larceny in the third degree, and scheme to defraud in the first degree. Further, although respondent has yet to be sentenced, the instant motion is nevertheless timely, as respondent was disbarred by operation of law when she pleaded guilty (see Matter of Del Valle, 227 AD3d 22, 24 [1st Dept 2024]; Matter of Migdol, 209 AD3d 99, 101 [1st Dept 2022]; Matter of Bernstein, 78 AD3d 94, 96 [1st Dept. 2010]) ["[f]or the purposes of automatic disbarment, conviction occurs at the time of plea or

Calendar

WEDNESDAY, SEPT. 24

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

3 p.m. - 3:30 p.m. Registration Link: https://servic-

es.nycbar.org/EventDetail?Event Key=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/Event Detail?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 Corpo**rate 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. Courthouse, 40 Foley Square 2 CLE credits https://fbc.users.membersuite.

Thurgood Marshall United States

com/events/a5720928-0078c800-c20c-0b4884a569d6/ details

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Estate Planning

3 p.m. - 4 p.m.

Registration Link: https://services.nycbar.org/EventDetail?Event Key=fas093025&mcode=NYLJ Location: Zoom Contact: 212-382-6663 or cus-

tomerrelations@nycbar.org BootCamp: Basic Training for

Lawvers

9 a.m. - 2 p.m. *In-Person Registration Link:* https://services.nycbar.org/Even tDetail?EventKey=BOOT2025&m

code=NYLJ Location: 42 West 44th Street Contact: 212-382-6663 or customerrelations@nycbar.org

Noncompete

« Continued from page 3 reasons (if any) an employer has given for using noncompete agreements; the roles, positions or job functions for which the employer uses noncompete agreements; the salary ranges of those subject to noncompete agreements; the terms of the noncompete agreements; and whether (and if so how) the noncompete agreements "harm" employees who might take other jobs or "limit" employees from starting their own businesses.

The request for information also asks about employers using nonsolicitation agreements that limit employees' ability to work with the employer's former customers or former employees. Notably, the

request is one-sided and does not seek information from employers about the potentially legitimate use of noncompete agreements. (Federal Trade Commission Issues Request for Information on Employee Noncompete Agreements | Federal Trade Commission.)

Third, on Sept. 10, 2025, the FTC Chairman issued letters to a number of large healthcare companies and staffing firms raising concerns about noncompete agreements in the healthcare field unreasonably limiting employment opportuni-

The letters assert that noncompete agreements can limit employment options for important roles in the industry and restrict patients' choices of medical providers, particularly in rural areas. The letters "encourage" the recipients to review their employment agreements, and particularly their noncompete and other restrictive covenant provisions, to ensure that they are narrowly tailored and comply with applicable law. (FTC Chairman Ferguson Issues Noncompete Warning Letters to Healthcare Employers and Staffing Companies | Federal Trade Commission.)

The FTC has moved assertively to try to undercut any suggestion that the FTC's walking away from its own rule banning noncompete agreements means that it will not monitor and police noncompete

Employers should be aware of the legal limits of post-employment restrictions, and employers with broad or untargeted noncompete agreements with employees should remain concerned about potential FTC enforcement actions.

Cases

« Continued from page 3

foreclosed (Lissak, supra at 310). This of course occurred well after plaintiffs themselves had prepared the case against the parties who had settled.

The sequence of events is clearly seen in Campos v. Beth Israel, 80 A.D.3d 642 (2d Dept. 2011) where the change of theory came in the form of plaintiff's expert witness disclosure.

Aside from the argument that the expert witness response may

lars, and Dollard had stricken the new claims and denied the motion to amend. The Appellate Division affirmed both orders, holding that where the

The plaintiff had responded with a

motion to amend the bill of particu-

application for leave to amend is made long after the case has been certified for trial, and the case is on the eve of trial, discretion should be exercised sparingly. (Morris, supra at 828).

On this point, it seems that the majority of the decisions support the proposition that the plaintiff may not make one claim in the bill

Defense counsel is well advised to insist upon a proper bill

of particulars as to each defendant to define the scope of discovery at the pleadings stage of the case. not supplant or expand the scope

of the bill of particulars in defining the claim, the court observed that the expert witness disclosure was served six and a half years after the patient was injured, and four years after the complaint and bill of particulars was served.

The new theories of liability were not readily discernible from the bills of particulars and were thus precluded. (Campos, supra at 642)

Morris v. Queens Long Island, 49 A.D.3d 827 (2d Dept. 2008) came before the court after the defendant had moved to strike portions of an expert witness response in which plaintiff had proposed testimony which exceeded the bounds of the allegations in the bill of particulars.

of particulars, allow the investigation and discovery phases of the lawsuit to pass, and then announce the new theory on which the case will proceed. Rosa v. Westchester Co. Med. Ctr., 233 A.D.2d 311 (2nd Dept. 1996).

In Palchik v. Eisenberg, 278 A.D.2d 293 (2d Dept. 2000), it was after the plaintiff's expert had testified to claims beyond the scope of the bill of particulars that the trial court struck the testimony and granted the defendant's motion for judgment as a matter of law because the plaintiff failed to establish a *prima facie* case within the bounds of the bill of particulars, with the approval of the Appellate Division on appeal.

The case of Sampson v. Contillo, 55 A.D.3d 591 (2d Dept. 2008), involved a plaintiff's motion to add a two-day period to the claim of malpractice which was granted by the trial judge but reversed by the Appellate Division which denied the motion for leave to amend. The court observed that the motion was made less than two months before trial in a case pending for four and a half years.

Practice Notes

The difference between an amended bill of particulars and a supplemental bill is well known. but the service of an amended bill disguised as a supplemental bill is also a popular stratagem. Defense counsel is well advised to insist upon a proper bill of particulars as to each defendant to define the scope of discovery at the pleadings stage of the case.

Once the course of investigation and discovery is set, careful attention is warranted to identify and oppose any change of liability theory which exceeds the claim stated in the bill of particulars.

Particularly when the case is in the final stages of trial preparation, the expert witness responses and bills of particulars require a careful review to assure that the case is proceeding to trial on a theory readily discernible from the controlling bill of particulars. Resolving such issues before jury selection is the preferred option for obvious reasons.

Counsel

« Continued from page 2 gave us a price that was just ridiculous. We sent it through AI and lit-

questions in seconds." Parr said the system also generated an abstracted, searchable database of the contracts—an unexpected benefit that has con-

erally got the answer to all of our

tinued to deliver value. He said it generated a substantial cost savings for the company. "That was part of the contract management system we use that we didn't even realize had the capability when we engaged them," he added.

Stephanie Corey, CEO of UpLevel Ops, said GCs are becoming more methodical about when and how they deploy different types of legal resources.

"Formal intake processes, triage protocols, and clear 'build versus buy' frameworks are becoming more common," she said. "Especially as teams face growing pres-

She said interim attorneys are ideal for leave coverage or hiring gaps, while ALSPs are often used for high-volume or process-heavy work. Law firms still play a role, but increasingly only for high-stakes or highly specialized matters.

sure on headcount and budget."

"Matching the right resource to the right work is essential," Corey

That includes recognizing when law firm secondees are no longer the right fit. "When bringing in a secondee,

clients have limited involvement in the selection process," MLA noted in a recent blog post. "The decision often comes down to which associate has availability.'

By contrast, companies using interim counsel typically choose attorneys themselves, screening for both experience and cultural fit.

A Flex by Fenwick blog post echoed that, noting that interim legal resourcing "helps bridge gaps between full-time employees, cover leaves of absence, support overflow, and staff special projects that may not justify full-time hire." For some legal departments, ALSPs and interim staffing are just

part of the solution. Jennifer McIver, a legal operations veteran at Wolters Kluwer, said legal departments are becoming more comfortable with flexible resourcing-and more open to experimenting.

"I think that increase in demand might not be so much in the legal departments themselves, but for the staffing agencies," she said. "It's something that you've seen explode over the last several

She said the rise of ALSPs and interim staffing presents a challenge-and an opportunity-for traditional law firms.

"Legal operations and legal departments are ready to make movements. They're ready to make changes. They have to figure out ways to reduce their spend—even though they probably have more

Trudy Knockless can be reached at tknockless@alm.com.

matters and more complexity."

To publish court rulings, e-mail: decisions@alm.com.

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Corporate Restructuring&Bankruptcy

The Non-Bankruptcy Litigator vs. the Contested Matter

BY JACLYN MARASCO AND KRISTEN PERRY

ou, the non-bankruptcy litigator, have been asked to assist the chapter 11 lawyers with a time-sensitive dispute in bankruptcy court. Most often, the dispute will relate to a single motion and your chapter 11 colleagues are either prosecuting that motion or opposing it.

They need your help because this dispute will require document discovery, depositions, and potentially even expert discovery. And all of that needs to happen fast.

What is a Contested Matter?

Whenever there is an actual dispute before the bankruptcy court, other than an adversary proceeding (i.e., a formal lawsuit within a bankruptcy case), the litigation to resolve that dispute is known as a contested matter. See, e.g., In re AMH Motorsports, LLC, No. 6:24-BK-04428-LVV, 2025 WL 1093325, at *3 (Bankr. M.D. Fla. Mar. 31, 2025) ("The term 'contested matter' is not defined in the Bankruptcy Code.

The Advisory Committee Note (1983) to Rule 9014 provides that whenever there is an actual dispute, other than an adversary proceeding, before the bankruptcy court, the litigation to resolve that dispute is a contested matter.") (internal quotation marks omitted). Under Rule 9014 of the Federal Rules of Bankruptcy Procedure (FRBP), certain Federal Rules of Civil Procedure (FRCP) apply to contested matters.

By virtue of FRBP 9014: FRCP 26, as incorporated by FRBP 7026, governs discovery generally, with exceptions set forth in FRBP 9014(c)—which excludes the following for purposes of contested matters: FRCP 26(a)(1) (mandatory disclosures), 26(a)(2) (disclosures regarding expert testimony), 26(a)(3) (additional pre-trial disclosures), and 26(f) (mandatory meeting before scheduling conference/discovery plan);

FRCP 30, as incorporated by FRBP 7030, governs depositions (and under FRBP 9014(d), "Testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding.");

FRCP 33, as incorporated by FRBP 7033, governs interrogatories; and

FRCP 34, as incorporated by FRBP 7034, governs document requests.

FRCP 45 is not incorporated by FRBP 9014, but FRBP 9016 makes FRCP 45 applicable in "all cases under the [Bankruptcy] Code," including contested matters.

JACLYN MARASCO and KRISTEN PERRY are members at Faegre Drinker.



Notwithstanding that FRBP 7004(d) authorizes nationwide service of process, the advisory committee notes to FRBP 9016 make clear that FRBP 9016, just like FRCP 45, limits the subpoena power to the judicial district and places outside the district which are within 100 miles of the place

of trial or hearing."

Thus, for the avoidance of doubt, all provisions of FRCP 45 apply in the bankruptcy context.

Note also that, in bankruptcy cases, parties are authorized to issue subpoenas under FRBP 2004. FRBP 2004 subpoenas may not, however, be used as a discovery device in connection with specific contested matters. FRBP 2004 permits a party to engage in a "fishing expedition" to explore the basis and viability of certain claims.

Given the permissible breadth of the inquiry, a party must first obtain authority of the bankruptcy court to issue a subpoena under FRBP 2004, or agreement of the party to accept service of the FRBP 2004 subpoena.

So, the FRCP Apply To Contested Matters?

Yes, the FRBP incorporates the FRCP and thus generally applies with the same force and effect. But applying the FRCP to contested matters can be tricky.

Contested matters are often

litigated on a compressed timeline, with motions being served on either 14 or 21 days' notice (absent a request for shortened notice). See AMH Motorsports, 2025 WL 1093325, at *3 ("Con-

Thus, for the avoidance of doubt, all provisions of FRCP 45 apply in the bankruptcy context.

tested matters are designed to move through the court quickly allowing the bankruptcy court to address issues impacting the rights of parties in a timely manner as opposed to an adversary proceeding. While many of the rules governing adversary proceedings are incorporated into contested matters, the formalities of a complaint and answer and the time frames usually

involved are not.").

So, for example, while FRCP 33 and 34 (as incorporated by FRBP 7033 and 7034, respectively) give parties 30 days to respond to written discovery requests, that timeline simply doesn't work for contested matters, particularly if parties are seeking written discovery prior to depositions—all of which generally must occur before the hearing on the motion.

So, what do you do? The

answer depends on whether you are prosecuting the motion or opposing it.

If your client is seeking relief from the bankruptcy court and is served with discovery requests by a potential objector, the bankruptcy court will generally not look kindly on your efforts to enforce the 30-day response periods of FRCP 33 and 34 (including through a motion for a protective order), unless you plan to adjourn the hearing on your motion and extend the objection deadline.

That is, if you want your motion heard quickly, you need to be prepared to provide relevant discovery quickly. That includes making witnesses promptly available for deposition.

On the flip side, however, the speed of bankruptcy proceedings also requires that the discovery sought be relevant and proportional in scope to the relief requested, and the limitations of FRCP 26(b) become particularly acute. Contested matters are not a means to engage in a fishing expedition; that is reserved for FRBP 2004. Requested discovery should thus be tailored to the requested relief.

So How Do I Handle Discovery Disputes In Bankruptcy Court?

Just as in traditional litigation, the onus is on the $^{\text{"Page 8}}$



Making Sense of Consent: Third-Party Releases Post-Purdue

BY SETH H. LIEBERMAN ABD AMANDA SCHAEFER

ollowing the Supreme Court's June 27, 2024, decision in Purdue, which held that nonconsensual third-party releases are impermissible under the Bankruptcy Code, bankruptcy judges across multiple jurisdictions have been grappling with what constitutes a "consensual" release. Harrington v. Purdue Pharma L.P., 603 U.S. 204 (2024).

This article analyzes how different judges have defined "consent" and provides guidance on best practices for structuring third-party releases.

Background and 'Purdue'

In a Chapter 11 bankruptcy, a plan of reorganization establishes a framework for a company to emerge from bankruptcy while continuing operations and paying creditors. Creditors whose rights are affected by the plan may vote on whether to accept or reject that plan.

Over time, companies began incorporating the legal release of nondebtors into their plans. In *Purdue*, the Supreme Court held that creditors' claims against nondebtors (*i.e.*, not Purdue) could not be extinguished without the affected creditors' consent. (Noting that "a bankruptcy court's

powers are not limitless...").

The *Purdue* decision, however, was narrow, as the Supreme Court held that "[n]othing in what we have said should be construed to call into question *consensual* third-party releases [;]... those sorts of releases pose different questions and may rest on different legal grounds than the nonconsensual release at issue here."

Nor did *Purdue* define "consent." In short, there was no discussion of whether affected creditors need to take affirmative action for third-party releases to be allowed

be allowed.
Following *Purdue*, the permissibility of widely used opt-out releases remains an open question. An opt-out binds creditors to nondebtor releases should they fail to either vote or complete and return the applicable opt-out form. In contrast, an opt-in will only bind creditors who vote or check a box to "opt-in" on a plan ballet or opt in form

ballot or opt-in form.

While there is a consensus that requires creditors to opt-in to be bound by third-party releases constitutes "consent," the permissibility of acquiescence or silence through the traditional opt-outs is debated by bankruptcy judges post-Purdue and is often faced with objections by the United States Trustee's Office.

The Majority View in New York Considers Opt-Outs Consensual Bankruptcy judges in the South-

Bankruptcy judges in the Southern District of New York have permitted the use of opt-outs where there is substantial creditor support for the chapter 11 plan and sufficient due process.

SETH H. LIEBERMAN is chair of Pryor Cashman's Bankruptcy, Reorganization and Creditors' Rights Group. AMANDA SCHAEFER is an associate in the group. Chief Judge Martin Glenn recently upheld nondebtor releases with opt-outs in *GOL*, observing that voluntary and knowing consent may be inferred from inaction if "there has been constitutionally adequate service of process..." *In re GOL Linhas Aereas Inteligentes S.A.*, No. 24-10118 (MG), 2025 WL 1466055, at *24 (Bankr. S.D.N.Y. May 22, 2025).

Similarly, in *Spirit Airlines*, Judge Sean H. Lane upheld the use of opt-outs because they were "clearly worded and prominently presented . . ." to apprise the parties of their rights. *In re Spirit Airlines, Inc.*, 668 B.R. 689, 707 (Bankr. S.D.N.Y. 2025).

Lane observed that the nondebtor releases were part of the plan since the start of the bankruptcy, noting that *Spirit* was not a situation where the affected creditors had "little or no economic incentive to pay attention to the bankruptcy, such as where a creditor is receiving no recovery or a *de minim[i]s* one."

Therefore, debtors who elect to use opt-outs in the Southern District of New York should: (i)

Therefore, debtors who elect to use opt-outs in the Southern District of New York should: (i) make that usage clear from the outset; (ii) use clear and bold language on all materials warning of the consequences of creditor inaction; and (iii) obtain significant support for the

make that usage clear from the outset; (ii) use clear and bold language on all materials warning of the consequences of creditor inaction; and (iii) obtain significant support for the plan.

In contrast, Chief Judge Carl L. Bucki in the Western District of New York held that a nondebtor release with an opt-out rendered a plan nonconfirmable. *In re Tonawanda Coke Corp.*, 662 B.R. 220, 222 (Bankr. W.D.N.Y. 2024).

Relying on *Purdue*'s holding that "nothing in the bankruptcy code contemplates (much less authorizes) [nondebtor releases,]" Bucki found that any proposal for third-party releases "is an ancillary offer that becomes a contract upon acceptance and consent" and is governed by state law. (Quoting *Purdue*, 603 U.S. at 223).

Under New York law, an agreement to discharge an obligation is not enforceable unless it is in writing and signed by the party against whom it is sought, (citing N.Y. Gen. Oblig. Law §5-1103), and any failure to return an opt-out form does not meet that writing requirement. (Finding that "[c]onsent and failure to object are not synonymous") (citation omitted). Bucki also expressed concern that many may overlook the opt-out box for third-party releases.

Thus, opt-ins are recommended for those \qquad » Page 9

SDNY Decisions on Creditor Consent And Third-Party Releases

BY THERESA A. DRISCOLL

n its decision last year in the case of Harrington v. Purdue Pharma L.P., the Supreme Court held that nonconsensual third-party releases in chapter 11 plans of reorganization are impermissible. 144 S.Ct. 2071, 2088 (2024) ("Confining ourselves to the question presented, we hold only that the bankruptcy code does not authorize a release and injunction that, as a part of a plan of reorganization under Chapter

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These objectors argue that consent to third party releases must be determined by state law and under state law consent cannot be procured by inaction or silence, but instead requires a manifestation of assent to an agreement.

11, effectively seeks to discharge claims against a nondebtor without the consent of affected claimants.") (emphasis added).

The Supreme Court in *Purdue* expressly left open the possibility for chapter 11 plans to provide for consensual third-party releases without any guidance on the issue of what exactly constitutes consent. 144 S. Ct. 2071, 2087-88 ("nothing in what we have said should be

construed to call into question consensual third-party releases offered in connection with a bankruptcy reorganization plan; these sorts of releases pose different questions and may rest on different legal grounds than the nonconsensual releases at issue here" and "nor do we have occasion today to express a view on what qualifies as a consensual release").

Long before *Purdue*, bank-ruptcy courts grappled with the

bounds of consensual releases with some courts holding that only third-party releases that creditors affirmatively "opt-in" would qualify as proper consent. Other courts, including bank-

ruptcy courts in New York and a handful of other jurisdictions, have taken a more expansive approach to consensual nondebtor releases, holding that a mechanism for providing creditors with notice and the opportunity to "opt-out" of releases is sufficient to bind creditors to releases if they do not check the opt-out box regardless of whether they voted for or against the plan or abstain from voting. See, e.g., In re LATAM Airlines Grp. S.A., 2022 WL 2206829 *46-48 (Bankr. S.D.N.Y. Jun. 18, 2022); In re Avianca Holdings S.A.,

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Creditor

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632 B.R. 124, 133 (Bankr. S.D.N.Y. 2021); *In re Wash. Mut., Inc.*, 442 B.R. 314, 355 (Bankr. D. Del. 2011).

Opponents of opt-out release mechanics-most often the United States Trustee (UST) whose responsibility is to protect the public interest and monitor plans and disclosure statements- argue that a creditor's failure to return a ballot or form with an "opt-out" box checked cannot constitute such creditor's consent to the plan's third-party releases.

These objectors argue that consent to third party releases must be determined by state law and under state law consent cannot be procured by inaction or silence, but instead requires a manifestation of assent to an agreement. See, e.g., Restatement (Second) Of Contracts §17(1) (1981) ("[T]he formation of a contract requires a bargain in which there is manifestation of mutual assent to the exchange and a consideration.").

Following *Purdue*, the debate over whether opt-out mechanics manifest consent to non-debtor releases has reignited. Recently, the Bankruptcy Court for the Southern District of New York in two separate opinions further clarified its position on opt-out releases and the contours of creditor consent in the context of a chapter 11 case.

In March, the U.S. Bankruptcy Court for the Southern District of New York in the Spirit Airlines approved the proposed opt-out mechanism as an adequate manifestation of consent based upon the circumstances of the chapter 11 cases. See In re Spirit Airlines, Inc., et al., Case No. 24-11988, 668 B.R. 689, 703 (Bankr. S.D.N.Y. March 7, 2025) ("Decisions in this District generally permit use of an opt-out mechanism if the affected parties receive clear and prominent notice and explanation of the release and are provided an opportunity to decline to grant them.").

The Spirit Airlines plan included third-party release provisions as to which a creditor was deemed to have consented if the creditor (i) timely and properly voted to accept or reject the plan but did not check the opt-out box on their ballot, (ii) abstained from voting on the plan and did not check the opt-out box on a timely and properly submitted ballot, (iii) failed to timely and properly submit an opt-out form with the opt-out box checked, or (iv) failed to timely and properly file an objection. Spirit Airlines, 668 B.R. 689, 699.

The UST objected to the plan releases on the basis that they were, in its view, nonconsensual and prohibited by the ruling in

The court in *Spirit Airlines*, overruled the UST objection and upheld the use of opt-out mechanics for non-debtor releases in appropri-

The court specifically found that the opt-out mechanism is proper where (i) there is evidence that the third party releases are clearly worded and conspicuously identified in the plan materials includ-

dreds of millions of dollars in fresh capital through restructuring transactions provided for in the plan.

In May, and on the heels of the Spirit Airlines decision, the SDNY Bankruptcy Court was once again confronted with a UST challenge to the propriety of opt-out releases

The UST objected to the Linhas plan on the basis that the third-party releases were non-consensual because, under state law, creditor inaction by failing to opt-out cannot manifest consent.

ing on the ballots and opt out form such that the notice is reasonably calculated to appraise interested parties of their rights in the case; (ii) the third party releases have been part of plan formulation since day one as opposed to being proposed for the first time after months of plan negotiations, formulations and disclosures in the case; and (iii) where the proposed releasing parties stand to gain a meaningful recovery under the proposed plan. *Spirit Airlines*, 668 B.R. 689, 707-708.

The court noted that circumstances may justify a different result in a case where the affected creditors were receiving a de minimis recovery or where the beneficiaries of the releases were not making a substantial contribution.

In *Spirit Airlines*, the beneficiaries of the releases provided hun-

under a chapter 11 plan. See In re GOL Linhas Aéreas Inteligentes S.A., et al., Case No. 24-10118, 2025 WL 1466055 (Bankr. S.D.N.Y. May 22, 2025).

Under the proposed chapter 11 plan in *Linhas*, creditors were bound by the plan's third-party releases if they (1) voted to accept the plan (or if they were deemed to accept the plan or abstained from voting on the plan and (2) did not opt out of the third-party releases by checking the appropriate box on the ballot sent to them.

The UST objected to the *Linhas* plan on the basis that the third-party releases were non-consensual because, under state law, creditor inaction by failing to opt-out cannot manifest consent.

Chief SDNY Bankruptcy Judge Martin Glenn disagreed and determined the plan's third-party releases procured through an optout structure were consensual and proper. *Linhas*, 2025 WL 1466055 *16-17

Significantly, the Bankruptcy Court in *Linhas* held that federal, not state, law governs the consent analysis pointing to authority under section 1123(b)(6) of the Bankruptcy Code which provides that a plan "may include any other appropriate provision not inconsistent with the applicable provisions of this title". 11 U.S.C. 1123(b)(6); *Linhas*, 2025 WL 1466055.

Though the Supreme Court in Purdue refused to interpret this catch-all provision of the Bankruptcy Code as authority for nonconsensual third-party releases, it expressly left open the possibility that consensual releases may be governed by section 1123 and be a part of a chapter 11 plan and not a standalone contract. Purdue, 144 S. Ct. 2071, 2083 ("But the catchall cannot be fairly read to endow a bankruptcy court with the . . . power to discharge the debts of a nondebtor without the consent of affected nondebtor claimants.").

In rejecting the UST's argument that state law should govern the issue of consent to releases under a chapter 11 plan, the Bankruptcy Court in *Linhas* observed that applying state law would lead to chaos, stating that "[t]he potential need to engage in untold numbers of individualized choice-of-law analysis cuts in favor of applying feder-

al law, for the sake of both judicial efficiency and the code's goal of creating a centralized bankruptcy law." Linhas, 2025 WL 1466055 *21; see also Spirit Airlines, 668 B.R. 689, 716, n. 31 (noting that "the UST's position [that state law applies to the consent analysis] would result in a multitude of different outcomes for each of the creditors at issue . . . [and] applying different standards from fifty states, U.S. territories, and foreign jurisdictions would not facilitate the development of uniform bankruptcy law in the United States").

The Bankruptcy Court's determination in *Linhas* that federal law governs the procedures for obtaining consent to third-party releases in a chapter 11 plan currently is on appeal before the Southern District of New York. *See Harrington v. GOL Linhas Aéreas Inteligentes S.A. et al.*, Case No. 25-cv-094519 (S.D.N.Y.).

The law surrounding the use of opt-out mechanics to procure consent to third-party releases under a chapter 11 plan will undoubtedly continue to evolve in New York and beyond. And it remains to be seen whether the Southern District in an appellate review of *Linhas* will alter the landscape.

For now, however, the recent decisions in *Linhas* and *Spirit Airlines* should provide clear guidance to companies contemplating bankruptcy filings in New York as to what may constitute consent to a third-party release under a chapter 11 plan.

Non-Bankruptcy

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prejudiced party to seek a protective order, on the one hand, or to compel discovery, on the other. How you go about that, however, depends on the jurisdiction and bankruptcy judge you're before; rules can vary significantly even between judges within the same jurisdiction.

Be sure to consult with the local rules and the presiding

bankruptcy judge's chambers procedures. As to substance, bankruptcy courts all apply the standard of FRCP 37, subject to the timing and scope considerations set forth above.

What About the Hearing? Do the FRE Apply?

Yes. FRBP 9017 makes plain that the Federal Rules of Evidence (FRE) apply in cases under the Bankruptcy Code. In some jurisdictions, like Delaware, almost every hearing on a contested matter is set as an evidentiary hearing at which witnesses are required to testify in person with respect to any factual issues in dispute. *See* Del. Bankr. L.R. 9013-1(d).

Other jurisdictions impose certain conditions on whether the Court will hold an evidentiary hearing on a contested matter. *See* S.D.N.Y. Local Bankruptcy Rule 9014-2. Either way, bankruptcy practitioners and judges interpret the FRE more loosely than say, district court practitioners and judges.

This is, in part, because bankruptcy proceedings do not

involve juries, and given the number of constituents who are generally impacted by bankruptcy proceedings, bankruptcy judges generally prefer to have more information before making their decision.

Another key distinction of a contested matter hearing is that direct testimony may be offered by proffer or by declaration.

That is, absent objection, a party may read a summary of testimony into the record, or otherwise submit a declaration into evidence, subject to cross-

examination. Opposing parties can of course object and require direct testimony from a witness (which is why the declarant must be present).

Summary

While the rules governing litigation in federal court generally apply to contested matters, their application must be modified to accommodate the speed and underlying objectives of bankruptcy proceedings—namely, preserving or

generating value for the bankruptcy estate and accommodating an expeditious distribution to creditors.

As a result, litigation in contested matters can, at times, feel like the Wild West. Non-bankruptcy litigators should be aware of the nuances of bankruptcy litigation and should be sure to consult with their colleagues who appear regularly in bankruptcy court and otherwise consult the presiding judge's chambers procedures and the district's local bankruptcy rules.



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Post-Purdue

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New York bankruptcy judges, such as Bucki, who follow the minority "contract model" wherein the nondebtor release only becomes enforceable upon written acceptance and consent.

Opt-Ins or Hybrid Releases May Be the New 'Gold Standard' in Delaware

Delaware bankruptcy judges disagree on whether opt-outs are permissible. Post-Purdue, Judge Craig T. Goldblatt held, "a thirdparty release is no longer an ordinary plan provision that can properly be entered by 'default' in the absence of an objection[,]" adopting the contract model that requires creditors to affirmatively consent. In re Smallhold, Inc., 665 B.R. 704, 709, 720 (Bankr. D. Del. 2024); see also, Findings of Fact, Conclusions of Law and Order, In re SunPower Corp., Case No. 24-11649 (CTG) (Bankr. D. Del. Oct. 18, 2024), Dkt. No. 872 (approving third-party releases with opt-ins through voting to accept the plan or by submitting the applicable opt-in form).

Indeed, opt-in provisions for third-party releases may be the new "gold standard" in Delaware. Transcript of Hr'g at 37:14-38:9; 41:14-23, In re First Mode Holdings Inc., Case No. 24-12794 (KBO) (Bankr. D. Del. Feb. 6, 2025), Dkt. No. 266 (Chief Judge Karen B. Owens finding that the plan's opt-in mechanism for third-party releases is the "gold standard"

45:5-19, In re Fisker, Inc., Case No. 24-11390 (TMH) (Bankr. D. Del. Oct. 11, 2024), Dkt. No. 706 (being "consistent... with Dorsey and Judge Brendan L. Shannon . . . ").

In Lumio, Judge Kate Stickles required the debtors to use an optin for classes not entitled to vote or to a recovery. Transcript of Hr'g at 24:2-22, In re Lumio Holdings, Inc., Case No. 24-11916 (JKS) (Bankr. D. Del. Jan. 3, 2025), Dkt. No. 428) (finding that there is no outright prohibition of opt-outs post-Purdue, but reasoning that she was "skeptical at this point that an opt-out [wa]s appropriate for any class of a creditor who's already been told that they're not entitled to vote and they are not entitled to a recovery or, with respect to the GUCs, the GUC recovery is unknown.").

While this hybrid approach has traction, Delaware judges have parted ways from a traditional opt-out mechanism.

Opt-Outs Remain Viable in The Southern District of Texas and the District of New Jersey

Bankruptcy judges in the Southern District of Texas consistently hold that opt-outs can procure valid consent for nondebtor releases. Judge Christopher M. Lopez upheld opt-outs as consensual because creditors were afforded constitutional due process and a meaningful opportunity to opt-out. See In re Robertshaw US Holding Corp., 662 B.R. 300, 323 (Bankr. S.D. Tex. 2024) ("Hundreds of chapter 11 cases have been confirmed in this District with consensual third-party releases with an

In contrast, affirmative action by creditors, such as opting in to the releases, are the norm for bankruptcy judges in Delaware, the Northern District of Texas, and the Western District of New York.

and a better approach rather than "something that will be subject to a potential appeal...").

However, other judges in Delaware appear to be more flexible, as some have approved a mixed opt-out/opt-in system (a "hybrid" mechanism) post-Purdue. For example, in FTX, Judge John T. Dorsey approved a plan with opt-outs for voting creditors while non-voting creditors were required to opt-in to the nondebtor releases.

Order Approving the Disclosure Statement, In re FTX Trading Ltd., Case No. 22-11068 (JTD) (Bankr. D. Del. June 26, 2024), Dkt. No. 19068. In Fisker, Judge Thomas M. Horan permitted the use of opt-outs for creditors regardless of their voting status, but rejected the use of optouts for equity holders, reasoning that inaction by a party "receiving nothing under the plan..." is not consent. Transcript of Hr'g at

And, again, Purdue did not change the law in this Circuit."); see also Order, In re DocuData Solutions, L.C., Case No. 25-90023 (CML) (June 23, 2025), Dkt. No. 834 at pp. 15-16 (Lopez finding that the third-party releases "are consensual under controlling precedent as to those releasing parties that did not specifically and timely object or opt-out of such releases").

Similarly, Judge Marvin Isgur found that opt-outs were consensual and held that a creditor's nonreceipt of an opt-out form due to its own failure to file a proof of claim did not change the permissibility of opt-outs. *In re Pipeline Health* Sys., LLC, Case No. 22-90291 (MI), 2025 WL 686080, at *4 (Bankr. S.D. Tex. Mar. 3, 2025).

However, in the Northern District of Texas, Judge Scott W. Everett required affirmative consent via opt-in provisions. See Transcript of Proceedings at 11-15, *In re Ebix*,

Inc., Case No. 23-80004-swell (Bankr. N.D. Tex. Aug. 2, 2024), Dkt. No. 851 (Because "nothing in the Bankruptcy Code or Rules contemplates or authorizes the deemed release of a non-debtor's claims against another non-debtor," whether the release is consensual "is more accurately construed as one of contract between those non-debtor parties.").

Like the Southern District of Texas, New Jersey bankruptcy judges have continued their pre-Purdue trend of permitting opt-outs so long as there is clear notice and full disclosure. See Transcript of Confirmation Hr'g at 64, 67, In re BowFlex, Inc., Case No. 24-12364-ABA (Bankr. D.N.J. Aug. 19, 2024), Dkt. No. 631 (Judge Andrew B. Altenburg, Jr. upholding opt-outs so long as the releasing parties receive due process and the consequences of the opt-outs are "clear and conspicuous" in the notice and emphasizing that "it is incumbent upon the parties who have been properly served with pleadings to protect their own rights"); see also Transcript of Decision at 14:10-16, In re Invitae Corp., Case No. 24-11362 (MBK) (Bankr. D.N.J. July 23, 2024), Dkt. No. 869 (Kaplan, J.); and Transcript of Confirmation Hr'g at 45:5-8, In re Sam Ash Music Corp., Case No. 24-14727-SLM (Bankr. D.N.J. Aug. 15, 2024), Dkt. No. 492 (Judge Stacy L. Meisel stressing that this court and "the majority of [c]ourts . . . in this Circuit ha[ve] held[] that an opt-out box that's conspicuously placed and complies with the rules... " is consensual).

Conclusion

The permissibility of opt-outs remains in flux since Purdue. Certain bankruptcy judges, such as those in the Southern District of New York, Southern District of Texas, and the District of New Jersey, maintain a broad view of consent and permit the use of opt-outs.

In contrast, affirmative action by creditors, such as opting in to the releases, are the norm for bankruptcy judges in Delaware, the Northern District of Texas, and the Western District of New York.

Erring on the side of conservatism, it might be best to elect a hybrid approach, if not a full optin approach. Regardless of the mechanism that is utilized, the inclusion of third-party releases in a plan should be clearly disclosed to creditors from the onset of the bankruptcy filing, if not the initial filing of the chapter 11 plan.

A debtor should sufficiently notify creditors of the consequences of their action or lack thereof during the voting process.

Doing so will minimize the chance of a successful Purduebased objection from the U.S. Trustee's office, and will increase the likelihood that the court will approve the inclusion of third-party releases in the plan.

Gun Industry

« Continued from page 4

not exposed to liability without proper notice via a legislative enactment.

The court found that PLCAA's text and history do not, however, support NSSF's argument that Congress intended "to prevent state legislatures from creating avenues to hold gun manufacturers liable for downstream harms caused by their products." And it explained that PLCAA plainly was "not [intended] to protect those manufacturers who violate state or federal laws.'

The court also echoed the Supreme Court's description of the predicate exception—that it "opens a path to making a gun manufacturer civilly liable for the way a third party has used the weapon it made"-from its recent, and first, decision addressing PLCAA in Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos, 145 S. Ct. 1556, 1562 (2025). It concluded that Jacobs concludes that Section 898 "is nothing short of an attempt to

Jacobs nevertheless concurred in the result because he felt bound by a prior Second Circuit decision, City of New York v. Beretta U.S.A. Corp., 524 F.3d 384 (2d Cir. 2008), which found that the predicate exception is satisfied by statutes that: (a) "expressly regulate firearms," (b) "courts have applied to the sale and marketing of firearms," or (c) "do not expressly regulate firearms but that clearly can be said to implicate the purchase and sale of firearms." Because Section 898 "undoubtedly 'expressly regulate[s] firearms," Jacobs

wrote, "it satisfies Beretta." A few observations on Jacobs' concurrence. First, although he didn't expressly say so, it seems fairly clear that he principally (if not exclusively) takes issue with sub-section b(1), not sub-section b(2). In discussing why he believes New York's "repurposed nuisance law is infirm," he quotes only subsection b(1) to argue that the law

'NSSF v. James' thus serves as an important marker that the fight over gun industry accountability is alive and well in the courts and growing in scope and intensity.

"[b]ecause Section 898 expressly regulates firearms" and is a duly enacted state law, it is consistent with PLCAA's predicate exception and therefore not preempted.

The court went on to reject NSSF's constitutional arguments. With respect to the dormant Commerce Clause, the court found that NSSF had not shown that Section 898 discriminates against or imposes an undue burden on interstate commerce or that it regulates wholly extraterritorial conduct in every application of the statute.

The court also rejected the argument that Section 898 is unconstitutionally vague on its face. While NSSF argued that Section 898 is insufficiently specific on what conduct-including what reasonable controls—are required or forbidden, it explained that "reasonableness is a well-established legal standard that is employed in a wide range of statutes consistent with the requirements of the Due Process Clause" and emphasized that the law's definition of "reasonable controls and procedures" provides specific examples and is 'sufficiently clear."

Judge Dennis Jacobs concurred with the result—making the decision unanimous-but wrote separately, focusing on PLCAA and preemption. His is a very different take on Section 898. In his view, by enacting PLCAA, "Congress shut the door on litigation that would destroy the nation's hrearms industry." Quoting from then-Governor Andrew Cuomo's statement that New York's law would "'right the wrong' done by PLCAA,'" Judge

"imposes liability for diffuse and generalized conduct: 'creat[ing], maintain[ing] or contribut[ing] to a condition in New York state that endangers the safety or health of the public."

Jacobs includes no specific criticism—and indeed no criticism at all—of 898-b(2), the part of the statute that requires firearms industry members to "establish and utilize reasonable controls and proce-

Nor would his critique of liability for "diffuse and generalized conduct" make sense in the context of 898-b(2), as the statute defines "reasonable controls and procedures" with illustrative examples such as "(a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state or federal law. or persons at risk of injuring themselves or others; [and] (b) preventing deceptive acts and practices and false advertising..." NY GBL

Second, although Jacobs felt bound by Second Circuit precedent, he went on to explain that, were he "deciding Beretta afresh," he would adopt a narrower definition of "applicable to"—limiting PLCAA's predicate exception to statutes that "[a] bear upon firearms more specifically than by mere reference,...[b] give notice of [their] requirements sufficient to allow compliance with confidence, and...[c] require proximate cause."

In an era of statutory interpretation where textualism reigns supreme, Judge Jacobs' proposed standard is a conspicuously atextual way to define or apply the broad phrasing that Congress used when it chose the words "applicable to." And it is far from clear how Judge Jacobs' proposed test would apply, for example, to state unfair trade practices or anti-fraud laws that other courts have held do satisfy the predicate exception.

Finally, while Jacobs echoed NSSF's concern that allowing laws like Section 898 to stand would leave "the firearms industry [] in jeopardy of enforcement so abusive and arbitrary that it can be destroyed by litigation expense, damages, and impediments to insurance and the raising of capital," no evidence is cited to support these oft-heard but far-fetched industry claims.

So what does all this mean for the future of gun-industry accountability laws and litigation? New York's gun-industry accountability law, like the laws of nine additional states that have followed New York's lead, reflects a legislative judgment-consistent with PLCAA's structure—that the gun industry should abide by the same kinds of standards that govern other industries.

In that sense, these laws are not an "end-run around" PLCAA; instead, they are answering PLCAA's express invitation to state (and federal) lawmakers to act through the democratic process to set rules and standards against which the gun industry may be held accountable. Section 898 does not "right the wrong" done by PLCAA, but instead follows the path expressly set out by Congress in PLCAA in the predicate

As the statute's title makes clear, Congress intended to protect "lawful commerce in arms," not unlawful practices, and nothing in PLCAA suggests Congress meant to prevent future lawmakers from expanding the gun industry's legal obligations to act to prevent

The NSSF v. James decision confirms that New York's legislature acted comfortably within its authority when it passed a law requiring gun companies to take reasonable, affirmative steps to protect New Yorkers from gun violence and gun crime and allowing those companies to be held liable when they fail to live up to those standards.

While as-applied challenges are to be expected as cases are brought under Section 898, much of the majority opinion's reasoning is likely to apply with equal force to defeat such challenges. NSSF v. James thus serves as an important marker that the fight over gun industry accountability is alive and well in the courts and growing in scope and intensity.

Verdicts

Fitz McKenzie and Sharon Hamlin v. Jose L. Hernandez, No. 718853/2018

Court: Queens Supreme, NY Plaintiff Attorney(s): Spencer R. Bell; Mallilo & Grossman; Flushing NY for Fitz McKenzie

Melissa Trinos-Delatour; Cheven, Keely & Hatzis; New York, NY for Jose L. Hernandez

Defense Attorney(s):

Facts:

On Oct. 8, 2018, plaintiff Fitz McKenzie, 50, who was selfemployed in the area of logistics. was operating a motor vehicle. He was stopped at a red light on Cypress Avenue in Queens when he was rear-ended by a vehicle driven by Jose Hernandez.

McKenzie sued Hernandez for negligence while operating a motor vehicle. The owner of McKenzie's vehicle, Sharon Hamlin, initially sued for property damage, but settled early in the case.

Liability was conceded and the matter proceeded to a summary jury trial.

Injury:

McKenzie claimed he suffered

torn anterior cruciate and medial collateral ligaments, suprapatellar joint effusion and disc herniations at L4-S1 and C2-6. He underwent arthroscopic surgery on his right knee with partial medial and partial lateral meniscectomy, chondroplasty of the patella, trochlea and medial femoral condyle, synovectomy and an intra-articular injection for postoperative pain control.

McKenzie underwent a year and four months of physical therapy and chiropractic treatment.

Plaintiff's counsel asked the jury for \$175,000.

The defense claimed the impact was minimal with limited property damage and McKenzie's injuries were not causally related to the accident.

Result:

The jury awarded McKenzie \$125,000 in damages.

Sharon Hamlin, Fitz McKenzie, \$ 50,000 Future Pain Suffering \$ 75,000 Past Pain Suffering \$ 125,000 Plaintiff's Total Award

Trial Information:

Judge: Frederick D. R. Sampson Demand: \$25,000 policy, which would trigger plaintiff's coverage Offer: None

Trial Length: 2 days

Trial Deliberations: 0

PREMISES LIABILITY

City Denied It Had Notice of **Raised Brick**

Verdict: \$0.00

Maria Del Carmen Londono v. First County Re LLC, Rooja 23 Inc., Global Vision Presbyterian Church and the City of New York, No. 701676/2020

Court: Queens Supreme, NY

Plaintiff Attorney(s):

Matthew Perticone; Harmon, Linder & Rogowsky; New York NY for Maria del Carmen Londono Defense Attorney(s):

Isabel-Antonette Cajulis; Assis-

tant Corporation Counsel, Muriel Goode-Trufant, Corporation Counsel; New York, NY for Global Vision Presbyterian Church, the City of New York

Facts:

On Nov. 26, 2019, plaintiff Maria Londono, 67, employed by Apple Cleaning Company, claimed she tripped and fell over a raised brick within the tree well in front of a building located on Union Street

in the neighborhood of Flushing. She sustained injury to her knee and shoulder which she attributed to her fall.

Londono sued Global Vision Presbyterian Church, First County Realty LLC and Pooja 23 Inc., which were believed to be leasing the property where Londono had fallen, as well as the city of New York, the property's owner, alleging negligence in the maintenance and repair of the premises and that defendants allowed a dangerous condition to exist. Both First County amd Pooja 23 Inc. were granted summary judgment prior to trial.

The defense counsel for the city contended the city did not have prior written notice of the raised brick within the tree well.

The trial focused on liability only.

Injury:

Londono alleged she sustained soft tissue injuries to her right knee and right shoulder and cervical and lumbosacral radiculopathy. According to Londono, she had

received soft tissue injuries to her right knee and shoulder.

Result:

The jury found the defendants were not liable for the incident and rendered a defense verdict.

Trial Information:

Judge: Joseph J. Esposito Demand: \$50,000 Offer: \$1,500 Trial Length: 1 days Trial Deliberations: 0

Editor's Comment:

MOTOR VEHICLE

Injuries From Sideswipe Crash Disputed by Defense

Verdict: \$0.00

David Roberts v. Tal A. Polany, No. 514639/2018

Court: Kings Supreme, NY

Plaintiff Attorney(s):

Jay Kenneth Margolis; The Sanders Law Firm; Garden City NY for David Roberts

Defense Attorney(s): Jeffrey J. Hollander; James F. Butler & Associates; Jericho, NY

for Tal A. Po/lany Facts: On July 19, 2015, plaintiff David

Roberts, 42, on disability, was operating a motor vehicle at 135th Street and Rockaway Boulevard, Queens, when a motor vehicle

driven by Tal Polany caused a sideswipe collision. Roberts claimed he suffered multiple injuries to his neck and back.

Roberts sued Polany for negligence while operating a motor

Polany admitted liability.

Injury:

Roberts allegedly suffered an aggravation to a prior lumbar fusion, cervical herniations and a torn left labrum. He underwent a two-level cervical fusion. arthroscopic surgery and did several courses of physical therapy. Plaintiff's counsel asked for

\$3,125,000 million at trial. The defense contested the

claimed injuries, arguing that they were not caused by the subject accident, noting that Roberts had been involved in accidents both before and after the subject crash.

Result:

The jury found that the accident did not cause Roberts' injuries and rendered a defense verdict.

Trial Information:

Judge: Inga M. O'Neale Demand: \$300,000 (policy limits) Offer: None Trial Length: 1 weeks

Trial Deliberations: 3 hours

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Disciplinary Proceeding

----IIIIII **♦** IIIIII-----

The Appellate Division, First Department

Matter of **Ekaette Patty-Anne Eddings,** an attorney and counselor-at-law

Motion No. 2025-03084

Appellate Division, First Department

Moulton, J.P., Kennedy, Friedman, González, Mendez, JJ.

Decided: September 11, 2025

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

Respondent, pro se.

Per curiam—Respondent Ekaette Patty-Anne Eddings was admitted to the practice of law in the State of New York by the First Judicial Department on January 7, 2003. This Court has jurisdiction over respondent as the admitting Judicial Department pursuant to the Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.7(a)(2).

By order dated May 7, 2025, the Colorado Supreme Court interimly suspended respondent from the practice of law upon reasonable cause to believe respondent abandoned an immigration client (M.M.) and knowingly failed to refund him for unearned fees. While respondent is not admitted to the practice of law in Colorado, the Colorado Supreme Court retained jurisdiction over the matter based on respondent's practice of federal law within the state pursuant to Colorado Rules of Civil Procedure (CRCP) 242.1(a)(2).

In February 2023, respondent agreed to prepare and file immigration forms on behalf of M.M. M.M. paid respondent \$3,159 in advance for the agreed upon work and signed a client care letter expressly stating that the payment was not a retainer, that respondent would "begin work in assisting the client in this matter immediately" and that "[a]ll fees are due and payable upon commencement of said work." Respondent failed to perform the work and deposited \$2.609.00 of the unearned fee into her personal checking account.

In May 2024, M.M. discovered that respondent did not perform

Class Actions

Caiti Zeytoonian, an antitrust and

consumer protection associate at

Morgan Lewis & Bockius in Boston.

a sort of template that is easy to

so far this year by Morgan Lewis

could have consequences for the

\$10.5 billion U.S. influencer market-

influencer marketing industry—

projected to hit \$70 billion glob-

ally by 2029—is "certainly part of

what's incentivizing the plaintiffs'

bar to bring these cases," Zey-

stick is really going to depend on

the next six to 12 months, because

we haven't seen any of these cases

dan Enica, an attorney of Keith

Gibson Law PC, said of the class

action trend against influencers

Enica is representing customers

of Shein, who are suing the com-

pany and seven of its influencers

in a suit filed in February in the

U.S. District Court in the Northern

The suit seeking \$500 million

alleges the influencers pretend to

use products from Shein on their

Instagram postings, "effectively

endorsing" the products. They are

compensated "without disclosing

any material relationship with any

influencers cites a number of state

consumer laws in Virginia, Califor-

The case against Shein and its

Shein entity," the suit alleges.

nia, Illinois and Pennsylvania.

"It's still at the beginning," Bog-

decided on the merits" vet.

"But whether these cases will

The meteoric growth of the

replicate," Zeytoonian said.

"In that sense, they've created

The five pending cases spotted

« Continued from page 2

ing industry.

toonian added.

and their brands.

District of Illinois.

the agreed upon work and requested a refund. Respondent refunded M.M. only \$575. Respondent converted the remainder of M.M.'s funds for her personal use.

In April 2025, the Colorado Office of Attorney Regulation Counsel filed an amended petition for interim suspension based on respondent's alleged professional misconduct pursuant to CRCP 242.22. On May 5, 2025, the Presiding Disciplinary Judge recommended respondent's interim suspension, finding there was reasonable cause to believe respondent's conduct caused M.M. substantial harm. The court also noted that respondent failed to cooperate in the investigation by refusing to produce any substantive information regarding the alleged misconduct. On May 7, 2025, the Colorado Supreme Court imposed the recommended interim suspension.

The Attorney Grievance Committee of the State of New York (the AGC) now seeks an order from this Court pursuant to Judiciary Law §90(2), 22 NYCRR 1240.13, and the doctrine of reciprocal discipline, interimly suspending respondent, predicated on the discipline imposed in Colorado. The AGC asserts that none of the defenses pursuant to 22 NYCRR 1240.13 are applicable and interim suspension is appropriate because the misconduct also violated the New York Rules of Professional Conduct (22 NYCRR 1200.0). The AGC further notes that this Court has previously imposed reciprocal discipline when an attorney has been disciplined in a state where they are not admitted to the practice of law (see Matter of Ziankovich, 180 AD3d 140 [1st Dept 2020]).

Respondent opposes and requests the AGC's motion be dismissed but does not assert any of the enumerated defenses. Instead, she argues that the proceeding is unlawful as she was not admitted to the practice of law in Colorado, which then requires the AGC to conduct its own independent investigation. Regardless, she contends that the dispute was settled and the complaint was withdrawn.

As an initial matter, we find the AGC has no obligation to conduct its own independent investigation (CPLR 1240.13[a]; see e.g. Ziankovich, 180 AD3d 140).

On the merits, respondent fails to raise or establish any of the applicable defenses (see Matter of Milara, 194 AD3d 108, 110 [1st

Dept 2021]). Respondent received notice of the allegations at issue as she was served with the Colorado amended petition seeking her interim suspension. The Colorado Presiding Disciplinary Judge's findings underlying the interim suspension are sufficiently supported by the record. Additionally, the Colorado decision establishes respondent's failure to refund the unearned fee, failure to cooperate with the Colorado investigation, and neglect of the underlying immigration matter. There is no evidence countering these findings. This misconduct constitutes misconduct in violation of New York rules 1.3(b), 1.16(e), and 8.4(d) (see Ziankovich at 145 [reciprocal discipline of suspension based on suspension in Colorado for failure to return unearned fees to client 1).

While respondent asserts that she and her client have now "settled" their dispute and the complaint at issue has been withdrawn, she fails to provide documentary evidence supporting this position. Additionally, there is no evidence that the Colorado court vacated or modified any of the findings of misconduct underlying her interim

suspension. With respect to sanctions, we find interim suspension is the appropriate reciprocal discipline as it is comparable to the discipline imposed in Colorado and follows this Court's precedent (see Matter of Carrillo, 219 AD3d 1 [1st Dept 2023]; Matter of Winters, 160 AD3d 168 [1st Dept 2018]; Matter of Pohlmeyer, 226 AD2d 52 [1st Dept 1996]).

Accordingly, the AGC's motion should be granted, and interim suspension imposed, effective immediately, and until further order of this Court.

All concur.

Matter of Zekaria

« Continued from page 6

Accordingly, the AGC's motion should be granted and respondent's name stricken from the roll of attorneys and counselors-at-law in the State of New York pursuant to Judiciary Law §90(4)(a) and (b) and 22 NYCRR 1240.12(c)(1), effective nunc pro tunc to May 21, 2025 (date of conviction), and until further order of this Court.

All concur.

Court Calendars

First Department

CALENDAR FOR THE

OCTOBER TERM

TUESDAY, SEPT. 30

2 P.M.

24/7638 People v. Latiqua Gibbs 25/2403 Liberty Mobility v. Port

25/1461 Lema v. 1148 Corporation 25/1240 McGregor v. Manhattan

24/4235 Bennigson v. Solomon

Guggenheim Foundation

23/785 People v. Jeury Marte

24/6591 Suarez v. City of NY

24/6097 U.S. Bank v. Tiburico 25/918 Gamble v. MTA Bus

Company 24/7483(2) Owen v. Johnson

25/178 Godfrey-Peters v. Dangelo 24/3828 People v. Jahfione Johnson

WEDNESDAY, OCT. 1

2 P.M.

24/6230 People v. Rodrick Hatten 25/514 Mancilla & Fantone v. Liu

24/1151 Will B. Sandler Disclaimer

24/6794417 N Comanche v. Emres

24/3756 People v. Amadou Diallo

23/6489 People v. Kori Powell

24/3895N Zimmerman v. 410-57

THURSDAY, OCT. 2

2 P.M.

23/6750 People v. Lawrence Downey

24/6747 Martinez v. Martinez

25/941 Nationstar Mortgage v.

24/4816(1) Yakuel v. NYC Taxi &

24/3051(1) Yakuel v. NYC Taxi &

22/4545 People v. Cameron Golphin

24/7200 Law Firm of Jennifer Zuch

24/2127(3) HSBC Bank v. Wu

24/4701 Contreras v. Parkash

24/5450 Peck v. Milbank LLP

24/7639N Sabr Chemicals v.

Northeast Chemicals

Lebanon Hospital

Eleventh

Construction

23/3957 People v. Jonathan Luna 24/2985N Vasquez v. Bronx

TUESDAY, OCT. 7

2 P.M.

24/1273 People v. Ralph Berry

24/7332 Pacheco v. Georgetown

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

25/2565(1) F., Regla v. Dustin F. 24/406(3) Astraea NYNY v. Ganley

24/5358 Peralta v. Hunter Roberts

24/474 People v. Mbarek Lafrem

25/665 Cortes v. Camplone

24/3492 Ramos v. City of NY

Gardens Owners

24/4456 Funti v. Andrews

Ragtime Gourmet

25/3545 Kapitus Servicing v.

24/4647382 McDonald v. NYC

25/715 Lovett v. 2600 Seventh

Insurance 22/1503 People v. Antoine Gee

25/596N Pritchett v. American Golf 24/5099(2)N Clares v. 600 West

WEDNESDAY, OCT. 8

2 P.M.

21/2052 People v. Prince Bryan

24/3632 Rosario v. Gentry Tenants

24/5854 Medina v. Medina

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

24/7807 Sendibel Trading v.

Petroleos de Venezuela

24/2919(1) Forster v. Bejjani

23/4560(1) Forster v. Bejjani

24/5706(1) Forster v. Bejjani

Wadsworth Ave. 25/2280(5) AT&T Mobility Holdings

24/6498 Hereford Insurance v. 21

Century 24/6417 Pilapanta v. Hudson 888

Owner 24/5643 Perez v. Norman's Cay

Group 19/4061(1) People v. Raymond

25/1214N Anandaraja v. Icahn

Imaging v. Empower Information

THURSDAY, OCT. 9

2 P.M.

19/5333 People v. Joshua Buchanan

24/5974 Diamond Films v. TV

25/2269 Espinal v. City of NY

24/7651 Rahal v. Taormina

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

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

25/73 Innovative Securities v. OBEX

Azteca

Securities

23/6567(2)N Leslie Digital

School of Medicine

24/624 People v. Luis Ortiz

24/3926 Reves v. 45 & 47

24/6530 Itzhak v Briarwood

183rd Street Realty

24/1882 Giangrande v. Gracie

24/3517 Bonilla v. BPP St Owner

24/3512 Reclaim the Records v. City

O'Connor 24/6949 Healy v. Kruger

Limousine

v Lemus

25/1784 M., Mylah

24/3742 Cullins v. Ihemaguba

24/2719 Twersky v. Yeshiva

25/199 Kassai v. Trump

25/1160 R., Keira

Management

Trust v. Swersky

25/309 Salis v. Zolin

24/4532 Lee v. Lee

Corporation

24/5303N Doe v. Matta

University

25/1984N Malekan v. Malekan 24/4536(3)N Allmen v. Kimmel

of Children 23/6751 G/R., Children

25/1701 Ancart v. Crespo 24/5700 Flores-Grgas v. NYS Office

24/4189 F., Michayla

Nursing Home

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, JJ. FRIDAY, SEPT. 26

9:30 A.M. 153838/20 Patino v. 51 West 81st

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,

12 P.M. 811164/24 Jimenez v. Sixt Rent

WEDNESDAY, OCT. 8

10 A.M. 656443/22 Bank of Utah v. Aboughazale 652387/22 Board of Managers v. World-Wide Holdings

24/7683 K., Peter v. Mayumi M. 24/6152 Reyes v. Benton FRIDAY, OCT. 17 24/3959 Wilmington Savings Fund v. Scaffidi 10 A.M. 25/400 Bodenchak v. 5178 Holdings 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 TUESDAY, SEPT. 23

2 P.M.

19/4847 People v. Orlando Correa 24/5581 Amtrust North America v. Insurance Specialty 25/1414 M., Darryl v. Shaniqua D. 25/542 Lee v. Jay Housing Corporation 24/2844 Cerda v. Cydonia W71

21/2475 People v. Čarlos 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

24/469 People v. Jaytiwon Braxton 24/4927 Lopez v. Rodriguez 24/4087(2) Thorobird Grand v. M.

Melnick & Co. 24/5054 State of NY v. Tyrone N. 23/1876 People v. Elijah Santjago 24/4306 Nunez v. Turo, Inc. 24/3780 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

25/24N ARK292 v. Archdiocese of

2 P.M.

WEDNESDAY, SEPT. 24

20/997 People v. Brian Gutierez 23/4993(2) 600 Associates v. Illinois Union Insurance

24/6686 D., Luelin 24/2494 Wadsworth Associates v. NYS Division of Housing 25/3876 Doe v. Archdiocese of NY 19/3817 People v. Nicole Fields 23/3512 People v. Shaquille Dinkins 24/2444 Uno a Brokeage v. Inshur,

24/3645 Brito v. City of NY 20/300 People v. Daniel Newell 24/3875 Gonzalez v. City of NY 24/3068(2) Gu v. Ji 24/6343 People v. Lamar Witthall 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)ŃMolner v. Molner 24/7867(6)N Cohn v. RTW Retailwinds Acquisition 23/6362N N47 Associates v. Jemsco

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 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

16EF Apartment

23/3553 People v. Franklin Cabrera-24/6313383 W. Broadway Corp. v.

Tax Commission 24/3063(2) 383 W. Broadway Corp. 24/817 People v. Kenyatta Elvin 23/2464(3) Genna v. Klempner v. Solomon 25/1239 Dorilton Capital 25/1279 Kozeli v. Renali Realty 25/4319 M., Damineh v. Bedouin J. Management v. Stilus LLC 24/3889 Verma v. NYC Dept of 24/565 People v. Peter Showers

Education 21/3101 People v. Precila Smith 24/6401 Parker Colt Administration 25/1064(1)N Phillips v. Uber v. One West Bank 24/7721 Ramirez v. 79-05/7/9 24/3607(1)N Phillips v. Uber Jackson Heights 24/5787(2) 579 Fifth Avenue v. 24/4110N Board of Managers v. Sargoy, Stein, Rosen 23/298(1) People v. Geoffrey Tracy

24/6130N Leslie J. Garfield & Co. v. Evans 24/146N Muroff v. Heerdt

TUESDAY, OCT. 14 2 P.M.

19/1856 People v. Gary Jacques 24/4312 Jennings v. City of NY 24/7879 T., Cynque 24/4251 De-Rivas v. Esplanade 99 24/2820(1) Glenmede Trust v. Infinity O Capital 24/1354(1) Glenmede Trust v. Infinity Q Capital 25/329427th Street Property Owner v. Karpati 24/1001 People v. Kahreem Perry

24/5218 Blanca Realty v. NYC Dept of Buildings 25/222 Meiias v. Basch 24/6173 Ichapanta v. East Side Home Stead 24/3243 City of NY v. Eisner 25/2621 Pacheco v. Catholic

Guardian Services 24/6309 Canales-Diaz v. City of NY 24/4731 Thomas v. Concourse Rehabilitation 24/3388 People v. Glenn Pointdexter 23/1470(2)N Sherman v. Zampella

25/3633N EPAC Technologies v. Interforum WEDNESDAY, OCT. 15

2 P.M.

23/5574 People v. Davon Best Kelly 25/2451 Rosenblatt v. Rosenblatt 24/7939 M./T., Children 24/1951 Cotroneo v. Van Wagner 25/1782(1) AMF Trust Ventures v. i80 Group

25/1781(1) Hemingway Group v. i80 Group 24/1808 People v. Albert Holguin 24/1511 Partners for Payment De III v. Crooks 24/7233 Academic Health v.

Ahluwalia 24/1758 Malave v. Kini 23/6499 134 Lexington v. Bhawani 25/2814 Icahn Partners v.

AllianceBernstein 24/6033 Bethpage Federal Credit Union v. BR 52 23/4240 People v. Quintin Rodriguez 24/3189 Lotrean v. 3M Company

24/6627 Cardenas v. NYC Housing Authority 25/2624(2)N Panos v. Panos 24/6233N Taveras v. Tuck-it-Away Associates

THURSDAY, OCT. 16

2 P.M.

23/959 People v. Samuel Ortega 24/7468(2) Matter of Estate of Kendall Granville Chen 24/6468 E., Lenoxx 24/6610 Felipe v. City of NY 24/2559(2) Herman v. Judlau Contracting 24/6361(2) Judlau Contracting v City of NY 24/468 People v. Bulfrano Navarro

24/5790 Plumbers Local Union v. NYC Dept of Buildings 25/3188 Bago v. La Brochette Inc. 25/520 Nicholas Industries v. Nasdi 24/4711 Bailey v. 2732 Bainbridge Associates 24/6016 Deeton v. Ruckus 85 Corp.

24/4551 State of NY v. Kenneth Ŵ. 24/4087(2) Thorobird Grand v. M. Melnick & Co. 24/4742 Epps v. Barfield Realty Corp

24/5472N Henry v. TAO Group 25/709N Metropolis Electric Corp. v Vector Building

TUESDAY, OCT. 21 2 P.M.

22/2674 People v. Kevin Hawse 24/6303 Chante F. v. Miles-Gustave 24/1047 T., Eric v. Jermaine R. 24/3342 Solano v. American United Transportation

24/4737 Garanes v. NYC Dept of 25/2467 Certain Underwriters at Lloyd's v. BASF Corporation 23/1982(1) People v. Anthony

23/1200(1) People v. Anthony Gonzalez 24/2963(2) Law Office of Cyrus Joubin v. Manhattan District

Attornev's Office 24/6015 Kelemen v. Duplication Services 24/4247(1) Brown v. Hossain 25/3351 Fifth Partners v. Punch

House Flatiron 24/5261 Pena v. City of NY 24/2789 Moore v. Greystone Properties 24/5962 Ramirez v. 255 W. 108th

Street Corp. 24/4548 DaSilva v. Super P57 22/4959 Madrid v. Mazur 25/4164N Coast Marine Co

v. Holland & Knight **WEDNESDAY, OCT. 22**

2 P.M. 19/2288 People v. Gudberto

Melendez 25/3678 Elfand v. Adams 24/7874 M., Jerrell 25/3423 Tishman v. Himmel & Meringoff 24/3534 Rondon v. 328 W. 44 Street 24/4804 470 4th Avenue Fee v.

Wesco Insurance 2017 - 1245People v. Pedro Vinent 23/5020 Healy v. Trinity Hudson 24/2724 Doe v. Yeshiva University 24/7464 InkMango v. Warren 24/3953 Christian v. NYC Dept of

24/6629 Quach v. C & A Jerome Realty

24/3578 Katz-Wisnudel v. Lower Manhattan Dialysis 25/3017 Molina v. Chatham Towers 23/6305 People v. Shariff McBryde 25/362(3) Lash v. Modulaire Holdings 25/1206N US Bank Trust NA v.

Santiago 24/6867(2)N Sire Spirits v. Beam

THURSDAY, OCT. 23

21/3294 People v. Fernando PonceDeLeon 24/7802 Patterson v. 786 East 182 24/7944 K., Hind v. Faycal T. 25/2211 Ward v. Times Square

25/1508 Lutfieva v. Services for the

23/5403(3) Gelwan v. De Ratafia 24/1204(3) Gelwan v. De Ratafia 22/5448 People v. Sherman Walker 24/4091 Ellerbee v. 61 W. 62 Owners 25/2895 Olympic Galleria Co. v. Sitt 24/4398 Justicebacker v. Abeles 24/6041 Cruz v. 987 Amsterdam

24/7017(1) U.S. Bank National Association v. 687 King

23/952 239 East 18th Owners v 24/4546 Prete v. JJ Hoyt 25/3111N Archdiocese of NY v. Century Indemnity 25/995N Lituma v. Liberty Coca-

APPELLATE TERM

60 Centre Street Room 401

10 A.M. Commencing with the

Counsel and pro se litigants also have the option to submit. The following cases are on for submission. No appearance is

necessary.

September 2025 Term, all oral

arguments at the Appellate Term,

First Denartment will be in person

New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term **Part**

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

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

Bellevue Hospital

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

IAS PARTS

Referees.

1 Silvera: 300 (60 Centre) 2 Sattler: 212 (60 Centre) 3 Cohen, J.: 208 (60 Centre) Kim: 308 (80 Centre)

5 Kingo: 320 (80 Centre) 6 King: 351 (60 Centre) 7 Lebovits: 345 (60 Centre) 8 Kotler: 278 (80 Centre)

9 Capitti: 355 (60 Centre) 11 Frank: 412 (60 Centre) 12 Stroth: 328 (80 Centre) 13 Schumacher 304 (71 Thomas)

14 Bluth: 432 (60 Centre) 15 Johnson: 116 (60 Centre) 17 Hagler: 335 (60 Centre) 18 Tisch: 104 (71 Thomas)

19 Sokoloff: 540 (60 Centre) 20 Kaplan: 422 (60Centre) 21 Tsai: 280 (80 Centre) 22 Chin: 136 (80 Centre)

23 Schumacher 304 (71 Thomas) 24 Katz: 325 (60 Centre) 25 Marcus: 1254 (111 Centre) 26 James, T.: 438 (60 Centre)

27 Dominguez: 289 (80 Centre) 28 Tingling: 543 (60 Centre) 29 Ramirez: 311 (71 Thomas)

30 McMahon: Virtual (60 Centre) 32 Kahn: 1127B (111 Centre) 34 Ramseur: 341 (60 Centre)

35 Perry-Bond: 684 (111 Centre) 36 Saunders: 205 (71 Thomas) 37 Engoron: 418 (60 Centre) 38 Crawford: 1166 (111 Centre)

39 Clynes: 232 (60 Centre) 41 Moyne: 327 (80 Centre 42 Morales-Minera: 574 (111 Centre)
43 Reed: 222 (60 Centre)

44 Pearlman: 321 (60 Centre) 45 Patel: 428 (60 Centre) 46 Latin: 210 (71 Thomas) 47 Goetz: 1021 (111 Centre)

48 Masley: 242 (60 Centre) 49 Chan: 252 (60 Centre) 50 Sweeting: 279 (80 Centre) 51 Headley: 122 (80 Centre)

52 Sharp: 1045 (111 Centre) 53 Borrok: 238 (60 Centre) 54 Schecter: 228 (60 Centre)

55 d'Auguste: 103 (71 Thomas) 56 Kelley: 204 (71 Thomas) 57 Kraus: 218 (60 Centre)

58 Cohen, D.: 305 (71 Thomas) 60 Crane: 248 (60 Centre) 61 Bannon: 232 (60 Centre) 59 James, D.: 331 (60 Centre)

62 Chesler: 1127A (111 Centre) 65 Reo: 307 (80 Centre) MFPKahn: 1127B (111 Centre) MMSP-1: 1127B (111 Centre) IDV Dawson: 1604 (100 Centre)

PART 40TR JUDICIAL MEDIATION On Rotating Schedule: 13 Silvera: 300 (60 Centre)

EARLY SETTLEMENT ESC 1 Vigilante 106(80 Centre)

13 Adams 300 (60 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 Hoahng: Room 236

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Trade Practices and Consumer Protection Law, plaintiffs can potentially collect treble damages—making the use of these "Little FTC Acts"

devastating if plaintiffs prevail. One hurdle in these suits is the need to show that consumers were willing to pay more for a product than they otherwise would have because they were duped into making purchases by disingenu-

ous influencers. "What you or I would have been willing to pay had the influencer not promoted the product is a very individualized question," said Zey-

"For example, if you and I both

see an influencer promoting a par-

ticular product, that influencer's endorsement could impact us very differently," she added. "I might be willing to pay X amount more, while you might be willing to pay nothing additional. We've been impacted in very individualized ways, which may pres-

ent a hurdle for plaintiffs at the class certification stage." Another potential challenge for these class action cases is that

corporate defendants may claim disputes are subject to arbitration. Companies in at least two of the recent cases—including Shein—are arguing consumers agreed to arbitrate disputes under the terms of

service of their online purchase. The arbitration piece is interesting, Zeytoonian said, in part because it speaks to a much broader topic: the enforceability of arbitration clauses in online

terms and conditions. Whether an arbitration clause is enforceable often boils down to whether the consumer has manifested "clear assent" to

the terms—and, in conjunction,

Under Pennsylvania's Unfair whether the consumer actually understood what they agreed to at purchase.

Companies looking to mitigate risk or litigation exposure should assess their consumer flow and checkout processes to ensure that, at a minimum, the consumer is provided with clear and conspicuous notice of arbitration,

said Zeytoonian. Given the substantial costs involved in defending class action suits, in-house counsel can play a big part in mitigating risk, La Voi

"Sit down with your marketing and your media teams and figure out, 'Hey, where and how are we engaging influencers? Is it direct? Is it going through our agencies?' It can even be part of a media buy. And often those things aren't necessarily landing on the desk of the

brand's in-house counsel." And if it isn't a formal influencer program, is the company giving discounts or sending gifts? "Those things need to be monitored and handled as well," said La Voi, a former senior in-house counsel at

McDonald's. Companies can also come up with a brief that outlines what kind of expectations they have from influencers and what the ideal

relationship might look like. "And then my biggest piece of advice is this: only pay for compli-

ant posts," La Voi added. "Both companies and influencers, I think, usually want to do the right thing. This newer trend of naming influencers in these suits will get influencers' attention and make them more focused on com-

Chris O'Malley can be reached at comalley@alm.com.

pliance."

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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 can tion 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 à date for submission of a miss ing 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

Motion Calendar Key: ADJ—Adjourned to date indicated in Submission Courtroom

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

ubmission of papers. SUBM 3—Adjourned to date indicated in Submission Court Room (Room 130) for affirmation or so ordered stipulation. S—Stipulation.

-Consent. C MOTION—Adjourned to Commercial Motion Part

Calendar. FINAL—Adjournment date is final

60 CENTRE STREET

Submissions Part MONDAY, SEPT. 22

Submission 1 100408/25 Bass v. McNeal

2 100418/25 Ruiz v. Community WEDNESDAY, SEPT. 24

Submission

1 100471/25 Graf v. Reproductive Medicine Associates of New York

Paperless Judge Part MONDAY, SEPT. 22 158180/24119 Baxter St. Cc LLC v.

Castro 651492/25156-166 Bowery L.P. v. Reec 156 Bowery 850011/13938 St. Nicholas Ave. v.

936-938 Cliffcrest Housing 653212/23 A & L 444 LLC Et Al v. Ankura Trust Co. 656042/23 Abbott Dpm v. Morera 156267/22 Alston v. 580 Lenox

Associates 155453/19 Alvarez v. 20 West 64th St. Associates 157254/24 American Express Nat.

Bank v. Horowitz 161765/24 American Express Nat. Bank v. Lee 155118/24 American Express Nat.

Bank v. Lumpkin 159083/23 American Express Travel Related Services Co., Inc. v. Bar Nothin Co LLC

159853/25 Aponte Carrillo v. Motor Vehicle Accident Indemnification Corp. 452941/23 Aristizabal v. Metro.

NYCTA Et Al 655599/16 Astra Pacific Outdoor v. Jergil Mfg. Corp. 650111/25 Asymchem, Inc. v. Entero Therapeutics, Inc. 156617/24 Bachor v. Alan Ripka &

950032/19 Bakhrakh v. Elaine Kaufman Cultural Center 152408/25 Batka v. Roman Catholic

Archdiocese of NY Et Al 157525/25 Board of Mgrs. of The 180 West Fnd Ave Condominium on Behalf of The Unit Owners v. Shahehi IIC

154072/22 Brown v. The NYCHA 156050/25 Capellini v. First Manhattan Co. Et Al 158936/24 Cates v. Rigney 653017/25 Ceiba Energy Us Lp v. New Fortress Energy Inc. 152546/25 Claude Kunstenaar v. Ann Rathaus Drucker

654268/24 Clear Haven Investment Fund v. Zags Spv 1 LLC Et Al 159193/25 Columbia Palestine Solidarity Coalition v. The Trustees of Columbia Univ. in 650213/23 Con Ed Co. of New York,

Inc. v. Burlington Ins. Co. Et Al 952052/23 Crawford v. Ratner 152399/25 Croghan v. Roman Catholic Archdiocese of NY Et Al 159492/20 Dd 11th Ave. v. Glazer 153182/23 Di Amario v. NYCTA Et Al 653184/25 Domani Consulting, Inc. v. Highpoint Prop. Group 153886/25 Dominguez v. NYC Et Al 309188/13 Dwyer v. Dwyer 162066/23 Eaton v. 608 Co. 151700/25 Empower Fed. Credit Union v. Abbott

653839/25 Endrock v. Urban Leaf Technologies, Inc. 162585/19 Farber v. Ozedemir 653060/25 Fetman v. 5w Public Relations LLC Et Al

160132/25 Fisher v. NY Univ. 656322/23 Fortegra Specialty Ins Co. v. Muscleman L Corp. Et Al 155443/25 Francavilla v. Staten Island Plaza Ltd. Partnership Et

653642/24 Gallery Apts. Co., L.P. v. The Board of Mgrs. of The Petit Verdot Condominium 161552/24 Germosen v. Lopez 650061/25 Ghoulam v. Bentivoglio 152244/24 Gist v. Ponce Bank Et Al 655295/24 Glenn Agre Bergman &

Fuentes v. Siffin 653633/25 Gsfnt Recovery Fund v. Sharrow 190082/22 Hardin v. Aerco Int'l, Inc.

Et Al 160227/19 Hartman v. Wvh Housing

Dev. Fund 160190/24 Hitz v. 171 Great Plains LLC Et Al 652477/25 Hopkins Hawley LLC v.

Yarrow Two LLC Et Al 155786/21 Ian Soloway v. Thor Equities 654364/25 in The Matter of The

Application For An Order Staying The Arbitration Between Hereford Ins. Co. v. Lopez 651890/23 in The Matter of The Application of Karen Atta, Atta, Inc. Et Al v. 450 West 31st Owners Corp. Et Al 655475/24 Indigo Secured High Income Note v. Nitsberg

652314/25 Itria Ventures LLC v. R1 Solutions, Inc. Et Al 152394/22 Johnamie Leon-Burgos And Claritza Castillo-Alberto v. NYCTA Et Al

850279/19 Jpmorgan Chase Bank v. East River Plaza LLC Et Al 850285/14 Khamisa S. M. Howira As Administrator of The Estate v

161398/23 Kiemtore v. Schwartz 156710/24 Krawiecki v. Khorshad 161655/25 L v. NYC Dept. of Health And Mental Hygiene 157732/20 Laci v. 611 West 56th St. 161329/25 Lakhi General Contractor Inc. v. Ihms LLC Dba

The Pierre Hotel Aka The Pierre 152293/20 Longdon v. NYCTA 156413/25 Madison Security Group, Inc. v. Thomas 158510/25 Manhattan Ave. Associates v. NYS Office of Temporary And Disability

850624/23 McLp Asset Co., Inc. v. 150873/25 Medina v. Jovin Demo Inc. Et Al 654553/25 Moses & Singer Llp v. Emusic.Com, Inc.

154053/23 Nationwide General Ins. Co. As Subrogee of Mari Matsuo And Simon Colley v. Systems 2000 Plumbing Services 451776/25 NYCHA v. Gonzalez 654611/25 Nouveau Elevator Industries v. Cohen Brothers Rlty. Corp. Et Al 162306/23 Paez Lora v. Encore

Group (USA) 653245/22 Patel v. The Board of Mgrs. of The M At Beekman Condominium Et Al 157449/23 Pena v. NYC 653890/22 Perkins Eastman Architects v. White Plains Hosp Medical Center, Inc. 653294/25 Picken v. Schwartz 157451/24 Progressive Furniture

Inc. v. 123 Stores Inc. 653216/25 Psalms Creative v. Efg Capital Int'l Corp. Et Al 651848/24 Reitler Kailas & Rosenblatt Llp v. Upfront Megatainment, Inc. Et Al 158490/25 Rojas Alba v. Adr Restaurant Inc., Individually And

159510/22 Rondon v. 200 Varick St. De LLC Et Al 150747/21 Rosario v. Yang 158891/20 Ruiz Arrega v. Bedford Apts. Co. LLC 155810/22 Salinas v. 424 West 33rd

St. LLC Et Al 156700/25 Schatz v. Schrager 651573/25 Sig Rcrs D Mf 2023 Venture LLC v. West 157th St 654410/25 Silver Point Finance v.

151890/23 Sinclair v. Macy's, Inc. Et

152895/21 Smith v. Mary Manning Walsh 156652/24 Sofro v. 560 Seventh Ave. Owner Primary LLC Et Al 161212/23 Stanicky v. Jc Hosp.ity LLC D/b/a 'the Surf Lodge' Et Al 160614/24 State Farm Fire And Casualty Co. v. Personna 150012/25 State Farm Mutual Automobile Ins. Co. v. Adagio Chiropractic 452182/25 State of NY - Unified

Court System v. Civil Service

Employees Assoc., Inc., Local 1000, Afscme, Afl-Cio 151323/25 Steffan v. Roman Catholic Archdiocese of NY Et Al 151530/25 Stephen v. NY Institute of Tech. Et Al 654480/21 Strategic Funding Source, Inc. v. Forecast Financial Group LLC Et Al 160957/23 Super Pc Systems, Inc. v. Angelo Grill Inc. Et Al 155746/25 Taylor v. NYCHA Et Al

654199/25 The Avanza Group v. Kingdom Logistics 160399/24 The Cinicinnati Ins. Co. As Subrogee of Scott Mosberg And Alyssa Mosberg v. Systems 2000 Plumbing Services Inc. 150829/23 Tolchinsky v. Castaneda 653283/25 Weinberg v. Meridian Capital Group

805025/21 Weiss v. Salgado 158627/24 Wheat v. Vichie 160436/21 Woodford v. Vornado Rltv. Trust Et Al 161995/24Wvh Housing Corp. v. Hartman

805071/24Ying v. Chynn M.D. **TUESDAY, SEPT. 23**

155162/25167 8th Ave. LLC v. Goldstein 850275/2357th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. McDermott 650585/2466 Ave. C Housing Dev. Fund Corp. v. Javier 653880/25 Afh Funding v. B & T Plumbing Contracting And Remodeling LLC Et Al

161554/25 Aguero Mejia v. NYC Et 152473/18 Aguilar v. Home Builders 654313/25 Agyr Prop. v. Df Vii Valley Ranch

158849/17 Alba v. Port Auth. of New 653630/25 Allstate Fire And Casualty Ins. Co. v. Suk 650546/25 Allstate Ins. Co. v. Birch 160310/21 Bank of America v. Schulman

650204/24 Baywa R.E. Wind v. Rsg Underwriting Mgrs. 850190/22 Bethpage Fed. Credit Union v. Basakinci 650390/20 Bldg 44 Developers LLC v. Pace Companies NY 151241/20 Bueno v. 212 W 95 Owner LLC 653122/25 Casita v. Maplewood

Equity Partners (offshore) Ltd. 153187/25 Cavalry Spv I v. Rosenberg 451428/22 NYC v. Jones 153525/20 Cna Ins. Co. v. 225 Fourth LLC $451698/24\,Comm\ensuremath{\text{'rs.}}$ of The NYS Ins. Fund v. Winegard 653583/25 Constructors Trades & Skills Corp. v. Mz Rector 1800 Owner LLC Et Al

155610/24 Core & Main Lp v. V. Barile Inc. Et Al 151432/24D'Arco v. 133 7th Ave. South 652672/25 David York Agency v.

952136/23 Doe v. Brand 158693/24 Doe v. Kirby 152524/25 Doe v. Archdiocese of NY

157419/23 F.J. Sciame Const. Co., Inc. Et Al v. Five Star Electric Corp. 654691/25 Forward Financing LLC

v. 8000 Cooper Ave. Liquors, Inc

Et Al 950163/21 G. v. Archdiocese of NY 653202/25 Gelinas v. As Builders Inc. D/b/a Jwc Const. LLC Et Al 850095/17 Gianfranco Arena v.

Shaw 653167/25 Goldvekht v. Extra Space Mgt., Inc. Et Al 159297/24 Govt. Employees Ins. Co. v. 274 Brighton Beach Drugs Inc. 652981/25 Hawk v. Catrain Calderon

158364/23 James v. Con Ed Co. of New York, Inc. Et Al 850414/23 Jpmorgan Chase Bank v. 850287/23 Lakeview Loan Servicing v. Curtis

153291/21 Lamonica v. Lendleas (us) Const. Lmb, Inc. Et Al 653571/25 Laufer v. Bam Prop. Dev.

154460/22 Margalit v. Network of Patrols, Inc. 452357/23 Martinez v. Otero

COURT NOTES

OFFICE OF COURT ADMINITRATION

Court Facilities Capital Review Board

Meeting To Be Held On Sept. 25

The Court Facilities Capital Review Board, established pursuant to Chapter 825 of the Laws of 1987 to review and approve Court Facilities Capital Plans submitted by city and county governments, will meet on Thursday, September 25, 2025 at 12:00 P.M. via videoconference call.

> Date: Thursday, September 25 Time: 12:00 P.M. 2 Locations:

* 25 Beaver Street, New York, 10th floor conference room

* Broome County Courthouse, 92 Court Street, Binghamton, New York, Courtroom 6

The meeting is open to the public, and the public has the right to attend the meeting at any of the

1. Approval of 4/29/2025 Meeting Minutes (vote) 2. Introducing Panagiota Hyde: Capital Planning

3. Interim Counsel's Report

a. Update on Capital Plan Solicitations 4. Board Action Item (vote)

a. Dutchess County: Approval of Capital Plan Amendment

5. Board Discussion Items a. City of Schenectady

b. City Buffalo

c. City of Albany d. City of Rye

e. Website 6. Old Business

7. New Business 8. Next Meeting Date Miscellaneous

The meeting will be streamed live at: https://cmi. nycourts.gov/stream/live/live/20250925-CourtFacilitiesCapitalReviewBoard

Anyone with questions regarding this meeting should contact:

Mindy Jeng, Interim Capital Planning Attorney -(212) 428-2140.

Office of Court Administration, New York State Unified Court System

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

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 train-

provide sufficient time for a full review of candidates,

ing, 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 L 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. Applica-

tions can be emailed to dcajnychousing@nycourts.

gov and the original mailed to the Office of the Deputy Chief Administrative Judge Adam Silvera, 111 Centre Street, Room 1240, New York, New York 10013. Dated: September 9, 2025

NEW YORK STATE COURT OF APPEALS

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

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

Motions for permission to file a brief amicus curiae must be served personally or by overnight delivery service no later than November 3, 2025 and noticed for a return date no later than November 10, 2025. Questions may be directed to the Clerk's Office at (518) 455-7705.

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 (Court-PASS).

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

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 US (2025)

U.S. DISTRICT COURT EASTERN DISTRICT

Notice Regarding Change of Procedures Related **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.nved.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

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

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

DUTIES AND RESPONSIBILITIES

The Chief Counsel, under the direction of the Chief Judge, is responsible for hiring, training, supervision, and general management of the staff attorneys. which includes performance evaluation. The Chief Counsel is responsible for ensuring that the Office's handling of its screening duties remains responsive to developments in the law, appropriately solicitous to pro se litigants, and operationally manageable. Day-to-day duties and responsibilities of this position include reviewing the staff attorneys' written work and legal analysis, coordinating with Clerk's Office staff on operational matters relevant to the pro se docket, and managing and promoting the Court's Pro Bono Program. Management of the Court's Pro Bono Program involves providing advice to chambers on cases in need of counsel, frequent communication with the private bar, distribution of a monthly newsletter that solicits assistance from volunteer lawyers, and collaboration with bar associations. Project management of internal initiatives requires scheduling check-ins with participants and communicating developments to the relevant stakeholders.

REQUIRED QUALIFICATIONS

Applicants must possess a Juris Doctor degree from a law school accredited by the American Bar Association and be admitted to the bar in a federal court of general jurisdiction. Applicants also must have excellent academic credentials and superior analytical, research, and writing skills with law review or equivalent legal research experience. Competitive applicants will have at least three years of post-law school relevant legal experience such as working as a pro se or death penalty law clerk or other experience in areas of legal work that come before the pro

Continued on page 12

653708/25 Mf1 2021-FI5 Ltd v. Haikins 155175/25 Nash v. 766 Tenth LLC Et

452758/24 NYCHA v. McDennan 659480/24 NY Restoration Tech. Corp D/b/a Rtech v. 71 East 77th

160409/22 NYCTL 2021-A Trust And The Bank of NY Mellon v. Kayland Rlty. Ltd. Et Al 159205/24 Oliver v. NYC Police

Dept.

158999/17 Paul v. Davidson 151776/14Pf2 Securities Evaluations v. Fillebeen 653716/23 Prime Contractors Inc. v. Utb-United Tech., Inc. Et Al 652826/22 Pro Camps v. Public Services Mutual Ins. Co. Et Al. 652706/25 Rabbani v. Harbert Discovery Fund

154234/25 Ramos v. Deutsche Bank Securities 161410/25 Rossi v. Board of Education of The City School Dist. of NYC Et Al 152986/25 Rupall v. Cozen O'Connor Et Al 650212/24 Safety And Quality Plus,

Inc. v. Battery Associates LLC Et 153050/15 Sherpa v. NYCTA 151809/20 Sinchi v. NYC 152493/25 State Farm Fire And Casualty Co. v. Davis 653608/25 Stokes v. Carcayba LLC D/b/a The Tool Box 654816/24 Tag Hvac Inc. v. Sapphire Const. Group LLC Et Al

161422/25 Talisen Const. Corp. v. Energy Plus NY Inc. 161257/25 Talisen Const. Corp. v. Mwsk Equipment Sales Inc. 653736/24 Tao v. Uniqlo USA LLC 652387/22 The Board of Mgrs. of 252 Condominium v. World-Wide

Hldgs. Corp. Et Al 161461/25 The Legal Aid Society v. NYC Police Dept. Et Al 161465/25 The Legal Aid Society v. NYC Police Dept. Et Al 659834/24 Trump Media & Tech. Group Corp. v. Rejuvetotal LLC 450057/21 Urena v. NYCTA

450736/22 Vaval v. Singh 652064/17 Vxi Lux Holdco S.A.R.L. v. Sic Hldgs. 805282/20 Williams v. Terence Cardinal Cooke Health Care Center Et Al 653398/22 Yes I Can Services, Inc. v. NYC Dept. of Education Et Al 650443/22 Zelmanovich v. Eastmore

Owners Corp. **WEDNESDAY, SEPT. 24** 150976/2350 West St. Condominium Et Al v. Jdm

Washington St. LLC 157180/2581st Dwellers, Inc. v. 156589/20 Adel Nagi v. Citi-Urban Mgt. Corp. 654086/25 Akf Inc. v. Derwood's Automotive Repair LLC Et Al 654996/25 Akf Inc. v. NY Helicopters Tours L.L.C. Et Al 151550/23 American Express Nat. Bank v. Gerson 651571/25 Amtax Hldgs. 227 v. Cohnreznick Llp 157736/22 Anil v. NYC Et Al 160022/25 Baker v. Nu Horizons

Investment Group 653222/23 Big Real Estate Capital I v. Abs Mgt. & Dev. Corp. Et Al 150619/23 Boerke v. Nucor Const. Corp. Et Al 805279/21 Bowman v. Andrews 159702/20 Brophy v. Lendlease (us) Const 650050/19 Bullen v. Sterling

Valuation Group, Inc. 652747/25 C&C Mgt. Lp v. Southerland 158685/25 Catucci v. Bureau of Vital Records 151463/24 Cemd Elevator Corp. v. 1110 Park Ave. Condominium Et

Health System 159891/23 Clarke v. Fisher-Park Lane Owner LLC Et Al 453249/24 Comm'rs. of The State Ins. Fund v. Lough Allen Masonry

659349/24 Clark v. NYU Langone

156698/25 Conway v. East 82 Owner LLC Et Al 160370/21 Cruz v. Jgn Const. Corp. Et Al 157330/24Cs Energy v. Rak 1 Solar 805354/17De La Rosa v. NY And

850107/17 Deutsche Bank Nat. Trust v. Marino 156220/25 Doe v. Hand Hosp.ity LLC 159097/20 Dwyer v. 99 Canal Rlty. Inc. 655205/25 Ellenoff Grossman &

Schole Llp v. Marcali 157707/24 Fernandez v. 142 Laurel Hill Rlty. 154379/20 Flores v. Mt. Sinai Hosp. 650749/23 Ginza 2 v. Goldberg 158979/25 Goldberg v. Schwartz Goldstone Campisi & Kates 652944/25 Gruber v. Reif 151139/21 Hernandez v. 315 East

68th St. Corp.

850020/25 Hilton Resorts Corp. v. Niethamer 159114/19 Holloway v. Port Auth. of NY And 153758/23 Hooks v. Azure Hldgs. II 154287/23 Imbesi v. McNelly Enterprises, Inc. Et Al

650792/25 in The Matter of An Application of Dr. Henry Bellutta 156942/25 in The Matter of Musovic Rity. Corp. v. NYC 160911/24 Infinity Auto Ins. Co. v. Caldwell 805305/18 Jamie Allon As Executor

of v. Smith 151122/25 Johnson v. Ub Distributors LLC Et Al 850166/25 Jpmorgan Chase Bank v. Fcc NY LLC Et Al 160345/24 Kaczor v. L'industrie Pizza Ip Holdco 152730/25 Karr v. NYC Et Al

155760/25 Kaur v. Lm General Ins. 650063/25 Kokalari v. Bank of America 161664/24 Koster v. NYC Et Al 151113/23 Larios v. Aspenly Co. LLC Et Al

161102/21 Manfroni v. 790 7th Ave. Park Corp. Et Al 156808/24 Maresca v. Kavanagh 190045/24 Martens v. Aerco Int'l 152807/24 Miah v. NYC Et Al 153499/25 Midtown Surgery Center v. Hampton 650484/25 Mitra Mehr LLC v. Hakim

155049/20 Nardelli v. Zletz 452267/25 NYS Ins. Fund A/s/o Allpoints Trucking. v. American Transit Ins. Co. 156452/22 NYCTL 2021-A Trust

And The Bank of NY Mellon As

Collateral Agent And Custodian

160521/17 Naranjo v. 315 Hudson

v. S & L USA Mgt. 654430/25 Parrish v. Marsh & McLennan Companies, Inc. Et Al 158024/24 Perez v. NYC Et Al 157504/22 Quashawn Holt v. Rxr Const. Services 450573/24 Quashie v. Metro. Transportation Auth. Et Al 650604/24 Regulus Group v. Motir Services, Inc. Et Al

150012/24 Rodriguez v. 3795 Restaurant Corp. D/b/a Maraca NYC Et Al 154527/21 Rosado v. Cape Church Associates 650608/19 Sabr Chemicals Group v. Northeast Chemicals, Inc. 157925/24 Sadhari v. Sultan 152542/23 Smith v. 2 St Marks Pl.

Hotel Corp. Et Al 160029/22 Stuart v. Con Ed Co. of New York, Inc. Et Al 154671/25 Sumba Lucero v. 1165 Park Ave, Inc. Et Al

158003/21 Taylor v. Bp/cg Center II LLC Et Al 654696/25 The Cadle Co. v.

Alexander 452928/24NYC Et Al v. 218 Covert Rity. LLC 453376/24 NYC Et Al v. Board

of Mgrs. of The 1564 48th St. Condominium Et Al 451718/24 NYC Et Al v. The Board of Mgrs. of The 143 Skillman Ave. Condominium Et Al 452273/24 NYC Et Al v. The Board of Mgrs. of The 315 Div. Ave. Condominium Et Al 451969/24 NYC Et Al v. The Board of Mgrs. of The Oceanrock

Condominium Et Al 453821/24 NYC Et Al v. Yue 653007/25 The Funding Bull v. Moore Freight Lines, Inc. Et Al 150249/22 Turner v. NYC Et Al 161184/24 Vivas v. Fed. Express Corp. Et Al

153081/23 Williams v. Diaz 158984/23 Winiker v. Debar Rltv. Corp. Et Al 153226/25 Voffie v Northern Manhattan Rehabilitation And

Nursing Center Et Al

E-Filing **Submission Part**

Adjourned for Working **Copies Part**

Part 1 Justice Adam Silvera 60 Centre Street Phone 646-386-3722

Room 300

MONDAY, SEPT. 22 952209/23 Doe v. New York-Presbyterian Hosp. Et Al

Part 2 Justice Lori S. Sattler 60 Centre Street Phone 646-386-3852

Room 212 MONDAY, SEPT. 22 653230/20 American Transit Ins. v.

Advanced Orthopaedics Pllc 653104/18 Long Isand City Laundry **TUESDAY, SEPT. 23** 160310/21 Bank of America v.

> Part 3 Justice Joel M. Cohen 60 Centre Street Phone 646-386-3287

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654579/25 Mutual of America Life Ins. Co. v. Bqs Financial Advisors 153934/19 S.A.R.L. Galerie Enrico v.

Marlborough Gallery Inc. Part 6 Justice Kathy J. King 60 Centre Street Phone 646-386-3312

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805282/20 Williams v. Terence Cardinal Cooke Health Care Center Et Al **WEDNESDAY, SEPT. 24**

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

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651616/22 Kastel Renaissance

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Justice Arlene P. Bluth

60 Centre Street Phone 646-386-3219

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Justice Jeanine R. Johnson

60 Centre Street Phone 646-386-4462

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Part 17

Justice Shlomo S. Hagler

60 Centre Street Phone 646-386-3283

Part 19

Justice Lisa A. Sokoloff

60 Centre Street Phone 646-386-3979

Room 540

Part 20

ADR

Justice Deborah A. Kaplan

60 Centre Street Phone 646-386-3300

Part 24

Matrimonial Part

Justice Michael L. Katz

60 Centre Street Phone 646-386-3285

Part 26

Justice Ta-Tanisha D. James

60 Centre Street Phone 646-386-4462

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Part 28

Justice Aija Tingling

60 Centre Street

Phone 646-386-4372

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Justice Judith N. McMahon

60 Centre Street 646-386-3275

Part 33

Justice Mary V. Rosado

60 Centre Street

Phone 646-386-3894

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

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

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Part 12 Justice Leslie A. Stroth 60 Centre Street Phone 646-386-3273 Room 232

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Auth. of NY And New Jersey Et

se and death penalty law clerk programs, including civil rights claims brought under 42 U.S.C. § 1983. Applicants with significantly more experience are preferred. All applicants should emphasize any supervisory and/or managerial experience; experience directing the workflow within an office: experience reviewing professional legal staff work products; and experience training law clerks or other professional legal staff on standards of performance. Applicants must possess a solid grounding in federal jurisdiction and civil procedure. The Court seeks highly qualified applicants with diverse backgrounds and experience.

APPLICATION PROCEDURE

To be considered for this position, applicants must submit a cover letter, resume (including law school class rank and/or percentile if available), law school transcript, self-edited writing sample, and a list of at least three professional references. Only applications

submitted via e-mail will be accepted. It is preferred for the applications to be submitted in a single PDF document, and for candidates to include the vacancy number and position title in the subject field of the e-mail containing the application. Applications submitted as zip files, cloud files and/or links will not be accepted. Applications that do not conform to the above procedures will not be considered. Only candidates selected for the next step in the hiring process will be contacted. Please submit your application to: DEJobs@nvsd.uscourts.gov.

Applicants must be U.S. citizens or lawful permanent residents seeking U.S. citizenship. Employees of the United States District Court are not included in the government's Civil Service classification and are at-will employees. All employees are required to adhere to the Code of Conduct for Judicial Employees. The successful candidate for this position is subject to a background check. This position is subject to mandatory electronic funds transfer for payment of net pay.

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IAS Part Justice Arthur F. Engoron 60 Centre Street 646-386-3222 **Room 418** MONDAY, SEPT. 22

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158481/23 Olsson v. The Lang School Et Al 162098/23 Pacific Indemnity Co. v. Angelo Grill Inc. Et Al TUESDAY, SEPT. 23 High Line Const. Group LLC Et Al 153525/20 Cna Ins. Co. v. 225 Fourth LLC 153513/23 Palacios Ziegler v. Brandywine Assisted Living At 653608/25 Stokes v. Carcavba LLC D/b/a The Tool Box 154853/23 Peralta Naranjo v. Lex

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Part 43

Justice Robert R. Reed

60 Centre Street

Phone 646-386-3238

Room 222

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Part 34 Justice Dakota D. Ramseur 60 Centre Street Phone 646-386-4370 Room 341

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60 Centre Street Phone 646-386-3722 MONDAY, SEPT. 22

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805110/22 Keeping v. Kumra 159813/20 Kowalczyk v. 200 Park 157707/20 Lacinyc Corp. v. Myc Rlty. Corp. 805301/19 Levy Najjar v. Danovich 805302/21 Lozada v. NYC NYCH&HC Corp. 452191/20 McBride Johnson v.

Harlem Hosp. 651636/15 Meygrand Associates v. Services Mangia 805055/20 O'Sullivan v. Stewart 805092/22 Perez v. Enabosi 160106/18 Rcrussell v. Dynated Contracting Inc.

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Dispirito 155502/21 Velez v. Fabian 805259/22 Weglein v. Ting M.D. **TUESDAY, SEPT. 23**

152397/25 Caca Llc v. North 1st 156277/25 Calie Enterprises, Inc. v. Elysium Const., Inc. 155085/25 Consilio LLC v. Phillips

Nizer Llp 150641/23 Finkel v. Tdx Const. 157019/25 Mh Rental LLC v. Miller 156736/25 Nexa Capital v. Hamer

Environmental Lp Et Al 652526/25 One Vanderbilt Owner LLC v. Tennor Hldg. B.V. Et Al 161893/24 Richard Chand Et Al v. Structure Tech Waterproofing Inc. Et Al 101380/24 Schneider v. Krane

WEDNESDAY, SEPT. 24 101386/18 Askins v. Prestige Mgt. 158784/19 Birencwajg v. Compaore 159509/18 Bowden v. Summit Glory Prop. LLC 159862/19 Bucknor v. Structure Tone 151457/21 Cabreja v. Macy's, Inc.

450003/20 Chiu-Yu v. Chin 154742/22 Collins v. Williams 150516/19 Cruz Alvarez v. 513 West 26th Rlty. 158040/15 Cruz Vasquez v. Home Depot U.S.A., Inc. 159229/21 Cruz v. The NYCHA 153327/20 Db Ins. Co., Ltd v. General Roofing 805249/20 Donabedian v. Skordeles 153282/23 Gonzalez Sanchez v. 510

W. 144th Associates 154433/21 Harisiadas v. 42 West 18th St. Rlty. Corp. Et Al 155900/22 Henderson v. Tribeca Grand Hotel, Inc., D/b/a (the Roxy Hotel New York, Roxy Cinema And Roxy Bar) Et Al 150525/21 Hernandez v. Manhattan And Bronx Surface NYCTA Et Al 161853/18 Herrera-Martinez v. Jcm Jane St. Associates LLC

152911/22 Lieberman v. Bcd Delancey LLC Et Al 155545/21 Marshall v. Fusion Physical Therapy And Sports Wellness 150074/24 Moniquette v. Cbs Broadcasting Inc. 157124/23 Nourai v. Indoor

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Cannabis Inc.

152688/24 Olivo v. 592 West 178th 154448/20 Pacific Indemnity Co. v. Scordio Const. Inc. 159709/19 Paez Rodriguez v. Time Warner Entertainment 450425/18 Philip v. Hughes 156603/20 Quezada v. L&M 3534

B'way. 152747/24 Ramos v. Eserac Rlty. Corp. 154002/23 Raverta v. Mta Bus Co. Et

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Center) Et Al 154854/22 Torres v. Lopez 655951/19 USA Fuzhou San Shan v. Wang 654599/19 USA Fuzhou San Shan v.

Zheng 156212/18 Vargas v. 4g Cellular Center 2 Inc. 155506/22 Weinstein v. The Vail Corp. A/k/a Vail Resorts Mgt. Co. Et Al 151404/21 Westbrook v. 150 Riverside Op

158576/23 Williams v. Arm Rlty. Et 153418/20 Yousuf v. Horace Plaza 451907/19 Zuleta v. Broome Prop.

Part 44 Justice Jeffrey H. Pearlman **60 Centre Street** Phone 646-636-3370 Room 321 MONDAY, SEPT. 22

365522/24 Abogunrin v. Abiba 365470/24 Goodman v. Simon 654364/25 in The Matter of The The Arbitration Between

Application For An Order Staying Hereford Ins. Co. v. Lopez **WEDNESDAY, SEPT. 24** 350045/18 Balis v. Balis 304231/18Biasotto v. Tardivel

301198/24 De Saint v. De Saint 156942/25 in The Matter of Musovic Rlty. Corp. v. NYC 365320/22 Liu v. Buckley 365467/22 Lotis v. Bagot 156808/24 Maresca v. Kavanagh 365588/22 Montoya v. Felsky 365215/24 Quandt v. Quandt 304024/16Thomas v. Scott Thomas Motion

365467/22 Lotis v. Bagot

Part 45 **Commercial Div. Justice Anar Rathod Patel** 60 Centre Street Phone 646-386-3632

Room 428 MONDAY, SEPT. 22 653017/25 Ceiba Energy Us Lp v. New Fortress Energy Inc. 652477/25 Hopkins Hawley LLC v.

Yarrow Two LLC Et Al TUESDAY, SEPT. 23 653571/25 Laufer v. Bam Prop. Dev.

652706/25 Rabbani v. Harbert Discovery Fund 652387/22 The Board of Mgrs. of 252 Condominium v. World-Wide Hldgs. Corp. Et Al 659834/24 Trump Media & Tech. Group Corp. v. Rejuvetotal LLC Part 48

Commercial Div. Justice Andrea Masley 60 Centre Street Phone 646-386-3265 Room 242

MONDAY, SEPT. 22

656562/22150 Broadway Ny Associates v. Pratt Const. & Restoration, Inc. Et Al 158739/24 Diamond Films Netherlands Cooperatief U.A. v. Univision Communications, Inc. 654666/24Kin Chung Wong v. Chijet Motor Co., Inc. Et Al 653096/24 Philipson v. Fensterman

653294/25 Picken v. Schwartz 653216/25 Psalms Creative v. Efg Capital Int'l Corp. Et Al 651573/25 Sig Rcrs D Mf 2023 Venture LLC v. West 157th St LLC Et Al Motion

Netherlands Cooperatief U.A. v. Univision Communications, Inc. 654666/24Kin Chung Wong v. Chiiet Motor Co., Inc. Et Al TUESDAY, SEPT. 23 650390/20Bldg 44 Developers LLC

158739/24 Diamond Films

v. Pace Companies New York 653708/25 Mf1 2021-Fl5 Ltd v. Haikins **WEDNESDAY, SEPT. 24** 651571/25Amtax Holdings 227 v.

Cohnreznick Llp

Part 49 Commercial Div. Justice Margaret A. Chan **60 Centre Street** Phone 646-386-4033 **Room 252**

Part 53

Commercial Div. Justice Andrew S. Borrok **60 Centre Street** Phone 646-386-3304 **Room 238** MONDAY, SEPT. 22

654268/24 Clear Haven Investment Fund v. Zags Spv 1 LLC Et Al 654144/24 Deer Park Road Mgt. Co. Lp Et Al v. Nrz Sponsor Holdco 653563/22 Fondue 26 v. Bogart 154203/25 Morad v. Jpmorgan Trust

653389/22 One River Run Acquisition v. The Greenwich 654132/23 Puritan Partners LLC v. Breezer Hldgs.

653563/22 Fondue 26 v. Bogart TUESDAY, SEPT. 23 654313/25 Agvr Property v. Df Vii Valley Ranch

Motion

656158/21 Murphy v. Phg Funding LLC Et Al Motion 656158/21 Murphy v. Phg Funding

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

LLC Et Al

MONDAY, SEPT. 22 654862/24630 West 52nd LLC v. Fresh Inventory Services 656248/19 Atane Engineers v. Cdm Smith Inc. 653919/21 Bldg. Concepts, Inc. v.

220 East 26th St.

Room 228

653222/23 Big Real Estate Capital I v. Abs Mgt. & Dev. Corp. Et Al Part 57 Justice Sabrina Kraus

WEDNESDAY, SEPT. 24

60 Centre Street Phone 646-636-3195 **Room 218** MONDAY, SEPT. 22 950507/20 Dawn Gaither v.

Archdiocese of New York. 157696/18 Gomez Rodriguez v. Manhattan Hldgs. NY LLC

950428/21 N. v. NYC 153341/21 Williams v. 349-59 Lenox **TUESDAY, SEPT. 23** 950127/21 Brown v. Archdiocese of

162210/19Dimichele v. Somers Chase Homeowners 950033/19 Doe v. Roman Catholic Diocese of 950649/20 Doe v. Dominican Foundation of 950722/20 F v. NYC 950315/21 F v. Sisters of The Order 950163/21 G. v. Archdiocese of NY 950769/21 L. v. The Episcopal

Diocese of NY Motion 950722/20F v. NYC **WEDNESDAY, SEPT. 24** 950071/19Ark83 v. Archdiocese of 950080/19Ark98 v. Archdiocese of

652417/21 Berrios v. Rose Associates, Inc. 950725/21 Doe v. Archdiocese of NY 950261/21 M. v. NYC 950864/21 Siemer v. Roman Catholic Archdiocese of NY Et Al 950320/21 W. v. NYC

Part 59 Justice Debra A. James 60 Centre Street Phone 646-386-3351

Room 331 MONDAY, SEPT. 22 850011/13938 St. Nicholas Ave. v. 936-938 Cliffcrest Housing 152324/18 Grinberg v. NYC

TUESDAY, SEPT. 23 654065/16 Colonial Funding Network, Inc. v. Jamar Tunstall (a/k/a Jamar 151134/23 NY Marine & General Ins. Co. And Certain Underwriters At Lloyd's A/s/o Genesis Y15 Owners LLC v. 26 West 127 Owner LLC Et Al 656995/17 Stile v. Pappanicholas

Motion 656995/17 Stile v. Pappanicholas **WEDNESDAY, SEPT. 24**

150852/22 Eisenberg v. Amazon Logistics, Inc. Et Al 451666/18 Genetech Bldg. Systems v. Amcc Corp. 153758/23 Hooks v. Azure Hldgs. II 152858/20Noka v. Gashi 650608/19 Sabr Chemicals Group v. Northeast Chemicals, Inc. 101748/19 Trent v. Cohen

Motion 150852/22 Eisenberg v. Amazon Logistics, Inc. Et Al 101748/19Trent v. Cohen

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

v. Dondero

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655814/24Afi Solar Capital

Solutions v. Vielectron

Ibt Media Inc., Et Al

Inc. v. Fubotv

156735/24 Smith v. 678 6th Ave

654014/25 Yonder Media Mobile

850030/25 Fordham Landing North

MONDAY, SEPT. 22 653148/23180 Remsen LLC v. St. Francis College Et Al 652740/22 Hart v. Rosenberg 850041/22 Ready Capital Mortgage Financing 2019-Fl3 v. Pb 151 Grand LLC Et Al 652970/25 Silverman v. Rosenberg

160830/22 The Glenmede Trust Co. v. Infinity Q Capital Mgt. LLC Et 650744/23 Ubs Securities LLC Et Al v. Dondero Motion 653148/23180 Remsen LLC v. St. Francis College Et Al 160830/22 The Glenmede Trust Co. v. Infinity Q Capital Mgt. LLC Et 650744/23 Ubs Securities LLC Et Al

656086/23B9 Hyatt Ave Owner LLC v. Mtf Rlty. 654165/24Jefferies LLC v. Rubicon Technologies, Inc., As Successor in Interest To Founder Spac Ground Lessee 652344/22 Nw Media Hldgs. Corp. v. Scaffolding LLC **WEDNESDAY, SEPT. 24**

Holdings v. Mdbzjggs 157832/17 Pena v. NYC 650792/25 in The Matter of An Application of Dr. Henry Bellutta 654957/22 Quartix Finance Inc. v. Ksh Brands LLC Et Al 650604/24 Regulus Group v. Motir Services, Inc. Et Al 650126/25 Sy v. Compaore 650636/24 Woodcock Capital LLC v.

Motion 850030/25 Fordham Landing North Holdings v. Mdbzjggs 650126/25 Sy v. Compaore

Schildr Inc. Et Al

Part 61 Commercial Div. Justice Nancy M. Bannon 60 Centre Street

Phone 646-386-3169 Room 232 MONDAY, SEPT. 22 151637/25 Markland 766 v. 34 East

29 Holding Motion 151637/25 Markland 766 v. 34 East

TUESDAY, SEPT. 23 651946/21 Licata v. Home Quest

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McLennan Companies, Inc. Et Al 651697/25 Workgenius Hldgs., Inc. v. Zaslow Motion

654546/25 Cmtg Jpm Term Funding LLC Et Al v. Chetrit 651697/25 Workgenius Hldgs., Inc. v. Zaslow **Transit Authority**

Settlement Part 60 Centre Street Phone 646-386-3281

80 CENTRE STREET

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

MONDAY, SEPT. 22

100408/25 Bass v. McNeal 653839/25 Endrock v. Urban Leaf Technologies, Inc. 654811/17 Farley v. Gregory 155786/21 Ian Soloway v. Thor Equities

Restaurant Inc., Individually And 151530/25 Stephen v. NY Institute

of Tech. Et Al 654199/25 The Avanza Group v. Kingdom Logistics 160436/21 Woodford v. Vornado

Const. Group LLC Et Al WEDNESDAY, SEPT. 24 156990/25350 East 62nd St. Associates v. Vecilla

Bank v. Gerson 650408/24 Belkin Burden Goldman Llp v. Ops Oil LLC D/b/a Officeops 151463/24 Cemd Elevator Corp. v. 1110 Park Ave. Condominium Et 453249/24 Comm'rs. of The State

156698/25 Conway v. East 82 Owner LLC Et Al 159109/25 Doe v. Greenberg 156220/25 Doe v. Hand Hosp.ity LLC Et Al 159097/20 Dwyer v. 99 Canal Rlty.

Application of Ortiz v. 651695/25 Jp 48 Mgt. LLC v. Gallivant Hotel Hldg. LLC 153209/24 Mendoza Bravo v. 27 159141/25 Mept 757 Third Ave. LLC v. Grant

Pllc D/b/a Law Office of William Igbokwe Et Al 161489/25 Pasricha v. Bpp Pcv Owner LLC Et Al 150768/18 Pleskup v Rodova 157504/22 Quashawn Holt v. Rxr

Const. Services 655106/24 Ramjeawan v. Teachers College 654347/25 Royal Poinciana South v. 652914/25 Spark Neuro, Inc. v.

154671/25 Sumba Lucero v. 1165 Park Ave, Inc. Et Al 452928/24 NYC Et Al v. 218 Covert Rltv. LLC 451969/24 NYC Et Al v. The Board

Manhattan Rehabilitation And Nursing Center Et Al Part 5 **City Part** Justice Hasa A. Kingo

Room 320 MONDAY, SEPT. 22

Williams 452006/25 Acosta v. 156-158 East 102nd St. Corp. Et Al 153886/25 Dominguez v. NYC Et Al 152244/24 Gist v. Ponce Bank Et Al. 152527/24 Sena Martinez v. NYC Dept. of Education Et Al 154362/23 Strauss v. NYC Et Al

158018/21 Bernard v. NYC Et Al 152325/20 Boni v. NYC 151535/18 Brown v. NYC Et Al 155322/24 Butler v. NYC 154470/19 Butts v. NYC Et Al 160063/22 Chatman v. NYC Et Al 101201/23 Cordero v. Nypd 26th Pct 158476/22 Curtis v. NYČ Et Al 160181/24 Dewald v. Smith 100248/20 El-Bey v. NYC Police 161020/20 Engles v. 150 Hg Venture 156241/22 F v. NYC Et Al

158202/21 Kobel v. NYC 156037/22 Kulla v. Waterside Plaza

453361/21 Moreno Garcia v. Allora Jr.

150552/21 Pirozzi v. Second Ave. & 150648/23 Pizarro v. NYC Et Al 150090/22 Rambo v. Madison Halal Food Corp. Et Al 158575/20 Ramsay v. NYC 157761/21 Robinson v. NYC Et Al 155033/24 Rodriguez v. NYC Et Al 159053/20 Rover v. NYC 154451/22 Saunders v. NYC 153761/17 Shapiro v. NYC 161213/20 Shealy v. NYC 159394/20 Skelly v. NYC

151098/20 Stanley v. NYC **WEDNESDAY, SEPT. 24**

160029/22 Stuart v. Con Ed Co. of New York, Inc. Et Al

150195/22 Thompson v. NYC Et Al 452435/22 Waltrous v. NYC Et Al Motion 155322/24 Butler v. NYC 160181/24 Dewald v. Smith 161348/18 Lembert v. NYC 155033/24 Rodriguez v. NYC Et Al

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Rlty. Trust Et Al **TUESDAY, SEPT. 23** 654816/24Tag Hvac Inc. v. Sapphire

156589/20Adel Nagi v. Citi-Urban Mgt. Corp. 151550/23 American Express Nat.

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Inc. 100697/25 in The Matter of The

155804/24 Municipal Credit Union v. Simmons 158542/25 Needham v. Igbokwe

105094/10 Spiegel v. 49 Grove Rlty.

of Mgrs. of The Oceanrock Condominium Et Al 153226/25 Voffie v Northern

80 Centre Street Phone 646-386-3374

160970/25545 West Corp. v.

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450604/22 Garcia v. NYC Et Al 153746/22 Hernandez v. NYCHA Et Al 159127/21 Jesurum v. NYC Et Al 155222/18 Johnson v. NYC Et Al 153806/18.Jonathan Heard And

161348/18 Lembert v. NYC 158094/21 Lieberman v. NYC Et Al 155754/19 Luna v. NYC 157806/17 Maxwell v. NYC Et Al 159349/21 McDonald v. Spring 161543/18 Mitchell v. NYC 151737/20 Mohammed v. NYC

150338/23 Soldaner v. NYC 151098/20 Stanley v. NYC

Justice Lynn R. Kotler 80 Centre Street Phone 646-386-3572 Room 278

MONDAY, SEPT. 22 152293/20 Longdon v. NYCTA 152895/21 Smith v. Mary Manning

TUESDAY, SEPT. 23 157419/23 F.J. Sciame Const. Co., Inc. Et Al v. Five Star Electric Corp.

WEDNESDAY, SEPT. 24 159702/20 Brophy v. Lendlease (us) Const.

154527/21 Rosado v. Cape Church Associates Part 21 **City Part**

Justice Richard A. Tsai 80 Centre Street Phone 646-386-3738 **Room 280** MONDAY, SEPT. 22

452941/23 Aristizabal v. Metro. NYCTA Et Al 153182/23 Di Amario v. NYCTA Et Al 152394/22 Johnamie Leon-Burgos And Claritza Castillo-Alberto v. NYCTA Et Al

TUESDAY, SEPT. 23 153050/15 Sherpa v. NYCTA 450057/21 Urena v. NYCTA **WEDNESDAY, SEPT. 24** 450573/24 Quashie v. Metro. Transportation Auth. Et Al

156959/14 Stevens v. NYCTA 158840/22 Whitehead v. Stewart Part 22 **Motor Vehicle**

80 Centre Street Phone 646-386-3271 **Room 136**

150985/24 Agosto v. Perdomo 157197/23 Alicea v. St. Lukes Sinai West Hosp. Et Al 161942/23 Almanzar v. Casillo 159853/25 Aponte Carrillo v. Motor Vehicle Accident Indemnification

& Restaurant D/b/a V & T Restaurant, Inc. Et Al Group LLC. 161202/17 Marcuse M.D. v. Rudman

153629/23 Marriott v. Ozbek 162306/23 Paez Lora v. Encore Group (USA) 157459/24 Ponce De Garcia v.

154161/23 Williams v. Caporicci

158849/17 Alba v. Port Auth. of New 450736/22 Vaval v. Singh **WEDNESDAY, SEPT. 24**

151122/25 Johnson v. Ub Distributors LLC Et Al 157925/24 Sadhari v. Sultan 161184/24 Vivas v. Fed. Express Corp. Et Al 153081/23 Williams v. Diaz

Justice Samuel E. Wilkenfeld 80 Centre Street 646-386-3689 Room 106

Early Settlement Part 1 Justice Miles J. Vigilante

154726/19Access Theater, Inc. v. Battery Dance Corp. 156893/19 Castillo-Diaz v. Etro 152324/18 Grinberg v. NYC 152237/20 Hernandez v. 207 East 14th St. Rlty. 159954/20 Maccarone v NV Convention Center 156873/19 Mattsson v. Nyp Hldgs. Inc. D/b/a The 152423/18 Merced v. NYC

L.L.C. D/b/a Mgt.

154001/17 Bautista v. Hughes & Hughes Contracting 159580/21 Cocozza v. Popkin 161380/20 Kociski v. St. Patrick's Cathedral Et Al

Centers 151987/18 Rivadeneira v 731 Commercial LLC

156146/22 Sanny Checo v. 561 West 186th St. Associates LLC

155520/17 Irizarry v Balton LLC 153653/22 Jimenez v. Congregation Khal Adath Jeshurun Inc 150098/22 Jones v. Bp Prods. North America, Inc. Et Al 154484/21 McInerney v. Hudson Yards Const.

Rltv. LLC 159572/21 Ortiz v. NYCHA 150268/20 Palley v. 500 East Ltd. 153033/22 Reid v. Hill 158576/19 Riederer v. Schulmann

Properties 155345/20 Scanlon v. Howard Hughes Corp. 450570/16 Torres v. NYCHA 162456/19 Vigil Argueta v. 39 W 23rd St. LLC 152579/20 Yakubova v. Y Zevzal

> **Early Settlement** Part 2

Justice Samuel E. Wilkenfeld 80 Centre Street Room 106

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

Courtroom 289 Part 41 Justice Nicholas W. Moyne **80 Centre Street**

Phone 646-386-3984 Room 327

MONDAY, SEPT. 22

153845/24 Abreu v. Lopez 100786/25 Alterman v. The Alterman Family Trust 157254/24 American Express Nat. Bank v. Horowitz 650111/25Asymchem, Inc. v. Entero Therapeutics, Inc. 159193/25 Columbia Palestine Solidarity Coalition v. The Trustees of Columbia Univ. in

NYC 159733/23 Dist. Council 37 v. NYC 656322/23 Fortegra Specialty Ins. Co. v. Muscleman L Corp. Et Al 653633/25 Gsfnt Recovery Fund v.

Owners Corp. Et Al 161655/25 L v. NYC Dept. of Health And Mental Hygiene 158510/25 Manhattan Ave. Associates v. NYS Office of Temporary And Disability Assistance 451776/25 NYCHA v. Gonzalez 100846/25 Perdoci v. Business Dept. Bmcc College

651929/24 Hart v. 317 East 18th

157451/24 Progressive Furniture Inc. v. 123 Stores Inc. 651422/24S1 Spine v. Implanet America, Inc. Motion 100786/25 Alterman v. The Alterman Family Trust

159733/23 Dist. Council 37 v. NYC 100846/25 Perdoci v. Business Dept. Bmcc College 651422/24 S1 Spine v. Implanet America, Inc.

TUESDAY, SEPT. 23 160393/25106-108 West 73rd St. Associates LLC v. NYC Dept. of Bldgs. 159968/25532 Madison Ave. Gourmet Foods, Inc., D/b/a Smiler's Deli, Assignor, -To-

Douglas J. Pick, Assignee v.

161554/25 Aguero Mejia v. NYC Et 451428/22 NYC v. Jones 155610/24 Core & Main Lp v. V. Barile Inc. Et Al 653167/25 Goldvekht v. Extra Space Mgt., Inc. Et Al 100892/25 Graves v. HPD 161411/25 Mack v. NYS Public Service Comm. Et Al 154460/22 Margalit v. Network of

Patrols, Inc. 161410/25 Rossi v. Board of Education of The City School Dist. of NYC Et Al

Motion 160393/25106-108 West 73rd St. Associates LLC v. NYC Dept. of Bldgs. 159968/25532 Madison Ave.

Gourmet Foods, Inc., D/b/a Smiler's Deli, Assignor, -To-Douglas J. Pick, Assignee v. 100892/25 Graves v. HPD 161411/25 Mack v. NYS Public Service Comm. Et Al

WEDNESDAY, SEPT. 24 160303/25440 East 62nd St. Owners Corp. v. Chavez 100884/25 Baker v. Dcas 158685/25 Catucci v. Bureau of Vital Records 153499/25 Midtown Surgery Center

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Part 50 Justice J. Machelle Sweeting 80 Centre Street Phone 646-386-5639 **Room 279**

Part 51 **Matrimonial Part** Justice Lisa S. Headley 80 Centre Street Phone 646-386-3846

Room 122 MONDAY, SEPT. 22 309188/13 Dwyer v. Dwyer

> Part 65 Justice Denis M. Reo 80 Centre Street Phone 646-386-3887 **Room 307** MONDAY, SEPT. 22

155453/19 Alvarez v. 20 West 64th St. Associates 156893/19 Castillo-Diaz v. Etro U.S.A, Inc. 159954/20 Maccarone v. NY Convention Center 156873/19 Mattsson v. Nyp Hldgs., Inc. D/b/a The 152423/18 Merced v. NYC 158891/20 Ruiz Arrega v. Bedford

Apts. Co. LLC TUESDAY, SEPT. 23

952136/23 Doe v. Brand 161380/20 Kociski v. St. Patrick's Cathedral Et Al 156110/20 Riiska v. Lowe's Home

Part 73R **Special Referee** Justice Diego Santiago

Room 354 TUESDAY, SEPT. 23 365119/20 Casella v. Casella

Part 75R **Special Referee** Justice Stephen S. Burzio

Room 240 Part 81R Special Referee

Justice Lancelot B. Hewitt 80 Centre Street Phone 646-386-3680 Room 321

MONDAY, SEPT. 22 155924/20 Board of Managers of v Julie Goldberg

The 243 West 98 Condominium

TUESDAY, SEPT. 23 652212/23 Ba v. 145th St. Autocare,

Part 84R **Special Referee** Justice Jeremy R. Feinberg 60 Centre Street Phone 646-386-3207 **Room 641**

Part 87R Special Referee Justice Joseph P. Burke Phone 646-386-5541 Room 238

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

Part 89R **Special Referee** Justice Sue Ann Hoahng

Phone 646-386-3676

71 THOMAS STREET

Part 13 Justice Eric Schumacher 71 Thomas Street Phone 646-386-3736 Courtroom 304 MONDAY, SEPT. 22

190082/22 Hardin v. Aerco Int'l, Inc. Et Al

190208/23 Smith v. A.O. Smith Water Prods. Co Et Al **TUESDAY, SEPT. 23**

Prods. Co 190186/21 Kootz v. Abb, Inc. Individually And As Successor in Interest To Ite Circuit Breakers, Inc., Et Al

WEDNESDAY, SEPT. 24 190153/22 Cerone v. A.O. Smith Water Prods. Co Et Al 190045/24 Martens v. Aerco Int'l 190081/22 Mohabeer v. Amchem Prod.s, Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc., Et Al

Part 18 Justice Alexander M. Tisch 71 Thomas Street Phone 646-386-3472 **Room 104**

MONDAY, SEPT. 22 950032/19Bakhrakh v Elaine Kaufman Cultural Center TUESDAY, SEPT. 23

951382/21 A. v. NYC Et Al. 951028/21B. v. NYC 950415/21 Barnes v. NYC Dept. of Education Et Al 950506/20 Castro v. Archdiocese of

950809/21 Costello v. Archdiocese of NY Et Al 950012/19 Filipowski v. Archdiocese of NY Et Al

950588/20 Ives v. Holy Name Province of The 950643/20 Jimenez v. NYC Et Al 951213/21 Kleiman v. Kleiman 950625/20 McPhillips v. Our Lady of Mount Carmel 950102/20 Michaels v. NYC Et Al 950196/19 Mj v. Archdiocese of NY 950218/20 N. v. NYC

950020/21 Venuti v. Our Lady of Mt.

Part 23 Justice Eric Schumacher 71 Thomas Street Phone 646-386-3736 Courtroom 304

190082/22 Hardin v. Aerco Int'l, Inc. Et Al 190208/23 Smith v. A.O. Smith Water Prods. Co Et Al

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WEDNESDAY, SEPT. 24 190153/22 Cerone v. A.O. Smith Water Prods. Co Et Al 190045/24 Martens v. Aerco Int'l 190081/22 Mohabeer v. Amchem Prod.s, Inc., N/k/a Rhone Poulenc Ag Co., N/k/a Bayer Cropscience Inc., Et Al

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

WEDNESDAY, SEPT. 24 157702/24Acosta v. Swenson

Stephen Sonnenberg 156164/24 Alvarez Jerves v. Alexander Gray Associates 154066/23 Archer v. Morningside I Associates L.P. Et Al 150825/23 Balcarcel v. West Fourteenth Kitchen LLC 158340/23 Barboza Diaz v. 200 East 20th LLC Et Al 157072/24 Benitez Castro v. Gouverneur Court Housing Dev. Fund Corp. Et Al 157509/23 Bennett v. Levister Redev. Co. LLC Et Al 158865/24 Cawley v. Balloon Museum USA LLC 150712/25 Community Mutual Ins. Co. A/s/o Carmen Rivera v. Etgc Services Inc D/b/a Et General Const.

157883/24 Coronel v. Crafted 155807/24 Del Villar v. Koko Seafood Salad & Grill Et Al

157138/24 English v. The United The Church on The Rock of The Apostolic Faith Et Al 153349/23 Fair III v. Bre 1740 B'way. LLC Et Al 157136/23 Garcia-Tovar v. Dv Contracting Inc. Et Al 158406/24 Gonzalez v. Alexander

156644/24 Grandeur Tex, Inc. v. World Marketing Inc. Et Al 157656/23 Hernandez v. 563 West 173rd St. Rlty. LLC. Et Al 154287/23 Imbesi v. McNelly Enterprises, Inc. Et Al

156737/22 L v. East River Family 157932/23 Llanos v. NYCHA 158603/24 Mangas v. 743 Fifth Ave. Condominium Et Al 154413/22 McDaniel v. NYCHA

152395/23 Mercedes Nunez v. Amn Prop. Owner L.P. Et Al 158215/24 Muniz v. Jpmorgan Chase & Co. Et Al 157518/21 Nerges Jr. v. Nat. RR. Passenger Corp. 158296/23 Pacific Indemnity Co.

Milman v. Lawrence 156727/24 Rivera v. NYCHA 158075/23 Rodriguez Estrada v. Chatsworth Rlty. Corp. Et Al 156954/24 Santos v. McDonald's Corp. Et Al 156055/22 Sassouni v. Trader Joe's

East D/b/a Trader Joe's Store 544 158874/22 Scully v. Hfz W 75th St. 157993/24 Torrento v. Qb Housing Dev. Fund Corp. Et Al 157207/24 Uribe v. Royal Charter Properties, Inc. 158984/23 Winiker v. Debar Rlty.

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

MONDAY, SEPT. 22 152408/25 Batka v. Roman Catholic Archdiocese of NY Et Al 159205/24 Oliver v. NYC Police

Dept. 100945/25 Torres v. Latalardo 650443/22 Zelmanovich v. Eastmore Owners Corp. Motion

100945/25 Torres v. Latalardo **WEDNESDAY, SEPT. 24** 157975/21513 West 26th Realty v. Northfield Ins. Co. Et Al 150750/19642 East 14th St. LLC v. 644 E 14th Rlty. LLC 654761/25 Akf Inc. v. Terra Prop. Group LLC Et Al 155012/16 Ali v. Bsrep Ua Miles

Residential 653078/25 American Transit Ins. Co. v. Englewood Orthopedics Group Pc 653048/25 American Transit Ins. Co. v. Unicorn Acupuncture 400207/04 NYC v. Maul 157330/24Cs Energy v. Rak 1 Solar 150102/18 Dyadechko v. Port Auth. 160132/25 Fisher v. NY Univ. of New 159998/18 Dziura v. Human Dev. 650290/21 Elk 33 East 33rd LLC v. 155746/25 Taylor v. NYCHA Et Al TUESDAY, SEPT. 23

Sticky's Corporate LLC 156722/25 Giommetti v. Waterfall 151241/20 Bueno v. 212 W 95 Apts Inc. Owner LLC 656234/21 Kaplun v. Global 152493/25 State Farm Fire And American Commercial Corp. Casualty Co. v. Davis 158616/20 Karastoyanova v. 175 East 74th Corp.—11 A.M. NYC Police Dept. Et Al 160752/20 Murawski v. Bisso 101555/17 Ramirez v. H.Mckenzie

150012/24 Rodriguez v. 3795 Restaurant Corp. D/b/a Maraca Health System 654991/21 T-Seventeen LLC v. Aa Jedson Co. Lane Owner LLC Et Al 453066/21 Thame v. NYCH&HC Corp. Et Al 159052/21 Union Mutual Fire Ins Co. A/s/o Eb 223 Rlty. Inc. v. Fisco

Const. Inc 68th St. Corp. 159176/24 Zavaglia v. Teacher's Retirement System of NYC Et Al Part 56 Motion 654761/25 Akf Inc. v. Terra Prop. Group LLC Et Al. 653078/25 American Transit Ins.

653048/25 American Transit Ins. 805088/25 Alex Nnamani v. Afaneh Co. v. Unicorn Acupuncture 156722/25 Giommetti v. Waterfall Apts Inc. 656234/21 Kaplun v. Global American Commercial Corp. 159176/24 Zavaglia v. Teacher's

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

Retirement System of NYC Et Al

Co. v. Englewood Orthopedics

MONDAY, SEPT. 22 160039/22 Artiles v. Macklowe Properties Et Al—10:30 A.M. 150863/23 Chatham v. Susan Sheehan Gallery, Inc. Et Al-11 A.M.

162066/23 Eaton v. 608 Co. 160865/21 Fermin v. Lic Dev. Owner—11:30 A.M. 154815/22 Martin v. Regus Et Al—10 A.M. 160834/21 Mendoza v. Celtic Services Nyc, Inc. Et Al-10:30

A.M. 155712/22 Paguay v. Empire 326 Grand LLC—10 A.M. 154440/22 Paun v. 50 United Nations Plaza Condominium-11:30 A.M. 153419/23 Remache v. Trinity Hudson Hldgs.—9:30 A.M. 155701/22 Schwab v. 170 West End

Ave. Condominium—9:30 A.M. **TUESDAY, SEPT. 23** 452357/23 Martinez v. Otero **WEDNESDAY, SEPT. 24** 151113/23 Larios v. Aspenly Co. LLC

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

MONDAY, SEPT. 22 161765/24 American Express Nat. Bank v. Lee 651848/24 Reitler Kailas & Rosenblatt Llp v. Upfront

Megatainment, Inc. Et Al **TUESDAY, SEPT. 23** 152473/18 Aguilar v. Home Builders 151432/24D'Arco v. 133 7th Ave. South 158693/24Doe v. Kirby

452758/24 NYCHA v. McDennan 161422/25 Talisen Const. Corp. v. Energy Plus NY Inc. **WEDNESDAY, SEPT. 24** 157180/2581st Dwellers, Inc. v. Block 160942/25 Andmar Investors LLC v. Jovanovic 151227/24Ardon Bellorin v.

Crosscity Const. Corp. Et Al 153556/24 Ascencio v. El Mambi Steakhouse Corp. Et Al 152018/24 Balcazar Jimbo v. Pyramid Restoration NY LLC Et 160090/24 Bespoke Harlem West LLC v. Adams 150619/23 Boerke v. Nucor Const.

Corp. Et Al 654986/24 Broadwalk Mgt. Co. LLC v. Sky 654247/23 Chungly Dev. Corp. v. Liang 160347/23 D. v. NYC Et Al 160186/23 Darouvar v. M.R.E. Hldgs. Corp. 155333/21 Davida v. Scher 154691/24 Dieudonne v. 142-12

Rosedale Rlty. Corp. Et Al 150238/24 Forestiero v. The Animal Medical Center Et Al 653627/25 Galyanurov v. Galyanurov 151793/24 Green v. Overwatch Services LLC

155200/18 Guaman Guazhco v. 420 West 23rd St. 156047/25 in The Matter of The Application of Sean Hirschhorn v. NYC Et Al 160345/24 Kaczor v. L'industrie Pizza In Holdco 952337/23 Lewis v. Rivers

158857/24 Love v. Wayne Rada Et Al 156018/23 Mousiades v. NY Prop. Ins. Underwriting Assoc. 158857/23 N.S. v. 504 W. 143rd Associates 155049/20 Nardelli v. Zletz 653671/23 Pasek v. 25 Charles Owners Corp. Et Al 152817/24 Price v. 88 Madison

Hotel Fee Owner 156040/19 Prince v. 163-170 East 81st St. 158579/17 Qorrolli v. Metro. Dental 153590/23 Rodriguez v. Metro. Transportation Auth. Et Al 159719/23 Rvan v. The Cora Hoffman Center Et Al 157732/23 S&D Homes Inc. v. Zhou 155413/24 Sadowski v. NYCHA Et Al 154593/24 Sanchez v. 860 B'way. 161877/23 Secaira v. NYC Et Al 162036/25 The N&E Bulcao Family

Trust Dated December 13 v. Jre Hldgs. LLC 152472/24 Toussaint v. Weinberg Properties L.P. Et Al 154049/24 Zomongo. Tv USA, Inc. v. NYC Marshal Stephen W. Biegel

Motion 160942/25 Andmar Investors LLC v. Jovanovic 152018/24Balcazar Jimbo v. Pyramid Restoration NY LLC Et 160090/24 Bespoke Harlem West

LLC v. Adams 654247/23 Chungly Dev. Corp. v. Liang 653627/25 Galyanurov v. Galyanurov 156047/25 in The Matter of The Application of Sean Hirschhorn v. NYC Et Al 952337/23 Lewis v. Rivers 653671/23 Pasek v. 25 Charles

Owners Corp. Et Al 156040/19 Prince v. 163-170 East 81st St. 158579/17 Qorrolli v. Metro. Dental 162036/25 The N&E Bulcao Family Trust Dated December 13 v. Jre 154049/24 Zomongo. Tv USA, Inc. v. NYC Marshal Stephen W. Biegel

> 71 Thomas Street Phone 646-636-3347 **Room 305**

Part 58

160227/19 Hartman v. Wvh Housing

161465/25 The Legal Aid Society v. **WEDNESDAY, SEPT. 24**

654086/25 Akf Inc. v. Derwood's Automotive Repair LLC Et Al 659349/24 Clark v. NYU Langone 159891/23 Clarke v. Fisher-Park 160370/21 Cruz v. Jgn Const. Corp. Et Al 154379/20 Flores v. Mt. Sinai Hosp. 151139/21 Hernandez v. 315 East 158024/24 Perez v. NYC Et Al

> Justice John J. Kelley 71 Thomas Street Phone 646-386-5281 Room 204 MONDAY, SEPT. 22

805071/24Ying v. Chynn M.D. TUESDAY, SEPT. 23 805153/17 Del Sordo v. Northwell

Health 805042/22 Graber v. Mount Sinai Beth Israel Et Al 805033/22 Lu v. Ferland-Haroun 805314/21 Molina v. Mount Sinai

Morningside Hosp. Et Al 158629/13 Public Administrator of The County of NY v. Terence Cardinal Cooke 805057/22 Ross v. Dines M.D. 805133/22 Seyburn v. Lieb M.D. 158805/20 Sheldrick v. New York-Presbyterian/columbia Univ. Medical Center 805253/21 Spirio v. NY

Presbyterian Morgan Stanley **WEDNESDAY, SEPT. 24** 805279/21 Rowman v Andrews 805117/23 Davis v. Kelly M.D. 159026/23 Geoffrey Sanders v. Nursing Center, Inc. 805283/23 Mohtashami v. Rosenbaum M.D. 805246/21 Porto v. Parsons M.D. 452151/25 Santiago Mendez v. Ilana

111 CENTRE STREET

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

Room 1254 Part 35 Justice Phaedra F. Perry 111 Centre Street Phone 646-386-3016

Room 684 MONDAY, SEPT. 22 653060/25 Fetman v. 5w Public Relations LLC Et Al. 655295/24 Glenn Agre Bergman & Fuentes v. Siffin 150873/25 Medina v. Jovin Demo Inc. Et Al

151890/23 Sinclair v. Macy's, Inc. Et **TUESDAY, SEPT. 23** 652418/241 Madison Office Fee IIC v Wander 155162/25167 8th Ave. LLC v. Goldstein 156824/23 Blomberg v. One Vanderbilt Owner LLC Et Al 157815/24 Brown v. Corner Social 156913/23 Cardoso v. Omnibuild Const., Inc. Et Al 155093/23 Cfg Merchant Solutions v. Broughton Const. Co. 159291/21 Diaz v. The NY And Presbyterian Hosp. 162298/24 Ferreira Silva v. Mega Contracting Group LLC Et Al

653202/25 Gelinas v. As Builders Inc. D/b/a. Jwc Const. LLC Et Al 159827/23 Gonzalez Villanueva v. Asn Murray Hill LLC Et Al 151384/24 Groce v. NYCHA 150017/24 Hackett v. 345 East 52nd St. Owners Inc. Et Al 652981/25 Hawk v. Catrain

Calderon 156186/24 Hernandez Diaz v. 85 Delancey Corp. 151283/24 Hilario Cortorreal v. Jds Const. Group 156835/24 Hippert v. Psk, Inc. 157560/24 Hogan v. 1010 Sixth Associates 150276/25 Holinsky v. J. Crew

Colorado 161992/23 Rodriguez v. West 180th

St. Associates 161960/24 Root Ins. Co. v. A And R

Medical Supply Corp. Et Al 162002/23 Royal v. 554-558 W 181st

St. LLC Et Al 161899/23 Simmons v. NYCHA Et Al

653736/24Tao v. Uniqlo USA LLC

150765/24 Taylor v. The Trustees of Columbia Univ. in NYC Et Al

161429/23 Taylor v. Central Harlem

158700/24 The Cincinnati Ins. Co.

Greenberg v. Samrad 161461/25 The Legal Aid Society v.

159897/23 Valle v. 2632 Prop. Owner

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655205/25 Ellenoff Grossman &

Schole Llp v. Marcali 160911/24Infinity Auto Ins. Co. v.

Moore Freight Lines, Inc. Et Al

653007/25 The Funding Bull v.

A/s/o Frank S. And Judith N.

Dev. Fund Corp. Et Al

NYC Police Dept. Et Al

LLC. Et Al

Caldwell

Mutual Housing Assoc. Housing

Group 154531/24 Jakich v. Stahl Associates LLC Et Al 158364/23 James v. Con Ed Co. of New York, Inc. Et Al 151745/18 Jones v. NYC Et Al 652139/25 Jr Castings & Findings, Shabshi LLC Inc. Et Al v. Yusupov Jewels & Co 655474/24Jsk Prop. Mgt. LLC v. East River Plaza LLC Et Al Hub Int'l Group Northeast. Inc.

850624/23 McLp Asset Co., Inc. v. 161780/24Kan v. America Ootoya Lau Inc Et Al 161087/24 Kilvert v. City Winery TUESDAY, SEPT. 23 152825/24 King v. NYCHA 155203/24 Leahy v. NYC Dept. of Parks And Recreation Et Al 150159/24 Liu v. Yi 160756/24 Livingston v. NYCHA 161131/24 Lord v. Con Ed Co. of New York, Inc. 158914/24 Magana v. 50th And 5th Union v. Basakinci

Lic 157013/24 Mamilovich v. 711 Fifth Union v. Feit 161649/24 Guzman v. The Board of Ave Principal Owner LLC Et Al 161287/24 Meneses-Betanco v. Mgrs, of The Amherst-Cortlandt Condominium Et Al Structural Preservation Systems 850414/23 Jpmorgan Chase Bank v. 650435/25 Midwest Bonding v. Murray 652269/23 North American Elevator

Inc. v. Happy Living Dev. LLC 154869/24 Pollack v. Atlantic Westerly Co. 150267/24 Ramos v. Ascendant Heritage LLC Et Al 156968/24 Ratliff v. Fools Gold NYC 154501/25 Reginald v. The Brook, Inc. 151837/23 Richardson v. Bolo Shs Developers LLC Et Al Renovations 151058/24 Rivas Loor v. T-C The

> Motion 850085/25Bethpage Fed. Credit Union v. Feit 850042/22Wells Fargo Bank v. 63 Spring Lafayette

Board of Directors v. Carol M. Kaganov Assoc., Inc., By And Through Its Board of Directors v. Kost 850345/2357th St. Vacation Owners Assoc., Inc., By And Through Its

Reyes 850107/17 Deutsche Bank Nat. Trust v. Marino 850153/22 First Horizon Bank v. McLendon

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

MONDAY, SEPT. 22 158180/24119 Baxter St. Cc LLC v.

Source, Inc. v. Forecast Financial Group LLC Et Al As Subrogee of Scott Mosberg And Alyssa Mosberg v. Systems 2000 Plumbing Services Inc. TUESDAY, SEPT. 23

850278/24 Wilmington Savings Standard Rlty. LLC V Magazine LLC Et Al Real v. Digiammarino

LLC Et Al

Part 42 Justice Emily Morales-Minerva 111 Centre Street Phone 646-386-3237 Room 574 MONDAY, SEPT. 22

651690/24Apos Us Mgt., Inc. v. Ns Grand St. Mgt. Services Inc. Et Al 152546/25 Claude Kunstenaar v. **WEDNESDAY, SEPT. 24** Ann Rathaus Drucker 159492/20Dd 11th Ave. v. Glazer 153814/23176 N. Main Llc v. Wesco 151700/25 Empower Fed. Credit Union v. Abbott 652314/25 Itria Ventures LLC v. R1 Solutions, Inc. Et Al 656301/20 Md v Md 652171/23 Morankar v. Centurion

Anesthesia 451430/20 NYCHA v. Grini's Harlem Grill Inc. Economic Dev. Corp. Et Al 654468/22 Awaken Advisors Ltd. v. 653245/22 Patel v. The Board of Mgrs. of The M At Beekman Atlas Tech. Mgmt Pte Et Al—10 Condominium Et Al 156226/22 Valentin Torres v

> **TUESDAY, SEPT. 23** 651905/24423 Madison Ave. LLC v Xenopoulous 451698/24 Comm'rs of The NVS Ins. Fund v. Winegard 652672/25 David York Agency v. Green 100250/25 Hankins v. NYC NYCHA 654592/23 Isseks Brothers v. American Express Co. Et Al

> > Services Mutual Ins. Co. Et Al 651907/24 Samuels v. S.M.L. Food Corp. Et Al 160516/23 South Coast Const. LLC v. Central Interiors Inc **WEDNESDAY, SEPT. 24** 651266/15398 Ph LLC v. Ross 100770/25 Brzozowski v. Emigrant Bank 650749/23 Ginza 2 v. Goldberg

652826/22 Pro Camps v. Public

650794/22 Interstate Indemnity Co. v. East 77 Owners Co., LLC 151257/24 Inwood Ventura II LLC v. 30 Park Rlty. Co., LLC 155760/25 Kaur v. Lm General Ins 652543/23 Lee Anay Chung White Kim Ruger & Richter Llp v. Albin 151169/21 Lu v. Hu 650023/19 Peter J Gleason v. Seifullah 453821/24 NYC Et Al v. Yue

653628/25West10west LLC A/k/a

West 10 West LLC v. Carmine

Ltd. Et Al Motion 100770/25 Brzozowski v. Emigrant 653628/25West10west LLC A/k/a West 10 West LLC v. Carmine Ltd. Et Al Part 47

111 Centre Street Phone 646-386-3743 Room 1021 MONDAY, SEPT. 22 651492/25156-166 Bowery L.P. v.

Justice Paul A. Goetz

Reec 156 Bowery 155118/24American Express Nat. Bank v. Lumpkin 653184/25 Domani Consulting, Inc. v. Highpoint Prop. Group 161552/24 Germosen v. Lonez 156710/24 Krawiecki v. Khorshad 452182/25 State of NV - Unified Court System v. Civil Service Employees Assoc., Inc., Local

1000, Afscme, Afl-Cio 161995/24 Wvh Housing Corp. v. TUESDAY, SEPT. 23 100605/24 Crockwell v Social Security Admin. 154298/20 Deutsch v. The Hrm Capstone Partnership, Inc.

v. 8000 Cooper Ave. Liquors, Inc. Et Al 654691/25 Forward Financing LLC 101190/24 Gimenez v. A&E Networks 159297/24 Govt. Employees Ins. Co. v. 274 Brighton Beach Drugs Inc. 154509/24 Law Offices of Michael S.

Lamonsoff v. Wingate 155175/25 Nash v. 766 Tenth LLC Et 154234/25 Ramos v. Deutsche Bank Securities 161257/25 Talisen Const. Corp. v.

Mwsk Equipment Sales Inc.

WEDNESDAY, SEPT. 24

654996/25 Akf Inc. v. NY Helicopters Tours L.L.C. Et Al Part 52 **City Part** Justice Carol Sharpe 111 Centre Street Phone 646-386-3742

MONDAY, SEPT. 22 157449/23 Pena v. NYC 156652/24 Sofro v. 560 Seventh Ave. Owner Primary LLC Et Al **WEDNESDAY, SEPT. 24** 160190/20 Acatitlan v. NYC 156254/22 Alam v. NYC Et Al

151388/21 Ana Mercedes Felipe v.

Room 1045

157736/22 Anil v. NYC Et Al 155502/22 Antonio Mendoza v. United Pacific Dev. Corp. Et Al 100827/25 Beltzer v. NYC Et Al 151738/25Bolton v. Support Collection Unit Et Al 156389/21 Brathwaite v. NYC Et Al 155007/24 Bryan v. NYC Et Al 154126/22 Croskey v. NYC Et Al 157841/24 Damian Mateos v. NYC

Et Al 152482/22 De Ruggiero v. NYC Et Al 452500/23 Domb v. NYC Et Al 160580/21 Dunn v. NYC Et Al 156124/20 Dunn v. NYC Et Al 153940/16 Embry v. NYC 159720/21 Erby v. NYC Et Al 157237/19 Foundos v. 240 West 23rd St. Owners 155552/19 Glover v. Con Edison Et

154911/22 Gonzalez v. NYC Et Al 154794/24 Goodine v. Arboleda 157025/24 Gordon v. Professional Staff Congress/cuny Et Al 160118/21 Halem v. 985 Land Hldg. 161130/19 Harutyunyan v. NYC 151128/22 Hightower v. NYC Et Al

159114/19 Holloway v. Port Auth. of NY And 151812/20 Hyacinthe v. NYC 157526/20 L.N., L. v. NYC Et Al. 161193/21 Jackson v. NYC Et Al 150305/22 Johnson v. NYC Et Al 152730/25 Karr v. NYC Et Al. 153958/20 Laguerre v. NYC

152658/18 Martinez v. NYC 158911/21 Martiz v. NYC Et Al. 150161/24 Matos v. NYC 152088/21 Medina De Cortes v. 133 Dyckman St. LLC Et Al 152807/24 Miah v. NYC Et Al 158272/23 Montes v. NYC Et Al 159405/20 Ordonez v. NYC Police Dept. Et Al 152301/24 Perkins v. NYC Et Al 452563/20 Pocari v. NYC 158489/22 Pringle v. NYC Et Al 451795/21 Ramirez Moreno v.

Avenel Truck & Equipment Inc. 161173/23 Ramirez v. NYC Et Al 160624/20 Ramos v. NYC 450093/16 Ramos v. NYC 150423/23 Reiz v. NYC 160820/20 S. v. NYC 150458/16 Sako v. NYC 157258/23 Santos v. NYC 157761/23 Simmons v. NYC Et Al 100497/20 Sorel v. NYC 159380/23 Stacy v. NYC Et Al 154829/19 Thoene v. NYC 150249/22 Turner v. NYC Et Al

152864/22 Untalan v. NYC Dept. of Parks And Recreation Et Al 150916/24 Valerio v. NYC Et Al 152451/22 Ware v. NYC Et Al.

City Part Justice Ariel D. Chesler 111 Centre Street

Integrated Domestic Violence Part Justice Tandra L. Dawson 100 Centre Street

Room 1604

CRIMINAL TERM

Phone 646-386-4107 100 Centre St. Room 1100, 9:30 A.M. Part Tap B

Justice Statsinger

Fax 212-295-4890 111 Centre Street Room 928, 9:30 A.M. Part 23 Justice N. Ross

100 Centre Street Room 1307, 9:30 A.M. Part 31 Justice D. Kiesel Phone 646-386-4031 Fax 212-401-9260

100 Centre Street

Room 1333, 9:30 A.M. Part 32 Justice Carro Phone 646-386-4032 Fax 212-401-9261 100 Centre Street

Part JHO/Part 37 Justice Adlerberg Phone 646-386-4037 100 Centre Street Room 1600, 9:30 A.M.

Part 41 Justice Dwyer Phone 646-386-4041 Fax 212-401-9262 100 Centre Street Room 1116, 9:30 A.M.

Fax 212-401-9263 111 Centre Street Room 733, 9:30 A.M. Part 51 Justice Edwards

Phone 646-386-4042

100 Centre Street Room 1324, 9:30 A.M. Part 52 Justice T. Farber Phone 646-386-4052 Fax 212-401-9265

Part 53 Justice Rodney 100 Centre Street Room 1247, 9:30 A.M.

Part 54

Justice Antignani

Phone 646-386-4054

111 Centre Street Room 621, 9:30 A.M. Part 56 Justice Drysdale

Room 724, 9:30 A.M. Part 59 Justice J. Merchan Phone 646-386-4059 Fax 212-295-4932

100 Centre Street

Room 1602, 9:30 A.M. Part 61 **Justice Clott** Phone 646-386-4061 Fax 212-401-9266

Justice M. Jackson Phone 646-386-4062 Fax 212-401-9267 100 Centre Street

Room 1111, 9:30 A.M.

Part 63 Justice Hong Phone 646-386-4063 111 Centre Street

Part 66

Phone 646-386-4066 Fax 212-401-9097 111 Centre Street Room 1047, 9:30 A.M.

Justice Christopher Chin

MONDAY, SEPT. 22

Corp. 155293/24 Dobbs v. Upadhyayula 155027/23 Hazzard v. V & L Pizzeria 161398/23 Kiemtore v. Schwartz 152360/23 Lewis v. Rigo Limo Auto

Guttenplan 150747/21 Rosario v. Yang **TUESDAY, SEPT. 23**

Part MED-2

80 Centre Street Room 106 MONDAY, SEPT. 22

451530/18 Rodriguez v. Post Ave. 161470/19 Sicurella v. Lcor Asset TUESDAY, SEPT. 23

159897/21 Lekaj v. Dylan Murphy's Et Al 156110/20 Riiska v. Lowe's Home

WEDNESDAY, SEPT. 24 154194/21 Esteban Monzon v. Rusk Renovations, Inc., Et Al 152419/21 Flores v. West 38 Res

155094/22 Oakley v. First Ave. Village Corp. 154454/18 Orellana v. 4260 B'way.

103-26 LLC

190297/19 Daly v. Amchem Prod.s, 190209/20 Groff v. A.O. Smith Water

950330/21 Gaither v. Roman Catholic Archdiocese of NY Et Al

> 158999/17 Paul v. Davidson 950236/19 Perez v. Archdiocese of Carmel Church

MONDAY, SEPT. 22

190297/19 Dalv v. Amchem Prod.s. Individually And As Successor in Interest To Ite Circuit

Breakers, Inc., Et Al

MONDAY, SEPT. 22 162585/19 Farber v. Ozedemir 155443/25 Françavilla v. Staten Island Plaza Ltd. Partnership Et

154552/20 Admiral Indemnity Co. v.

Interiors Design Build LLC Et Al House of Prayer For All People of

Center 155186/23 Levine v. Central Harlem Bradhurst Ltd. Partnership Et Al

A/s/o Richard Milman And Stacey

Corp. Et Al 156919/24 Ynes Fajardo v. 177th Upper B'way. Hldgs. LLC

TUESDAY, SEPT. 23

151087/18 Ambotis v. Gemini

Justice David B. Cohen MONDAY, SEPT. 22 158936/24 Cates v. Rigney

Castro 650213/23 Con Ed Co. of New York, Inc. v. Burlington Ins. Co. Et Al 654480/21 Strategic Funding 160399/24 The Cinicinnati Ins. Co.

653630/25 Allstate Fire And Casualty Ins. Co. v. Suk 162266/24 Assembly of Pentecostal Church of Jesus Christ v. 118 156894/25 Benincasa v. NYC - Dept of Health & Mental Hygiene 655768/23 Digiammarino v. Bahari 652103/23 Grafiche Milani S.P.A. v. 101193/24 McDonald v. M. Plaza L.P. 650899/24 The Powell Companies

150185/24 Woodtech Line Inc. v. Lemesos Inc. Et Al Motion

162266/24 Assembly of Pentecostal Church of Jesus Christ v. 118 Standard Rlty. LLC 156894/25 Benincasa v. NYC - Dept. of Health & Mental Hygiene 655768/23 Digiammarino v. Bahari 101193/24McDonald v. M. Plaza L.P. 650899/24 The Powell Companies Real v. Digiammarino

Ins. Co. 153814/23176 N. Main LLC v. Wesco Ins. Co. 154934/23 Aeg Restoration Corp v. Dula—10 Å.M. 157393/23 Amica Mutual Ins. Co. As Subrogee of Huiting Chan v. Zihenni 155453/24 Avakian v. NYC

650365/24 Ballon Stoll P.C. v. 162 Utica Ave, Inc. Et Al 159737/22 Calle v. 1878 Lexington Deli Grocery Inc. Et Al 453063/22 Comm'rs. of The State Ins. Fund v. Pedrol Contracting, Inc. And Pedrol Const. Inc. 155298/24 Creative Const. Services Corp. v. Travelers Casualty And Surety Co. of America Et Al—10 159189/23 Dembeck v. Pro Painting

Plus LLC

Water Owner LLC Et Al 159711/24 Hassett v. Cartiga 650380/25 J&M Int'l Hldgs. LLC Et Al v. 88 City Dev. LLC Et Al 158751/24 Jaramillo Zapata v. NYCTA D/b/a Mta - NYCTA Et Al 154491/24 Kurtyi v. 425 Park Ave Ground Owner LLC 652108/23 Lakhani v. Alloy Mix Inc. Et Al-10 A.M. 151061/25 Nadoff v. Equitable Financial Life Ins. Co. 451277/23 NYCHA v. Johnson

162267/24 Pv Hldg. Corp. Including

All of Its Subsidiaries And

Affiliates, Including But Not

Ltd. To Avis Budget, LLC, Avis

156813/24 Fernandez v. NYCHA 158920/24 Guerrero Duran v. 25

Car Rental, LLC, Budget Car Rental, LLC, Budget Truck Rental, LLC, Payless Car Rental, Inc. And Zipcar, Inc. v. Bl Pain Mangement 653153/23 Shona Mechanical, Inc. v. Vanguard Const. And Dev. Co., 154721/24 Siqueira v. Rcpi

And Alyssa Mosberg v. Systems 2000 Plumbing Services Inc. 654937/24 Torres v. Quality Auto Tech Inc Et Al Surplus Lines Co. A/s/o Williams Equities D/b/a 1201 B'way. LLC v. Nouveau Elevator Industries LLC 651329/24 Tsiskakis v. Pinehurst House Inc. 150170/24 Verizon v. Source Const.

Landmark Properties 160399/24The Cinicinnati Ins. Co.

As Subrogee of Scott Mosberg

B'way. Owners LLC Et Al 652675/24 Williams v. Mulligan Security LLC—10 A.M. 158827/24Woods v. One East Harlem Et Al 32 Mortgage Foreclosure

Part

154534/23 Wharton-Bickley v. 388

Justice Francis A. Kahn, III 111 Centre Street Phone 646-386-5607 Room 1127B MONDAY, SEPT. 22 157525/25 Board of Mgrs. of The 180 West End Ave. Condominium on Behalf of The Unit Owners v. 850279/19 Jpmorgan Chase Bank v.

850275/2357th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. McDermott 850092/25Barami Const. Corp. v. N.Y. Park N Salem Inc., F/k/a Fortusa Rlty. Corp. Et Al 850190/22 Bethpage Fed. Credit 850085/25 Bethpage Fed. Credit

Cohen 850287/23 Lakeview Loan Servicing v. Curtis 810052/11 Marie Hldgs., Inc. v. Biclyn Corp. 160409/22 NYCTL 2021-A Trust And The Bank of NY Mellon v. Kayland Rlty. Ltd. Et Al 150720/25 Ssg Door & Hardware Inc. v. Rinnovo Const. LLC Et Al 650750/24 Triumph Const. Corp. v. 850042/22 Wells Fargo Bank v. 63 Spring Lafayette

850051/23 Wilmington Trust v.

Eklecco Newco LLC Et Al

850051/23 Wilmington Trust v. Eklecco Newco LLC Et Al **WEDNESDAY, SEPT. 24** 850077/2457th St. Vacation Owners Assoc., Inc., By And Through Its 850180/2357th St. Vacation Owners

Board of Directors v. Tauscher 850219/25 Csab Mortgage-Backed Pass-Through Certificates v.

Board of Directors v. Morris 850208/23 Hny Club Suites Owners Assoc. Inc. By And Through Its Board of Directors v. Nezianya 850216/23 Hny Club Suites Owners Assoc. Inc., By And Through Its Board of Directors v. Williams 850166/25 Jpmorgan Chase Bank v. Fcc NY LLC Et Al 850638/23 Jpmorgan Chase Bank v. Connell 850044/24 Jpmorganchase Bank. Nat. Assoc. v. Sw Vestry 850255/18 Matrix Financial Services v. Seo 156452/22 NYCTL 2021-A Trust And The Bank of NY Mellon As Collateral Agent And Custodian v. S & L USA Mgt.

850020/25 Hilton Resorts Corp. v.

Niethamer 850211/23 Hny Club Suites Owners

Assoc. Inc., By And Through Its

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

850060/25 Towd Point Mortgage

Trust 2022-4 v. Miu

MONDAY, SEPT. 22 160190/24 Hitz v. 171 Great Plains

> 100185/23 Watkins v. NYC 159425/22 Watt v. NYC Et Al Part 62

Phone 646-386-3274 Room 1127A

MONDAY, SEPT. 22 350024/13 Olson v. Olson

Phone 646-386-3868

Part Tap A Justice Biben

Phone 646-346-4044 100 Centre St. Room 1130, 9:30 A.M. Part 22 Justice Mennin Phone 646-386-4022

Phone 646-386-4023 Fax 212-295-4891

Room 1300, 9:30 A.M.

Part 42 Justice Wiley

Phone 646-386-4051 Fax 212-401-9264

111 Centre Street Room 763, 9:30 A.M. Phone 646-386-4053

Phone 646-386-4056 111 Centre Street

100 Centre Street Room 1130, 9:30 A.M. Part 62

Justice Pickholz

Room 631, 9:30 A.M.

Part 71 Justice L. Ward Phone 646-386-4071 Fax 212-401-9268 100 Centre Street Room 1104, 9:30 A.M.

Part 72 Justice R. Stolz Phone 646-386-4072 Fax 212-401-9269 100 Centre Street Room 1123, 9:30 A.M.

Part 73

Justice Roberts Phone 646-386-4073 Fax 212-401-9116 111 Centre Street Room 763, 9:30 A.M.

Part 75 Justice Mandelbaum Phone 646-386-4075 111 Centre Street Room 583, 9:30 A.M.

Part 77 Justice Obus Phone 646-386-4077 100 Centre Street Room 1536, 9:30 A.M.

Part 81 Justice C. Farber Phone 646-386-4081 Fax 212-401-9270 100 Centre Street

Room 1317, 9:30 A.M. Part 85 Justice Hayes Phone 646-386-4085 Fax 212-401-9113

111 Centre Street

Room 1523, 9:30 A.M.

Part 92 Justice Mitchell Phone 646-386-4092 Fax 212-295-4914 111 Centre Street Room 1234, 9:30 A.M.

Part Justice E. Biben Phone 646-386-4093 111 Centre Street

Room 1333, 9:30 A.M. Part 93 Justice Scherzer Phone 646-386-4093

100 Centre Street

Room 1333, 9:30 A.M. Part 95 Justice D.Conviser Phone 646-386-4095 Fax 212-401-9137

111 Centre Street Room 687, 9:30 A.M. Part 99 Justice Burke Phone 646-386-4099 Fax 212-401-9270 100 Centre Street

Room 1530, 9:30 A.M. Part N-SCT

Justice Peterson Phone 646-386-4014 100 Centre Street Room 218, 9:30 A.M.

Part IDV

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

SURROGATE'S COURT

Surrogate Hilary Gingold Surrogate Rita Mella 31 Chamber's Street New York, NY See court's webpage for information about appearances: Visiting Surrogate's Court | NYCOURTS.

Bronx County

SUPREME COURT EX PARTE AND URGENT MOTIONS PART

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

> TRIAL TERM 718-618-1248

Day Calendar Court Notices Key to Submission Motion Calendar

FS = Fully submitted. FSN = Fully Submitted, No Opposition

ADJ=adjourned to the marked date for oral argument in the above calendar part. Answering papers are to be submitted on the original return date in Room 217.

MENTAL HYGIENE PART Justice TBA

Bronx, NY 10451, Room TBA, every

A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted virtually at Bronx Supreme Court-Civil Term, 851 Grand Concourse.

Wednesday, commencing at a

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

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

MORTGAGE

FORECLOSURE SALES **Mortgage Foreclosure Sales** in Supreme Court, Bronx County are no longer conducted in Room 118M. All Mortgage Foreclosure Sales in Supreme Court, Bronx County are conducted in Room B-129 (Ground Floor). Sales will be conducted on Mondays, Tuesdays, Wednesdays and Fridays at 2 P.M. No Mortgage Foreclosure Sales shall be conducted in **Bronx County on Thursdays**

Trial Assignment Part Justice Joseph E. Capella Phone 718-618-1201 Room 711, 9:30 A.M. **MONDAY, SEPT. 22**

28551/17 Arcas v. Fieldston Operating LLC 809008/23 Baker v. NYCHA 305687/10Bello v. NYCH&HC 26673/18 Bradley v. St. Barnabas

Hosp. 31694/19 Brea v. 111 East 182 Corp. 34068/18 Brown v. NYCTA 800761/21 Castillo v. Abdullah 27708/17 Cintron v. Doe 803126/23 Darlene G. Lanausse v. St. Barnabas Hosp. Et Al 27859/19 Dossou v. Perard 803558/23 Dymczyk v. Chen 310638/10 Franco v. NYCTA 32688/19 Gaya v. Dan Rlty. 30848/18 Gayle v. Riverbay Corp. 34802/20 Gumaneh v. Iconic Towing & Transportation 300832/17 Kouame v. Alvarenga

801909/23 Lacinyc Corp v. First Class Mgt. & Dev. LLC Et Al 819282/22 Leal v. LLC 813991/21 Luckett v Purkavastha 29284/19 Martinez v. Diaz 27692/18 McCoy v. De Jesus Hilario 27806/16 Medina v. Aloba 27167/19 Morgan v. Gaye 27689/19 Nunez v. Iqbal 304680/14 Ortiz v. NYC 27863/19 Peralta v. Woolcock 350306/13 Perez v. Bklvn. Hosp.

23851/20 Perez v. Rosado 21790/14 Picchioni v. Fojas 813413/22 Ouintana v. Lopez 300955/09 Rizzo v. Estate of Joseph C. Polifrone 27934/20 Rosado v. A. Duie Pyle,

804989/22 Salcedo v. Alpine East 21941/19 Sanyang v. Cordero

German 29725/18 Siavichay v. Singh 803946/23 Simmons v. Concourse Village, Inc. Et Al 26414/19 Singh v. Morgan 25763/15 Small v. Torres Diaz 27789/20 Surman v. Carvajal 32953/18 Torres v. Levy 21404/20 V. v. Hoyt N.P. 814925/22 Valeriano v. C.A.C. 817238/21 Wid v. Surita

TUESDAY, SEPT. 23 804742/22 Antwi v. Castellano

28402/17 Bah v. Montero 20558/18 Bruno v. Rose 28502/17 Burris v. Balbuena 28006/17 Camille Saint-Martin And Lactitia Gabriel Caldwell As Administratrixes of The Estate of Jason Bailey v. Keye 22809/18 Cantre v. Bldg Oceanside

24279/17 Coyle v. Dos-Santos 28469/20 Cruz v. M'dos Corp. 810493/22 Del Jesus Martinez v. 22664/15 Delamota v. Fordham Hill

Garage Owners 808067/23 Dennis Sanchez v. Mk 1680 Rlty. LLC 28160/20 Farrington v. Quigg 803353/23 Ferguson v. Quenguan 28156/20 Glinton v. Poseluzny 28206/20 Gonzalez v. American

United 20643/18 Johnson v. Bran 803271/21 Martinez v. Monaghan 29302/02 Menkes v. Beth Abraham Health 28293/17 Meshcheryagina v. Bueno 28078/19 Morales v. Yousuf 804730/23 Nazario v. Doe

819504/23 Nwokocha v. Sugar Factory B'way. 820457/23 Pache v. Lantigua 26694/16 Perez-Moran v. Cheng 23865/19 R. v. Gleen Rock Inc. Et Al 802793/22 Ravelo-Belliard v. Owusu 804220/22 Rossy v. Monahemi

806588/22 Rutledge v. Stagg Group 28476/20 Walker v. 2179 Valentine 27098/20 Wells v. Institute of

Applied Human 27875/19 Williams v. American 28267/20 Woodbury v. Martin

> **ADR Part** Phone 718-618-3081

Part 2 Justice Elizabeth A. Taylor Phone 718-618-1275 Room 710, 9:30 A.M. MONDAY, SEPT. 22

21693/20 Delacruz v. Citimedical I 816208/21 Dominguez v. Whole Foods Market Group, Inc. Et Al 29173/18 Reid v. Raymours

TUESDAY, SEPT. 23 24387/14 Trotman v. Precision

Court Calendars

Part 3 Justice Mitchell J. Danziger Phone 718-618-1207 Room 707, 9:30 A.M.

20990/1545 Associates LLC v. Pia 28089/18 Abreu v. NYC 814695/22 Adorno v. NYC 24257/19 Aguasanta v. NYC 25670/18 Aguilera v. NYC Police

814330/22 Ahmed v. St. Barnabas Hosp. Et Al 800954/24Ali v. NYC 26831/19 Alimehaj v. City 801061/24Allen v. City 803812/21Almanzar v. NYC 23197/19 Almonte v NVC 800228/21 Alqadasi v. NYC 27336/17 Anderson v. NYC 804240/23 Aponte v. NYC 23285/19 Arrovo v. NYC 813109/23 Asantewaa v. Perez 805102/21 Aviles v. NYC 806569/22 Ayala v. NYC Et Al 20577/14 Ayala v. NYC 818194/23 Baes v. NYC Et Al 801091/24 Baes v. NYC Et Al 25603/14 Balgin v. NYC

820012/23 Barnes v. Con Ed Co. of New York, Inc. Et Al 302822/16 Bautista v. City 35263/19 Beeks v. NYC 20251/19 Bell v. NYC 807693/22 Bell v. NYC Et Al 24766/20 Benitez v. NYC 818703/22 Benito v. Vinevard Int'l

Christian Ministries, USA, Inc. 802671/23 Bergman v. NYC 34615/20 Betances v. NYC Et Al 32531/19Bishop v. Suarez 800716/23Bradley v. NYC Et Al 814812/21 C. v. NYC Et Al 814742/23 Carchi v. Maspeth Supply Co., LLC Et Al 812699/22 Cardona v. NYC Et Al 23494/20 Carmichael v. NYC 24204/18 Carrion v. NYC 804669/21 Carty v. NYC Et Al

25292/15 Casanova v. NYC 30617/18 Castillo v. Trump Golf Links Ferry Point 804470/22 Castro v. NYC 804497/23 Caudle v. NYC Et Al 31361/18 Chambers v. Odinga 819049/23 Cherry v. NYC Et Al 801724/22 Cintron v. River Edge

Rlty. Corp. Et Al 303760/13 Clavell v. NYC 809597/23 Cobbs v. 149th St. Rlty. Associates 803237/23 Collado v. Tully Const. 814227/21 Collins v. NYC

809154/22 Colyar v. NYC Et Al 806132/21 Convers v. NYC Et Al 800442/23 Crosby v. NYC 814447/22 Cruz v. Miu Rlty 34871/19 Cruz v. NYC Et Al 801183/24 D.L.S. v. NYC And NYC Bd. of Ed. of Education 25149/18 Dancy v. NYC 808363/23 De Lopez v. Care Well Rx Inc Dba Care Well Rx Et Al

817049/22 De Perez v. Fordham Valentine Associates 820521/23 Debose v. NYC Et Al 810475/22 Demoss v. NYC Et Al 816874/21 Diazsantana v. NYC Et Al 24427/16 Dolan v. NYC 300194/14 Domeneck v. NYC 808272/22 Dominguez v. NYC Et Al 803582/23 Donkor v. Elton Crossing Condominium Et Al 34857/20 E. v. NYC Dept. of 29228/18 Endico III v. NYC 29297/18 Escobar v. NYC Et Al 816921/23 Esperon v. NYC 28182/20 Espinal v. NYC 805230/22 Farmer v NVC 815832/23 Ferrer v. NYC Et Al 304848/11 Foster v. NYC

20130/18 Freckleton v. NYC 817391/22 Frederick v. NYC Et Al 816561/22 Freeman v. NYC; Et Al 802292/23 Freeman v. NYC Et Al 810645/21 G. v. NYC 800355/24 Galladay v. NYC 817851/23 Gallo v. NYC Et Al 803564/22 Garabito v. NYC Et Al 24525/20 Giampa v. NYC 818790/22 Gibbs v. NYC

805980/22 Gomez v. NYC 808425/21 Gonzalez v. Rikers Island Correctional Facility Et Al 23575/16 Gonzalez v. NYC 811291/21 Gordon v. NYC Et Al 800159/21 Graham v. NYC Et Al 819964/23 Gravson v. NYC 803718/23 Gutierrez v. Rose Hill Senior Apts. 807803/23 Gutierrez v. Melrose North LLC Et Al

33451/20 Guzman v. NYC Et Al 819628/23 H. M. v. NYC Et Al 24286/20 H. v. NYC Et Al 32759/18 Hampton v. NYC 812058/23 Henderson v NVC Et Al. 800557/24 Hernandez v. NYC 819042/23 Hernandez v. Canales 303259/15 Hines v. NYCHA 34131/20 J. v. NYC 807422/23 Jones v. NYC Et Al 808602/22 L.P. v. NYC Et Al 807712/23 Lancaster v. NYC Et Al 31086/20 Lonez v. Burgos 30983/18 Lopez v. NYC Et Al 804712/23 Lopez v. Castanos 35521/20 Maiette v. NYC 302342/15 Marino v. NYC

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Et Al 805765/22 Panarese v. NYC Et Al 818547/22 Parker v. NYC Et Al 800228/22 Patterson v. NYC Et Al 26332/20 Paulino v. Hagedorn Fordham Rd. Inc. Et Al 809626/22 Peguero v. NYC Et Al

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25473/19 Pereira v. Arcelay 24620/19 Perez v. Lechonera El Fogon Inc. 811394/21 Perez v. Undercliff Hldg.

LLC Et Al MONDAY, SEPT. 22 22737/20 Perez v. NYC 814995/22 Peterson v. NYCH&HC Corp. Et Al 818007/23 Pina v. NYC Et Al NYC Et Al

800719/21 Polanco Fernandez v. 28023/19 Poli v. NYC. 808366/22 Quinones v. Etwaroo 808115/21 Quinones v. NYC Et Al 35423/20 Ramos v. NYC Et Al 22869/19 Ramos v. NYC of Sanitation Et Al 809049/23 Reid v. 5660 B'way. 24735/18 Reid v. NYC 810495/21 Reyes v. NYC Et Al 805380/23 Rodon Hernandez v. Con Ed Co. of NY Inc. Et Al 802869/21 Rodriguez v. NYC

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805333/23 S. v. NYC Dept. of Education 30593/19 Sanchez v. NYC Et Al 818456/22 Sanchez v. NYC Et Al 300522/16 Santos Morales v. NYC 803308/23 Santos v. NYC 27683/20 Sewell v. NYC 815144/23 Silva v. 1578

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819200/24 Jenkins v. NYC 807896/23 Johnson v. Rao 801450/21 Julbe v. NYC 812111/21 Kamagate v. NYC Et Al 815922/24 Kevin Martin v. NYC 803514/23 Lawson v. NYCHA 811649/24 Lee v. NYC Et Al 814657/24 Lee v. NYC Et Al 812791/24 M. v. NYC Et Al 802250/25 Martinez Cruceta v. NYC

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800788/25 Parsley v. NYC Et Al 805196/25 Parsley v. NYC Et Al 820760/24 Parveen v. 2100 White Plains Road Plains Koau 802630/23 Phillips v. NYC Et Al 815437/24 R.P. v. NYC Dept. of Education Et Al

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818831/23 Salcedo De La Cruz v.

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Part 14

Justice John A. Howard

Phone 718-618-1244 Room 607, 9:30 A.M.

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27056/19 Aikins v. Cotterell

26883/19 Andino v. Cuevas 815072/21 Araujo De Jimenez v.

30134/17 Castro v. Adelmassih

26347/16 Crispin v. First Steps

21117/18 Deliz v. Avid Waste

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Suzanne Preece

Inc Et Al

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812616/21 Jeter v. Vizcainomarte

23272/20 Jones v. Manhattan And

800742/21 Mariela Vasquez v. Jill

816841/21 Martin v. NYCTA Et Al

813708/21 Osei v. Polanco-Puello

800043/22 Owens v. Maldonado

21364/20 Reves Santos v. Garcia

804383/21 Rivera-Lopez v. Verity

805115/21 Rodriguez v. Reves

808768/22 Rodriguez v. Coates

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TUESDAY, SEPT. 23

24221/20 Woodson v. Burgos

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805482/21 Walker v. Secka

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Part 15 (MV)

Justice Ben R. Barbato

Phone 718-618-1395 Room 702, 9:30 A.M.

MONDAY, SEPT. 22

32777/18 Allen v. Columbia Florist,

300246/16 Pisarik v. Lance Taxi Inc.

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31529/18 Hines v. Cunningham

809824/23 Perez v. Covington

815045/22 Lora-Benitez v. Ramos

Part 17

Justice Erin Noelle Guvenn

Phone 718-618-3212

Room 409, 9:30 A.M.

Part 18

Justice Wanda Y. Negron

Phone 718-618-1203

Room 602, 9:30 A.M.

MONDAY, SEPT. 22

TUESDAY, SEPT. 23

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807484/21 Rowe v. Kilgore

817681/21 Penarrieta v. Soto

805082/22 Owens v. A&O Trucking

813053/23 Mundle v. Brown

815585/21 Nurse v. Perez

Bronx Surface NYCTA Et Al 20593/16 Kaur v. Batista

29144/17 Deliz v. Davis

4309/25 Gorden v Monroe

807116/22 Coe v Fernandez

Trans Inc

Systems, Inc.

Justice Andrew J. Cohen Phone 718-618-1212 Room 413, 9:30 A.M.

24225/19 A. v. Nathan Littauer Hosp. 807267/22Acosta v. Solimancarpio 814019/25 Akogu v. Mtlr Corp. Et Al 815417/25 Albanez v. Chowdry 807717/25 Amancio Baez v. Pantoia

TUESDAY, SEPT. 23

811580/24 Cherry v. 70 Rlty. Partners 809951/25 Cruz Martinez v. Tp&S Winegrapes, Inc. Et Al 805582/25 De La Cruz Canela y De Los Santos 812950/25 Delosangeles v. Pena 808532/25 Derrick v. Polanco 812182/25 Edgar v. Smith

806256/25 Encarnacion v. Mukti 4711 Petroleum Inc. Et Al 811003/25 Guillermo v. Taquana 803115/25 Guzman v. Tillev 802279/25 Jewel As Guardian of Nathaniel James v. Creative Lifestyles, Inc. Et Al 808893/25 Marcus v. NYC Et Al 818349/24 Martel Mata v. Kasongo 816276/25 McPherson v. Arias 805515/25 Mendoz De Guerrero v.

812595/24 Nivar v. Lil Pete's Automotive Xperts Inc. Et Al 804207/25 Paredes Vega v. Rxr Church-Div. Tower A Hldgs. LLC 809514/25 Song v. Bhikku

815048/25 Ventura De La Cruz v. Part 5

Justice Alison Y. Tuitt Phone 718-618-1224 Room 415, 9:30 A.M.

MONDAY, SEPT. 22 815113/21 Cordero Soto v. Cortelvou Tower LLC Et Al 813732/24Garcia Penalo v. Cowan

820484/23 Govt. Employees Ins. Co. v. Wright 802996/21 Rymer v. The Glam Hall Inc. Et Al 801562/25 Steinsaltz v. NYCHA

TUESDAY, SEPT. 23 814808/25 Donahue v. De La Cruz 3785/25 Ndikumana v. NY Dept. of

Heatlh And Mental Hygiene Part 6 Justice Laura G. Douglas

Phone 718-618-1246 Room 811, 9:30 A.M. MONDAY, SEPT. 22 260257/14 Gutierez v. Rybak Firm

TUESDAY, SEPT. 23 23549/16 Pinckney v. Feil Organization, Inc

Part 7 Justice Wilma Guzman Phone 718-618-1288 Room 624, 9:30 A.M. **MONDAY, SEPT. 22**

816158/24A.G.B. v. Cruz 808631/23 American Transit Ins. Co. v. Campos 808182/24Aquino v. Travelers NYC 28260/20Atlantis Dev., Inc. Et Al v. Vmw Service 805298/24 Babin v. Menachim Stein

818110/24Browder v. Russell Inst. Col. M.E. 820907/24 Brown v. Ochilov 806322/23 Brown v. Lindsey Sr 819016/24 Cabezas v. Dukuray 815033/24 Carrasquillo Jr v. Úport LLC Et Al 805796/24 Castillo v. Norales

Rodriguez 820172/23 German De Trinidad v. 24350/19 Crisanto Alvarez v. 810 Vasquez Perez 817632/23 Hidalgo v. Djb Int'l River Ave. Housing 32082/19 D'Erasmo v. Hudson 811545/22 Houston v. Theodore 803324/22 Jackson v. McCalla Valley Bank 809030/24 Daley v. Guzman 810627/22 Marrero III v. Tirado 809818/25 Del Rosario v. Subervi-813495/22 Muhammad v. Brewer 806197/21 Paredes v. Caba 27798/20 Espinoza v. Con Ed. Inc. Gonzalez 806045/23 Petersen v. Willis 500 302696/15 Fragoso v. Sears

811901/24 Francis v. Jerry Courier Corp. Et Al 819116/23 Grant v. Vasadze 806201/24 Grant v. Rojas 800350/21 Gray v. One Hudson Yards Owner LLC Et Al 819658/23 Holley Jr. v. Venegas Almendariz 814102/25 Johnson v. H. Thomas Deliveries, Inc. Et Al 20121/18 M. v. Romuald S. Mirville

819368/24 Martinez Iriarte v. Brown 815404/22 Morales v. Nathalia 4419 3rd Ave. LLC 814229/25 N. v. Wentt 803878/24 Ozoria v. Deleon 810515/24 Park v. Raymond D. Banuchi Et Al 806405/24 Pelle v. Qlr One Inc Et Al

810542/24 Perez v. Drapper 811999/24 Peterson v. Mid-Bronx Senior Citizens Counsil, Inc. Et 815149/24 Plasencia Marte v. J.B. Hunt Transport, Inc. 805972/24 Quintin v. 3585 Rlty.

Corp. 805602/25 Rasheed v. Hussin 803442/25 Reves v. Diallo 804525/25 Reynoso Gullen v. Gonzalez-Martinez 805960/24 Rodriguez Torres v. Greenvillage Meat Corp. Et Al 804195/24 Sanchez Severino v. Bx 490 LLC Et Al 802272/21 Seda v. 239 East 115th

St. Housing Dev. Fund Corp. Et 818642/23 Sica v. Hunter Roberts Const. Group LLC Et Al 805829/24 Smith v. Darosa 808392/21 Smith v. Clt East Harlem/ el Barrio Community Land Trust Housing Dev. Fund Corp. Et Al 812112/25 Smith v. Motor Vehicle Accident Indemnification Corp 814837/21 Suriel v. Suriel 808202/25 Urena v. Mascioli

TUESDAY, SEPT. 23

812807/24 Viruet v. Vidal

808706/22 Yauger-Ferreira v.

811724/24 Brand v. Webster Ave. 814417/24 Chicas v. Extell Dev. Co. 34897/20 Orellana v. 115 Enterprise Group LLC

> Part 8 Justice Bianka Perez Phone 718-618-1205 Room 704, 9:30 A.M.

Phone 718-618-1625 Room 708, 9:30 A.M. Part 11 Justice Mary-Lynn

Part 9/33

Justice Myrna Socorro

Nicolas-Brewster Phone 718-618-3229 Room 405, 9:30 A.M. Part 12 Justice Kim A. Wilson Phone 718-618-1396 Room 414, 9:30 A.M.

Part 13 Justice Patsy Gouldborne Phone 718-618-1236 Room 401, 9:30 A.M. **MONDAY, SEPT. 22**

815710/23 Bartee Jr v. Alliance

Transportation LLC Et Al

818020/23 Asante v. Asante 817289/25 Cleary v. Cleary 4015/24 Ortiz v. Sanay Part 19 Justice Alicia Gerez Phone 718-618-1377 Room 600, 9:30 A.M.

28939/17 Barquet v. Mount Sinai Health System 820391/23 Bravo v. Lahn M.D. 28806/19 Caban v. Bronxcare 4049/24 Channer v. Montefiore Hosp. (our Lady of Mercy)

813006/23 Clayton Stevenson v.

MONDAY, SEPT. 22

Montefiore Medical Center Et Al 26384/19 Garcia v. Hudson Pointe 33580/18 Herbin v. Daughters of Jacob Nursing 20864/19 Liranzo v. Caputo Md 807271/22 Marrero v. White Plains Nursing Home, Inc.

25303/20 Pinnock v. Triboro Center 816772/22 Rodgriuez v. Payero Md 26065/18 Sanchez v. Northern Manhattan Nursing 801821/22 Velasquez v. Nae Edison

TUESDAY, SEPT. 23

33779/18 Alava v. NY Presbyterian Hosp. 812016/22 Bates v. Neuberg Md 818169/22 Cipolla v. Morris Park Nursing Home Et Al 303799/07 Deleon v. Mount Sinai

30972/19 Feliz v. Smilowitz 816979/23 Jeeuth v. NYCH&HC Corp. 804364/22 Johnson v. Lueders

816055/23 Mangual v. Roonprapunt 811230/21 Oleaga v. Sayeed M.D. 35974/14 Wilmington Savings Fund 22224/20 Rutledge v. Garofalo 24484/20 Sam v. Sbnh Acquisition

817603/23 Vargas v. Rohde 27430/17Warren v. Split Rock Rehabilitation

Part 20 Justice Veronica G. Hummel Phone 718-618-1240 Room 408, 9:30 A.M.

Part 21 Justice Matthew Parker-Raso Phone 718-618-1435 Room 706, 9:30 A.M. MONDAY, SEPT. 22

22942/19 Caivinagua v. Comunilife

La Central 814132/21 De La Cruz v. St. Catherine Academy Et Al 22752/16 Faulmino v. Brookfield Office Properties 33150/20 Fernandez Alvarez v. Morris Towers 21301/19 Gold v. Rohr Jewish Learning 29402/20 Gomez v. Riverbay Corp. 28130/20 Gutierrez v. East 54th St. Properties 25913/17 Kirley v. 485 Seventh Ave. 32776/18 Lopez v. Liberty Square Rlty. Corp. 33594/19 Marcilla v. 110 Acquisition

Corp. 28620/19 Mateo v. Lenox Grand Condominium 30467/18 Melendez v. Richter & 30447/19 Mitchell v. Pullman Sst, 26425/18 Moulier v. 2264 Morris Ave. Owner LLC

25543/19 Munoz v. Maor Jewelry 21672/19 Peralta v. Macerich Prop. 31538/17 Ramadani v. Harlem Green LLC 26363/20 Roriguez Ordaz v. Rester USA Lp 26024/18 Santiago v. 241 Rlty.

Associates 26440/19 Suarez v. Ricky's Bronx Prop. 27817/18 Thompson v. Lechase

814264/22 Velecela Lema v. Lcs Restoration Corp. Et Al 23482/20 Villaroel v. Ohi Asset (NY) 2nd Ave. 814289/24 Washington v. Comunilife

Part 22

Justice Marissa Soto Phone 718-618-1193 Room 709, 9:30 A.M. MONDAY, SEPT. 22 802225/25 Dillon v. Browne TUESDAY, SEPT. 23 813203/24 Aboyoun v. Rockaway

Nissan Et Al 805221/22 Afadivi v. Montefiore Health System 803616/24 Ayala Linares v. 33rd St. Ventures 800504/24 Azzurro v. Poe Affiliates 806878/23 Baker v. Betances Rad

809001/24 Bonilla v. Lachman 813959/23 Camejo Rodriguez v. 3348 Hull Ave. Rltv. Co., LLC 805913/22 Davis v. 1226 Bronx 11 LLC Et Al 814082/24 Dortch-Lloyd v. Arteferro

LLC Et Al

811770/22 Ferreiras v. S.J.K. Urban Renewal Associates L.P. Et Al. 800308/23 Gaviola v. Thomas C. Montera, Inc. Et Al 22293/14 Gonzalez v. 3 Columbus Circle 817466/23 Harris v. Peter Pan Bus Lines Inc. Et Al 803042/24 Harris v. Food Choice Market Et Al

34752/19 Hemphill v. 2110 Arthur Assets LLC 809083/22 Holder v. 2510 Et Al 816731/21 Howard v. Deleonardis 814627/22 Howard-Frieson v

22228/18 Kem Max, Inc. Et Al v. Bowman 26198/20 Kozeli v. Renali Rlty. 809189/24 Laureano v. Walker 804987/24 McLaughlin v. Miranda 806235/24 Mejias v. Penn Jackson

Corp. Et Al 805700/24 Monsalve v. Nfi Interactive Logistics 815424/22 Montenegro v. 462 Lexington LLC Et Al 820346/23 Montgomery v. 2460 Fdb Lp Et Al

23619/18 Morales v. Iyd Bronx LLC 813017/21 Ortiz v. Montefiore Medical Center 807945/24 Pena v. Schwartz 816943/21 Pereira v. Bop 101 Lincoln Ave. LLC Et Al 26145/19 Porter v. NYC Et Al 814260/24 Prima Pizza, Inc. Et Al v. Enterprise Plumbing & Heating

802030/24 Roman v. Macombs Village Associates L.P. Et Al 811420/24 Suazo v. C.A.RS. Co. 804086/24 Uriarte v. El Ad East 74 LLC Et Al 805508/24 Vegas Jimenez v. Fbl Astoria LLC Et Al 811300/23 Wales v. Jokev 808708/24 Walker v. Riverdale

807771/22 Wallace v. Bj's Wholesale Club, Inc. Et Al Part 24 Justice Shawn T. Kelly Phone 718-618-1248 Room 623, 9:30 A.M.

Rehabilitation And Nursing Care

Part 25 Justice Mary Ann Brigantti Phone 718-618-1252 Room 407, 9:30 A.M.

Part 26 Justice Paul L. Alpert Phone 718-618-1617 Room 621, 9:30 A.M.

Part 27 Justice Naita A. Semaj Phone 718-618-1226 Room 622 9:30 A.M. **MONDAY, SEPT. 22**

805953/25 Alvarez Morillo v. City Wide Builders Grp Inc Et Al 32886/16 Bank of NY Mellon v. Amoroso 819541/24Brown v. 2252 Haviland

Hldgs. LLC 810974/25 Carlos Ricart v. Mar-Gol Rltv. Ltd. Et Al 810249/25 Dodd v. 1368 S LLC 814368/23 Espinal v. 1160 Castle 810836/24 Frazier v. 881 Gerard

815402/22 Hsbc Bank USA v. Brown

816787/23 Jcc Mills Inc. v. Bathgate Citgo Inc. 806010/23 Michaels v. Poppick 811384/23 Neves v. NYC Et Al 813862/23 Sofi Lending Corp. v.

Koonce 819284/23 Sumner-Beck v. Cross Bronx Plaza LLC Et Al 812202/22 The Bank of NY Mellon Fka The Bank of New York, As Trustee For The Certificateholders of The Cwabs Inc. Asset-Backed Certificates,

Series 2007-6 v Edwards

35873/15 U.S. Bank Nat. v. Mensah 809845/24 U.S. Bank Trust Nat. Assoc. v. Hardy 809865/25 Williams v. 7 Hanover Owner LLC

> v. Asante TUESDAY, SEPT. 23

810475/21 Bradley v. Empire City Casino Et Al 800186/25 Martinez v. Cruz-Pelaez 810628/23 NYC v. Against The Unsafe Bldg, And Structure Located At 3115 Netherland Ave.

Part 28

Justice Sarah P. Cooper Phone 718-618-1254

Part 29

Guerrero Phone 718-618-1479

MONDAY, SEPT. 22 1538/25 Babers v. Miller 6731/18 Calleia-Merced v. Merced 6072/19.Joseph v. Joseph 804294/25 Martini v. Martini 5879/23 Molla v. Yesmin 42014/25 Ortiz v. Ortiz

Thompson

809794/24 Skerritt v. Skerritt

102/23 Thompson v. Zouiche-

TUESDAY, SEPT. 23 807761/22 Colon-Torres v. Piantinis-Colon 809267/23 Edwards v. Edwards 816633/24 Gines v. Ramos 804203/22 Lopez v. Estepa 808265/21 Martinez v. Martinez 808007/24 Mimy v. St Louis 808158/25 Rahman v. Rahman 12782/15 Toohev v. Toohev

Justice Erik L. Gray

42057/25 Wethington v. Wethington

Part 30

Part 31/32 Justice Fidel E. Gomez

MONDAY, SEPT. 22 806072/24 Castro Zelaya v. Fernandez Martinez 809010/23 Duran v. Touray 815800/23 Escabi v. Ruffin 806523/23 Forbes v. Davis 811851/22.James v. Benounane 805347/22 Katsikoumbas v.

Katsikoumbas 813063/22 Lissimore v. Yaser 809789/24 Minaya v. Fedex Ground Package System, Inc. Et Al

817933/22 Polanco v. Ramirez 815073/23 Ratliff Jefferson v Hatcher 818529/22 Rojas v. Morico 806157/21 Roman v. Morico

810509/23 Wintz v. Greenwich Ins.

Part 34 Justice Michael A. Frishman Phone 718-618-1349

803790/25 Aldridge Williams v. Brooks R.N. Barnabas Hosp. Et Al

Medical Center

805586/21 Rodriguez v. Montefiore Medical Center Et Al 803998/23 Santiago v. Rafia Demetrious M.D. 32195/19 Sawak v. Montefiore

809818/22 Singh v. Montefiore Medical Center Et Al 27329/19 Smalls v. Kim 814671/24 Trafton v. Montefiore Medical Center Et Al

800174/24 Black-Donald v. State Farm Mutual Automobile Ins. Co. 811867/24Gerena v. Doe 811908/21 Lugo v. Efficiency Enterprises, Inc. Et Al 810936/23 Perez Perez v. Ninth Ave. Const. Group LLC Et Al 817424/24 Pesantez Alvarado v.

H&L Contracting 815795/24 Suarez v. Cruz Reyes 809710/24 Tuitt v. Cheung-Wu Aka **TUESDAY, SEPT. 23**

806180/25Bennett v. St. Barnabas Hosp. Et Al 809311/25 Carter v. NYCHA 816551/24 Cotrina v. Chatsworth Builders LLC Et Al 806231/25 Delatorre v. Common Ground Mgt. Corp. 801124/25 Diaz v. Clark

803482/25 Kim v. Izquierdo 808845/25 Marquez Altuve v. Urban Atelier Group LLC Et Al 803740/25 Martinez v. Pontone 812895/25 Poveda v. NYCHA 808441/25 Rodriguez v. Armas

817686/24 Santana v. Jfk Bd Hldg. 814634/25 Schmeltzer v. Perez

Room 402, 9:30 A.M.

Justice Veronica Romero Room 701, 9:30 A.M.

803361/23 Rego v. Tissot 804224/23 Reyes v. Perez

1483/25 Velez v. Campos Cazares

Phone 718-618-1320 Room 703, 9:30 A.M.

Phone 718-618-1203 Room 403, 9:30 A.M.

813963/23 Nash v. Ct Livery Corp Et Al

803252/24 Salerno v. Ministro 802086/21 Torres-Ferreira v. Valdez

Co. Et Al

TUESDAY, SEPT. 23

810577/21 Anderson-Perry v. St. 25219/19 Beltran v. Wharton 813120/22 Colasuonno v. Kuo M.D. 26454/18 Dortch v. Plakogiannis 803057/23 E.R.D. v. Russman D.O. 23079/20 Herberth Villa v. Isani 26018/16 Pacheco v. Schwechter 808665/23 Peacock v. Montefiore

800481/23 Pena v. Tcprnc 816295/21 Pichardo Vilorio v. Zhang 22961/19 Reyes Sabater De Valdez v. Smith

Medical Center

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

MONDAY, SEPT. 22

814885/25 Hamza v. Solis 813291/24 Herrera v. Canido Basonas Const. Services LLC Et

Tigasi

Part SCA 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 320, 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 265 East 161st Street Room 660, 9:30 A.M.

Part 15 Justice Tba

265 East 161st Street 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 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

Phone 718-618-1022

265 East 161st Street Room 670, 9:30 A.M. Part 32 Justice Rosenblueth

Justice Zimmerman

265 East 161st Street Room 500, 9:30 A.M. Part 60

Justice Barrett Phone 718-618-1007 265 Fast 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 Fast 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

Room 460, 9:30 A.M

SURROGATE'S COURT

Surrogate Nelida Malave-Gonzalez Phone 718-618-2350 Courtroom 406

Second Department

APPELLATE

DIVISION

MONDAY, SEPT. 22

10 A.M.

Court To Be Held in

Brooklyn, NY

Iannacci, J.P., Chambers, Wan

and Taylor, JJ.

23/05996 People v. Trigueros-Hernandez, Jederson A. (P) 23/03955 People v. Scarlett, Clinton (K) 22/04758 People of State of New York v.

Wong (K) 24/06886 Authority Fleet Services Corp. v.

Amtrust North America, Inc. (S) 24/02660 PC-14 Doe v. Lawrence Union

24/02661 PC-15 Doe v. Lawrence Union

21/04843 Generalova v. Avenue K LG LLC

20/06581 Kleiber v. Fichtel (Q) 24/04596 Beacon Sales Acquisition Inc. v.

Hudson Valley Renovations LLC (O)

24/07130 Beacon Sales Acquisition Inc. v.

Hudson Valley Renovations LLC (O) 21/05180 Latta v. City MD (RI)

Management Co. (S) 22/00639 HSBC Bank USA, N.A. v. Caesar

24/00700 Remede Consulting Group Inc.

v. Pitter (N) 24/06011 Matter of Streeter v. New York

City Department of Environmental

21/04811 Kazeem v. New York City Health

and Hospitals Corporation (Q) 23/01396 Kazeem v. New York City Health

24/03593 Bank of America, N.A. v. Sarwar

(S) 24/06397 Deutsche Bank National Trust

THURSDAY, SEPT. 25

10 A.M.

Court To Be Held in

Brooklyn, NY

Barros, J.P., Wooten, Love and

Ouirk, J.J.

23/01975 People v. A. (Anonymous),

Saraviahernandez (S)

Keisy (K) 24/00160 People of State of New York v.

24/02842 People of State of New York v.

Cruz (S) 22/08860 People v. Contrera, Pelencho

(S) 21/01521 Four RH Corp. v. R&N Realty

Holding, Inc. (Q) 21/01522 Four RH Corp. v. R&N Holding

Inc. (Q) 22/00623 Kingstone Insurance Company

v. Fronshtein (K) 20/08846 Thakur v. Barriac (K)

20/06273 Shmeria LLC v. Sea Gate

Association (K) 21/03350 Shmeira LLC v. Sea Gate

24/11682 Baptichon v. Sablonde S. (N)

23/09929 Ford v. Luckain (K) 24/00065 Goldman v. Orange Regional

Medical Center (O) 23/08884 Zormati v. Citibank, N.A. (Q)

22/09928 Cifuentes v. 240 W. 35th Street

23/10564 Matter of Asselbergs v. Village of Chestnut Ridge (RO)

22/00753 Magadino v. McCabe (S)

22/02898 Lomtevas v. Hamblin (K)

25/02099 Long Island Roller Rebels v. County of Nassau (N)

24/12034 Mattiello v. Town of Oyster Bay

24/07654 Hernandez-Morataya v. M&L

24/07375 Estrella v. BMG Monroe I, LLC

FRIDAY, SEPT. 26

10 A.M.

Court To Be Held in

Brooklyn, NY

Brathwaite Nelson, J.P.,

Ford, Dowling and Goldberg

Velazquez, JJ.

19/03261 People v. Rodriguez, Andre (K)

23/07502 People of State of New York v.

23/10995 People of State of New York v.

Robinson (S) 23/08335 People v. Cowan, Michael (O)

24/00239 F. v. NYCHA (K) 24/06989 Graham v. City Of New York (Q)

21/05435 Klaus v. Town of Brookhaven

21/06878 Ardent Harmony Fund, Inc. v.

Memorial Hospital v. American Transit

24/02659 Hichak v. Grand Plumbing Inc.

BDO Trinity Ltd. (N) 24/08983 Matter of John T. Mather

(0) 21/05041 Kelly-Newhouse v. Chase Meadows Farm LLC (W)

21/07217 Kelly-Newhouse v. Chase Meadows Farm LLC (W)

21/08075 Kelly-Newhouse v. Chase Meadows Farm LLC (W)

19/13081 Dwyer v. Montefiore New

19/13083 Dwyer v. Montefiore New Rochelle Hospital (W)

19/13084 Dwyer v. Montefiore New

19/13085 Dwyer v. Montefiore New Rochelle Hospital (W)

22/05117 Kataeva v. Kataev (N)

22/00757 Procopio v. Eichle (S) 24/09721 Hiraldo v. Sturman (Q)

24/07927 New Penn Financial, LLC v.

Inc. v. McFarlane (S)

Dancy (N)

21/05838 Matter of Flushing Main Street Improvements Project (Q)

23/07101 Greenpoint Mortgage Funding,

24/01025 Greenpoint Mortgage Funding, Inc. v. McFarlane (S)

24/08229 Berl v. CNH Operating, LLC (K) 24/08230 Berl v. CNH Operating, LLC (K)

MONDAY, SEPT. 29

10 A.M.

Court To Be Held in

Brooklyn, NY

Genovesi, J.P., Christopher, Wan

and Ventura, JJ.

22/06093 People v. Hernandez, Emerson

(S) 22/08407 People v. Hernandez, Emerson

23/05082 People v. Proffitt, Alex Bovell

(K) 23/05083 People v. Proffitt, Alex Bovell

(K) 22/09209 People v. Williams, Michael (K)

22/09211 People v. Stevens, Kareem (K) 22/08444 People of State of New York v.

Echols (Q) 22/03726 People v. Portillo, Jose J. (S)

23/02100 People v. Morgan, Tracee (K) 21/00435 Matter of Shau Chung Hu v.

Lowbet Realty Corp. (K) 21/07641 Abdelhamed v. XYZ Limousine,

24/08963 Mangiarcina v. Ridgewood 69

National Association v. Reinhold (K)

24/05593 K. v. Viscardi Center, Inc. (K)

24/05580 Everest Homes, Inc. v. Justice

(K) 20/07332 Dowdy v. Brooklyn Hospital

Center (K) 21/00673 Dowdy v. Brooklyn Hospital

24/10142 Wesa v. Consolidated Bus

24/04796 Cammarato v. 16 Admiral Perry

24/00042 Bayview Loan Servicing LLC v.

Center (K)

Transit, Inc. (K)

Plaza LLC (K)

Chechetkin (K)

LLC (Q) 24/08693 JPMorgan Chase Bank,

Rochelle Hospital (W)

Rochelle Hospital (W)

(S) 20/08110 Hellman v. Village of Upper

Nyack (RO)

Ins (K)

Equities Auto, LLC (0)

Association (K)

NYC, LLC (K)

and Hospitals Corporation (0)

Company v. McElroy (S)

Free School District (N)

Free School District (N)

20/04752 Kleiber v. Fichtel (Q)

20/04753 Kleiber v. Fichtel (O)

21/06189 Coden v. Oyster Bay

Protect (K)

25/01004 Hernandez v. City of New York 24/09041 Diesel Funding LLC v. Build

Retail Inc (K) TUESDAY, SEPT. 30

10 A.M.

Court To Be Held in Brooklyn, NY

Iannacci, J.P., Miller, Voutsinas and Golia, J.J. 24/02604 People of State of New York v.

23/04564 People v. Bezabeh, Fasika (O) 23/08328 People v. Romero, Byron (O) 22/05816 People v. White, Elijah (Q) 23/08332 People v. Sayles, Lawrence (RI) 25/04349 People of State of New York v.

20/03601 Bamonte v. Charatan (N) 22/00273 Dudley v. API Industries, Inc.

(RO) 20/03114 Petrosian v. B&A Warehousing, 21/02768 Petrosian v. B & A Warehousing

21/00527 Matter of The Cheryl LaBella Hoppenstein 2005 Trust, dated Oct. 10,

22/04020 Matter of Cheryl LaBella Hoppenstein 2005 Trust (W) 22/05493 Smilen Realty 155 LLC v.

Fedorova (K) 24/07030 S. v. City of New York (K) 21/04761 Rojas v. 1700 First Avenue, LLC 21/05228 Matter of Sahara Construction Corp. v. New York City Office of (Q)

21/08975 Thuro Metal Products, Inc. v.

Farber Industrial LLC (S) 21/04742 Matter of Goldstein v. Village of Mamaroneck Board of Ethics (W) 23/11794 Nationstar v. Lalman (K) 24/03795 Nationstar Mortgage LLC v. Lalman (K) 23/12171 JPMorgan Chase Bank, N.A. v.

WEDNESDAY, OCT. 1

10 A.M.

Court To Be Held in Brooklyn, NY

Dillon, J.P., Warhit, Landicino and Hom, JJ.

23/05400 People v. Carcamo, Tyquan (W) 24/04805 People v. Hough, Dwayne (N) 22/10354 People v. Cedillo, Manuel (S) 24/11083 People of the State of New York

16/11897 Frankel v. 59 Sands Point, LLC (N) 19/00491 Frankel v. 59 Sands Point LLC

(N) 21/00214 Deutsche Bank National Trust Company v. 31 Yates Avenue Land Trust (D)

21/04499 Deutsche Bank National Trust Company v. 31 Yates Avenue Land Trust (D) 20/09665 Borzilleri v. Borzilleri (S) 22/00387 Nationstar Mortgage LLĆ v.

Klamm (S) 24/04657 Matter of Barton v. New York City Employees' Retirement System

24/05309 Lemorrocco v. Westchester County (W) FRIDAY, OCT. 3

10 A.M.

Court To Be Held in

Brooklyn, NY Chambers, J.P., Dowling, McCormack and Quirk, JJ. 21/05665 People v. Gaffar, Monier (K) 24/00845 People v. Mata, Alexis Felipe Sandoval (N)

24/03564 People of State of New York v. 18/06017 People v. Torres, Paul A. (S) 24/02718 People of State of New York v.

Gurdon (S) 23/05170 People v. H. (Anonymous), Khalil (K) 23/05172 People v. H. (Anonymous),

Khalil (K) 25/01721 Matter of Lee v. Auguste (K) 21/00414 Bruce v. Solny (K) 21/03789 Bruce v. Solny (K) 21/01996 Campisi v. Lutheran Medical

21/07369 RJK Auto Brokers, LLC v. Dream Carz Inc. (N) 21/08779 Karp v. Madison Realty Capital, L.P. (K) 24/08765 Weiss v. Fran Corp. d/b/a All

Bright Electric (RO) 22/02496 Fuentes v. Simmons (W) 21/09050 Aronov v. Matvienko (Q) 24/06052 US Bank v. 972 Gates Avenue

(K) 21/09408 Bianco v. New York City Health & Hospitals (K) 23/01872 Bianco v. New York City Health & Hospitals Corporation (K) 23/05384 Bianco v. New York City Health

& Hospitals Corporation (K) 24/10339 Landro v. Abadiotakis (K) 24/06734 Matter of Houlihan/Lawrence, Inc. v. Katsoris (W)

MONDAY, OCT. 6 10 A.M.

Court To Be Held in Brooklyn, NY

Brathwaite Nelson, J.P., Ford, Wan and Love, J.J. 13/09403 People of State of New York v.

22/06303 People v. Archibald, Kelan (K) 22/06306 People v. Archibald, Kelan (K) 24/02772 People v. Thrasher, Bishmi D.

(D) 23/01656 People v. Waymer, Keyshawn (K) 21/04965 Mosca v. Lalezarian Properties,

LLC (Q) 21/04966 Mosca v. Lalezarian Properties, LLC (Q) 24/09361 Kakuriev v. Baffone Transportation, Inc. (Q) 21/06250 Shenzhen Qianhai Shengshi

Lijin Investment Enterprise v. Maodong Xu (N) 22/03340 Shenzhen Qianhai Shengshi Lijin Investment Enterprise v. Maodong Xu (N) 22/03274 Shenzhen Qianhai Shengshi

Shengjin Investment Enterprise v. Maodong Xu (N) 22/03275 Shenzhen Qianhai Shengshi Shengjin Investment Enterprise v. Maodong Xu (N) 21/04819 Board of Managers of the 51

Jay Street Condominium v. 201 Water Street (K) 24/11113 Board of Managers of 51 Jay Street Condominium v. 201 Water Street LLC (K)

23/08329 Garcia v. New York City Transit Authority (K) 23/08477 Cruz v. Metropolitan Transportation Authority (K) 23/08528 Rios v. New York City Transit

Authority (K)

22/00326 Johnson v. Cremoux (K) 22/01355 D. v. Good Samaritan Hospital Medical Center (K) 21/00965 Rosario v. Town of Mount Kisco (W) 24/07997 Deutsche Bank National Trust

Company v. Iadevaia (N) 24/08486 Forgione v. Rivas (S) TUESDAY, OCT. 7

10 A.M. Court To Be Held in

LaSalle, P.J., Connolly, Ventura and Goldberg Velazquez, JJ. 22/00219 People of State of New York v. Evans (K) 22/06987 People v. Perez, Jesper (RI)

Brooklyn, NY

23/04568 People v. Moye, Terrell (Q) 22/10264 People of State of New York v. 19/06947 People v. Haigh, David (K)

22/09865 Matter of Follman, deceased (Q) 20/09782 JPMorgan Chase Bank, N.A. v.

Carl (S) 21/00027 JPMorgan Chase Bank, N.A. v.

Carl (S) 23/08162 JPMorgan Chase Bank,

Nassau (N)

Htwe Lee (K)

Authority (K)

National Association v. Carl (S) 21/06314 Hidalgo v. Darakchiev (S)

22/06208 Gorelick v. Suffolk County

21/07162 Yadira Xiaohong Luo v. Kvan

Comptroller's Office (S)

22/08061 Jaber v. Elayyan (RI)

22/09716 Jaber v. Elayyan (RI)

24/07421 Kirby v. Philbert (K)

23/12320 Chrzan v. Malinowski (K)

23/10925 Watson v. Metropolitan Transit

24/00835 Hidalgo v. David Contractor NY

Inc. (Q) 24/12886 Diaz v. Jhedrian Logistics Corp.

(Q) 24/06401 Brener v. Queens Boulevard

Extended Care Facility Corp. (K)

THURSDAY, OCT. 9

10 A.M.

Court To Be Held in

Brooklyn, NY

Duffy, J.P., Miller, Voutsinas and

Hom, JJ.

22/05809 People v. Dedmon, Andre (Q)

20/02856 People v. Walker, Charles (RI) 22/02615 People v. Rosa, Xavier (K)

Giesele; Administration of Children's

24/02070 Matter of P.-T. (Anonymous) v.

23/12294 Matter of Kallop v. Poserina (S) 24/10197 JFK Family Ltd.

Partnership v. Millbrae Natural Gas Development Fund 20 (W)

21/05808 Minghinelli v. Sayville Nursing and Rehabilitation Center (S)

21/07283 Minghinelli v. Sayville Nursing and Rehabilitation Center (S)

21/02645 Grala v. Structural Preservation

Systems LLC (Q) 21/08797 Matter of Perrenod, deceased

22/02407 Matter of Perrenod, deceased

(Q) 22/07584 HSBC Bank USA, National

Insurance Company v. Sullivan (S) 22/00405 Coalition of Landlords,

Homeowners and Merchants, Inc. v.

Homeowners and Merchants, Inc. v.

Association v. Saris (S) 22/01607 Unitrin Auto and Home

22/03383 Coalition of Landlords

22/08594 Government Employees

Insurance Company v. Picone (N) 23/11126 Matter of Jaloza v. New York

City Department of Education (O)

24/12334 Canchari v. Goberdhan (Q)

22/06582 Restrepo v. Bushwick Realty

Glass (S)

21/063064 Colonial Drive LLC v.

Suburban Consultants Ltd. (N)

24/04218 Matter of T. (Anonymous).

Servic (K)

R. (Anonymous) (K)

22/08251 Matter of Cangero v. County of

ORDER TO SHOW CAUSE At an Individual Assignment Part 48 of the Supreme Court of the State of New York, County of New York, at the Courthouse thereof located at 60 Centre Street, New York, New York on this 9th day of September 2025 - PRESENT: HON. ANDREA MASLEY J.S.C. - In the Matter of the Application of SANDSTOWN TRADE LTD, as Holder of Shares Representing One-Half of the Votes of All Outstanding Shares of Sperone Westwater Inc., and GIAN ENZO SPERONE, as Director, President, Chief Executive Officer of Sperone Westwater Inc., Petitioners, For the Dissolution of SPERONE WESTWATER INC., a Domestic Corporation, Pursuant to Section 1104 of the New York Business Corporation Law, and -against ANGELA WESTWATER. Reration Law, and -against-ANGELA WESTWATER, Re-ANGELA WESTWATER, Respondent-Defendants.
Index No. 161190/2025
ORDER TO SHOW CAUSE.
Petitioners Sandstown
Trade Ltd. and Gian Enzo
Sperone ("Petitioners;" each
a "Petitioner"), having filed
a Verified Petition for Dissolution of Sperone Westers

a Verified Petition for Dissolution of Sperone Westwater Inc. (the "Corporation"), NOW, upon reading and filing the Verified Petition, and the Affirmation of John R. Cahill, Esq., dated 2025-August-18, and all prior pleadings and exhibits hereto LET, SPERONE WESTWATER INC., (the "Corporation"), the State Tax Commission, the State Attorney General, and all other interested persons, show cause before Hon. Andrea Masley, Justice of the show cause before Hon. Andrea Masley, Justice of the Supreme Court, at an Individual Assignment Part 48 of the Supreme Court of the State of New York, County of New York, at the courthouse thereof located at 60 Centre Street, New York, NY 10007 on the 14th day of October 2025 at 4 n m or as October, 2025, at 4 p.m. or as soon thereafter as counsel may be heard, why an Order should not be issued (A) disshould not be issued (A) dissolving the Corporation pursuant to the Business Corporation Law ("BCL") § 1104 on the grounds that: (1) That the directors are so divided respecting the management of the Corporation's affairs that the votes required for action by the board cannot be obtained; (2) That the shareholders are so divided that the votes required for be obtained; (2) That the shareholders are so divided that the votes required for the election of directors cannot be obtained; (3) That there is internal dissension and two shareholders, each owning 50% of the total shares are so divided that dissolution would be beneficial to the shareholders; (4) the shareholders are so divided that they have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon the election and qualification of their successors; and (B) appointment of a receiver; and it is further (C) such other and further relief as the Court deems just and proper; and it is further ORDERED, that pending the argument of this Order to Show Cause: a) the parties are enjoined from prohibiting the diverting, transferring, selling, and/or encumbering any and all assets of the Corporation that occur outside the ordinary day-to-day operations and business of the Corporation; and it is further b) the Petitioners are permitted to obtain immediate and complete access to each premises owned by the Corporation and to obtain information from the Corporation and any agents ampley.

poration and to obtain in-formation from the Corpora-tion and any agents, employ-ees, service providers, and representatives of the Cor-

poration, including, but not limited to any persons func-tioning as a bookkeeper, ac-

countant, and/or managing agent of the Corporation; and it is further c) all of the

parties are enjoined from denying, preventing and/or interfering with the access of any of the parties, as well as any and all shareholders,

directors, and officers of the

Corporation, and their respective counsel and professional service providers, to

the Company's books, records, bank statements, other financial records (including but not limited to

cluding but not limited to the Corporation's live and archived QuickBooks files), communications from cus-tomers, service profession-als (e.g., accountants, book-keepers, attorneys, insurers, governmental agencies), and directing all parties to expeditiously facilitate ac-cess to the foregoing; and it is further d) none of the par-ties may receive compensa-tion or payments of any kind

tion or payments of any kind

tion or payments of any kind due to them as a share-holder, officer, or director of the Corporation, provided that nothing herein will in-terfere with payments to be paid to the Corporation and, as applicable, to any of the

Corporations' customers (in

cluding consignors and par-ties who are consignors) as such payments come due in

the ordinary course of business. There shall be no dividends paid to shareholders. Ms. Westwater, her daughter

Ms. Westwater, her daughter and employees may be compensated in amounts consistent with the regular course of business during the past two years. There shall be no increases in employee compensation until further order of the court or resolution of this petition; and it is further e) Ms. Westwater's daughter shall not be a signatory on any of the Corpo-

Holdings, LLC (K) 24/01038 Leslie v. Marinello (Q) FRIDAY, OCT. 10 10 A.M.

Court To Be Held in Brooklyn, NY Barros, J.P., Wooten, Taylor and McCormack, JJ.

23/03948 People v. Larkin, Nila (K) 24/06684 People v. Stanley, Dylan J. (N) 21/03101 People v. Roseborough, Nicholas (O)

23/03241 People v. Bonfante, Jorge (Q) 20/07635 McKay v. Gulmatico (K) 22/00157 Douet v. Mapp (K) 22/07581 Fahey v. Worship House & Outreach Ministries, Inc. (K) 20/05008 Matter of Malitz Family Trust, u/a/d Feb. 23, 2006 (N)

21/06018U & Me Homes, LLC v. County of Suffolk (S) 21/06019U & Me Homes, LLC v. County of Suffolk (S) 21/02568 Boyd v. Village of Mamaroneck

21/04904 Boyd v. Village of Mamaroneck 24/02106 Cinquemani v. Money Source Inc. (S)

10 A.M.

Court To Be Held in P Wooten Taylor

McCormack, JJ. 24/02538 Matter of American Transit Insurance Company v. Suh (K) 24/03979 Matter of American Transit Insurance Company v. Sovereign

23/08885 Sharbani v. Alter (N) 24/05540 Bista v. State of New York (NYS)16 24/13011 Matter of Szlepcsik v. County of

Suffolk (S) 24/06703 Deutsche Bank National Trust Company v. Fair-Willis (W) 24/12548 Johnson v. Zevlakis (Q) 25/01403 U.S. Bank Trust National Association v. Mann (S) 25/01406 U.S. Bank Trust National Association v. Mann (S) 24/09595 Downer v. Ford (Q)

APPELLATE TERM

2ND, 11TH and 13TH JUDICIAL DISTRICT

> BROOKLYN, NY Day Calendar

Dismissal Calendar

MONDAY, SEPT. 22 Buggs, J.P., Ottley, Quiñones, JJ.

The Following Cases Have Been Scheduled By The Clerk For Dismissal For Lack of Prosecution. Enlargements of Time May Be Requested Either Via Stipulation Between The Parties, Or By Letter Stating The Reason For Such Request, Addressed To The Clerk of the Court, With A Copy Sent To The

Parties To The Appeal. 25/00664 People v. Rafael Marte 25/00665 People v. Rafael Marte 25/00666 People v. Rafael Marte 24/00445 Wei Lin v. Bin Zheng 24/00782 Sanjeevani Patel v. The Gardens At Forest Hills Owners Corp. and Xue

Cheng, Aixiang Kong and Lingxi Kong and Mr. Liu. "John Doe" And/Or "Jane 24/01055 Eric Jiang v. Qian Qian Hu 24/01301 Kyle Errison, Jameque Moore and Jason Litzenberg v. Latanya Pierce and Manny Cohen and Department

24/00806 Daiin Realty Inc. v. Changhe

24/01302 Ehsan Khan v. Armando Crespo, Shiela E. Figueroa, Alex Henry, Julia Biko, Sued Herein As "John" "Doe". "Jane" "Doe" 24/01373 Mohamed Tibta v. 156 E. 21,

LLC and Ammar Omar, "John Doe"

of Housing Preservation and

and "Jane Doe" 24/01394 Stelios Kraniotakis v. South Shore Autoplex, LLC, d/b/a South Shore Chrysler Dodge Jeep Ram 25/00011 Aletha Wambach v. Sequoya Potter and James Potter 25/00037 Sanford Equities Corp. v. Robert M. Cushing and Noan-Huey Wu

Court Calendars Continued On Page 18

ORDER TO SHOW CAUSE

ration's accounts and respondents shall inform their financial institutions of this order; and it is further f) Within 10 days of this order, the attorney engaged by Ms. Westwater, Melvyn Leventhal, shall make a phoise between represent choice between represent-ing Ms. Westwater or the Corporation. He may not represent both. Leventhal shall promptly cooperate as reasonably necessary in the delivery of the books, records, and other documents to the Corporation that would allow the parties access to such books, records, and other documents; and it is further OR-DERED, that pending the argument of this Order to Show Cause, a copy of this order shall be published in THE NEW YORK LAW JOURNAL once weekly for a period of three weeks bea period of three weeks before the time appointed for
the hearing scheduled
herein; and it is further ORDERED, that petitioner
shall serve a copy of this
order upon the Corporation
and each interested person
or party named in the petition, including the State Tax
Commission, the Attorney
General, and all other interested persons, in the manested persons, in the manner prescribed in \$1106 of the N.Y. BUSINESS CORPORATION LAW which will be RATION LAW which will be deemed sufficent; and it is further ORDERED, that no later than September 26, 2025 at 5:00 pm, responsive papers, if any, shall be filed with this Court by an efiling on NYSCEF, with email delivery upon ARTXLAW PLLC, attorneys for Petitioners, 8 North Front Street, Kingston, New York 12401; Street, Kingston, New York 12401;
ORDERED, that no later than October 10, 2025 at 5:00 pm, Petitioner's reply papers, if any, shall be filed with this Court by an efiling on NYSCEF and by email upon any attorneys who have appeared in this matter; ORDERED that at argument the parties shall be ment, the parties shall be prepared to submit to the court the names of two or court the names of two or three candidates for ap-pointment as a receiver for the Corporation during the dissolution proceeding. Par-ties shall contact candi-dates and confirm availabil-ity. ENTER HON. ANDREA MASLEY J.S.C

SALES

s15-M s29

NOTICE OF SALE SUPREME COURT COUNTY OF BRONX M&T BANK, Plaintiff AGAINST ANGEL ROMERO A/K/A ANGEL NICHOLAS ROMERO, ET AL., Defen-dant(s) Pursuant to a Judg-ment of Foreclosure and ROMERO, ET AL., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered October 31, 2019, I, the undersigned Referee will sell at public auction at the Courtroom 711, Bronx County Supreme Court, 851 Grand Concourse, Bronx, NY on October 6, 2025 at 2:15 PM, premises known as 1118 Lydig Avenue, Bronx, NY 10461. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the County of Bronx, City and State of New York, Block 4305 Lot 08. Approximate amount of judgment \$500,503.11 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #32055/2016E. For sale information, please visit Auction.com at www. Auction.com or call (800) 280-2832. Christopher J. Marengo, Esq., Referee Tromberg, Miller, Morris & Partners, PLLC 39 Broadway, Suite 1250 New York, Partners, PLLC 39 Broadway, Suite 1250 New York, NY 10006 25-000407 86609 York,

NOTICE OF SALE COUNTY OF BRONX
U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2005-AR1, Plaintiff AGAINST Nwabuzuba Davidson; et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered April 22, 2013, amended May 15, 2018 and April 3, 2025, I, the undersigned Referee, will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, NY 10451 on October 6, 2025, at 2:15PM, premises known as 4130 Barnes Avenue, Bronx, NY 10466. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, Block 4855 Lot 48. Approximate amount of judgment \$521,384.85 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 380145/2008E. David P. Lesch, Esq., Referee LOGS Legal Group LLP fl/ka Shapiro, DiCaro & Barak, LLC Attorney(s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: August 19, 2025 For sale information, please visit www.Auction.com or call (800) 280-2831 86920 13515

See *Decisions of Interest* only at **NYLJ.COM**

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SALES

NOTICE OF SALE

COUNTY OF BRONX WACHOVIA BANK, NATIONAL ASSOCIATION, Plaintiff AGAINST VINCENT THOMAS, BEULAH PERRY A/K/A BEULAH PERRY THOMAS, ET AL, Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered December 21, 2010, I, the undersigned Referee will sell at public auction at Courtdersigned Referee will sell at public auction at Courtroom 711, Bronx County Supreme Court, 851 Grand Concourse, Bronx, NY on October 6, 2025 at 2:15 PM, premises known as 1800 Edenwald Avenue, Bronx, NY 10466. All that certain plot piece or proved of land NY 10466. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, County of Bronx, City and State of New York, Block 4977, Lot 27. Approximate amount of judgment \$460,867.38 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #380091/09. Scott H. Siller, Esq., Referee Gross Polowy, LLC 1775 Wehrle Drive Williamsville, NY 14221 00-305126 86968 13885 88-M s29

LIQUOR LICENSES

13885

s8-M s29

NOTICE IS HEREBY number NA-0240-25-129412 for beer, cider, and wine has been applied for by the undersigned to sell beer, cider and wine at retail in a restaurant under the Alcoholic Beverage Control Law at 213 E Broadway, New York, New York 10002 in New York county on premises consumption for New York county on premises consumption for Tata Kitchen LLC DBA Tip Tara Thai s22-M s29

NOTICE IS HEREBY given that license# NA-0340-25-128643 for liquor has been applied for by the undersigned to sell liquor at retail in a restaurant under the ABC law at 46 W 22nd St NY, NY 10010, NY County for on-premises consumption. Dannys46W22 LLC 46
W 22nd St New York NY
10010 Sept15 m Sept22

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Carol Robertson, at 212-457-7850, or email crobertson@alm.com

16 | MONDAY, SEPTEMBER 22, 2025

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