

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 Pittman.

• Francesco Di Pietro has joined Blank Rome as a partner in the firm’s business litigation group. He joins from Moses & Singer.

• 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 its global energy finance and infrastructure practices: Jeesoon 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.



SPECIAL REPORT »7-9

• Yaira Dubin, formerly an assistant to the solicitor general, has joined Sullivan & Cromwell as a partner in its Supreme Court and appellate practice.

• 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



Becky Landau

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

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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



RICK KOPSTEIN/ALM

Former Judge Arthur Gonzalez and two other fired members of the federal oversight board for Puerto Rico filed a lawsuit saying 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 cause.”

“If permitted to stand, the removals of Judge » Page 4



BONNIE CASH/UP/BLOOMBERG

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 » Page 4

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 » Page 6



ALM/WIKIMEDIA COMMONS

President Donald Trump’s lawyers have four weeks to regroup, but a New York 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 fact.”

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 » Page 4

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



DIEGO M. RADZINSCHI/ALM

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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CRIMINAL LAW: Court deems statements made by defendant not within hearsay exception. *People v. Ye, Criminal Court, New York.*

Second Department

CONTRACT LAW: Motion to dismiss contracts action denied. *Syndicate Group USA Inc v. Mission Mechanical LLC, Supreme Court, Kings.*

LANDLORD-TENANT LAW: Court allows a summary proceeding against tenant at sufferance under RPL 11114 101 Ave Corp. v. Ramlogan, Civil Court, Queens.

FAMILY LAW: Court grants maintenance and child support for plaintiff. *EE v. VE, Supreme Court, Richmond.*

MEDICAL MALPRACTICE: Direct verdict motion denied in medical malpractice action. *Santiago v. Berman, Supreme Court, Westchester.*

U.S. Courts

COPYRIGHT LAW: Former congressman’s copyright infringement claims are barred by the fair use doctrine. *Santos v. Kimmel, 2d Cir.*

ANTITRUST: Sherman Act, CEA claims of conspiracy to manipulate sterling LIBOR fail. *Sonterra Capital Master Fund Ltd. v. UBS AG, 2d Cir.*

CIVIL RIGHTS: Probable cause existed to arrest, prosecute motorist over forged temporary license plate. *Waller v. City of New York, SDNY.*

ATTORNEY COMPENSATION: ‘Wells’ Factors favor fee award that is not windfall; EAJA award must be refunded. *Hernandez v. Bisignano, SDNY.*

CREDITORS’ AND DEBTORS’ RIGHTS: Court lacks authority to stay underlying state court debt collection proceeding. *Mosley v. Selip & Stylianou LLP, EDNY.*

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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. "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 million. 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 iHeartMedia 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 million. 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 eye-watering \$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, Illinois 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 LuliFama 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 particularity. 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 Secondes, 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



**Richard Parr,**  
GC at  
Dallas-based  
AEG Vision

nonprofits. In fact, interim general 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 counsel—and 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,



**Matthew 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 post. "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 Atlanta-based Cox Media Group, said her legal department has used secondees to to cover a spike in workloads or to fill in for an attorney



**Navy 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 AI 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 contracts team." She sees the shift as part of a broader evolution in how legal departments approach staffing—including 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 middle-ground 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 mod-

els—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 AI 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 on our team." She added: "Using outside counsel for this limited project at a special rate provided a double-efficiency—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 design—anchored 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 confirmed. 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 for pardons. Among the law firms that are known to be involved, Latham



Latham partners **Jonathan Su** and **Nicholas McQuaid**

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 supports. 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-

ously deputy White House counsel to Biden before joining Latham in 2022. Latham partner Nicholas McQuaid is also representing Mike Donilon, Biden's former senior adviser. Latham also has a history with the Biden family, previously representing Hunter Biden in a tax investigation. 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 targeted 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 former 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 themselves. Steve Ricchetti, who was counsel 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 documents. 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. 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 white-collar 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.



Expert Analysis

MEDICAL MALPRACTICE DEFENSE

Defending Against Change of Theory in Malpractice Cases

Frequently 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 case.

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.

By  
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. Cera-bona*, 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 court.

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

CONTRACTS

The FTC Switches Gears On Noncompete Enforcement

The 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.



By  
Jeffrey S.  
Boxer



And  
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, Republican-majority 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

» Page 6

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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 Santana and Simona Agnolucci plus associates Ellie Winter Barczak and Eva Spitzin 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.

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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.

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NYT

« 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 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 suggested 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 Nico-

lás 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

Many 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.



By Eric Tirschwell

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 pre-enforcement, 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 gun-industry 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 § 898-b(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 Dhalwal** 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 **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**.

• **Goldberg Segalla** has added **Carter Overbey**, **Amat Fatimah** and **Amanda Drantch** as associates.

—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 wrote.

The solicitor general cited the Supreme Court’s June ruling in *U.S. v. Skrametti*, 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, 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-End Led to Injuries, Per Plaintiff**

**Verdict: \$125,000.00**

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# Corporate Restructuring & Bankruptcy

## The Non-Bankruptcy Litigator vs. the Contested Matter

**BY JACLYN MARASCO AND KRISTEN PERRY**

You, 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.

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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



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

**BY SETH H. LIEBERMAN AND AMANDA SCHAEFER**

Following 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 non-consensual 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.

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 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 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.

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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 minimis* 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 plan.

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

## SDNY Decisions on Creditor Consent And Third-Party Releases

**BY THERESA A. DRISCOLL**

In 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

THERESA A. DRISCOLL is a partner and chair of Creditors’ Rights, Restructuring & Bankruptcy Practice at Moritt Hock & Hamroff.

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*, bankruptcy 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 bankruptcy 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.*,



Corporate Restructuring & Bankruptcy

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 *Purdue*.

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

non-debtor releases in appropriate cases.

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-

eds 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

determined the plan's third-party releases procured through an opt-out 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 *non-consensual* 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 catch-all 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

« Continued from page 7

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 third-party 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 opt-in 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 opt-out.

*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 opt-in 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 *Purdue*-based 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

‘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 firearms industry.” Quoting from then-Governor Andrew Cuomo’s statement that New York’s law would “‘right the wrong’ done by PLCAA,” Judge

Jacobs concludes that Section 898 “is nothing short of an attempt to end-run PLCAA.”

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 sub-section b(1) to argue that the law

“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 procedures.”

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 §898-a(2).

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 exception.

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 gun violence.

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

« Continued from page 5

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  
**Defense Attorney(s):** Melissa Trinos-Delatour; Cheven, Keely & Hatzis; New York, NY for Jose L. Hernandez

**Facts:** On Oct. 8, 2018, plaintiff Fitz McKenzie, 50, who was self-employed 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; Assistant 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 and 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 vehicle. 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

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 interrimly 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

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, interrimly 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]).

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 Pohlmeier*, 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.

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 said.

“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 compliant 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 compliance.”

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

Court Calendars

First Department

APPELLATE DIVISION

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

Renwick, P.J., Manzanet, Kapnick, Webber and Kern, JJ. FRIDAY, SEPT. 26

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

11 A.M. 150359/25 Feigen v. Hamill THURSDAY, OCT. 2

10 A.M. 654488/22 Cyberbit, Inc. v. Cloud Range Cyber

1 P.M. 650671/21 Tahari v. Narkis FRIDAY, OCT. 3

10 A.M. 603111/05 Lee v. Luk MONDAY, OCT. 6

10 A.M. 816210/22 Martin v. Poe Affiliates, L.P.

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

WEDNESDAY, OCT. 8 10 A.M.

656443/22 Bank of Utah v. Aboughazale

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

FRIDAY, OCT. 17 10 A.M.

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

FRIDAY, OCT. 24 9:30 A.M.

153055/23 McGeehan v. 14th Street HK Realty

CALENDAR FOR THE SEPTEMBER TERM

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 Cerdá v. Cydonia W71

21/2475 People v. Carlos Guzman

20/1659 People v. Luis Sastre

24/6871 Gomez v. Thomas

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

24/1177 Adago v. Sy

21/1547 People v. Kenneth Ferguson

24/6469 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 Santiago

24/4306 Nunez v. Turo, Inc.

23/4578 People v. Sterling Wade

23/5751 People v. Andre Seda

24/4809(1) People v. Liz Thompson

24/4359 Metropolitan Property v. Pentair Residential

24/5245N Charlton v. 92 Pinehurst Avenue

25/24N ARK292 v. Archdiocese of NY

WEDNESDAY, SEPT. 24 2 P.M.

20/997 People v. Brian Gutierrez

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

24/6683 D., Luelin

24/4249 Wadsworth Associates v. NYS Division of Housing

25/3876 Doe v. Archdiocese of NY

19/3810 People v. Nicole Fields

23/3512 People v. Shaquille Dinkins

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

24/5645 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 Withall

24/3125 People v. Yusef Brown

24/1759 Best Work Holdings v. Ma

22/4342 People v. Vadim Shilman

24/4524 National Community v. Willie Santos

24/2993 Trzuskot v. Johnson

23/571 People v. Javier Rosario

24/5803(1) Molner v. Molner

25/739(1) NMolner v. Molner

24/7867(6)N Cohn v. RTW

Realtywinds Acquisition

23/6362N N47 Associates v. Jemscs Realty

THURSDAY, SEPT. 25 2 P.M.

24/219 People v. David Young

24/2453 Lewis v. Ganesh

24/2022 P/B., Children

25/697 Rivera v. ShopRite of Bruckner

24/7923 Elberg v. International Bank of Chicago

19/4979 People v. David Rivera

24/3834 People v. Pharaoh Holmes

23/122 Edwards v. NJ Transit

24/4524 National Community v. Midtown Coalition

24/5438670 River Realty v. NYS Division of Housing

24/5626 People v. Tariq Gouldbourne

22/2962 People v. Brandon Holley

24/6287 White v. Turitz

22/4917 People v. Melissa Concepcion

23/5553 People v. Franklin Cabrera-Fernandez

24/6313383 W. Broadway Corp. v. Tax Commission

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

25/1239 Dorilton Capital Management v. Stilus LLC

24/565 People v. Peter Showers

21/5101 People v. Precilla Smith

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

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

24/4110N Board of Managers v. 16EF Apartment

CALENDAR FOR THE OCTOBER TERM

TUESDAY, SEPT. 30 2 P.M.

24/7638 People v. Latiqua Gibbs

25/2403 Liberty Mobility v. Port Authority

24/4189 F., Michayla

25/1461 Lema v. 1148 Corporation

25/1240 McGregor v. Manhattan Nursing Home

24/235 Bennigson v. Solomon Guggenheim Foundation

23/785 People v. Jeury Marte

24/6591 Suarez v. City of NY

25/1701 Ancart v. Crespo

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

23/6751 G.R., Children

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

25/1984N Malekan v. Malekan

24/4536(3)N Allmen v. Kimmel

WEDNESDAY, OCT. 1 2 P.M.

24/6230 People v. Rodrick Hatten

25/514 Mancilla & Fantone v. Liu

25/1160 R., Keira

24/2719 Twersky v. Yeshiva University

25/199 Kassai v. Trump Management

24/1151 Will B. Sandler Disclaimer

Trust v. Swersky

25/309 Salis v. Zolin

24/3742 Cullins v. Themaguba

24/6794417 N Comanche v. Enmres of NY

24/2756 People v. Amadou Diallo

24/4532 Lee v. Lee

24/7683 K., Peter v. Mayumi M.

24/6152 Reyes v. Benton

24/3959 Wilmington Savings Fund v. Scaffidi

25/400 Bodenchak v. 5178 Holdings

23/6489 People v. Kori Powell

24/3895N Zimmerman v. 410-57 Corporation

24/5303N Doe v. Matta

THURSDAY, OCT. 2 2 P.M.

23/6750 People v. Lawrence Downey

24/6747 Martinez v. Martinez

25/1238 H., Yoribis

25/941 Nationstar Mortgage v. O'Connor

24/6949 Healy v. Kruger

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

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

24/2455 People v. Cameron Golphin

25/4542 Law Firm of Jennifer Zuch v. Lemus

24/2127(3) HSBC Bank v. Wu

24/3517 Bonilla v. BPP ST Owner

25/1784 M., Mylah

24/3512 Reclaim the Records v. City of NY

24/4701 Contreras v. Parkash

24/5450 Peck v. Milbank LLP

23/3957 People v. Jonatan Luna

24/2985N Vasquez v. Bronx Lebanon Hospital

24/7639N Sabr Chemicals v. Northeast Chemicals

TUESDAY, OCT. 7 2 P.M.

24/1273 People v. Ralph Berry

24/3732 Pacheco v. Georgetown

Elevanth

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

25/2565(1) E., 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

24/1882 Giangrande v. Gracie Gardens Owners

24/4545 Funtl v. Andrews

25/3545 Kapitius Servicing v. Ragtime Gourmet

24/4647382 McDonald v. NYC Industrial Development

25/715 Lovett v. 2600 Seventh Avenue

24/6530 Itzhak v. Briarwood Insurance

22/5053 People v. Antoine Gee

25/596N Pritchett v. American Golf

24/5096(2)N Clares v. 600 West 183rd Street Realty

WEDNESDAY, OCT. 8 2 P.M.

21/2052 People v. Prince Bryan

24/5854 Medina v. Medina

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

24/3632 Rosario v. Gentry Tenants

24/7807 Sendibel Trading v. Petroleros de Venezuela

24/2919(1) Forster v. Beijiani

24/3560(1) Forster v. Beijiani

24/5706(1) Forster v. Beijiani

24/6063 People v. Luis Ortiz

24/6624 S.C., Children

24/3926 Reyes v. 45 & 47 Wadsworth Ave.

25/2280(5) AT&T Mobility Holdings v. Grupo Salinas

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 School of Medicine

23/6567(2)N Leslie Digital Imaging v. Empower Information Holdings

THURSD



**SPECIAL REFEREE**  
**71 Thomas Street****Judicial Hearing Officers**Part 91 Hon. C. Ramos  
Part 93 Hon. Marin**Supreme Court  
Motion Calendars**  
**Room 130, 9-30 A.M.**  
**60 Centre Street****Supreme Court  
Motion Dispositions**  
**from Room 130**  
**60 Centre Street**

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

**Motion Calendar Key:**

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

**60 CENTRE  
STREET****Submissions Part**  
**MONDAY, SEPT. 22****Submission**1 100408/25 Bass v. McNeal  
2 100418/25 Ruiz v. Community Access Inc**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  
651492/25 156-166 Bowery L.P. v. Reece 155-Bowery  
850011/13398 St. Nicholas Ave. v. 936-938 Clifffrest Housing  
653212/23 A & L 444 LLC Et Al v. Ankura Trust Co.  
656042/23 Abbott Dpm v. Moreira  
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  
158953/25 Aponte Carrillo v. Motor Vehicle Accident Indemnification Corp.  
452941/23 Aristizabal v. Metro. NYCTA Et Al  
655599/16 Astra Pacific Outdoor v. Jergill Mfg. Corp.  
650111/25 Asynchem, Inc. v. Entero Therapeutics, Inc.  
156617/24 Bachor v. Alan Ripka & Associates  
950032/19 Bakhrkhal 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 End Ave. Condominium on Behalf of The Unit Owners v. Shabshi LLC  
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  
159189/25 Columbia Palestine Solidarity Coalition v. The Trustees of Columbia Univ. in NYC  
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 Feltman v. 5w Public Relations LLC Et Al  
160132/25 Fisher v. NY Univ.  
656322/23 Fortegra Specialty Ins. Co. v. Musclemar L Corp. Et Al  
155443/25 Francavilla v. Staten Island Plaza Ltd. Partnership Et Al  
653642/24 Gallery Apts. Co., L.P. v. The Board of Mgrs. of The Petit Verdort Condominium161552/24 Garmosen v. Lopez  
650061/25 Ghoulam v. Bentivoglio  
152244/24 Gist v. Ponce Bank Et Al  
655295/24 Glenn Agre Bergman & Fuentes v. 55 Gsftn Recovery Fund v. Sharrow  
190082/22 Hardin v. Aerco Int'l, Inc. Et Al  
160227/19 Hartman v. Whh 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. Nitsberg652314/25 Itria Ventures LLC v. R1 Solutions, Inc. Et Al  
152394/22 Johnnamie 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. NYCH&HC  
161398/23 Kiemtore v. Schwartz  
156710/24 Krawiecki v. Khorsand  
161655/25 L v. NYC Dept. of Health And Mental Hygiene  
157732/20 Laci v. 611 West 56th St.  
161329/25 Lakh 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 Assistance  
850624/23 McLP Asset Co., Inc. v. Lau  
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 Mri 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 Al 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. Eig 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 Et Al  
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 LLC Et Al  
654410/25 Silver Point Finance v. Venetos151890/23 Sinclair v. Macy's, Inc. Et Al  
152895/21 Smith v. Mary Manning Walsh  
156652/24 Sofro v. 560 Seventh Ave. Owner Primary LLC Et Al  
161212/23 Stanicky v. Jc Hospity 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, Afl-Cio, 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. Kidion Logistics  
160399/24 The Cincinnati 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 Rlty. Trust Et Al  
161995/24 Whh Housing Corp. v. Hartman  
805071/24 Ying v. Chynn M.D.**TUESDAY, SEPT. 23**155162/25 167 8th Ave. LLC v. Goldstein  
850275/23 57th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. McDermott  
650585/24 66 Ave. C Housing Dev. Fund Corp. v. Javier  
653880/25 Affn Funding v. B & T Plumbing Contracting And Remodeling LLC Et Al  
161554/25 Aguero Mejia v. NYC Et Al  
152473/18 Aguilar v. Home Builders 1 L.P.  
654313/25 Agvr 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  
650990/20 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. Et Al  
153187/25 Cavalry Spv 1 v. Rosenberg  
451428/22 NYC v. Jones  
153525/20 Cna Ins. Co. v. 225 Fourth LLC  
451698/24 Comm'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  
151432/24 D'Arco v. 133 7th Ave. South  
652672/25 David York Agency v. Green  
952136/23 Doe v. Brand  
158693/24 Doe v. Kirby  
152524/25 Doe v. Archdiocese of NY Et Al  
157419/23 F.J. Sciamie Const. Co., Inc. Et Al v. Five Star Electric Corp.  
654691/25 Forward Finacing 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 Goldvekt v. Extra Space Mgt., Inc. Et Al  
159297/24 Govt. Employees Ins. Co. v. 274 Brighton Beach Drugs Inc. Et Al  
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. Cohen  
850287/23 Lakeview Loan Servicing v. Curtis  
153291/21 Lamonica v. Lendlease (us) Const. Lmb, Inc. Et Al  
653571/25 Laufer v. Bam Prop. Dev. LLC  
154460/22 Margalit v. Network of Patrols, Inc.  
452357/23 Martinez v. Otero**C O U R T N O T E S****OFFICE OF COURT  
ADMINISTRATION***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 locations.

**Agenda:**

1. Approval of 4/29/2025 Meeting Minutes (vote)
2. Introducing Panagiota Hyde: Capital Planning Attorney
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
9. 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 provide sufficient time for a full review of candidates, applications will be accepted through November 6, 2025, at 5 p.m.

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

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

**NEW YORK STATE  
COURT OF APPEALS****Deadline for Amicus Curiae Motions In ‘Matter of Seneca Meadows v. Town of Seneca Falls’**

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

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**Notice to the Bar – August 2025 Appeals**

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

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

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

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

APL-2025-00144: People (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 (Tonic); 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 Comm. 605 US (2025)

**U.S. DISTRICT COURT  
EASTERN DISTRICT****Notice Regarding Change of Procedures Related To Filings Sealed Document in Criminal Matters**

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

**U.S. DISTRICT COURT  
SOUTHERN DISTRICT****Position Available for Chief Counsel To the District Court (Supervisory Pro Se Law Clerk)**

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

**DESCRIPTION**

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

**POSITION OVERVIEW**

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

The Chief Counsel reports to the Chief Judge 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 committees.

**DUTIES AND RESPONSIBILITIES**

The Chief Counsel, under the direction of the Chief Judge, is responsible for hiring, training, supervision, and general management of the staff attorneys, which includes performance evaluation. The Chief Counsel is responsible for ensuring that the Office's handling of its screening duties remains responsive 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 Mfl 2021-F15 Ltd v. Haikins  
155175/25 Nash v. 766 Tenth LLC Et Al  
452758/24 NYCHA v. McDennan  
659480/24 NY Restoration Tech. Corp D/b/a Rtech v. 71 East 77th Inc.  
160409/22 NYCTL 2021-A Trust And The Bank of NY Mellon v. Kayland Rlty. Ltd. Et Al  
153265/24 Oliver v. NYC Police Dept.  
158999/17 Paul v. Davidson  
151776/14 PP2 Securities Evaluations v. Filibeen  
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 Al  
153050/15 Sherpa v. NYCTA  
151809/20 Sinchi v. NYCTA  
152493/25 State Farm Fire And Casualty Co. v. Davis  
653608/25 Stokes v. Carcavba 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. Mvsk Equipment Sales Inc.  
653736/24 Tao v. Uniglo 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. Block  
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 Al  
659349/24 Clark v. NYU Langone 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 Inc.  
156698/25 Conway v. East 82 Owner LLC Et Al  
160370/21 Cruz v. Jgn Const. Corp. Et Al  
157330/23 Ccs Energy v. Rak 1 Solar  
805354/17 De La Rosa v. NY And  
850107/17 Deutsche Bank Nat. Trust v. Marino  
156220/25 Doe v. Hand Hosp.ity LLC Et Al  
159097/20 Dwyer v. 99 Canal Rlty. Inc.  
655205/25 Ellenoff Grossman & Schole Lp 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. Netherham  
159114/19 Holloway v. Port Auth. of NY And  
153758/23 Hooks v. Acure Hldgs. II  
154287/23 Imbisi v. McNelly Enterprises, Inc. Et Al  
650792/25 In The Matter of An Application of Dr. Henry Bellutta v. Pilla  
156942/25 In The Matter of Musovic Rlty. 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. Co.  
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  
160521/17 Narango v. 315 Hudson LLC  
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 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 Holl v. Rxr Const. Services  
450573/24 Quashie v. Metro. Transportation Auth. Et Al  
650604/24 Regulus Group v. Motir Services, Inc. Et Al  
150011/24 Rodriguez v. 3795 Restaurant Corp. D/b/a Maraca NY 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



# Court Calendars

## COURT NOTES

### Continued from page 11

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@nysd.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.

### WEDNESDAY, SEPT. 24

655166/25 Blitz v. Brutus  
654222/25 Captains Neck Hldgs. LLC v. You  
651304/16 Georgetown Co. v. Iac/ interactivecorp.

### Motion

655166/25 Blitz v. Brutus  
654222/25 Captains Neck Hldgs. LLC v. You

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**Judicial Media**  
**Justice Suzanne J. Adams**  
**60 Centre Street**  
**Phone 646-386-3722**  
**Room 300**

### MONDAY, SEPT. 22

650960/232 West 46 Borrower LLC Et Al. v. Tabu Corp Et Al  
158925/21 49 Grove v. 49 Grove Rlty. LLC  
160288/21 605 West 42nd Owner LLC v. Darwak  
650501/20/77 Retail Hldgs. LLC v. Tsb 77 LLC  
152402/18 Alexopoulos v. 2 Rector St. (NY)  
652285/22 American Transit Ins. Co. v. Hernandez  
654562/22 American Transit Ins. Co. v. Rojas  
158181/18 Archives L.L.C. v. Mandell School  
651455/21 Astoria Motor Court v. Marino  
235991/14 Barney's, Inc. v. Tax Comm. of The  
805134/20 Blauzvern v. Hughes  
154230/21 Borough Const. Group LLC v. Citigrant Funding Corp.  
159231/21 Boykins v. Northwell Health Physician Partners Et Al  
160500/16 Buckley v. Hearst Corp.  
155675/21 Capuano v. Si Green Rlty. Corp Et Al  
805040/20 Cornette Smith-Smallwood v. NYCH&HC And  
655021/22 Country-Wide Ins. Co. v. Henriquez  
805258/20 D. v. NYCH&HC And  
153550/21 Denal Const. Corp. v. Claremont Hotel, Inc.  
154177/22 Duce Const. Corp. v. Kdbf Ventures LLC Et Al  
158373/20 Econair Supply Inc. v. Youdeem  
159570/21 Fathelbab v. 2003.A Rlty. Inc. Et Al  
805112/20 Francis v. NYCH&HC And  
156955/14 Ghodbane v. 111 John Rlty. Corp.  
655482/20 Gonzalez v. Ivape Int'l Inc.  
451150/19 Hamilton v. Torres Caballero  
805374/21 Jimenez v. NYC NYCH&HC Corp.  
805275/19 Johnson v. NYCH&HC  
805110/22 Keeping v. Kumra  
159813/20 Kowalczyk v. 200 Park L.P.  
157707/20 Lacinie Corp. v. Myle 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 Russell v. Dynatec Contracting Inc.  
159413/20 Sai Contracting Corp. v. Panel  
150109/20 Sato Const. Co., Inc. v. Fourth Ave. Owners Corp.  
158068/18 Szymczyk v. Hudson 36 LLC  
153599/22 Tribeca Green LLC v. Dispiro  
155502/21 Velez v. Fabian  
805259/22 Weglein v. Ting M.D.

### TUESDAY, SEPT. 23

152352/20 Cna Ins. Co. v. 225 Fourth LLC  
653608/25 Stokes v. Carcava LLC D/b/a The Tool Box  
**WEDNESDAY, SEPT. 24**  
155537/21 Baicea v. Broadway 340 Madison Fee  
154643/21 Bowman v. Aecom Tishman Et Al  
155652/22 Campana v. Crp/imico 350 West 42nd St. L.P. Et Al  
155637/24 De La Rosa v. 402 West 153rd St. Co-Operative Corp. Et Al  
154766/17 Falcone v. Otis Elevator Co.  
155290/21 Garcia v. 550 Washington Owner (de) LLC Et Al  
153748/19 Gilinsky v. Ashforth Properties  
151151/20 Gilinsky v. Ashforth Properties Const., Inc. Et Al  
158979/25 Goldberg v. Schwartz Goldstone Campisi & Kates  
159581/21 Graham v. Coney Mgt. LLC Et Al  
154684/22 Grant v. Centerlight Certified Home Health Agency Et Al  
160113/16 Heard v. McGovern & Co. LLC  
152118/20 Hicks v. Si Green Rlty. Corp.  
158525/21 Hoffman v. 27 Victoria Owners Corp. Et Al  
159051/18 Izquierdo v. Amsterdam Ave.  
154821/21 Jacques v. Splash Space 122 LLC Et Al  
150418/24 Lee v. Planet Fitness, Inc. Et Al  
155255/21 Mintz v. 101 Park Ave. Associates II LLC Et Al  
160868/21 Moore v. 273 W 131 LLC Et Al  
160521/17 Naranjo v. 315 Hudson LLC  
159567/20 Nemeth v. Tishman Const. Corp. of NY Et Al  
152194/22 Oliveras v. Abacus 223 Madison  
154545/18 Orellana v. 4260 B'way. Rlty. LLC  
156142/20 Posey v. Curran  
151360/18 Regalado v. Qps 23 10 Dev. LLC  
155691/14 Schwartz v. Board of Mrgs. of 260  
154733/21 Smith v. The Kixby Hotel Et Al  
160122/19 Sporer v. NY Univ. Hosps. Center Et Al  
161016/20 Stalin Cajamarca v. R & R Scaffolding  
156024/20 Tate v. West 141 Hldgs. LLC  
153709/21 Tenesaca v. The Opera Owners, Inc. Et Al  
453736/24 NYC Et Al v. Board of Mrgs. of The 1564 48th St. Condominium Et Al  
154194/19 Turner v. J.T. Magen & Co. Inc.  
160737/21 Valencia v. NYCTA  
155093/21 Villamizar v. G.D.C.L. Hldgs. LLC Et Al  
150144/24 Watson v. Hamilton Heights Cluster Associates  
155168/21 Wisniewski v. 1100 Ave. of The Americas Associates Et Al  
158716/23 Yelverton v. Spectrum NY Metro

### Part 43

**Justice Robert R. Reed**  
**60 Centre Street**  
**Phone 646-386-3238**  
**Room 222**

### MONDAY, SEPT. 22

653212/23 A & L 444 LLC Et Al v. Ankura Trust Company  
651890/23 The Matter of The Application of Karen Atta, Atta, Inc. Et Al. v. 450 West 31st Owners Corp. Et Al  
**TUESDAY, SEPT. 23**  
653122/25 Castia v. Maplewood Equity Partners (affiliated) Ltd. Et Al  
652064/17 Vxi Lux Holdeo S.A.R.L. v. Sic Hldgs.

157630/23 Syllman v. Kew Gardens Hills  
**WEDNESDAY, SEPT. 24**  
152542/23 Smith v. 2 St Marks Pl. Hotel Corp. Et Al  
651201/20 Societe Hammamet v. Elmwood Ventures LLC  
158003/21 Taylor v. Bp/cg Center II LLC Et Al

### Part 37

**Justice Arthur F. Engoron**  
**60 Centre Street**  
**Phone 646-386-3222**  
**Room 418**

### MONDAY, SEPT. 22

805033/21 Campbell v. Carryl M.D.  
153783/23 Guardiola v. 815 West 180th Group LLC  
655475/24 Indigo Secured High Income Note v. Nitsberg  
850285/14 Khamisa S. M. Howira  
154053/23 Nationwide General Ins. Co. As Subrogee of Mari Matsuo And Simon Colley v. Systems 2000 Plumbing Services  
**Motion**  
805033/21 Campbell v. Carryl M.D.  
153783/23 Guardiola v. 815 West 180th Group LLC

### Part 39

**Justice James G. Clynes**  
**60 Centre Street**  
**Phone 646-386-3619**

### MONDAY, SEPT. 22

156617/24 Bachor v. Alan Ripka & Associates  
156050/25 Capellini v. First Manhattan Co. Et Al  
156700/25 Schatz v. Schragger  
150012/25 State Farm Mutual Automobile Ins. Co. v. Adagio Chioproactic  
160957/23 Super Pc Systems, Inc. v. Angelo Grill Inc. Et Al  
**TUESDAY, SEPT. 23**  
153525/20 Cna Ins. Co. v. 225 Fourth LLC  
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155537/21 Baicea v. Broadway 340 Madison Fee  
154643/21 Bowman v. Aecom Tishman Et Al  
155652/22 Campana v. Crp/imico 350 West 42nd St. L.P. Et Al  
155637/24 De La Rosa v. 402 West 153rd St. Co-Operative Corp. Et Al  
154766/17 Falcone v. Otis Elevator Co.  
155290/21 Garcia v. 550 Washington Owner (de) LLC Et Al  
153748/19 Gilinsky v. Ashforth Properties  
151151/20 Gilinsky v. Ashforth Properties Const., Inc. Et Al  
158979/25 Goldberg v. Schwartz Goldstone Campisi & Kates  
159581/21 Graham v. Coney Mgt. LLC Et Al  
154684/22 Grant v. Centerlight Certified Home Health Agency Et Al  
160113/16 Heard v. McGovern & Co. LLC  
152118/20 Hicks v. Si Green Rlty. Corp.  
158525/21 Hoffman v. 27 Victoria Owners Corp. Et Al  
159051/18 Izquierdo v. Amsterdam Ave.  
154821/21 Jacques v. Splash Space 122 LLC Et Al  
150418/24 Lee v. Planet Fitness, Inc. Et Al  
155255/21 Mintz v. 101 Park Ave. Associates II LLC Et Al  
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159567/20 Nemeth v. Tishman Const. Corp. of NY Et Al  
152194/22 Oliveras v. Abacus 223 Madison  
154545/18 Orellana v. 4260 B'way. Rlty. LLC  
156142/20 Posey v. Curran  
151360/18 Regalado v. Qps 23 10 Dev. LLC  
155691/14 Schwartz v. Board of Mrgs. of 260  
154733/21 Smith v. The Kixby Hotel Et Al  
160122/19 Sporer v. NY Univ. Hosps. Center Et Al  
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156024/20 Tate v. West 141 Hldgs. LLC  
153709/21 Tenesaca v. The Opera Owners, Inc. Et Al  
453736/24 NYC Et Al v. Board of Mrgs. of The 1564 48th St. Condominium Et Al  
154194/19 Turner v. J.T. Magen & Co. Inc.  
160737/21 Valencia v. NYCTA  
155093/21 Villamizar v. G.D.C.L. Hldgs. LLC Et Al  
150144/24 Watson v. Hamilton Heights Cluster Associates  
155168/21 Wisniewski v. 1100 Ave. of The Americas Associates Et Al  
158716/23 Yelverton v. Spectrum NY Metro

### Part 34

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

151180/23 Powell v. 300 8th Ave. Food Corp.  
159510/22 Rondon v. 200 Varick St. De LLC Et Al  
150829/23 Tolchinsky v. Castaneda

152534/23 Arias v. 2308 Associates LLC  
151282/23 Brito v. Services For The Underserved, Inc. Et Al  
151934/22 Cimino v. 1114 6th Ave. Owner LLC Et Al  
152321/22 Compierchio v. 208 West 80th St. Associates LLC Et Al  
156080/22 Gamberg v. Cubesmart  
152272/23 Gelder v. Terence Cardinal Cooke Health Care Center Et Al  
155500/22 Gerges v. Jpmorgan Chase & Co. Et Al  
153417/22 Gorman v. Hampton Inn Manhattan Grand Central Et Al  
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153255/23 Jimenez v. Hamilton Pl. Associates  
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152134/24 Davis v. Repi 600 Fifth Hldgs.  
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150269/21 Espinal Sanchez v. Bop Greenpoint H-3 LLC  
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154945/23 Fiodaliso v. Equinox Hldgs., Inc. Et Al  
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150629/25 Heniquez v. Sormerman  
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650063/25 Kokalari v. Bank of America  
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159852/23 Lomonaco v. Aci Vi Clarkson LLC Et Al  
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154265/22 Lucero v. 50 Hymc Owner LLC Et Al  
156453/24 Marino v. Babad Mgt. Co., LLC Et Al  
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157891/22 Morcho Segarra v. Wall Owner Lp Et Al  
154845/23 Olsson v. The Lang School Et Al  
162098/23 Pacific Indemnity Co. v. High Line Const. Group LLC Et Al  
153513/23 Palacios Ziegler v. Brandywine Assisted Living At The Savoy Et Al  
154853/23 Peralta Naranjo v. Lex Ny Equities LLC Et Al  
159739/24 Perez v. 561 W 144 Rlty. Et Al  
157124/22 Pv Hldg. Corp. Including All of Its Subsidiaries And Affiliates, Including But Not Ltd. To Avis Budget, LLC, Avis Car Rental, LLC, Budget Car Rental, LLC, Budget Truck Rental, LLC, Payless Car Rental, Inc. And Zipcar, Inc. v. Abdul-Massih Family Health Nurse Practitioner  
150614/22 Quirrola v. East 115th St. Mgt. And Dev. L.P.  
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158678/23 Silverman v. Leibowitz  
160371/24 Sirkis v. Con Ed Co. of New York, Inc. Et Al  
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161274/20 State Farm Mutual Automobile Ins. Co. v. American Empire Surplus Lines Ins. Co. Et Al  
152710/21 Tawarez v. B'way. Sugar Hill Housing  
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153408/22 The Travelers Home & Marine Ins. Co. A/s/o Jason Choi And Sunny Kang v. Con Ed Co. of New York, Inc.  
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153966/22 Vaidynathan v. 1400 St. Nicolas LLC D/b/a Safe Heart Pharmacy  
158272/21 Watson Jr. v. NYC Et Al  
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652610/24 Liberty Mutual Ins. Co. Et Al v. Mingot  
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157124/22 Pv Hldg. Corp. Including All of Its Subsidiaries And Affiliates, Including But Not Ltd. To Avis Budget, LLC, Avis Car Rental, LLC, Budget Car Rental, LLC, Budget Truck Rental, LLC, Payless Car Rental, Inc. And Zipcar, Inc. v. Abdul-Massih Family Health Nurse Practitioner  
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155230/24 Smith v. Madison 30 31 Owner LLC Et Al  
161274/20 State Farm Mutual Automobile Ins. Co. v. American Empire Surplus Lines Ins. Co. Et Al  
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159542/24 The Residential Board of Mrgs. of The 438 East 12th St. Condominium v. 181 Ave. A  
153408/22 The Travelers Home & Marine Ins. Co. A/s/o Jason Choi And Sunny Kang v. Con Ed Co. of New York, Inc.  
150577/24 Tineo v. Richmond Const. Inc. Et Al  
450686/24 Torres-Cedeno v. J & G Const. Services Inc. Et Al  
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451095/24 Golding v. NYCTA Et Al  
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157124/22 Pv Hldg. Corp. Including All of Its Subsidiaries And Affiliates, Including But Not Ltd. To Avis Budget, LLC, Avis Car Rental, LLC, Budget Car Rental, LLC, Budget Truck Rental, LLC, Payless Car Rental, Inc. And Zipcar, Inc. v. Abdul-Massih Family Health Nurse Practitioner  
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450686/24 Torres-Cedeno v. J & G Const. Services Inc. Et Al  
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153255/23 Jimenez v. Hamilton Pl. Associates  
153526/21 Keamesha Echevarria And Sarah Ramirez As Ltd. Temporary Co-Administrators of The Estate of Gregory Echevarria Et Al v. Soho Broome Condos  
158794/23 Koval v. Access Industries, Inc. Et Al  
153075/23 Lek v. Lek  
154068/23 Longfellow v. Barney  
151934/23 Pollack v. Kling Pfd  
60544/19 Roman v. Barredo  
152542/23 Smith v. 2 St Marks Pl. Hotel Corp. Et Al

152134/24 Davis v. Repi 600 Fifth Hldgs.  
162341/23 Dimaggio v. The Port Auth. of NY And New Jersey Et Al  
451179/25 Doe v. 127 Fourth Ave. Restaurant LLC Et Al  
159539/21 Duhon v. Fujitec America, Inc. Et Al  
150269/21 Espinal Sanchez v. Bop Greenpoint H-3 LLC  
150767/23 Falcon v. Eci Contracting  
154945/23 Fiodaliso v. Equinox Hldgs., Inc. Et Al  
153901/22 Fofana v. 120 Lexington Ave. Corp.  
159441/24 Gabaly v. P105, Inc. Et Al  
161128/20 Gallegos v. 106 West 56th St.  
451095/24 Golding v. NYCTA Et Al  
154131/24 Greater NY Mutual Ins. Co. v. Garcia  
153100/24 Hatten v. Ijl Us LLC D/b/a It's Just Lunch LLC  
152497/24 Hachijay v. M&N 72  
150629/25 Heniquez v. Sormerman  
160700/21 Ideal Rlty. LLC Et Al v. Flat 12 LLC Et Al  
160961/23 Karter v. Longevity Health Services LLC Et Al  
160329/24 Kimble v. Fgny  
650063/25 Kokalari v. Bank of America  
152660/24 Lewis v. Museum of Arts And Design  
652610/24 Liberty Mutual Ins. Co. Et Al v. Mingot  
159852/23 Lomon



<p><b>Part 8</b></p> <p><b>Justice Lynn R. Kotler</b>  <b>80 Centre Street</b>  <b>Phone 646-386-3572</b>  <b>Room 278</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>152293/20 Longdon v. NYCTA  152895/21 Smith v. Mary Manning Walsh</p> <p><b>TUESDAY, SEPT. 23</b></p> <p>157419/23 F.J. Sciamie Const. Co., Inc. Et Al v. Five Star Electric Corp.</p> <p><b>WEDNESDAY, SEPT. 24</b></p> <p>159702/20 Brophy v. Lendlease (us) Const.  154527/21 Rosado v. Cape Church Associates</p> <p><b>Part 21</b>  <b>City Part</b></p> <p><b>Justice Richard A. Tsai</b>  <b>80 Centre Street</b>  <b>Phone 646-386-3738</b>  <b>Room 280</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>452941/23 Aristizabal v. Metro. NYCTA Et Al  153182/23 Di Amario v. NYCTA Et Al  152394/22 Johnnie Leon-Burgos And Clarita Castillo-Alberto v. NYCTA Et Al</p> <p><b>TUESDAY, SEPT. 23</b></p> <p>153505/15 Sherpa v. NYCTA  450057/21 Urena v. NYCTA</p> <p><b>WEDNESDAY, SEPT. 24</b></p> <p>450573/24 Quashie v. Metro. Transportation Auth. Et Al  156959/14 Stevens v. NYCTA  158840/22 Whitehead v. Stewart</p> <p><b>Part 22</b>  <b>Motor Vehicle</b></p> <p><b>Justice Christopher Chin</b>  <b>80 Centre Street</b>  <b>Phone 646-386-3271</b>  <b>Room 136</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>150985/24 Agosto v. Perdomo  157197/23 Alicea v. St. Lukes Roosevelt Hosp. D/b/a Mount Sinai West Hosp. Et Al  161942/23 Almonzar v. Casillo  159853/25 Aponte Carrillo v. Motor Vehicle Accident Indemnification Corp.  155293/24 Dobbs v. Upadhyayulu  155027/23 Hazzard v. V &amp; L Pizzeria &amp; Restaurant D/b/a V &amp; T Restaurant, Inc. Et Al  161398/23 Kiemtore v. Schwartz  152360/23 Lewis v. Rigo Limo Auto Group LLC.  161202/17 Marcuse M.D. v. Rudman  153629/23 Marriott v. Ozbek  162306/21 Paez Lora v. Encore Group (USA)  157459/24 Ponce De Garcia v. Guttenplan  150747/21 Rosario v. Yang  154161/23 Williams v. Caporicci</p> <p><b>TUESDAY, SEPT. 23</b></p> <p>158849/17 Alba v. Port Auth. of New York 63/26/22 Vayal v. Singh</p> <p><b>WEDNESDAY, SEPT. 24</b></p> <p>151122/25 Johnson v. Ub Distributors LLC Et Al  157925/24 Sadhari v. Sultan  161184/24 Viras v. Fed. Express Corp. Et Al  153081/23 Williams v. Diaz</p> <p><b>Part MED-2</b></p> <p><b>Justice Samuel E. Wilkenfeld</b>  <b>80 Centre Street</b>  <b>646-386-3689</b>  <b>Room 106</b></p> <p><b>Early Settlement</b>  <b>Part 1</b></p> <p><b>Justice Miles J. Vigilante</b>  <b>80 Centre Street</b>  <b>Room 106</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>154726/19 Access Theater, Inc. v. Battery Dance Corp.  156893/19 Castillo-Diaz v. Etro U.S.A., Inc.  152324/18 Grinberg v. NYC  152337/20 Hernandez v. 207 East 14th St. Rlty.  159954/20 Maccarone v. NY Convention Center  156873/19 Mattson v. Nyp Hldgs., Inc. D/b/a The  152423/18 Merced v. NYC  451530/18 Rodriguez v. Post Ave. L.L.C. D/b/a  161470/19 Sicurella v. Lcor Asset Mgt.</p> <p><b>TUESDAY, SEPT. 23</b></p> <p>154001/17 Bautista v. Hughes &amp; Hughes Contracting  159580/21 Cocozza v. Popkin  161380/20 Kociski v. St. Patrick's Cathedral Et Al  159897/21 Lekaj v. Dylan Murphy's Et Al  156110/20 Riiska v. Lowe's Home Centers  151987/18 Rivadeneira v. 731 Rite. LLC  156146/22 Sanny Checo v. 561 West 186th St. Associates LLC</p> <p><b>WEDNESDAY, SEPT. 24</b></p> <p>154194/21 Esteban Monzon v. Rusk Renovations, Inc. Et Al  152419/21 Flores v. West 38 Res L.L.C. Et Al  155520/21 Irizarry v. Balton LLC  153653/22 Jimenez v. Congregation Khal Adah Jeshurun Inc.  150098/22 Jones v. Bp Prods. North America, Inc. Et Al  154484/21 McInerney v. Hudson Yards Const.  155094/22 Oakley v. First Ave. Village Corp.  154545/18 Orellana v. 4260 B'way. Rite. 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 Zevalz 103-26 LLC</p> <p><b>Early Settlement</b>  <b>Part 2</b></p> <p><b>Justice Samuel E. Wilkenfeld</b>  <b>80 Centre Street</b>  <b>Room 106</b></p> <p><b>Part 27</b></p> <p><b>Justice Denise M Dominguez</b>  <b>80 Centre Street</b>  <b>Phone 646-386-5625</b>  <b>Courtroom 289</b></p> <p><b>Part 41</b></p> <p><b>Justice Nicholas W. Moyné</b>  <b>80 Centre Street</b>  <b>Phone 646-386-3984</b>  <b>Room 327</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>153845/24 Abreu v. Lopez  100786/25 Alterman v. The Alterman Family Trust  157254/24 American Express Nat. Bank v. Horowitz  650111/25 Asymchem, 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 Et Al  656322/23 Portagela Specialty Ins. Co. v. Musclemann L Corp. Et Al  653633/25 Gsfnt Recovery Fund v. Sharrow</p>		<p>651929/24 Hart v. 317 East 18th Owners Corp. Et Al  161655/25 L v. NYC Dept. of Health And Mental Hygiene  158511/25 Manhattan Ave. Associates v. NYS Office of Temporary And Disability Assistance  451776/25 NYCHA v. Gonzalez  100846/25 Perdoci v. Business Dept. Bmcc College  157451/24 Progressive Furniture Inc. v. 123 Stores Inc.  651422/24 S1 Spine v. Implanet America, Inc.</p> <p><b>Motion</b></p> <p>100786/25 Alterman v. The Alterman Family Trust  159733/23 Dist. Council 37 v. NYC Et Al  100846/25 Perdoci v. Business Dept. Bmcc College  651422/24 S1 Spine v. Implanet America, Inc.</p> <p><b>TUESDAY, SEPT. 23</b></p> <p>160393/25 106-108 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 Agüero Mejia v. NYC Et Al  451428/22 NYC v. Jones  155610/24 Core &amp; Main Lp v. V. Barile Inc. Et Al  653167/25 Goldeveht 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</p> <p><b>Motion</b></p> <p>160393/25 106-108 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</p> <p><b>WEDNESDAY, SEPT. 24</b></p> <p>160303/25440 East 62nd St. Owners Corp. v. Chavez  100884/25 Baker v. Decas  158685/25 Catucci v. Bureau of Vital Records  153499/25 Midtown Surgery Center v. Hampton  650484/25 Mitra Mehr LLC v. Hakim</p> <p><b>Motion</b></p> <p>160303/25440 East 62nd St. Owners Corp. v. Chavez  100884/25 Baker v. Decas</p> <p><b>Part 50</b></p> <p><b>Justice J. Machelie Sweeting</b>  <b>80 Centre Street</b>  <b>Phone 646-386-5639</b>  <b>Room 279</b></p> <p><b>Part 51</b>  <b>Matrimonial Part</b></p> <p><b>Justice Lisa S. Headley</b>  <b>80 Centre Street</b>  <b>Phone 646-386-3846</b>  <b>Room 122</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>309188/13 Dwyer v. Dwyer</p> <p><b>Part 65</b></p> <p><b>Justice Denis M. Reo</b>  <b>80 Centre Street</b>  <b>Phone 646-386-3887</b>  <b>Room 307</b></p> <p><b>MONDAY, SEPT. 22</b></p> <p>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 Mattson v. Nyp Hldgs., Inc. D/b/a The  152423/18 Merced v. NYC  158891/20 Ruiz Arrega v. Bedford Apts. Co. LLC</p> <p><b>TUESDAY, SEPT. 23</b></p> <p>952136/23 Doe v. Brand  161380/20 Kociski v. St. Patrick's Cathedral Et Al  156110/20 Riiska v. Lowe's Home Centers</p> <p><b>Part 73R</b>  <b>Special Referee</b></p> <p><b>Justice Diego Santiago</b>  <b>60 Centre Street</b>  <b></b></p>
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WEDNESDAY, SEPT. 24

95003222 Cerone v. A.O. Smith Water Prods. Co Et Al

190045424 Martens v. Aero Int'l

190081222 Mohabeer v. Amchem Prods., Inc., Nk/a Rhone Poulenc Ag Co., Nk/a Bayer Cropscience Inc., Et Al

Part 18

Justice Alexander M. Tisch  
71 Thomas Street  
Phone 646-386-3472  
Room 104

MONDAY, SEPT. 22

95003219 Bakhrakh v. Elaine Kaufman Cultural Center

TUESDAY, SEPT. 23

951382221A. v. NYC Et Al

95102821B. v. NYC

95041521 Barnes v. NYC Dept. of Education Et Al

950506220 Castro v. Archdiocese of NY

95080921 Costello v. Archdiocese of NY Et Al

95001219 Filipowski v. Archdiocese of NY Et Al

95033021 Gailther v. Roman Catholic Archdiocese of NY Et Al

95058920 Alvies v. Holy Name Province of the

95064320 Jimenez v. NYC Et Al

95121221 Kleiman v. Kleiman

95062520 McPhillips v. Our Lady of Mount Carmel

950102021 Michaels v. NYC Et Al

950196191 Mrj. v. Archdiocese of NY

95021820N. v. NYC

15899917 Paul v. Davidson

95023619 Perez v. Archdiocese of NY

95002021 Venuti v. Our Lady of Mt. Carmel Church

Part 23

Justice Eric Schumacher  
71 Thomas Street  
Phone 646-386-3736  
Courtroom 304

MONDAY, SEPT. 22

190082222 Hardin v. Aero Int'l, Inc. Et Al

19008232 Smith v. A.O. Smith Water Prods. Co Et Al

TUESDAY, SEPT. 23

190297191 Day v. Amchem Prods., Inc.

19020920 Groff v. A.O. Smith Water Prods. Co

19018621 Kootz v. Abb, Inc. Individually And As Successor in Interest To Ite Circuit Breakers, Inc., Et Al

WEDNESDAY, SEPT. 24

190153222 Cerone v. A.O. Smith Water Prods. Co Et Al

190045224 Martens v. Aero Int'l

190081222 Mohabeer v. Amchem Prods., Inc., Nk/a Rhone Poulenc Ag Co., Nk/a Bayer Cropscience Inc., Et Al

Part 29

Justice Leticia M. Ramirez  
71 Thomas Street  
Phone 646-386-3016  
Room 311

MONDAY, SEPT. 22

16258519 Farber v. Ozedemir

15544325 Francavilla v. Staten Island Plaza Ltd. Partnership Et Al

WEDNESDAY, SEPT. 24

15770224 Acosta v. Swenson

15455220 Admiral Indemnity Co. v. Stephen Sonnenberg

15616424 Alvarez Jerves v. Alexander Gray Associates

15406623 Archer v. Morningside I Associates L.P. Et Al

15082523 Balcarcel v. West Fourteenth Kitchen LLC

15834023 Barboza Diaz v. 200 East 20th LLC Et Al

15707224 Benitez Castro v. Gouverneur Court Housing Dev. Fund Corp. Et Al

15705923 Bennett v. Levister Redev. Co. LLC Et Al

15895224 Cowley v. Balloon Museum USA LLC

15071225 Community Mutual Ins. Co. A/s/o Carmen Rivera v. Elgc Services Inc D/b/a Et General Const.

15788324 Coronel v. Crafted Interiors Design Build LLC Et Al

15580724 Del Villar v. Koko Seafood Salad & Grill Et Al

15713824 English v. The United House of Prayer For All People of The Church on The Rock of The Apostolic Faith Et Al

15334923 Farj III b. v. Bre 1740 B'way. LLC Et Al

15713623 Garcia-Tovar v. Dv Contracting Inc. Et Al

15840624 Gonzalez v. Alexander 15664424 Grandeur Tex, Inc. v. World Marketing Inc. Et Al

15765623 Hernandez v. 563 West 173rd St. Rty. LLC Et Al

15428723 Imbesi v. McNelly Enterprises, Inc. Et Al

156737221 v. East River Family Center

155138623 Levine v. Central Harlem Bradruith Ltd. Partnership Et Al

15793223 Llanos v. NYCHA

15860324 Mangas v. 743 Fifth Ave. Condominium Et Al

154413222 Manizab v. NYCHA

15239523 Mercedes Nunez v. Amp Prop. Owner L.P. Et Al

15821524 Muniz v. Jpmorgan Chase & Co. Et Al

15751821 Nerges Jr. v. Nat. RR. Passenger Corp.

15829623 Pacific Indemnity Co. A/s/o Richard Milman And Stacey Milman v. Lawrence

15672724 Rivera v. NYCHA

15807523 Rodriguez Estrada v. Chatsworth Rty. Corp. Et Al

15695424 Santos v. McDonald's Corp. Et Al

15605523 Sassouni v. Trader Joe's East D/b/a Trader Joe's Store 544 East 42nd St Scully v. Hfz W 75th St. Owner

15799324 Torrento v. Qb Housing Dev. Fund Corp. Et Al

15720724 Uribe v. Royal Charter Properties, Inc.

15898423 Winkler v. Debar Rty. Corp. Et Al

15691924 Vnes Fajardo v. 177th Upper B'way. Hlgs. LLC

Part 36

Justice Verna L. Saunders  
71 Thomas Street  
Phone 646-386-3733  
Room 205

MONDAY, SEPT. 22

15240825 Batka v. Roman Catholic Archdiocese of NY Et Al

TUESDAY, SEPT. 23

15920524 Oliver v. NYC Police Dept.

10094525 Torres v. Latalardo

950443222 Zelmanovich v. Eastmore Owners Corp.

Motion

10094525 Torres v. Latalardo

WEDNESDAY, SEPT. 24

15797525153 West 26th Realty v. Northfield Ins. Co. Et Al

1507501942 East 14th St. LLC v. A.O. 1616 Rty. LLC

65476125 Akf Inc. v. Terra Prop. Group LLC Et Al

15012161 Al. v. Bsrep Ua Miles

15108718 Ambottis v. Gemini Residential

65307825 American Transit Ins. Co. v. Englewood Orthopedics Group Pc

65304825 American Transit Ins. Co. v. Unicorn Acupuncture

40020704 NYC v. Maul

15733024 Cs v. Ral 1 Solar

150102187 Dyadechko v. Port Auth. of New

15999818 Dzidura v. Human Dev.

65002901 Elb K3 33d 33rd LLC v. Stickey's Corporate LLC

15672225 Giommetti v. Waterfall Apts Inc.

65623421 Kaplan v. Global American Commercial Corp.

15861020 Karastoyanova v. 175 East 74th Corp.—11 A.M.

16073220 Murawski v. Bisso

10155377 Ramirez v. H.Mckenzie Inc.

15001224 Rodriguez v. 3795 Restaurant Corp. D/b/a Maraca NY Et Al

65499121 T-Seventeen LLC v. Aa Jenson Co.

45306621 Thame v. NYCH&HC Corp. Et Al

15905221 Union Mutual Fire Ins. Co. A/s/o Eb 323 Rty. Inc. v. Fisco Const. Inc.

15917624 Zavaglia v. Teacher's Retirement System of NYC Et Al

Motion

65476125 Akf Inc. v. Terra Prop. Group LLC Et Al

15907825 American Transit Ins. Co. v. Englewood Orthopedics Group Pc

65304825 American Transit Ins. Co. v. Unicorn Acupuncture

15672225 Giommetti v. Waterfall Apts Inc.

65623421 Kaplan v. Global American Commercial Corp.

15917624 Zavaglia v. Teacher's Retirement System of NYC Et Al

Part 46

Justice Richard Latin  
71 Thomas Street  
Phone 646-386-3279  
Room 210

MONDAY, SEPT. 22

16003922 Artiles v. Macklowe Properties Et Al—10:30 A.M.

15057323 Chatham v. Susan Sheehan Gallery, Inc. Et Al—11 A.M.

16026623 Eaton v. 608 Co.

16086521 Fermin v. Lic Dev. Owner—11:30 A.M.

15481522 Martin v. Regus Et Al—10 A.M.

16083421 Mendoza v. Celtic Services NYC, Inc. Et Al—10:30 A.M.

15571222 Paguy v. Empire 326 Grand LLC—10 A.M.

15544022 Paun v. 150 United Nations Plaza Condominium—11:30 A.M.

15341923 Remache v. Trinity Hudson Hlths.—9:30 A.M.

15570122 Schwab v. 170 West End Ave. Condominium—9:30 A.M.

TUESDAY, SEPT. 23

45232523 Martinez v. Otero

WEDNESDAY, SEPT. 24

15111323 Larios v. Aspenly Co. LLC Et Al

Part 55

Justice James D'Auguste  
71 Thomas Street  
Phone 646-386-3289  
Room 103

MONDAY, SEPT. 22

16176524 American Express Nat. Bank v. Lee

65184824 Reitter Kailas & Rosenblatt Hlps. v. Upfront Meatainment, Inc. Et Al

TUESDAY, SEPT. 23

15247318 Aguilarr v. Home Builders 1 L.P.

15143224D'Arco v. 133 7th Ave. South

15869324 Doe v. Kirby

15475924 NYCHA v. McDenann

16142225 Talisen Const. Corp. v. Energy Plus NY Inc.

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1571802581 St Dwellers, Inc. v. Block

16094225 Andnam Investors LLC v. Jovanovic

15122724 Ardron Bellorin v. Crosscity Const. Corp. Et Al

15355624 Ascencio v. El Mambi Steakhouse Corp. Et Al

15201824 Balcazar Jimbo v. Pyramid Restoration NY LLC Et Al

16009024 Bespoke Harlem West LLC v. Adams

15061923 Boerke v. Nucor Const. Corp. Et Al

65489624 Broadwalk Mgt. Co. LLC

65424723 Chungdy Dev. Corp. v. Liang

16084723D. v. NYC Et Al

16018623 Darouvar v. M.R.E. Hlths. Corp.

15533214 David v. Scher

15693221 Dieudonne v. 142-12 Rosedale Rty. Corp. Et Al

15023824 Forestiero v. The Animal Medical Center Et Al

65362725 Galyanurov v. Galyanurov

15179324 Green v. Overwatch Services LLC

152001818 Guaman Guazcho v. 420 West 23rd St

15604725 In The Matter of The Application of Sean Hirschhorn v. NYC Et Al

16034524 Kaczor v. L'industrie Pizza Ip Holcdo

95233723 Lewis v. Rivers

15885724 Love v. Wayne Rda Et Al

15601823 Mousides v. NY Prop. Ins. Underwriting Assoc.

15885723 N.S. v. 504 W 143rd

15304920 Nardelli v. Zletz

15671723 Pasket v. 25 Charles Owners Corp. Et Al

15281724 Price v. 88 Madison Hotel Fee Owner

15604019 Price v. 163-170 East 81st St.

15857917 Qorrolli v. Metro. Dental 15359023 Rodriguez v. Metro. Transportation Auth. Et Al

15917923 Ryan v. The Cora Hoffman Center Et Al

15753223 S&D Homes Inc. v. Zhou 15541324 Sadowski v. NYCHA Et Al

15459324 Sanchez v. 860 B'way.

16187723 Secaira v. NYC Et Al

16203625 The N&E Bulcao Family Trust Dated December 13 v. Jre Hlgs. LLC

15247224 Toussaint v. Weinberg Properties L.P. Et Al

15404924 Zomongo.Tv USA, Inc. v. NYC Marshal Stephen W. Biegel

Motion

16094225 Andnam Investors LLC v. Jovanovic

15201824 Balcazar Jimbo v. Pyramid Restoration NY LLC Et Al

16009024 Bespoke Harlem West LLC v. Adams

65424723 Chungdy Dev. Corp. v. Liang

65362725 Galyanurov v. Galyanurov

15604725 In The Matter of The Application of Sean Hirschhorn v. NYC Et Al

95233723 Lewis v. Rivers

65367123 Pasket v. 25 Charles Owners Corp. Et Al

15604019 Price v. 163-170 East 81st St.

15857917 Qorrolli v. Metro. Dental 16203625 The N&E Bulcao Family Trust Dated December 13 v. Jre Hlgs. LLC

15404924 Zomongo.Tv USA, Inc. v. NYC Marshal Stephen W. Biegel

Part 58

Justice David B. Cohen  
71 Thomas Street  
Phone 646-636-3347  
Room 305

MONDAY, SEPT. 22

15893624 Cates v. Rigney

Tuesday, Sept. 23

15121/20Bueno v. 212 W 95  
Owner LLC Et Al

152493/25State Farm Fire And  
Casualty Co. v. Davis

161465/25The Legal Aid Society v.  
NYC Police Dept. Et Al

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654086/25Afk Inc. v. Derwood's  
Automotive Repair LLC Et Al

659349/24Clark v. NYU Langone  
Health System

159891/23Clarke v. Fisher-Park  
Lane Owner LLC Et Al

160370/21Cruz v. Jgn Const. Corp.  
Et Al

15437-20Flores v. Mt. Sinai Hosp.

151139/21Hernandez v. 315 East  
68th St. NYC Et Al

158024/24Perez v. NYC Et Al

Part 56

Justice John J. Kelley  
71 Thomas Street  
Phone 646-386-5281  
Room 204

Monday, Sept. 22

850588/25Alex Nnamani v. Afaneh  
M.D.

80507/12Yaving v. Chynn M.D.

Tuesday, Sept. 23

805133/17Del Sordo v. Northwell  
Health

805044/22Grabner v. Mount Sinai  
Beth Israel Et Al

805033/22Liu v. Ferland-Haroun  
D.C.U.

805314/21Molina v. Mount Sinai  
MorningSide Hosp. Et Al

158629/13Public Administrator  
Of The County Of NY v. Terence  
Cardinal Cooke

805057/22Ross v. Dines M.D.

805133/22Seyburn v. Lieb M.D.

158805/20Sheldrick v. New York-  
Presbyterian/Columbia Univ.  
Medical Center

805253/21Spurio v. NY  
Presbyterian Morgan Stanley  
Children's Hosp.

Wednesday, Sept. 24

805279/21Bowman v. Andrews  
805117/23Davis v. Kelly M.D.

159026/23Geoffrey Sanders v.  
Dewitt Rehabilitation And  
Nursing Center, Inc.

805828/23Mohtashami v.  
Rosenbaum M.D.

805246/21Porto v. Parsons M.D.

45215/25Santiago Mendez v. Ilana  
Eltzlin

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

653060/25Petman v. 5w Public  
Relations LLC Et Al

655259/24Glenn Agre Bergman &  
Fuentes v. Siffin

150873/25Medina v. Jovin Demo  
Inc.

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

Tuesday, Sept. 23

652418/24 Madison Office Fee  
LLC v. Wanderer

155162/25167 8th Ave. LLC v.  
Goldstein

156824/23Blomberg v. One  
Vanderbilt Owner LLC Et Al

157815/24Brown v. Corner Social  
Et Al

156913/23Cardoso v. Omnibuild  
Const., Inc. Et Al

155093/23Crg Merchant Solutions  
v. Broughton Const. Co.

159291/21Diaz v. The NY And  
Presbyterian Hosp.

162298/24 Ferreira Silva v. Mega  
Contracting Group LLC Et Al

653202/25 Gelinias v. As Builders  
Inc. Db/a Jwc Const. LLC Et Al

159827/23 Gonzalez Villanueva v.  
Ann Murray Hill LLC Et Al

151384/24Groce v. NYCHA

150017/24 Hackett v. 345 East 52nd  
St. Owners Inc. Et Al

652981/25 Hawk v. Ctrain  
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  
Group

154531/24 Jakich v. Stahl  
Associates LLC Et Al

158364/23 James v. Con Ed Co. of  
New York

151745/18 Jones v. NYC Et Al

652139/25 Castings & Findings,  
Inc. Et Al v. Yusupov Jewels & Co  
654742/24Jsk Prop. Mgt. LLC v.  
Hub Int'l Group Northland, Inc.  
Et Al

161780/24 Kan v. America Ootoya  
Inc Et Al

161087/24 Kilvert v. City Winery

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  
Llc

157013/24 Mamilovich v. 711 Fifth  
Ave Principal Owner LLC Et Al

161287/24 Meneses-Betanco v.  
Structural Preservation Systems

650493/25 Midwest Bonding v.  
Murray

652296/23 North American Elevator  
Inc. v. Happy Living Dev. LLC

154860/24 Pollack v. Atlantic  
Westerly Co.

150267/24 Ramos v. Ascendant  
Heritage LLC Et Al

156968/24 Ratliff v. Fools Gold LLC  
154501/25 Reginald v. The Brook,  
Inc.

151837/23 Richardson v. Bolo  
Renovations

151058/24 Rivas Looir v. T-C The  
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

653736/24 Tao v. Uniqlo USA LLC

150765/24 Taylor v. The Trustees of  
Columbia Univ. in NYC Et Al

161429/23 Taylor v. Central Harlem  
Mutual Housing Assoc. Housing  
Dev. Fund Corp. Et Al

158700/24 The Cincinnati Assn. Co.  
A/s/o Frank S. And Judith N.  
Greenberg v. Samrad

161461/25 The Legal Aid Society v.  
NYC PD Dept. Et Al

159897/23 Valle v. 2632 Prop. Owner  
LLC Et Al

Wednesday, Sept. 24

655205/25 Ellenoff Grossman &  
Schole Lip v. Marcali

160911/24 Infinity Auto Ins. Co. of  
Caldwell

653007/25 The Funding Bull v.  
Moore Freight Lines, Inc. Et Al

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.  
Castro

650213/23Con Ed Co. of New York,  
Inc. v. Burlington Ins. Co. Et Al

654480/21 Strategic Funding  
Source, Inc. v. Forecast Financial  
Group LLC Et Al

160399/24 The Cincinnati Ins. Co.  
As Subrogee of Scott Mosberg  
And Alyssa Mosberg v. Systems  
2000 Plumbing Services Inc.

Tuesday, Sept. 23

653630/25 Allstate Fire And  
Casualty Ins. Co. v. Suk

162266/24 Assembly of Pentecostal  
Church of Jesus Christ v. 118  
Standard Rly. LLC

156894/25 Benincasa v. NYC - Dept.  
of Health & Mental Hygiene

655768/23 Digiammarino v. Bahari

652103/23 Grafiche Milani S.P.A. v.  
V Magazine LLC Et Al

101193/24 McDonald v. M. Plaza L.P.

650899/24 The Powell Companies  
Real v. Digiammarino

150185/24 Woodtech Line Inc. v.  
Lemoses Inc. Et Al

Motion

162266/24 Assembly of Pentecostal  
Church of Jesus Christ v. 118  
Standard Rly. LLC

156894/25 Benincasa v. NYC - Dept.  
of Health & Mental Hygiene

655768/23 Digiammarino v. Bahari

101193/24 McDonald v. M. Plaza L.P.

650899/24 The Powell Companies  
Real v. Digiammarino

Wednesday, Sept. 24

153814/23176 N. Main Llc v. Wesco  
Ins. Co.

153814/23176 N. Main Llc v.  
Wesco Ins. Co.

154934/23 Aeg Restoration Corp v.  
Dula—10 A.M.

157393/23 Amica Mutual Ins. Co.  
As Subrogee of Huiting Chan v.  
Zihenni

155453/24 Avakian v. NYC  
Economic Dev. Corp. Et Al

654682/22 Awaken Advisors Ltd. v.  
Atlas Tech. Mgmt Pt Et Al—10 A.M.

650365/24 Ballou Stoll Pvc. v. 162  
Utica Ave, Inc. Et Al

159737/22 Calle v. 1878 Lexington  
Dist Grocery Inc.

453063/22 Comm'r's. 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 A.M.

159189/23 Dembeck v. Pro Painting  
Plus LLC

156813/24 Fernandez v. NYCHA

158920/24 Guerrero Duran v. 25  
Water Owner LLC Et Al

159711/24 Hassett v. Cartiga

650380/25 J&M Int'l Hdqcs. LLC Et  
Al v. 88 City Dev. LLC Et Al

158751/24 Jaramillo Zapata v.  
NYCYA Db/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.

150161/25 Nadoff v. Equitable  
Financial Life Ins. Co.

451277/23 NYCHA v. Johnson

162267/24 Pv Hdq. Corp. Including  
All of Its Subsidiaries And  
Affiliates, Including But Not  
Ltd To. Avis Budget, LLC, Avis  
Car Rental, LLC, Budget Car  
Rental, LLC, Budget Truck  
Rental, LLC, Payless Car Rental,  
Inc. And Zipcar, Inc. v. Bl Pain  
Management

653153/23 Shona Mechanical, Inc.  
v. Vanguard Const. And Dev. Co.,  
Inc.

154721/24 Siqueira v. Rcpi  
Landmark Properties

160399/24 The Cincinnati Ins. Co.  
As Subrogee of Scott Mosberg  
And Alyssa Mosberg v. Systems  
2000 Plumbing Services Inc.

654937/24 Torres v. Quality Auto  
Tech Inc Et Al

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0020225Hilton Resorts Corp. v. Nethammer	159114/19Holloway v. Port Auth. of NY And
85021123Hyn Club Suites Owners Assoc. Inc., By And Through Its Board of Directors v. Morris	15181220Hyacinthe v. NYC
85020823Hyn Club Suites Owners Assoc. Inc., By And Through Its Board of Directors v. Neziyana	15752620I.N.J. v. NYC Et Al
85021623Hyn Club Suites Owners Assoc. Inc., By And Through Its Board of Directors v. Williams	16119321Jackson v. NYC Et Al
850516625 Ignorance Chase Bank v. Ece NY LLC Et Al	15030521Johnson v. NYC Et Al
85063823 Ignorance Chase Bank v. Connell	15273025Karr v. NYC Et Al
85004424 IgnoranceChase Bank. Nat. Assoc. v. Sw Vestry	15398203Laguerrre v. NYC
85025518 Matrix Financial Services v. Sec	158458921Martinez v. NYC
156452222NYCTL 2021- A Trust And The Bank of NY Mellon As Collateral Agent And Custodian v. S & L USA Mgt.	15891121Martiz v. NYC Et Al
85006025Townd Point Mortgage Trust 2022- 4 v. Miui	15016124Matos v. NYC
85027824Wilmington Savings Fund Society v. Wilson	15208821 Medina De Cortes v. 133
<b>Part 38</b>	Dykman St. LLC Et Al
<b>Justice Ashlee Crawford</b>	15280724 Liah v. NYC Et Al
<b>111 Centre Street</b>	15827223Montes v. NYC Et Al
<b>Phone 646-386-3235</b>	15940520Ordonez v. NYC Police
<b>Room 1166</b>	Dept. Et Al
<b>MONDAY, SEPT. 22</b>	15230124 Perkins v. NYC Et Al
<b>16019024Hitz v. 171 Great Plains LLC Et Al</b>	14256320Pocar v. NYC
<b>Part 42</b>	15848922Pringle v. NYC Et Al
<b>Justice Emily Morales-Minerva</b>	45179521 Ramirez Moreno v.
<b>111 Centre Street</b>	Avenel Truck & Equipment Inc.
<b>Phone 646-386-3237</b>	16117323 Ramirez v. NYC Et Al
<b>Room 574</b>	15006240 Ramos v. NYC
<b>MONDAY, SEPT. 22</b>	45009316 Ramos v. NYC
<b>16169024Mgs Us Mgtl. Inc. v. Ns</b>	15042323 Reiz v. NYC
<b>Grand St. Apt. Services Inc. Et Al</b>	15082020 S. v. NYC
<b>15254625 Claude Kunstenaar v.</b>	15045816 Sako v. NYC
<b>15949220Dd 11th Ave. v. Glazer</b>	15725823 Santos v. NYC
<b>15170025 Empower Fed. Credit Union v. Abbott</b>	15776123 Simmonds v. NYC Et Al
<b>652311425 Rita Ventures LLC v. R1 Solutions, Inc. Et Al.</b>	10049720 Sorel v. NYC
<b>65230120Mda. v. MId.</b>	15938023 Stacy v. NYC Et Al
<b>65231723 Morankar v. Centurion Anesthesia</b>	15482921 Thoene v. NYC
<b>45143020 NYCHA v. Grini's Harlem Grill Inc.</b>	15024922 Turnar v. NYC Et Al
<b>65342522 Patel v. The Board of Mgrs. of The M At Beekman Condominium Et Al</b>	15286422 Uralan v. NYC Dept. of Parks And Recreation Et Al
<b>15622622 Valentín Torres v. NYCHA</b>	15091624 Valerio v. NYC Et Al
<b>Tuesday, Sept. 23</b>	10018522 Ware v. NYC Et Al
<b>65190524423 Madison Ave. LLC v. Xenopoulos</b>	15045223 Watkins v. NYC Et Al
<b>45169824 Comm'r. of The NYS Ins. Fund v. Winegard</b>	15942522 Watt v. NYC Et Al
<b>65267225 David York Agency v. Green</b>	<b>Part 62</b>
<b>10025025 Hankins v. NYC NYCHA</b>	<b>City Part</b>
<b>65459223 Issacks Brothers v. American Express Co. Et Al</b>	<b>Justice Ariel D. Chesler</b>
<b>65282622 Post Comp. v. Public Services Mutual Ins. Co. Et Al</b>	<b>111 Centre Street</b>
<b>65190724 Samuels v. S.M.L. Food Corp. Et Al</b>	<b>Phone 646-386-3274</b>
<b>16051623 South Coast Const. LLC v. Central Interiors Inc</b>	<b>Room 1127A</b>
<b>Wednesday, Sept. 24</b>	<b>Integrated Domestic Violence Part</b>
<b>65126615398 Ph LLC v. Ross</b>	<b>Justice Tandra L. Dawson</b>
<b>10077025 Brzozowski v. Emigrant Bank</b>	<b>100 Centre Street</b>
<b>65074923 Ginzta 2 v. Goldberg</b>	<b>Phone 646-386-3868</b>
<b>65079422 Interstate Indemnity Co. v. East 77 Owners Co. LLC</b>	<b>Room 1604</b>
<b>15125724 Inwood Ventura II LLC v. 30 Park Rly. Co., LLC</b>	<b>MONDAY, SEPT. 22</b>
<b>15570025 Lee An Chung Ins. Co.</b>	<b>35002413 Olson v. Olson</b>
<b>65254323 Kaur v. Kan General White Kim Ruger &amp; Richter Ulp v. Albin</b>	<b>CRIMINAL TERM</b>
<b>15116921 Lu v. Hu</b>	<b>Part Tap A</b>
<b>65002319 Peter J Gleason v. Seifullah</b>	<b>Justice Biben</b>
<b>45382124 NYC Et Al v. Yue</b>	<b>Phone 646-386-4107</b>
<b>65362825 West10west LLC A/a West 10 West LLC v. Carmine Ltd. Et Al</b>	<b>100 Centre St.</b>
<b>Motion</b>	<b>Room 1100, 9:30 A.M.</b>
<b>10077025 Brzozowski v. Emigrant Bank</b>	<b>Part Tap B</b>
<b>65362825 West10west LLC A/a West 10 West LLC v. Carmine Ltd. Et Al</b>	<b>Justice Statsinger</b>
<b>Part 47</b>	<b>Phone 646-386-4044</b>
<b>Justice Paul A. Goetz</b>	<b>100 Centre St.</b>
<b>111 Centre Street</b>	<b>Room 1130, 9:30 A.M.</b>
<b>Phone 646-386-3743</b>	<b>Part 22</b>
<b>Room 1021</b>	<b>Justice Mennin</b>
<b>MONDAY, SEPT. 22</b>	<b>Phone 646-386-4022</b>
<b>65149225156-166 Bowery L.P. v. Reec 156 Bowery</b>	<b>Fax 212-295-4890</b>
<b>15511824 American Express Nat. Bank v. Lumpkin</b>	<b>111 Centre Street</b>
<b>65318425 Domani Consulting, Inc. v. Highpoint Prop. Group</b>	<b>Room 928, 9:30 A.M.</b>
<b>16155224 Germosen v. Khoreshad</b>	<b>Part 23</b>
<b>15671024 Krawickie v. Lpezshad</b>	<b>Justice N. Ross</b>
<b>45218225 State of NY - Unified Court System v. Civil Service Employees Assoc., Inc., Local 1000, Afscme, Aff-Cio</b>	<b>Phone 646-386-4028</b>
<b>16199524 Whv Housing Corp. v. Hartman</b>	<b>Fax 212-295-4891</b>
<b>Tuesday, Sept. 23</b>	<b>100 Centre Street</b>
<b>10060524 Crockwell v. Social Security Admin.</b>	<b>Room 1307, 9:30 A.M.</b>
<b>15429820 Deutsch v. The Hrn Capstone Partnership, Inc.</b>	<b>Part 31</b>
<b>65469125 Forward Financing LLC v. 8000 Cooper Ave. Liquors, Inc. Et Al</b>	<b>Justice D. Kiesel</b>
<b>10119024 Gimenez v. A&amp;E Networks</b>	<b>Phone 646-386-4031</b>
<b>15929724 Govt. Employees Ins. Co. v. 274 Brighton Beach Drugs Inc. Et Al</b>	<b>Fax 212-401-9260</b>
<b>15450924 Law Offices of Michael S. Lamonssof v. Wingate</b>	<b>100 Centre Street</b>
<b>15517525 Nash v. 766 Tenth LLC Et Al</b>	<b>Room 1333, 9:30 A.M.</b>
<b>15423425 Ramos v. Deutsche Bank Securities</b>	<b>Justice Carro</b>
<b>16125725 Talisen Const. Corp. v. Mwsck Equipment Sales Inc.</b>	<b>Phone 646-386-4032</b>
<b>Wednesday, Sept. 24</b>	<b>Fax 212-</b>



<b>Part 71</b> Justice L. Ward Phone 646-386-4071 Fax 212-401-9268 100 Centre Street Room 1104, 9:30 A.M.
<b>Part 72</b> Justice R. Stolz Phone 646-386-4072 Fax 212-401-9269 100 Centre Street Room 1123, 9:30 A.M.
<b>Part 73</b> Justice Roberts Phone 646-386-4073 Fax 212-401-9116 111 Centre Street Room 763, 9:30 A.M.
<b>Part 75</b> Justice Mandelbaum Phone 646-386-4075 111 Centre Street Room 583, 9:30 A.M.
<b>Part 77</b> Justice Obus Phone 646-386-4077 100 Centre Street Room 1536, 9:30 A.M.
<b>Part 81</b> Justice C. Farber Phone 646-386-4081 Fax 212-401-9270 100 Centre Street Room 1317, 9:30 A.M.
<b>Part 85</b> Justice Hayes Phone 646-386-4085 Fax 212-401-9113 111 Centre Street Room 1523, 9:30 A.M.
<b>Part 92</b> Justice Mitchell Phone 646-386-4092 Fax 212-295-4914 111 Centre Street Room 1234, 9:30 A.M.
<b>Part</b> Justice E. Biben Phone 646-386-4093 111 Centre Street Room 1333, 9:30 A.M.
<b>Part 93</b> Justice Scherzer Phone 646-386-4093 100 Centre Street Room 1333, 9:30 A.M.
<b>Part 95</b> Justice D.Conviser Phone 646-386-4095 Fax 212-401-9137 111 Centre Street Room 687, 9:30 A.M.
<b>Part 99</b> Justice Burke Phone 646-386-4099 Fax 212-401-9270 100 Centre Street Room 1530, 9:30 A.M.
<b>Part N-SCT</b> Justice Peterson Phone 646-386-4014 Fax 212-401-9272 100 Centre Street Room 218, 9:30 A.M.
<b>Part IDV</b> Justice Dawson Phone 646-386-3579 Fax 212-884-8938 100 Centre Street Room 1604, 9:30 A.M.

SURROGATE'S COURT

Surrogate Hilary Gindold  
Surrogate Rita Mella  
31 Chamber's Street  
New York, NY

See court's webpage for information about appearances: Visiting Surrogate's Court I NYCOURTS.GOVs

Bronx County

SUPREME COURT

EX PARTE AND URGENT MOTIONS PART

The Following is the List of Sittings in the Ex Parte Urgent Motions Part on the Dates Specified:

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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.

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MENTAL HYGIENE PART

Justice TBA

A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted virtually at Bronx Supreme Court-Civil Term, 851 Grand Concourse, Bronx, NY 10451, Room TBA, every Wednesday, commencing at a time TBA.

A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted in person at Bronx Supreme Court-Civil Term, 851 Grand Concourse, Bronx NY 10451, Room TBA, every Thursday, commencing at a time TBA.

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 4th Friday of each month, commencing 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  
305687/10 Bello v. NYCH&HC  
26673/18 Bradley v. St. Barnabas Hosp.  
31694/19 Brea v. 111 East 182 Corp.  
34068/18 Brown v. NYCTA  
800716/21 Castillo v. Abdullah  
27708/17 Cintron v. Doe  
803126/23 Darlene G. Lanausue 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.  
300848/18 Gayle v. Riverbay Corp.  
34802/20 Gumaneh v. Iconic Towing & Transportation  
300832/17 Kouame v. Alvarenga  
801909/23 Laciny Corp v. First Class Mgt. & Dev. LLC Et Al  
818282/22 Leal v. LLC  
813991/21 Luckett v. Parkayastha  
29284/19 Martinez v. Diaz  
27692/18 McCoy v. De Jesus Hilario  
27806/16 Medina v. Aloha  
27167/19 Morgan v. Gaye  
27689/19 Nunez v. Iqbal  
304680/14 Ortiz v. NYC  
27863/19 Peralta v. Woolcock  
350306/13 Perez v. Bklyn. Hosp. Center  
23851/20 Perez v. Rosado  
21790/14 Picchioni v. Fojas  
81341/22 Quintana v. Lopez  
300955/09 Rizzo v. Estate of Joseph C. Polifrone  
27934/20 Rosado v. A. Duie Pyle, Inc.  
804989/22 Salcedo v. Alpine East Rlty.  
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  
21404/20V. v. Hoyt N.P.  
814925/22 Valeriano v. C.A.C. Industries Inc.  
817238/21 Wjd v. Surita

TUESDAY, SEPT. 23

804742/22 Antvi v. Castellano  
28402/17 Bah v. Montero  
20558/18 Bruno v. Rose  
28502/17 Burriss v. Balbuena  
28006/17 Camille Saint-Martin  
And Laetitia Gabriel Caldwell As Administratrixes of The Estate of Jason Bailey v. Keye  
22809/18 Centre v. Bldg Oceanside LLC  
24279/17 Coyle v. Dos-Santos  
28469/20 Cruz v. M.Dos Corp.  
28791/20 Dalia v. Almanzar  
810493/22 Del Jesus Martinez v. Bernard  
22664/15 Delamota v. Fordham Hill Garage Owners  
808067/23 Dennis Sanchez v. Mk 1680 Rlty. LLC  
28160/20 Farrington v. Quiggu  
803353/23 Ferguson v. Quenguan  
28156/20 Ginton v. Poseluzny  
28206/20 Gonzalez v. American United  
20643/18 Johnson v. Bran  
80327/21 Martinez v. Monaghan  
29302/02 Menkes v. Beth Abraham Health  
28293/17 Meshcheryagina v. Bueno  
28078/19 Morales v. Yousof  
804730/23 Nazario v. Dore  
819504/23 Nwokocha v. Sugar Factory B.vy  
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  
804628/22 Russly v. Monamheim  
806588/22 Rutledge v. Stag Group LLC Et Al  
28476/20 Walker v. 2179 Valentine LLC  
27098/20 Wells v. Institute of Applied Human  
27875/19 Williams v. American United  
28267/20 Woodbury v. Martin

ADR Part

Phone 718-618-3081  
Room 701A

Part 2

Justice Elizabeth A. Taylor  
Phone 718-618-1275  
Room 710, 9:30 A.M.

MONDAY, SEPT. 22

21693/20 Delacruz v. Citedimicali  
816208/21 Dominguez v. Whole Foods Market Group, Inc. Et Al  
29173/18 Reid v. Raymours Furniture Co.

TUESDAY, SEPT. 23

24387/14 Trotman v. Precision Elevator Corp

Court Calendars

Part 3

Justice Mitchell J. Danziger  
Phone 718-618-1207  
Room 707, 9:30 A.M.

MONDAY, SEPT. 22

20990/1545 Associates LLC v. Pia Wood  
28089/18 Abreu v. NYC  
814695/22 Adorno v. NYC  
24257/19 Aguasanta v. NYC  
25670/18 Aguilera v. NYC Police  
84330/22 Ahmed v. St. Barnabas Hosp. Et Al  
800954/24 Ali v. NYC  
26831/19 Alimehaj v. City  
801061/24 Baes v. NYC  
803812/21 Almanzar v. NYC  
23197/19 Almonte v. NYC  
800228/21 Alqadasi v. NYC  
27336/17 Anderson v. NYC  
804240/23 Aponte v. NYC  
23285/19 Arroyo v. NYC  
813109/23 Asantewaa v. Perez  
805102/21 Aviles v. NYC  
800659/22 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  
820011/23 Barnes v. Con Ed Co. of New York, Inc. Et Al  
30282/16 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. Vineyard Int'l Christian Ministries, USA, Inc. Et Al  
802671/23 Bergman v. NYC  
34615/20 Betances v. NYC Et Al  
32531/19 Bishop v. Suarez  
800716/23 Bradley 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 Rpy Point  
804470/22 Castro v. NYC  
804497/23 Caudie v. NYC Et Al  
31631/18 Chambers v. Odinga  
819049/23 Cherry v. NYC Et Al  
801724/22 Chinnon 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. Co., Inc. Et Al  
814227/21 Collins v. NYC  
809154/22 Coley v. NYC Et Al  
806132/21 Conyers v. NYC Et Al  
800442/23 Crosby v. NYC  
814447/22 Cruz v. Miú 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 Diansantana v. NYC Et Al  
24427/16 Dolan v. NYC  
300194/14 Domeneque v. NYC  
808272/22 Dominguez v. NYC Et Al  
803582/23 Donkor v. Elton Crossing Condominium Unit Et Al  
34857/20 E. v. NYC Dept. of 29228/18 Endico III v. NYC Et Al  
29297/18 Escobar v. NYC Et Al  
816921/23 Esperon v. NYC  
28182/20 Espinal v. NYC  
805230/22 Farmer v. NYC  
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 Gibbs v. NYC  
808425/21 Gonzalez v. Rikers Island Correctional Facility Et Al  
23575/16 Gonzalez v. NYC  
811291/21 Gordon v. NYC Et Al  
801059/21 Graham v. NYC Et Al  
819964/23 Grayson v. NYC Et Al  
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. NYC Et Al  
800557/24 Hernandez v. NYC Et Al  
819042/23 Hernandez v. Canales  
303259/15 Hines v. NYCHA  
34131/20 J. v. NYC  
807422/23 Jones v. NYC Et Al  
808602/221.P. v. NYC Et Al  
807711/23 Lancaster v. NYC Et Al  
31086/20 Lopez v. Burgos  
30983/18 Lopez v. Castanos  
804712/23 Lopez v. Castanos  
35521/20 Majette v. NYC  
302342/15 Marino v. NYC  
800724/21 Marrero v. NYCHA Et Al  
32167/20 Martinez v. Bxc Park  
29453/19 Martinez v. NYC  
819185/23 McNair v. NYC  
300864/17 Melendez v. NYC  
805752/21 Mendez v. Princeton Equities LLC Et Al  
802491/24 Millhouse v. NYC Et Al  
816887/21 Morales v. NYC  
813936/22 Morales v. NYC Et Al  
23202/20 Moran v. NYC  
27062/19 Morgan v. NYC  
35533/20 Nieto-Zambrano v. Burgos  
803259/21 Nieves v. NYC Et Al  
310263/09 Norstrom v. NYC  
809233/22 Oldham v. NYC  
812109/22 Ortiz v. 2131 Presidential Assets LLC Et Al

MONDAY, SEPT. 22

22968/20 Pena v. Ardowork Corp.  
25473/19 Pereira v. Arcelay  
24620/19 Perez v. Lechoneria El Fogon Inc.  
811394/21 Perez v. Undercliff Hldg. LLC Et Al  
22737/20 Perez v. NYC  
814995/22 Peterson v. NYCH&HC Corp. Et Al  
818007/23 Pina v. NYC Et Al  
800719/21 Polanco Fernandez v. NYC Et Al  
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  
814904/21 Aviles v. NYC  
30819/17 Rodriguez v. NYC  
21734/18 Rodriguez v. NYC  
813827/21 Romano v. NYC Et Al  
811452/22 Rondon v. NYC Et Al  
20254/20 Rosario v. NYC  
812345/22 Rosario v. Fordham Associates De LLC  
807179/21 Rosario v. NYC  
22676/20 Roth v. NYC  
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 Williamsbridge Road LLC. Et Al  
809340/22 Soprano v. NYC Et Al  
813545/22 Sterling v. NYC Et Al  
807005/22 Suangi v. NYC Et Al  
23679/20 Suarez v. Mateo Dejesus  
816486/23 Taylor v. NYC  
815914/22 Thompkins v. NYC Et Al  
300740/17 Tirado v. NYC  
30182/19 Vazquez v. Gonzalez  
800728/24 Velez v. NYC Et Al  
817183/23 Velez v. NYC Et Al  
30688/19 Villarin v. NYC  
815346/22 Williams v. NYC  
808292/22 Williams v. NYC Et Al  
801067/24 Williams v. NYC  
807542/21 Wilson v. NYC

TUESDAY, SEPT. 23

801949/24 Acosta v. Baldor Specialty Foods, Inc.  
817218/24 Acosta v. NYC  
25374/19 Adams v. Grand Concourse 8 Associates  
814694/24 Alvarez De Perez v. NYCTA Et Al  
31503/17 Ampomah v. NYC  
29497/18 Andrisano v. NYC  
802826/24 Aponte v. Gurfel Rlty. Corp Et Al  
811183/25 Arenas v. NYC  
24191/18 Arias v. NYC  
810918/24 Belfor v. NYCTA Et Al  
811985/24 Benavides v. NYCTA Et Al  
802821/25 Betancourt v. NYC Et Al  
810525/23 Bina v. NYC Et Al  
805165/25 Brown v. NYC Et Al  
817172/25 Brown v. NYC Et Al  
815092/23 Cameron v. NYC Et Al  
808931/24 Campbell v. NYC Et Al  
820808/24 Chambliss v. NYC  
819426/23 Clark v. NYC Et Al  
821416/24 Cooks v. NYC Et Al  
29983/20 Copeland v. NYC  
810000/24 Cordones v. NYC Et Al  
816462/23 Corona v. NYC  
811382/25 Covington v. NYC Et Al  
814280/25 Cromer v. NYC Et Al  
805201/24 Cruz v. NYC Et Al  
810596/22 Cruz v. NYC  
814275/25 Cuya v. NYC Et Al  
28877/19 D. v. NYC  
30570/19 Daugherty v. NYCHA  
814535/24 Debkovski v. NYC Et Al  
817868/24 Delacruz v. Mendez  
810997/24 Deluise v. NYC Et Al  
20104/15 Dickerson v. NYC  
35193/20 Dorsey v. NYC  
802149/25 Elbashandy v. NYC Et Al  
819371/24 Espinal v. NYC Et Al  
802419/22 Espinal v. Moser  
24403/19 Feliz v. NYC  
30288/19 Flores v. NYC  
80350/21 Gray v. One Hudson Yards Owner LLC Et Al  
819658/23 Holley Jr. v. Venegas Almemdariz  
814102/25 Johnson v. H. Thomas Deliveries, Inc. Et Al  
20121/18 M. v. Romuald S. Mirville  
819368/24 Martinez Iriarte v. Brown  
815044/22 Morales v. Nathalia 4419 3rd Ave. LLC  
814229/25 N. v. Wentt  
803878/24 Ozoaria v. Deleon  
810515/24 Park v. Raymond D. Banuchi Et Al  
806405/24 Pelle v. Olr One Inc Et Al  
810542/24 Perez v. Drapper  
811999/24 Peterson v. Mid-Bronx Senior Citizens Council, Inc. Et Al  
815149/24 Plascencia Marte v. J.B. Hunt Transport, Inc.  
805972/24 Quintin in. 3585 Rlty. Corp.  
80560/25 Rasheed v. Hussion  
803442/25 Reyes v. Diallo  
804525/25 Reynoso Guillen 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 Al  
818642/23 Sica v. Hunter Roberts Const. Group LLC Et Al  
805829/24 Smith v. Darosa  
808392/21 Smith v. Ct East Harlem/ el Barrio Community Land Trust Housing Dev. Fund Corp. Et Al  
812122/25 Smith v. Motor Vehicle Accident Indemnification Corp.  
814837/21 Suriel v. Suriel  
808209/25 Urena v. Mascioli  
812807/24 Viruet v. Vidal  
808706/22 Yaeger-Ferreira v. Reynoso

TUESDAY, SEPT. 23

811724/24 Brand v. Webster Ave. Affordable LLC Et Al  
814417/24 Chicas v. Extell Dev. Co. Et Al  
348972/20 Orellana v. 115 Enterprise Group LLC

Part 4

Justice Andrew J. Cohen  
Phone 718-618-1212  
Room 413, 9:30 A.M.

TUESDAY, SEPT. 23

24225/19 A. v. Nathan Littauer Hlsg  
807267/22 Acosta v. Solimancarpio  
814019/25 Akogu v. Mitr Corp. Et Al  
815417/25 Albanez v. Chowdry  
807717/25 Amancio Baez v. Pantoja  
811580/24 Cherry v. 70 Rlty. Partners  
809951/25 Cruz Martinez v. Tp&S Winegrapes, Inc. Et Al  
805582/25 De La Cruz Canela v. De Los Santos  
812950/25 Delosangeles v. Pena  
808352/25 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. Tilley  
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  
816726/25 McPherson v. Arias  
805515/25 Mendez De Guerrero v. Learning

Part 5

Justice Alison Y. Tuitt  
Phone 718-618-1224  
Room 415, 9:30 A.M.

MONDAY, SEPT. 22

815113/21 Cordero Soto Et Al  
813732/24 Garcia Penalo v. Cowan Systems  
820625/23 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  
378525/23 Nidkumana v. NY Dept. of Health And Mental Hygiene

Part 6

Justice Laura G. Douglas  
Phone 718-618-1246  
Room 811, 9:30 A.M.

MONDAY, SEPT. 22

260257/14 Gutierrez 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

816158/24 A.G.B. v. Cruz  
808631/23 American Transit Ins. Co. v. Campos  
808182/24 Aquino v. Travelers NYC  
28260/20 Atlantis Dev., Inc. Et Al v. Vmvy Service  
805298/24 Babin v. Menachim Stein  
818110/24 Browder v. Russell Intell. Col. M.E.  
820907/24 Brown v. Ochilov  
806322/23 Brown v. Lindsey Sr  
819016/24 Cabezas v. Dukuray  
815033/24 Carrasquillo Jr. v. Uport LLC Et Al  
805796/24 Castillo v. Norales  
24350/19 Crisanto Alvarez v. 810 River Ave. Housing  
32068/19 D'Erasmus v. Hudson Valley Bank  
809820/24 Daley v. Guzman  
809818/25 Del Rosario v. Subervi-Montilla  
27798/20 Espinoza v. Con Ed, Inc.  
302696/15 Fragoso v. Sears  
811901/24 Francis v. Jerry Courier Corp. Et Al  
819116/23 Grant v. Vasadze  
806201/24 Grant v. Rojas  
80350/21 Gray v. One Hudson Yards Owner LLC Et Al  
819658/23 Holley Jr. v. Venegas Almemdariz  
814102/25 Johnson v. H. Thomas Deliveries, Inc. Et Al  
20121/18 M. v. Romuald S. Mirville  
819368/24 Martinez Iriarte v. Brown  
815044/22 Morales v. Nathalia 4419 3rd Ave. LLC  
814229/25 N. v. Wentt  
803878/24 Ozoaria v. Deleon  
810515/24 Park v. Raymond D. Banuchi Et Al  
806405/24 Pelle v. Olr One Inc Et Al  
810542/24 Perez v. Drapper  
811999/24 Peterson v. Mid-Bronx Senior Citizens Council, Inc. Et Al  
815149/24 Plascencia Marte v. J.B. Hunt Transport, Inc.  
805972/24 Quintin in. 3585 Rlty. Corp.  
80560/25 Rasheed v. Hussion  
803442/25 Reyes v. Diallo  
804525/25 Reynoso Guillen 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 Al  
818642/23 Sica v. Hunter Roberts Const. Group LLC Et Al  
805829/24 Smith v. Darosa  
808392/21 Smith v. Ct East Harlem/ el Barrio Community Land Trust Housing Dev. Fund Corp. Et Al  
812122/25 Smith v. Motor Vehicle Accident Indemnification Corp.  
814837/21 Suriel v. Suriel  
808209/25 Urena v. Mascioli  
812807/24 Viruet v. Vidal  
808706/22 Yaeger-Ferreira v. Reynoso

TUESDAY, SEPT. 23

811724/24 Brand v. Webster Ave. Affordable LLC Et Al  
814417/24 Chicas v. Extell Dev. Co. Et Al  
348972/20 Orellana v. 115 Enterprise Group LLC

Part 8

Justice Bianka Perez  
Phone 718-618-1205  
Room 704, 9:30 A.M.

Part 9/33

Justice Myrna Socorro  
Phone 718-618-1625  
Room 708, 9:30 A.M.

Part 11

Justice Mary-Lynn 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 Barte Jr v. Alliance Transportation LLC Et Al

Part 4

Justice Andrew J. Cohen  
Phone 718-618-1212  
Room 413, 9:30 A.M.

TUESDAY, SEPT. 23

24225/19 A. v. Nathan Littauer Hlsg  
807267/22 Acosta v. Solimancarpio  
814019/25 Akogu v. Mitr Corp. Et Al  
815417/25 Albanez v. Chowdry  
807717/25 Amancio Baez v. Pantoja  
811580/24 Cherry v. 70 Rlty. Partners  
809951/25 Cruz Martinez v. Tp&S Winegrapes, Inc. Et Al  
805582/25 De La Cruz Canela v. De Los Santos  
812950/25 Delosangeles v. Pena  
808352/25 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. Tilley  
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  
816726/25 McPherson v. Arias  
805515/25 Mendez De Guerrero v. Learning

Part 5

Justice Alison Y. Tuitt  
Phone 718-618-1224  
Room 415, 9:30 A.M.

MONDAY, SEPT. 22

815113/21 Cordero Soto Et Al  
813732/24 Garcia Penalo v. Cowan Systems  
820625/23 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  
378525/23 Nidkumana v. NY Dept. of Health And Mental Hygiene

Part 6

Justice Laura G. Douglas  
Phone 718-618-1246  
Room 811, 9:30 A.M.

MONDAY, SEPT. 22

260257/14 Gutierrez 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

816158/24 A.G.B. v. Cruz  
808631/23 American Transit Ins. Co. v. Campos  
808182/24 Aquino v. Travelers NYC  
28260/20 Atlantis Dev., Inc. Et Al v. Vmvy Service  
805298/24 Babin v. Menachim Stein  
818110/24 Browder v. Russell Intell. Col. M.E.  
820907/24 Brown v. Ochilov  
806322/23 Brown



CRIMINAL TERM

<b>Part SCA</b> Justice Rivera Phone 718-618-1378 265 East 161st Street Room 300, 9:30 A.M.
<b>Part T-11 (Trial)</b> Justice Mitchell Phone 718-618-1076 265 East 161st Street Room 450, 9:30 A.M.
<b>Part C</b> Justice Lieb Phone 718-618-1097 265 East 161st Street Room 320, 9:30 A.M.
<b>Part IDV-SCT</b> Justice Flores Phone 718-618-1067 265 East 161st Street Room 420, 9:30 A.M.
<b>Part JD/T</b> Justice Lieb Phone 718-618-1097 265 East 161st Street Room 320, 9:30 A.M.
<b>Part TRP</b> Justice Fabrizio Phone 718-618-1103 265 East 161st Street Room 340, 9:30 A.M.
<b>Part 11</b> Justice Mitchell Phone 718-618-1076 265 East 161st Street Room 450, 9:30 A.M.
<b>Part 12</b> Justice Michels Phone 718-618-3623 265 East 161st Street Room 570, 9:30 A.M.
<b>Part 14</b> Justice Busching Phone 718-618-1034 265 East 161st Street Room 660, 9:30 A.M.
<b>Part 15</b> Justice Tha 265 East 161st Street 9:30 A.M.
<b>Part 16</b> Justice Bruce Phone 718-618-1043 265 East 161st Street Room 540, 9:30 A.M.
<b>Part 17</b> Justice Tbd Phone 718-618-1106 265 East 161st Street Room 350, 9:30 A.M.
<b>Part 18</b> Justice Yearwood Phone 718-618-3629 265 East 161st Street 9:30 A.M.
<b>Part 19</b> Justice Collins Phone 718-618-1058 265 East 161st Street Room 550, 9:30 A.M.
<b>Part 21</b> Justice Powell Phone 718-618-1133 265 East 161st Street Room 690, 9:30 A.M.
<b>Part 22</b> Justice McCormack Phone 718-618-1001 265 East 161st Street Room 600, 9:30 A.M.
<b>Part 23</b> Justice Villegas Phone 718-618-1046 265 East 161st Street Room 380, 9:30 A.M.
<b>Part 24</b> Justice Hornstein Phone 718-618-1073 265 East 161st Street Room 440, 9:30 A.M.
<b>Part 27 (DV)</b> Justice Stone Phone 718-618-1031 265 East 161st Street Room 590, 9:30 A.M.
<b>Part 28</b> Justice Clancy Phone 718-618-3638 265 East 161st Street Room 560, 9:30 A.M.
<b>Part 29</b> Justice Rodriguez-Morick Phone 718-618-1118 265 East 161st Street Room 430, 9:30 A.M.
<b>Part 31</b> Justice Zimmerman Phone 718-618-1022 265 East 161st Street Room 670, 9:30 A.M.
<b>Part 32</b> Justice Rosenblueth Phone 718-618-1019 265 East 161st Street Room 500, 9:30 A.M.
<b>Part 60</b> Justice Barrett Phone 718-618-1007 265 East 161st Street Room 620, 9:30 A.M.
<b>Part 70</b> Justice Lewis Phone 718-618-1103 265 East 161st Street Room 340, 9:30 A.M.
<b>Part 71</b> Justice Steed Phone 718-618-1004 265 East 161st Street Room 610, 9:30 A.M.
<b>Part 73</b> Justice Tha Phone 718-618-1085 265 East 161st Street Room 510, 9:30 A.M.
<b>Part 75</b> Justice Bruce Phone 718-618-1043 265 East 161st Street Room 540, 9:30 A.M.
<b>Part 77</b> Justice Parker Phone 718-618-1025 265 East 161st Street Room 680, 9:30 A.M.
<b>Part 78</b> Justice Marcus Phone 718-618-1001 265 East 161st Street Room 600, 9:30 A.M.
<b>Part 96</b> Justice Morales Phone 718-618-1082 265 East 161st Street Room 460, 9:30 A.M.

SURROGATE'S COURT

Surrogate  
Nelida Malave-Gonzalez  
Phone 718-618-2350  
Courtroom 406

Second Department

APPELLATE DIVISION

MONDAY, SEPT. 22

10 A.M.

Court To Be Held in Brooklyn, NY  
**Iannacci, J.P., Chambers, Wan and Taylor, J.J.**

23/05996 People v. Trigueros-Hernandez, Jederson A. (P)  
23/03955 People v. Scarlett, Clinton (K)  
22/04758 People v. 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 Free School District (N)  
24/02661 PC-15 Doe v. Lawrence Union Free School District (N)  
21/04843 Generalova v. Avenue K LG LLC (K)  
20/04752 Kleiber v. Fichtel (Q)  
20/04753 Kleiber v. Fichtel (Q)  
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)  
21/06189 Coden v. Oyster Bay Management Co. (S)  
22/06639 HSBC Bank USA, N.A. v. Caesar v. Fitter (N)  
24/00700 Remede Consulting Group Inc. v. Fitter (N)  
24/06011 Matter of Streeter v. New York City Department of Environmental Protection (K)  
21/04811 Kazeem v. New York City Health and Hospitals Corporation (Q)  
23/01396 Kazeem v. New York City Health and Hospitals Corporation (Q)  
24/03593 Bank of America, N.A. v. Sarwar (S)  
24/06397 Deutsche Bank National Trust Company v. McElroy (S)

THURSDAY, SEPT. 25

10 A.M.

Court To Be Held in Brooklyn, NY

**Barros, J.P., Wooten, Love and Quirk, J.J.**

23/01975 People v. A. (Anonymous), Keisy (K)  
24/00160 People of State of New York v. Saraviahermandez (S)  
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 Association (K)  
24/11882 Baptichon v. Sablonde S. (N)  
23/09929 Ford v. Luckain (K)  
24/00065 Goldman v. Orange Regional Medical Center (K)  
23/08884 Zornati v. Citibank, N.A. (Q)  
22/09928 Cifuentes v. 240 W. 35th Street NYC, LLC (K)  
23/10564 Matter of Asselbergs v. Village of Chestnut Ridge (R)  
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 (N)  
24/07654 Hernandez-Morataya v. M&L Equities Auto, LLC (O)  
24/07375 Estrella v. BMG Monroe I, LLC (O)

FRIDAY, SEPT. 26

10 A.M.

Court To Be Held in Brooklyn, NY

**Brathwaite Nelson, J.P., Ford, Dowling and Goldberg Velazquez, J.J.**

19/03261 People v. Rodriguez, Andre (K)  
23/07502 People of State of New York v. Allen (S)  
23/10955 People of State of New York v. Robinson (S)  
23/08335 People v. Cowan, Michael (O)  
24/00239 E. v. NYCHA (K)  
24/00695 Graham v. City Of New York (Q)  
21/05435 Klaus v. Town of Brookhaven (S)  
20/08110 Hellman v. Village of Upper Nyack (RO)  
21/06878 Ardent Harmony Fund, Inc. v. BDO Trinity Ltd. (N)  
24/08983 Matter of John T. Mather Memorial Hospital v. American Transit Ins (K)  
24/02659 Hichack v. Grand Plumbing Inc. (O)  
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 Rochelle Hospital (W)  
19/13083 Dwyer v. Montefiore New Rochelle Hospital (W)  
19/13084 Dwyer v. Montefiore New Rochelle Hospital (W)  
19/13085 Dwyer v. Montefiore New Rochelle Hospital (W)  
21/05838 Matter of Flushing Main Street Improvements Project (Q)  
22/05117 Kataeva v. Kataev (N)  
23/07101 Greenpoint Mortgage Funding, Inc. v. McFarlane (S)  
24/01025 Greenpoint Mortgage Funding, Inc. v. McFarlane (S)  
24/08229 Beri v. CNH Operating, LLC (K)  
24/08230 Beri v. CNH Operating, LLC (K)  
22/00757 Procopio v. Eichle (S)  
24/09721 Hiraldo v. Sturman (O)  
24/07927 New Penn Financial, LLC v. Dancy (N)

MONDAY, SEPT. 29

10 A.M.

Court To Be Held in Brooklyn, NY

**Genovesi, J.P., Christopher, Wan and Ventura, J.J.**

22/06093 People v. Hernandez, Emerson (S)  
22/08407 People v. Hernandez, Emerson (S)  
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)  
21/04035 Matter of Shau Chung Hu v. Lowbet Realty Corp. (K)  
21/07641 Abdelhamed v. XYZ Limousine, Inc. (K)  
24/08963 Mangiarcina v. Ridgewood 69 LLC (Q)  
24/08693 JPMorgan Chase Bank, 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 Center (K)  
21/0142 Wes v. Consolidated Bus Transit, Inc. (K)  
24/04796 Cammarato v. 16 Admiral Perry Plaza LLC (K)  
24/00042 Bayview Loan Servicing LLC v. Chetechkin (K)

25/01004 Hernandez v. City of New York (K)  
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. Fink (S)  
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. Stoval (Q)  
20/03601 Bamonte v. Charatan (N)  
22/00273 Dudley v. API Industries, Inc. (RO)  
20/03114 Petrosian v. B&A Warehousing, Inc. (K)  
21/02768 Petrosian v. B & A Warehousing Inc. (K)  
21/00527 Matter of The Cheryl LaBella Hoppenstein 2005 Trust, dated Oct. 10, (W)  
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 (Q)  
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 Mamaronck 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. Turkey (RI)

WEDNESDAY, OCT. 1

10 A.M.

Court To Be Held in Brooklyn, NY

**Dillon, J.P., Warhit, Landicino and Hom, J.J.**

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 v. Welch (W)  
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)  
20/09965 Borzilleri v. Borzilleri (S)  
22/00387 Nationstar Mortgage LLC v. Klamon (S)  
24/04657 Matter of Barton v. New York City Employees' Retirement System (K)  
24/05309 Lemorocco v. Westchester County (W)

FRIDAY, OCT. 3

10 A.M.

Court To Be Held in Brooklyn, NY

**Chambers, J.P., Dowling, McCormack and Quirk, J.J.**  
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. Kumar (S)  
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 Center (K)  
21/07369 RJK Auto Brokers, LLC v. Dream Carz Inc. (N)  
21/08779 Karp v. Madison Realty Capital, L.P. (K)  
24/0765 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. Abdiotakis (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. Blount (K)  
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 Shenglin Investment Enterprise v. Maodong Xu (N)  
22/03275 Shenzhen Qianhai Shengshi Shenglin 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)  
21/03355 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 Forgiome v. Rivas (S)  
**TUESDAY, OCT. 7**  
**10 A.M.**  
**Court To Be Held in Brooklyn, NY**  
**LaSalle, P.J., Connolly, Ventura and Goldberg Velazquez, J.J.**  
22/00219 People of State of New York v. Evans (K)  
22/06987 People v. Perez, Jesper (RI)  
23/04568 People v. Moye, Terrell (Q)  
22/10264 People of State of New York v. Correa (S)  
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, National Association v. Carl (S)  
21/06314 Hidalgo v. Darackiev (S)  
22/08251 Matter of Cangero v. County of Nassau (N)  
22/06208 Gorelick v. Suffolk County Comptroller's Office (S)  
21/07162 Yadira Xiaohong Luo v. Kyan Hwe Lee (K)  
22/08061 Jaber v. Elyayan (RI)  
22/09716 Jaber v. Elyayan (RI)  
23/12320 Chrzan v. Malinowski (K)  
23/10925 Watson v. Metropolitan Transit Authority (K)  
24/07421 Kirby v. Philibert (K)  
24/00835 Hidalgo v. David Contractor NY Inc. (Q)  
24/12886 Diaz v. Jhedrian Logistics Corp. (Q)  
24/06401 Brenner 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, J.J.**

22/05809 People v. Dedmon, Andre (Q)  
20/02856 People v. Walker, Charles (RI)  
22/02615 People v. Rosa, Xavier (K)  
24/04218 Matter of T. (Anonymous), Gieseke, Administration of Children's Serviv (K)  
24/02070 Matter of P.T. (Anonymous) v. R. (Anonymous) (K)  
23/12294 Matter of Kallop v. Poserina (S)  
24/10197 JFK Family Ltd.  
**Partnership v. Millbrae Natural Gas Development Fund 20 (W)**  
21/05508 Minghinelli v. Saville Nursing and Rehabilitation Center (S)  
21/07283 Minghinelli v. Saville Nursing and Rehabilitation Center (S)  
21/063064 Colonial Drive LLC v. Suburban Consultants Ltd. (N)  
21/02645 Grala v. Structural Preservation Systems LLC (Q)  
21/08797 Matter of Perrenod, deceased (Q)  
22/02407 Matter of Perrenod, deceased (Q)  
22/07584 HSBC Bank USA, National Association v. Saris (S)  
22/01607 Unitrin Auto and Home Insurance Company v. Sullivan (S)  
22/00405 Coalition of Landlords, Homeowners and Merchants, Inc. v. Glass (S)  
22/03383 Coalition of Landlords, Homeowners and Merchants, Inc. v. Glass (S)  
22/08394 Government Employees Insurance Company v. Picone (N)  
23/1126 Matter of Jabeza v. New York City Department of Education (Q)  
24/12334 Chanchari v. Guberhan (O)  
22/06582 Restrepo v. Bushwick Realty 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, J.J.**

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. Gultimacio (K)  
22/00157 Douet v. Mapp (K)  
24/00151 Fahey v. Worship House & Outreach Ministries, Inc. (K)  
20/05008 Matter of Malitz Family Trust, u/d Feb. 23, 2006 (N)  
21/06018 U & Me Homes, LLC v. County of Suffolk (S)  
21/06019 U & Me Homes, LLC v. County of Suffolk (S)  
21/02568 Boyd v. Village of Mamaronck (W)  
21/04904 Boyd v. Village of Mamaronck (W)  
24/02106 Cinquemani v. Money Source Inc. (S)  
**10 A.M.**  
**Court To Be Held in Brooklyn, NY**  
**Barros, J.P., Wooten, Taylor and McCormack, J.J.**  
24/02538 Matter of American Transit Insurance Company v. Suh (K)  
24/03979 Matter of American Transit Insurance Company v. Sovereign Medical (K)  
23/08885 Sharbani v. Alter (N)  
24/05540 Bista v. State of New York (NYS)16  
24/13011 Matter of Szelepisk v. County of Suffolk (S)  
24/06703 Deutsche Bank National Trust Company v. Fair-Willis (W)  
24/12348 Johnson v. Zedakis (O)  
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

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BROOKLYN, NY

Day Calendar

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Dismissal Calendar

MONDAY, SEPT. 22

**Buggs, J.P., Ottley, Quiñones, J.J.**  
**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 Sanjevarin Patel v. The Gardens At Forest Hills Owners Corp. and Xue Lin  
24/00806 Dajin Realty Inc. v. Changhe Cheng, Axiang Kong and Lingxi Kong and Mr. Liu, "John Doe" And/Or "Jane Doe"  
24/01055 Eric Jiang v. Qian Qian Hu  
24/01301 Kyle Erisson, James Moore and Jason Litzenberg v. Latanya Pierce and Mary Cohen and Department of Housing Preservation and Development  
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" 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

**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, Respondent-Defendants. Index No. 16190/2025 - ORDER TO SHOW CAUSE. Petitioners Sandstown Trade Ltd. and Gian Enzo Sperone ("Petitioners"), having filed 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, ORDERED, that 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 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 p.m. or as soon thereafter as counsel may be heard, why an Order should not be issued (A) dissolving the Corporation pursuant to the Business Corporation Law ("BCL") § 1104 on the grounds that: (1) That the directors are not and 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 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 publication 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 the parties 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, employees, service providers, and representatives of the Corporation, including, but not limited to any persons functioning as a bookkeeper, accountant, 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 the Corporation's live and archived QuickBooks files), communications from customers, service professionals (e.g., accountants, bookkeepers, attorneys, insurers, governmental agencies), and directing all parties to expeditiously facilitate access to the foregoing; and it is further d) none of the parties may receive compensation or payments of any kind due to them as a shareholder, officer, or director of the Corporation, provided that nothing herein will interfere with payments to be paid to the Corporation and, as applicable, to any of the Corporations' customers (including consignors and parties 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 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-

ORDER TO SHOW CAUSE

ration's accounts and respondents shall inform the 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 choice between representing 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 ORDERED, 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 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 manner prescribed in §1106 of the N.Y. BUSINESS CORPORATION LAW which will be deemed sufficient 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 e-filing on NYCEF, with email delivery upon ARTXLAWS PLLC, attorneys for Petitioners, 8 North Fort 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 e-filing on NYCEF and by email upon any attorneys who have appeared in this matter; ORDERED that at argument, the parties shall be prepared to submit to the court the names of two or three candidates for appointment as a receiver for the Corporation during the dissolution proceeding. Parties shall contact candidates and confirm availability. ENTER HON. ANDREA MASLEY J.S.C. s15-M s29 14226

SALES

NOTICE OF SALE

**SUPREME COURT COUNTY OF BRONX M&T BANK, Plaintiff AGAINST**



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