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IN BRIEF

Wigdor Can Withdraw From Lawsuit Against Leon Black But Must Face Sanctions Motion

Wigdor Law may withdraw from representation of a client who accused billionaire Leon Black of rape, but must still face a motion for case-terminating sanctions leveled by his attorneys.

The decision, from U.S. District Court Judge Jessica Clarke of the Southern District of New York, says the firm may drop Jane Doe yet must still respond to Black's sanctions motion.

Wigdor moved to withdraw from the case on April 4, approximately one month after Black filed for case-terminating sanctions.



Leon Black

Both the sanctions motion and Wigdor's motion to withdraw remain under seal.

"While Wigdor did not submit an affidavit with the motion, the Court nonetheless finds that Wigdor has shown 'satisfactory reasons' for withdrawal," the order states.

Doe's suit, filed in July 2023, alleges the ex-CEO of Apollo Global Management raped her in 2002 when she was 16 years old after the two were introduced by late child sex offender Jeffrey Epstein.

Black and his legal team have vehemently denied any allegations of sexual assault and leveled numerous allegations of misconduct against Wigdor, including sanctions motions and a lawsuit.

Clark in September denied a separate sanctions motion against Wigdor brought by Black's attorneys, and the firm won dismissal of malicious prosecution action he brought against Wigdor in state court.

The dismissal was affirmed by the Appellate Division, First Department in March, with the justices finding that Black's attorneys failed to substantiate their allegations under New York's anti-SLAPP laws.

At Supreme Court, Trump Finds More Success Fighting Losses »2



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Clarke ruled that she may dismiss the complaint for failure to prosecute if plaintiff, who is now pro se, failed to respond to the defendant's sanctions motion.

She also denied a renewed request from Black to unseal plaintiffs name.

"We are pleased the Court recognizes the extremely serious nature of the issues raised by the sanctions motion and is keeping Wigdor in the case so they can be held accountable," Black's attorney Michael Carlinsky of Quinn Emanuel Urquhart & Sullivan said in a statement.

Wigdor declined to comment on the judge granting the motion to withdraw.

Doug Wigdor, the firm's managing partner, previously decried an emerging defense trend in which attorneys attempt to discredit firms in order to chill legal action against their clients.

"Unfortunately, I think that you have these powerful people and institutions and you have these billionaire individuals who are sort of dictating to their lawyers what they want to be done," he said. "And unfortunately, the lawyers aren't telling their clients what is appropriate and ethical and has a basis to be done. Instead they're doing what their clients want to make them feel good in the moment."

—Emily Saul

White House Moves Against State Climate Policies in New Deregulation Push

President Donald Trump has moved quickly in the first months of his term toward dismantling U.S. Environmental Protection Agency regulations. Now he is ordering the U.S. Department of Justice to target the last defense » Page 6

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PERSONAL INJURY: **Summary judgment denied and granted in personal injury action.** *Selvaggio v. City if New York, Supreme Court, Kings.*

MEDICAL MALPRACTICE: **Court holds plaintiff has right to test issues related to Prep Act.** *Sergeant v. Highland Care Center Inc., Supreme Court, Queens.*

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NY's Top Court Eyes Standard of Review for Lowering Sentences Under 2019 State Law

BY BRIAN LEE

A SIX-YEAR-OLD law allowing judges to reduce a domestic violence survivor's "unduly harsh" sentence found its way to the state's top court for the first time on Wednesday, in two appeals that took up the standard for review.

The Domestic Violence Survivors Justice Act of 2019 allows for reconsideration of sentences of at least eight years, if the offender suffered sexual, psychological or physical abuse that contributed to the crime. Certain convictions, such as for first- and second-degree murder, and sex crimes, are ineligible.

Cases in the New York Court of Appeals concerned women who fatally stabbed their boyfriends, in 2007 in Madison County, and in 2013 in rural Franklin County.

In Madison County, the trial court declined to lower her 20-year sentence for a conviction of first-degree manslaughter and assault, on grounds that it found that she and her boyfriend had a mutually abusive relationship that had been aggravated by substance abuse.

The Appellate Division, Third Department, disagreed, found that her sentence was unduly harsh, and reduced it to eight years. With credit for time serve, the court eliminated her five-year probation term, prompting a prosecutor's appeal.

Her lawyer, solo practitioner Veronica Reed of Schenectady, told the Court of Appeals it » Page 6



DAVID PAUL MORRIS/BLOOMBERG

Defense attorneys for **Luigi Mangione**, sitting in the center, who is accused in the shooting death of an insurance CEO in Midtown Manhattan, want a judge to bar the DOJ from seeking the death penalty against their client, arguing the department has abandoned protocol.

'Politics and Not the Facts': Luigi Mangione's Defense Counsel Moves to Preclude Capital Punishment

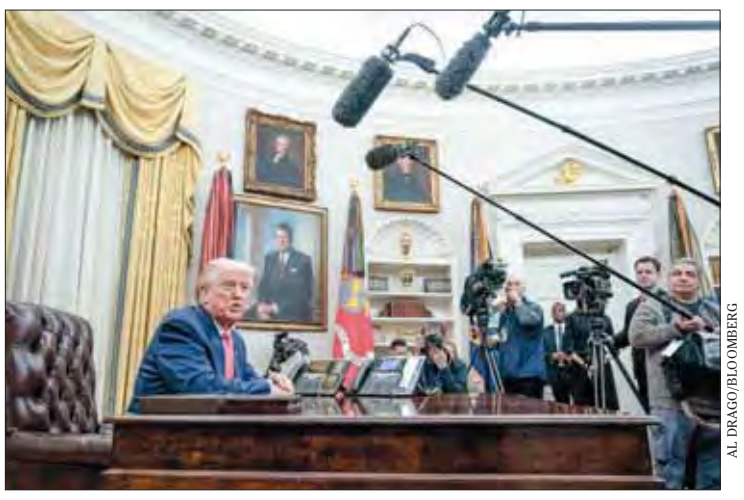
BY EMILY SAUL

THE DECISION to seek the death penalty against Luigi Mangione is entirely political and without precedent, his defense team wrote in a motion filed on Friday seeking to preclude the Department of Justice from pursuing a capital prosecution.

"When the United States plans to kill one of its citizens, it must follow statutory and internal Procedures," opens the 33-page motion. "Mangione seeks Court intervention now not merely because the Government has failed to follow these procedures but because it has abandoned them."

The motion accuses the Department of Justice of flouting policy, misstating aggravating factors and ignoring a request from the defense team to provide a full mitigating presentation on their client's behalf.

Notably, the defense says they were only afforded one meeting with the Capital Case » Page 7



AL DRAGO/BLOOMBERG

The five law firms, President **Donald Trump** said, will provide an aggregate of at least $600 million in pro bono work "and other free legal services."

Kirkland, Latham, A&O Shearman, Simpson And Cadwalader Make Deal With Trump

BY ABIGAIL ADCOX
WASHINGTON, D.C.

PRESIDENT Donald Trump announced on Friday that his administration has made a deal with five law firms to provide a total of $600 million in all in legal services, including Cadwalader, Wickersham & Taft; Kirkland & Ellis; Latham & Watkins; A&O Shearman; and Simpson Thacher & Bartlett, appearing to avoid any executive action.

Kirkland, Latham, A&O Shearman and Simpson, together, will provide an aggregate of at least $500 million in pro bono work "and other free legal services" during the Trump administration "and beyond," Trump said. Each firm is agreeing to $125 million worth of pro bono in all, Trump said.

Meanwhile, Caldwalader, which Trump announced in a separate Truth Social post, will provide at least $100 million in pro bono legal services.

Kirkland and Latham, the highest-grossing firms in the world, are Trump's biggest get in Big Law, reflecting his fast influence over the legal industry this year. In light of Friday's deal announcements, in total, nine Big Law firms have pledged at least $940 million to causes the Trump » Page 4

Big Law Partners Are Using This Social Media Group to Speak Up When Their Firms Stay Silent

BY MOLLY G. SMITH

MORE than 350 Big Law partners have joined a group called Law Firm Partners United, intended as a forum for partners to speak up when their firms "choose to remain silent," particularly in response to U.S. President Donald Trump's recent actions against large law firms.

The group was established on LinkedIn by Goodwin Procter Silicon Valley partner Neel Chatterjee and indicates a growing appetite among corporate lawyers to resist Trump's recent onslaught against Big Law firms, as some of their employers cut deals with the administration.

Its members have chosen to remain anonymous.

"There is a saying that democracy dies in silence," the group's bio reads. "The goal of this group is ensure that we protect democracy by not being silent."

It comes as major law firms, including Skadden, Arps, Slate, Meagher & Flom and Paul, Weiss, Rifkind, Wharton & Garrison strike deals with the Trump administration to avoid the kind » Page 6

'Central Park Five' Defamation Suit Clears Trump's Dismissal Attempt

BY RILEY BRENNAN

A DEFAMATION lawsuit over comments from President Donald J. Trump during the 2024 presidential debate in Philadelphia is moving forward after a federal judge in Pennsylvania denied the president's attempts to dismiss the suit.

In a Thursday decision, U.S. District Judge Wendy Beetlestone of the Eastern District of Pennsylvania determined that the defamation and false light claims brought by the plaintiffs, known as the "Central Park Five," could move forward against the president. The plaintiffs, Yusef Salaam, Raymond Santana, Kevin Richardson, Antron McCray and Korey Wise—who » Page 4



MARIO TAMA/GETTY IMAGES/BLOOMBERG

The plaintiffs, known as the "Central Park Five," from left, **Antron McCray**, **Raymond Santana**, **Yusef Salaam**, **Kevin Richardson** and **Korey Wise**

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Court Calendars

Civil and Supreme Court calendars for New York and surrounding counties are now **available weeks in advance** at nylj.com. Search cases by county, index, judge or party name. Important Part information, including addresses, phone numbers and courtrooms are updated daily. **Only at nylj.com.**

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At the Capital



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SCOTUS Says Government Must 'Facilitate' Return of Man Wrongly Deported to El Salvador

BY JIMMY HOOVER
WASHINGTON, D.C.

THE U.S. Supreme Court said Thursday that the Trump administration must seek the return of a Maryland father to the United States after he was deported to a gang prison in his native El Salvador due to what the federal government admits was an "administrative error."

The high court upheld a federal district judge's order requiring U.S. officials to "facilitate" the return of Kilmar Armando Abrego García to U.S. custody after he was sent to El Salvador's notorious Terrorism Confinement Center by mistake. The court, however, said the judge's order to "effectuate" Abrego Garcia's return may have exceeded her authority and urged her to clarify that directive "with due regard for the deference owed to the Executive Branch in the conduct of foreign affairs."

Further, the court said the government "should be prepared to share what it can concerning the steps it has taken and the prospect of further steps."

The court issued its decision in the high-profile case without any public dissents. The three liberal justices wrote separately to criticize the government for its conduct in the case of the wrongly deported Maryland father of three.



YOUTUBE

Deportees, from the U.S. to El Salvador, at the Terrorism Containment Center (CECOT), a new maximum security prison, in Tecoluca.

"In the proceedings on remand, the District Court should continue to ensure that the Government lives up to its obligations to follow the law," wrote Justice Sonia Sotomayor, joined by Justices Elena Kagan and Ketanji Brown Jackson.

Abrego García was detained in the United States last month and, three days later, loaded onto a plane and deported to El Salvador's gang prison complex with other immigrants as part of President Donald Trump's widespread immigration crackdown on alleged gang members. The government has since acknowledged his deportation was a mistake in light of an immigration judge's 2019 order finding that Abrego Garcia was likely to face persecution if returned to El Salvador.

Last Friday, U.S. District Judge Paula Xinis ordered officials to arrange Abrego Garcia's return from the prison, known as CECOT, later saying "his detention appears wholly lawless." Xinis gave the government until 11:59 on Monday, April 7, to bring Abrego García back to the country.

That deadline was temporarily paused by Chief Justice John Roberts Jr. until the full court could review the Justice Department's appeal.

In its emergency request for relief from the order, the Justice Department had argued that the Maryland federal court lacked the authority to order Salvadoran officials to hand over one of their own citizens or to compel members of the executive branch to engage in negotiations with a foreign country.

The Supreme Court on Thursday rebuffed that request. While noting that the deadline has passed and is "no longer effective," the court, through an unsigned opinion, said Xinis' order nevertheless "remains in effect," while asking her for additional clarification on remand.

"The order properly requires the Government to 'facilitate' Abrego Garcia's release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador," the Supreme Court said. "The intended scope of the term 'effectuate' in the District Court's order is, however, unclear, and may exceed the District Court's authority."

The decision comes just days after the court voted 5-4 to lift an order blocking Trump's assertion of wartime powers under the Alien Enemies Act to deport alleged members of the Venezuelan Tren de Aragua gang.

Abrego García's case has captured national attention in Trump's ongoing deportation crackdown on suspected members of Latin American gangs, which immigrant rights groups have said has flouted basic due process rights.

Abrego García was driving with his son when he was detained by Immigration and Customs Enforcement on March 12 and transferred to facilities in Baltimore, Louisiana and Texas before being flown to El Salvador with other deported immigrants on March 15.

Born in El Savador, Abrego García was living in the United States after his family was subject to frequent extortion and threats by a powerful local gang because of its successful pupuseria eatery, according to court records. His family ultimately sent him to Maryland to live with his U.S.-citizen older brother to escape the threats of Barrio 18 to recruit him, he has said.

After first being picked up by immigration authorities outside of a Home Depot in 2019, he was granted relief from deportation back to El Salvador in light of the gang threats against him in his country of birth. According to his lawyers, he has completed annual check-ins with ICE and has no criminal record.

Following his latest arrest and subsequent deportation last month, Abrego García's wife brought a lawsuit under the Constitution's due process clause and the federal Administrative Procedure Act that was filed by lawyers at Quinn Emanuel Urquhart & Sullivan. Last Friday, Xinis granted a preliminary injunction requiring the government to "facilitate" the return of Abrego García by 11:59 p.m. Monday.

"Although the legal basis for the mass removal of hundreds of individuals to El Salvador remains disturbingly unclear, Abrego Garcia's case is categorically different—there were no legal grounds whatsoever for his arrest, detention, or removal," Xinis wrote. "Nor does any evidence suggest that Abrego García is being held in [El Salvador's Terrorism Confinement Center] at the behest of Salvadoran authorities to answer for crimes in that country. Rather, his detention appears wholly lawless."

The case is *Noem v. Abrego Garcia*, No. 24A949.

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At Supreme Court, Trump Finds More Success Fighting Losses

BY JIMMY HOOVER
WASHINGTON, D.C.

THE DEPARTMENT of Justice's fortunes at the U.S. Supreme Court have started to turn since the early days of President Donald Trump's second term, when the justices rebuffed his initial requests to block lower court orders.

In recent days, the Supreme Court's conservative majority has shown its willingness to overturn some of the president's court losses as he embarks on an aggressive immigration crackdown, slashes federal programs and fires thousands of employees across the government. The court had rebuffed the government's first two similar requests in late February and early March.

Still, some experts say it's too early to say whether the court Trump helped remake will reward his boldest assertions of power.

"It is important not to generalize too much from three narrow rulings," said Berkeley Law Dean Erwin Chemerinsky. "But nonetheless, they are troubling."

The high court's recent actions also display at least tacit approval of the unprecedented frequency with which DOJ lawyers at the U.S. Solicitor General's Office have turned to the justices for emergency relief from lower court orders. In contrast to the justices' normal cases that are decided over several months following a full round of briefing and oral arguments, the court typically rules on emergency requests to pause lower court orders after only a few days or weeks, and almost always without a hearing.

Prior to Trump's first term as president, the Solicitor General's Office used to file only one or two of such requests over the course of a Supreme Court term. The office has now filed 10 such requests since January, the result of what administration lawyers have described as an "epidemic" of lower court orders standing in the way of the president's policies.

"They certainly could deny all of these applications for emergency relief and they could issue statements saying they're not passing on the merits," said Carolyn Shapiro, a professor at Chicago-Kent College of Law. That the court continues to reward the Trump DOJ's use of their emergency docket "certainly is going to continue to invite more emergency applications," she added.

Still, Shapiro emphasized that Trump's victories at the Supreme Court so far in his second term are narrow ones.

"There's nothing about these victories for the Trump administration that suggests that's what the court thinks, or what a majority of the court thinks," she said. "I think the court is sending a message that it wants the lower courts to be extremely careful about how they decide what relief to grant, and to make sure they cover their bases, jurisdictionally and procedurally."

The true test is how the court will treat "the really broad shocking claims of executive power that the Trump administration is asserting," Shapiro said, citing its claimed authority to impound funds, close federal agencies and redefine what it means to be a U.S. citizen.

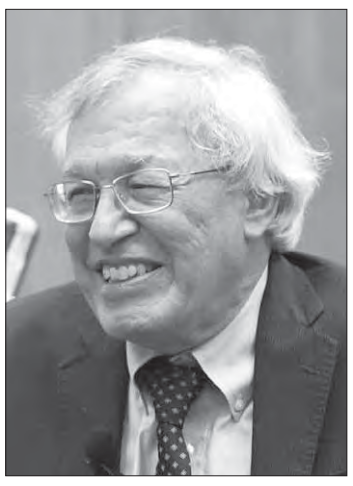
"A concern that I and others have is that the Supreme Court is nervous about being defied," Shapiro said. "And when it comes to a head-on collision, which they've so far been avoiding, will they find a way not to decide something?"

"That would be very bad in my view," she added.

Despite some of its recent success, the Supreme Court has yet to act on the Trump administration's request to reinstate the president's executive order restricting birthright citizenship for potentially hundreds of thousands of babies born each year to the children of temporary and undocumented immigrants. Further, the court on Thursday evening upheld a district order requiring the government to "facilitate" the return of a man deported to El Salvador as a result of an "administrative error."

Justices Swayed by Technical Arguments

In three recent cases, the high court has agreed with the Trump administration's technical arguments for why it should remove legal blockades on the president's policy agenda imposed by federal judges in California, Massachusetts and Washington, D.C.



COURTESY PHOTO

Dean **Erwin Chemerinsky**, Berkeley Law



COURTESY PHOTO

Carolyn Shapiro, Chicago-Kent College of Law

One theme that has emerged so far is the conservative majority's strict approach to jurisdiction, finding either that the plaintiffs bringing the challenges lack standing to sue over the policies or that they filed them in the wrong court. The Supreme Court has yet to rule on the legality of any of Trump's more than 100 executive actions.

"I think it is hard to read much into the [Supreme Court's orders], but it is clear that the Supreme Court will look closely at jurisdictional issues, such as standing," said Chemerinsky. "But the court hasn't yet indicated its views on the most aggressive claims of executive power, or much on the merits."

The administration's first victory at the court came April 4 when, in a 5-4 decision, the justices said the government is "likely to succeed" in challenging a judge's order requiring the release of more than $65 million in grants from the Department of Education. The administration had canceled the grants—which were earmarked for teacher training—saying they were used for allegedly discriminatory diversity, equity and inclusion initiatives.

The high court described the case as the type of contractual dispute that belongs in the U.S. Court of Federal Claims, a specialized D.C. federal court for breach-of-contract lawsuits against the U.S. government, rather than a regulatory challenge that can be brought under the federal Administrative Procedure Act. Chief Justice John Roberts Jr. dissented alongside the court's three liberal appointees.

The ruling was immediately celebrated by U.S. Attorney General Pam Bondi, who said it "vindicates what the Department of Justice has been arguing for months: Local district judges do not have the jurisdiction to seize control of taxpayer dollars, force the government to pay out billions, or unilaterally halt President Trump's policy agenda."

Two similar decisions quickly followed, including in a case in which Trump has invoked wartime powers to deport suspected gang members without a hearing.

An Extraodrinary Threat To the Rule of Law

On Tuesday, the court lifted a D.C. federal court order blocking Trump from invoking the Alien Enemies Act to swiftly deport alleged Venezuelan gang-members to a prison complex in El Salvador. In another 5-4 decision touted by the Trump administration, the majority explained that immigrant detainees would have to file habeas petitions challenging their removal under the 1798 wartime statute.

The ruling effectively ended a class action brought by several individuals in Washington under the APA, a law that allows challenges to actions by federal agencies that are "arbitrary" or "capricious."

"The detainees are confined in Texas, so venue is improper in the District of Columbia," the court said. "As a result, the Government is likely to succeed on the merits of this action."

Trump invoked the Alien Enemies Act in a March 15 proclamation that deemed the Venezuelan gang Tren de Aragua a "hybrid criminal state that is perpetrating an invasion of and predatory incursion into the United States." That day, the Trump administration loaded hundreds of people who had not received a court hearing onto planes and transferred them to El Salvador's maximum-security CECOT prison under a deal between the United States and President Nayib Bukele's government.

U.S. District Judge James Boasberg of the District of Columbia ordered an immediate stop to the ongoing deportation flights later on March 15, even demanding that the federal government turn any planes en route to El Salvador around mid-air. While the government agreed to stop the flights, it did not turn around ongoing flights.

Boasberg is still considering contempt proceedings over the apparent violation of that directive.

On April 7, the Supreme Court lifted Boasberg's temporary restraining order halting the deportations in a bitterly divided 5-4 decision.

"The Government's conduct in this litigation poses an extraordinary threat to the rule of law," Justice Sonia Sotomayor wrote in dissent. "That a majority of this Court now rewards the Government for its behavior with discretionary equitable relief is indefensible."

This time, it was Justice Amy Coney Barrett who dissented alongside the liberal justices. Roberts voted with the majority to block Boasberg's order.

Trump immigration policy czar Stephen Miller celebrated the court's decision as a "colossal victory."

Still, immigration advocates seized on the majority's statement that, going forward, the government would have to provide detainees with "notice and opportunity to be heard," seemingly putting a stop to their summary removal from the country under the auspices of Trump's wartime authority.

"The majority opinion is a mixed bag," said Elizabeth Goitein of NYU Law's Brennan Center for Justice. "Depending on what aspect of it you're focusing on, there are some good parts and some very concerning parts."

"It is good to be sure that the majority affirmed that immigrants have a right to file a habeas petition and obtain judicial review before being deported," she added. "Now, this is fairly established, but in some ways it's the bare minimum to see that the court is holding on to this principle."

Since the court's ruling, federal courts in Texas and New York have halted further removals under the Alien Enemies Act » Page 7

Deputy AG's Memo Bars Justice Department Attorneys From ABA Event Participation

BY MARIANNA WHARRY
WASHINGTON, D.C.

ATTORNEYS for the U.S. Department of Justice will no longer be able to attend, speak at or participate in events the American Bar Association hosts, according to a memo released Wednesday from Deputy U.S. Attorney General Todd Blanche.

Despite their longstanding relationship, the lawsuit the ABA filed in February against the department in *Global Health Council v. Trump* in the U.S. District Court for the District of Columbia creates a conflict of interest, Blanche wrote. The memo stressed the importance of administering justice in a "fair, effective and even-handed manner" as the overarching purpose for the department's decision.

"[T]he department is actively litigating against the ABA, yet the department continues to expend taxpayer dollars on ABA events, the ABA continues to use the participation of department personnel to attract attendance to those events, and the ABA continues to use department-engagement to legitimize positions it advances that are contrary to the federal government's policies," the memo stated.

While the ABA is free to litigate "activist causes," Blanche wrote the DOJ must separate itself from the organization to continue to represent all Americans without appearing to undermine the department's goal of "advancing the legitimate and lawful statutory and policy decisions made by the political branches of [the] government."

Employees can no longer participate in ABA-sponsored events in an official capacity or imply that the department endorses their personal views of the association, the memo stated. Certain policy employees will be able to participate in ABA events with specific approval from the deputy attorney general, but they were also directed to not hold leadership positions in the association or renew any existing memberships.

Non-policy employees can attend and maintain an ABA membership without additional permissions, but they must do so off-duty and without using government resources.

The department's new policy is set to go into effect by April 30 when each component head will certify his or her efforts to implement the policy to the Justice Management Division.

The ABA did not immediately respond to a request for comment Thursday on Blanche's memo.

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Expert Analysis

INTERNATIONAL LITIGATION

The Ghosts of Sovereignty: Holocaust Restitution and the FSIA





By **Lawrence W. Newman** And **David Zaslowsky**

The Holocaust is one of the darkest chapters in human history. As the courts have properly noted, legal remedies are profoundly inadequate for the atrocities committed during the Holocaust.

And yet, it is understandable why Holocaust victims and their heirs have turned to courts to seek restitution for property and assets seized by the Nazis (and other governments) during the Holocaust.

In the United States, the Foreign Sovereign Immunities Act (FSIA), designed to balance the principles of sovereign immunity with the need for justice, has presented significant hurdles to these claims.

This article looks at the pivotal U.S. Supreme Court decisions that have shaped the legal landscape in this area, including its recent decision in *Republic of Hungary v. Simon*, 604 U.S. ____ (Feb. 21, 2025), which significantly limited the ability of Holocaust victims to bring their claims to court.

At the same time, it should be noted that the United States has been a world leader in supporting compensation for Holocaust victims.

The FSIA generally grants foreign states immunity from the jurisdiction of courts in the United States. However, Congress carved out specific exceptions to this immunity, allowing lawsuits under certain circumstances.

The "expropriation exception" allows suits based on "rights in property taken in violation of international law." 28 U.S.C §1605(a)(3). Holocaust-related lawsuits often allege that foreign states, or entities controlled by them, illegally confiscated property, art, and other assets from Jewish victims during the Nazi era. Plaintiffs argue that these actions constitute violations of international law and thus fall within the FSIA's expropriation exception.

A seminal Supreme Court case in this area, *Republic of Austria v. Altmann*, 541 U.S. 677 (2004), involved Maria Altmann's claim for the return of six Gustav Klimt paintings. Prior to the Nazi invasion of Austria, the paintings had hung in the Vienna home of Altmann's uncle, Ferdinand Bloch-Bauer, a Czechoslovakian Jew.

Altmann claimed ownership of the paintings under a will executed by her uncle after he fled Austria in 1938. She sued Austria and its instrumentality that held the paintings, the Austrian Gallery, alleging they obtained possession of the paintings through wrongful conduct in the years during and after World War II.

> Instead, a plaintiff need only identify any fund that, at some time, was commingled with the proceeds of the foreign sovereign's sale of the expropriated property.

Austria argued that, as of 1948, when much of their alleged wrongdoing took place, they would have enjoyed absolute sovereign immunity from suit in United States courts and that nothing in the FSIA retroactively divested them of that immunity.

The Supreme Court held that the FSIA applies retroactively. By allowing Altmann to sue Austria for the return of the paintings, the Supreme Court demonstrated a willingness to consider Holocaust-era claims under the FSIA. It did not, however, resolve the fundamental question of whether the expropriation of Jewish property constituted a violation of international law.

Federal Republic of Germany v. Philipp, 592 U.S. 169 (2021), concerned German Jewish art dealers who formed a consortium during the waning years of the Weimar Republic to purchase a collection of medieval relics known as the Welfenschatz.

Their heirs alleged that when the Nazi government rose to power, it unlawfully coerced the consortium into selling the collection to the Nazi-controlled Prussian government in 1935 for a third of its value. The heirs sued Germany and Stiftung Preussischer Kulturbesitz (SPK), a German governmental institution that holds the cultural artifacts of former Prussia, including the Welfenschatz.

Germany contended that the U.S. court lacked jurisdiction, arguing that the "property taken in violation of international law" exception did not apply because a sovereign's taking of its own nationals' property is not unlawful under the international law of expropriation – the so-called "domestic takings" rule.

The heirs conceded that the international law of expropriation retained the domestic takings rule at the time the FSIA was enacted. But they read the "rights in property taken in violation of international law" language to be broader than merely the international law of expropriation and to incorporate *any* international norm, including international human rights law.

A unanimous Supreme Court agreed with Germany. It noted that the language of the exception places repeated emphasis on "property" and property-related rights, without any mention of injuries and acts associated with violations of human rights law, such as genocide.

The court considered this "a remarkable omission" if the provision was intended to provide relief for atrocities such as the Holocaust. The Supreme Court also said that the heirs' position would arguably force courts themselves to violate international law, not only by ignoring the domestic takings rule, but also by derogating international law's pres-

» Page 7

LAWRENCE W. NEWMAN *is of counsel and* DAVID ZASLOWSKY *is a partner in the New York office of Baker McKenzie.*

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Disciplinary Proceeding

The Appellate Division, First Department

Matter of Alan Joel Kaufmanan, an attorney

Motion No. 2024-05488

Appellate Division, First Department

Renwick, P.J., Friedman, Pitt-Burke, Higgitt, O'Neill Levy, JJ.

Decided: *April 1, 2025*

Jorge Dopico, Chief Attorney, Attorney Grievance Committee, New York (Yvette A. Rosario, of counsel), for petitioner

Respondent, pro se.

Per curiam—Respondent Alan Joel Kaufman was admitted to the practice of law in the State of New York by the First Judicial Department on February 22, 1971. At all times relevant to this proceeding, respondent maintained a business address in the First Judicial Department.

This matter arose out of respondent's alleged failure to perform agreed upon services for a client, subsequent failure to comply with a judicial subpoena and failure to cooperate with the Attorney Grievance Committee (AGC).

On or about January 11, 2023, the AGC received a complaint from, H.E., a client of respondent, alleging that she retained respondent to review a contract and provided respondent a $350 check for legal fees. After not hearing from respondent for six weeks, H.E. emailed respondent to inquire whether he had reviewed the contract and received her payment. Respondent indicated that he had not reviewed the contract or received the check. H.E. advised that she would be seeking new counsel and instructed respondent to destroy the check. Despite H.E.'s instruction, respondent deposited the check, failed to perform the agreed-upon service, and refused to refund her retainer.

On or about February 22, 2023, the AGC emailed H.E.'s complaint to the email address respondent registered with the Office of Court Administration (OCA) and requested an answer. The email was not returned to the AGC as undeliverable, but respondent did not submit an answer.

On March 22, 2023, the AGC sent a second request for an answer to respondent's email address and to the business address respondent registered with OCA by certified mail return receipt requested (CMRRR) and priority mail with tracking. The letter cautioned respondent that this failure to cooperate could result in his suspension and/or formal charges. United States Postal Service (USPS) tracking records indicated that the letter was delivered to respondent's OCA business address on March 23, 2023, and the email was not returned to the AGC. Respondent again failed to submit an answer.

On February 8, 2024, a third request was sent to respondent's OCA business address and home address by CMRRR and priority mail with tracking. The request for an answer was also sent to the email address listed on respondent's OCA registration. The letter, again, warned respondent that his failure to cooperate may result in suspension and/or formal charges. USPS tracking records indicated that the priority mail sent to respondent's home address was forwarded to a Florida address and marked delivered. The letters sent to respondent's business address were returned as "Return to sender. Moved." The email was not returned to the AGC as undeliverable, yet respondent again failed to submit an answer.

On March 8, 2024, the AGC sent a fourth letter to respondents' OCA business and home addresses by both CMRRR and priority mail with tracking, and to respondent's email addresses. Respondent was advised again that failure to cooperate may result in his suspension and/or formal charges. The letters sent to respondent's business address were returned as "Return to sender." Respondent, however, replied to the AGC's email on the same day and stated, "[i]f you have a valid claim and if you took the trouble to research this matter you would see that I have been a member in good standing since 1969 and because of the Covid virus I stopped practicing several years ago."

The AGC attempted to serve respondent with a judicial subpoena duces tecum at his OCA business address. The subpoena directed respondent to personally appear and produce H.E.'s client file on May 7, 2024. On April 29, 2024, the process server contacted respondent by telephone and respondent refused to accept service, stating he now resides outside of the United States. There were subsequent attempts to serve respondent at his OCA home address on May 1, 2024, and May 2, 2024. On May 3, 2024, service was again attempted by the process server affixing a true copy of the judicial subpoena to the door of the premises.

On May 22, 2024, the AGC sent a letter along with a copy of the judicial subpoena duces tecum to respondent's business and home addresses by CMRRR and priority mail with tracking, and to respondent's email addresses. The letter informed the respondent of the AGC's attempts to serve him with the subpoena and directed him to appear on June 18, 2024. The email was not returned as undeliverable. Respondent was given the same warnings in regard to the consequences for his failure to cooperate. USPS tracking records indicate that the letters were delivered to respondent's business address on May 24, 2024, and to his home address on June 7, 2024. Respondent did not appear on June 18, 2024, nor did he contact the AGC to explain his failure to appear.

The AGC now seeks an order, in accordance with the Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.9(a)(1) and (3), immediately suspending respondent from the practice of law until further order of this Court based on respondent's failure to comply with a judicial subpoena and failure to cooperate with the AGC's investigation.

22 NYCRR 1240.9(a)(1) and (3) provide, in pertinent part, for interim suspension where the Court finds that an attorney has engaged in conduct immediately threatening the public interest. Findings may be based upon: "the respondent's default in responding

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Off the Front

Deals

« Continued from page 1

administration supports. "The numbers are adding up. We're going to be close to a billion soon," deputy chief of staff Stephen Miller said on Wednesday.

Trump indicated last week in public comments that he plans to ask law firms to work on trade negotiations with other countries, as well as coal leasing.

Kirkland, Latham, Simpson and A&O Shearman were among the 20 firms that received a letter from the Equal Employment Opportunity Commission, requesting information about their diversity, equity and inclusion-related employment practices. Firms are required to submit responses to the EEOC by April 15.

"Concurrent with these agreements, the EEOC has withdrawn the March 17, 2025, letters to the Law Firms, and will not pursue any claims related to those issues," Trump announced.

Sources previously told Law.com that firms were hoping to resolve the EEOC matter as part of their negotiations with the White House.

In an internal memo obtained by Law.com, A&O Shearman called it a "difficult decision," but made a distinction between this law firm deal and others.

"It is important to understand that this resolution differs from some of the other recently announced resolutions by law firms — it is a settlement and release of an EEOC employment law inquiry and was not done in response to an Executive Order or the threat of one related to the firm's representation of clients or association with any persons," the firm's leadership wrote Friday. "This is a business decision to resolve a potentially distracting and expensive investigation or litigation on terms that we consider reasonable under the circumstances."

Meanwhile, Simpson, in an internal memo obtained by Law.com, cited the EEOC probe and the "growing threat" of executive orders against law firms, adding that the firm "made a strategic decision" to reach an agreement with the Trump Administration that would "resolve the EEOC matter and remove any potential threat of an Executive Order against the Firm."

Similarly, in an internal Kirkland memo obtained by Law.com, Kirkland said it "will continue to determine which matters we take on — both pro bono and otherwise — consistent with our nonpartisan mindset. In exchange, this resolves the EEOC's investigation, including its broad request for information about our people and our clients, which we no longer will be required to provide, and we will not be the target of an executive order."

Cadwalader did not receive an EEOC letter. Trump's deputy attorney general Todd Blanche was previously a partner at Cadwalader until he left in 2023 to represent Trump in the New York hush money trial.

The five firms have agreed "not to engage in illegal DEI discrimination and preferences" and will bring on outside counsel to advise the firms in making sure they are compliant, Trump said.

Trump said the five firms have agreed to causes that he and the law firms both support and agree to work on, including helping veterans and other public servants; ensuring fairness in our Justice System; and combating Antisemitism. "The Law Firms will take on a wide range of pro bono matters that represent the full political spectrum, including Conservative ideals," he said.

Despite Trump saying last week he wants law firms to negotiate trade talks for him, Simpson's memo said the firm's deal "does not dictate or restrict what pro bono matters we will take on moving forward," and participation in pro bono work is voluntary.

"In making this decision, our primary goal was to protect the best interests of the Firm, including our nearly 3000 lawyers and business professionals, and our clients," the Simpson memo said. "We know and understand that this development may weigh heavily on some of you and that you may not agree with the path we have taken."

It's not immediately clear why the firms would have been in the president's crosshairs, except for the EEOC inquiry and Blanche's history at Cadwalader.

The deals Trump announced has similar conditions as Trump's deals with Milbank; Willkie Farr & Gallagher; Skadden, Arps, Slate, Meagher & Flom; and Paul, Weiss, Rifkind, Wharton & Garrison, promising millions in pro bono services to causes the Trump administration supports. The deals have received mixed reactions from outside commentators, associates and other lawyers.

His announcement included a statement from Simpson, Latham, Kirkland and A&O Shearman: "Today, our Firms reached an agreement with President Trump and his Administration, including the U.S. Equal Employment Opportunity Commission (EEOC). We have resolved this matter while upholding long-held principles important to each of our Firms: Equal Employment Opportunity; providing pro bono assistance to a wide range of underserved populations, and ensuring fairness in the Justice System; and representing a broad spectrum of clients on various matters. We look forward to a continued constructive and productive relationship with President Trump and his team."

The statement included the names of leaders of the four firms: Jon A. Ballis, chairman, Kirkland & Ellis; Khalid Garousha, global senior partner, AO Shearman; Alden Millard, chair of Simpson Thacher's Executive Committee; Richard M. Trobman, chair and managing partner, Latham & Watkins.

In a separate announcement for the Cadwalader deal, Trump included a statement from managing partner Patrick Quinn.

"Cadwalader has achieved a successful agreement with President Trump and his Administration. We engaged with the President and his team in working together constructively to reach this agreement," Quinn said. "The substance of our agreement is consistent with the principles that have guided Cadwalader for over 230 years: We always put our client's interests first; We believe that Justice should be available to everyone; and We are committed to attracting, retaining and nurturing the very best talent from all backgrounds. The Firm looks forward to having a productive relationship with President Trump and his Administration. We firmly believe that this outcome is in the best interests of our clients, our people, and our Firm."

The five firms all had reported banner years in 2024. Kirkland's gross revenue grew by 22% last year to $8.8 billion and its average profits per equity partner rose 16% to $9.25 million. Simpson's revenue rose 24% to $2.9 billion in 2024, while its profits per equity partner shot up 19.1% to $7.66 million. Latham's revenue was up 23% to nearly $7 billion in 2024 and its profits per equity partner climbed almost 30% to eclipse the $7 million mark. Meanwhile, A&O Shearman's merger went live last May, creating a $3.5 billion integrated firm.

Cadwalader's revenue jumped by 15.7% to $638.2 million and profits per equity partner surged 33.5% up to $3.7 million.

Trump has already signed executive orders against Susman Godfrey; Perkins Coie; Jenner & Block; Wilmer Cutler Pickering Hale and Dorr; in addition to Paul Weiss. However, significant portions of Trump's executive orders against Perkins, Jenner, and Wilmer were quickly subjected to temporary restraining orders after the firms filed suit against the administration. Susman Godfrey indicated in a statement that they intend to fight their order as well.

Patrick Smith contributed to this report.

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Defamation

« Continued from page 1

were exonerated after being wrongfully convicted of assaulting a jogger in Central Park in 1989—took issue with Trump's statements about them during the Sept. 10 presidential debate in Philadelphia.

In the motion to dismiss, Trump argued that the plaintiffs didn't adequately allege that the statements were defamatory in character. He claimed the comments were statements of opinion, weren't defamatory because they didn't harm the plaintiffs' reputation, and were substantially true. He further maintained the plaintiff's false light claim failed because they didn't sufficiently allege he acted with actual malice.

The court disagreed, concluding the plaintiffs' claims were sufficiently alleged and could proceed.

"Here, plaintiffs were not just in the process of being exonerated, their name had been cleared for over twenty years, so defendant cannot argue that stating that they pleaded guilty to crimes is substantially true, when the truth is that plaintiffs are not guilty at all of those crimes," Beetlestone said.

The suit, Salaam v. Trump, was filed in October on behalf of the plaintiffs, who are also known as "Exonerated Five." They alleged that Trump made false statements about the five men during the debate, which was hosted in Philadelphia. The Central Park Five were referenced after Vice President Kamala Harris said that Trump "took out a full-page ad in The New York Times calling for the execution of five young Black and Latino boys who were innocent, the Central Park Five."

Trump responded with, "They come up with things like what she just said going back many, many years when a lot of people including Mayor Bloomberg agreed with me on the Central Park Five. They admitted—they said, they pled guilty. And I said, well, if they pled guilty they badly hurt a person, killed a person ultimately. And if they pled guilty—then they pled we're not guilty."

The plaintiffs took issue with Trump's comments asserting they pleaded guilty, badly hurt someone, and killed someone.

The plaintiffs also relied on a social media post from Trump that referenced the "plaintiffs' coerced admission of guilt, subsequent not-guilty plea, conviction, and exoneration." They also alleged Trump wrote an editorial in 2014 regarding the plaintiffs' civil settlement with the City of New York in the New York Daily News, and that Trump's counsel conceded at oral argument that Trump is "closely familiar with the plaintiffs' not-guilty plea, conviction, and subsequent exoneration, such that he knows that plaintiffs did not plead guilty or hurt anyone," among other things.

The court concluded the plaintiffs' defamation interpretation was reasonable when looking at Trump's comments as a whole. Beetlestone further determined the statements were to be construed as facts, rather than opinions because they could be "objectively determined" to be false. Beetlestone concluded that the plaintiffs reasonably construed Trump's statements as defamatory as Pennsylvania law provides that "statements imputing the commission of an indictable offense are capable of defamatory meaning as a matter of law," the opinion said.

The court also shot down Trump's argument that the claims are substantially true, noting that he equated four of the men's confessions during their interrogation with pleading guilty and that the argument was inapplicable to Salaam, who didn't confess or plead guilty.

The false light claim was also cleared to move forward, as the court determined it could be plausibly inferred that Trump "had sufficient knowledge of plaintiffs' wrongful conviction and exoneration to have understood that plaintiffs did not plead guilty, nobody died as a result of the crimes that day in Central Park, and plaintiffs are indeed not guilty."

Beetlestone granted Trump's motion to dismiss for intentional infliction of emotional distress claims, concluding the plaintiffs failed to allege they suffered any physical harm sufficient to substantiate the claim. The court granted the plaintiffs' request to dismiss the claim without prejudice, allowing leave to amend the claim.

"This baseless lawsuit is yet another unfounded and meritless attack against President Trump. It exemplifies the very kind of meritless legal action Pennsylvania's anti-SLAPP law aims to prevent—shielding free speech from politically motivated abuse," said Trump's attorney, Karin Sweigart, of Dhillon Law Group, in San Francisco. "The court's dismissal of several claims is a victory. We firmly believe the entire case should have been dismissed and will continue fighting to protect the First Amendment rights of not just the President, but all Americans."

The plaintiffs are represented by Shanin Specter of Kline & Specter in Philadelphia.

"We are gratified by the court's ruling and thorough analysis and look forward to discovery, trial and the ultimate vindication of these five fine men," Specter said.

@ Riley Brennan can be reached at rbrennan@alm.com

Letters Welcome

The Law Journal welcomes letters from its readers for publication. They should be of reasonable length and submitted with the understanding that all correspondence is subject to the editorial judgment of the newspaper. Letters may be e-mailed to Andrew Denney at adenney@alm.com.

Outside Counsel

Employer Liability for Discrimination Based on Denial of Remote Work

By **Frances Kulka Browne**



During the COVID-19 pandemic, many employers closed their workplaces and directed employees to work from home. Now that the pandemic has passed, and remote work is no longer necessary to maintain business operations, employers are requiring employees to perform their job duties onsite, on a full-time or hybrid basis. This has resulted in claims of discrimination by employees whose requests to work from home have been denied.

Recent New York federal court decisions address the issue of when an employer may lawfully reject such requests. In these cases, courts uniformly have dismissed federal discrimination claims on the grounds that rejection of an employee's request for a remote work arrangement does not constitute an adverse employment action as a matter of law.

However, such claims are less likely to be dismissed before trial under the more liberal New York State and City laws. The issue is thus nuanced, and New York employers do not always have unfettered decision-making authority relating to the working location of their employees.

Background

Under Title VII, it is unlawful for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. §2000e-2(a)(1).

At the pleading stage, a plaintiff must allege that he or she suffered an "adverse employment action." *Buon v. Spindler*, 65 F.4th 64, 79 (2d Cir 2023). To qualify as an "adverse employment action" under Title VII, the employer's action toward the plaintiff must create a "materially adverse change in the terms and conditions of [the plaintiff's] employment." *Id.* This change must be "more disruptive than a mere inconvenience or an alteration of job responsibilities," such as a demotion of status, reduction of wages, salary or benefits, or diminishment in job responsibilities. *Id.*

Other federal anti-discrimination statutes apply Title VII standards and also require the allegation of an adverse employment action to state a claim. *See, e.g., Thompson v. Shutterstock, Inc*., 23 Civ. 4155, 2024 WL 2943813 at *6 (S.D.N.Y. June 10, 2024) (noting that a Section 1981 claim is analyzed "under the same adverse employment action framework as a Title VII claim"). Claims for accommodations under the Americans with Disabilities Act ("ADA") are analyzed differently; remote work may be a required accommodation under the ADA, but that subject is beyond the scope of this article.

> Recent New York federal court decisions address the issue of when an employer may lawfully reject an employee's request to work from home.

Before the COVID-19 pandemic, it was well-established that employers had significant leeway in denying work from home requests.

In 2013, the Second Circuit held that the rejection of an employee's request for an alternative work schedule that allowed periodic work from home was not actionable under Title VII, the New York State Human Rights Law ("NYSHRL") or the New York City Human Rights Law ("NYCHRL"). *See Dowrich-Weeks v. Cooper Square Realty, Inc.*, 535 F. Appx 9, 11-12 (2d Cir. 2013).

The plaintiff in that case was a female employee who alleged that her employer took several actions against her because of her gender, race and religion, including that she was not permitted to work remotely.

The court granted the employer's motion to dismiss her Title VII and the NYSHRL claims, holding that a work-from-home arrangement was a matter of "mere convenience" and as such, its denial did not constitute a materially adverse change in the terms and conditions of employment. *Id.* at 12.

The court also dismissed the plaintiff's claim under the NYCHRL, which is more liberal and does not require the allegation of a material adverse action, because she did not allege facts from which discriminatory animus could be inferred.

In light of this Second Circuit authority, lower courts routinely dismissed discrimination claims predicated on the denial of remote work arrangements, deferring to an employer's business judgment as to where employees functioned best. *See Williams v. PMA Companies, Inc.*, 564 F. Supp.3d 32, 40,58 (N.D.N.Y. 2021) (granting motion to dismiss age discrimination claims where a New York employee wanted to telecommute from a house he bought in South Carolina but employer required in-office presence of senior leadership team); *Jean-Pierre v. Citizen Watch Co. of Am., Inc.*, 18 Civ. 0507, 2019 WL 5887479, at *6, 17 (S.D.N.Y. Nov. 12, 2019) (granting summary judgment on race and gender discrimination claims where the record indicated that employer decided to end remote work for all employees).

The guiding principle was that, "The realities of the workplace indicate that employees do not always have the option to work in the location they desire. Employees must often go where the employer determines that they are needed most." *Little v. State of N. Y.*, 96 Civ. 5132, 1998 WL 306545, at *5 (E.D.N.Y. June 8, 1998).

However, during the height of the COVID-19 pandemic, an employee's discrimina- » Page 7

FRANCES KULKA BROWNE *is a partner with Brody & Browne, and an adjunct professor at Fordham Law School.* NATALIE SARAH MAUGERI*, who is awaiting admission to the New York Bar, assisted in the preparation of this article.*

Calendar

MONDAY, APRIL 14

Practising Law Institute

The SPAC Life Cycle: Business, Legal, and Accounting Considerations Forum 2025
9 a.m. – 5:00 p.m.
https://www.pli.edu/programs/the-spac-life-cycle-business-legal-and-accounting-considerations-forum/

TUESDAY, APRIL 15

NY State Bar (Non CLE)

Opening Your Own Practice: Advice for Law Students and Young Lawyers
Informational
Webinar
https://nysba.org/events/opening-your-own-practice-advice-for-law-students-and-young-lawyers/

Centering Maternal Health: Moving Away from Punitive Approaches to Drug Testing and Use
Informational, Webinar
https://nysba.org/events/centering-maternal-health-moving-away-from-punitive-approaches-to-drug-testing-and-use/

NY City Bar (Non CLE)

The Importance of Veterans Treatment Court Parts in the Criminal Justice System
6:30 p.m. - 8:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=MIL041525&mcode=NYLJ
Location: 42 West 44th Street, New York
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, APRIL 16

NY State Bar (Non CLE)

GenAI Issue- Spotting Exam Prep
Informational, Webinar
https://nysba.org/events/genai-issue-spotting-exam-prep-2/

Practising Law Institute

Supply Chain Agreements 2025: Manufacturing and Market Disruption
9 a.m. – 12:30 p.m.
https://www.pli.edu/programs/supply-chain-agreements-manufacturing-trade-wars-and-covid-19/

Bankruptcy & Reorganizations 2025: Current Developments
9 a.m. – 4:00 p.m.
https://www.pli.edu/programs/bankruptcy--reorganizations/

THURSDAY, APRIL 17

Practising Law Institute

37th Annual Elder Law Institute
9 a.m. – 4:45 p.m.
https://www.pli.edu/programs/elder-law-institute/

Social Media and Mobile Devices 2025: Addressing Corporate Risks
9 a.m. – 5:00 p.m.
https://www.pli.edu/programs/social-media/

FRIDAY, APRIL 18

NY City Bar (Non CLE)

Senior Lawyers Chatroom
12 p.m. - 1 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=SEN041825&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

How to Read Financial Statements 2025
9 a.m. – 1:15 p.m.
https://www.pli.edu/programs/how-to-read-financial-statements/

MONDAY, APRIL 21

NY State Bar (CLE)

Land Use Update 2025
1.5 credits, Webinar
https://nysba.org/events/land-use-update-2025/

TUESDAY, APRIL 22

NY State Bar (CLE)

Adverse Possession Update Analyzing the Final Unexamined Frontier of the New Law Permissive Encroachments
1.5 credits, Webinar
http://nysba.org/events/adverse-possession-update-analyzing-the-final-unexamined-frontier-of-the-new-law-permissive-encroachments/

NY City Bar (CLE)

Critical Cybersecurity Issues for Counseling Clients
9 am - 10:45 am
2 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB042225&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

NY City Bar (Non CLE)

Lunch with Judge Vernon S. Broderick
1 p.m. - 2:30 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=LIT042225&mcode=NYLJ
Location: 42 West 44th Street, New York
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Pathways to the Bench: Hear from Chief Judge Wilson and Meet the Judges
5:30 p.m. - 8 p.m.
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=PAT042225&mcode=NYLJ
Location: 42 West 44th Street, New York
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute

Global Capital Markets & the U.S. Securities Laws 2025
9 a.m. – 5:00 p.m.
https://www.pli.edu/programs/global-capital-markets--the-u.s.-securities-laws/

WEDNESDAY, APRIL 23

NY State Bar (CLE)

An Evening with the Westchester Commercial Division Justices 2025
1 credit, White Plains
https://nysba.org/events/an-evening-with-the-westchester-commercial-division-justices-2025/

Mastering Trial Skills and Litigation Tactics: A View From the Bench and Bar
1 credit, Webinar
https://nysba.org/events/mastering-trial-skills-and-litigation-tactics-a-view-from-the-bench-and-bar/

Legal Writing with Lebovits 2025
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https://nysba.org/events/legal-writing-with-lebovits-2025/

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Verdicts & Settlements

MOTOR VEHICLE

County Had Notice of Dangerous Intersection: Lawsuit

Verdict: $14,500,000

Easton J. Gregory v. Lylah B. Crews, Christopher W. Crews and A.I. Cunningham, III, No. 2018-52126

Court: Dutchess Supreme

Plaintiff Attorney(s): John F. Nash; Sullivan Papain Block McManus Coffinas & Cannavo P.C.; Garden City NY for Easton J. Gregory

Defense Attorney(s): Scott D. Bergin; McCabe & Mack LLP; Poughkeepsie, NY for A.I. Cunningham III

James J. Burns; Murphy Burns LLP; Loudonville, NY for County of Dutchess

Thomas R. Mazzaro; Law Offices of Jennifer S. Adams; Yonkers, NY for Lylah B. Crews, Christopher W. Crews

Facts: On June 25, 2018, plaintiff Easton Gregory, 23, a car salesman, was a restrained rear passenger in a sedan traveling on southbound Linden Avenue, near its intersection with Rockefeller Lane in Red Hook. A.I. Cunningham III, Gregory's cousin, was driving the sedan. There were no stop signs for vehicles traveling on Linden Avenue.

At the same time, Lylah Crews, a 17-year-old with a junior license, was driving an SUV on Rockefeller Lane and approaching the same intersection. There was a stop sign on her side of the intersection. Beyond the intersection, Rockefeller Lane turns into Whalesback Road.

Lylah ran the stop sign and the two vehicles were involved in a broadside collision. Gregory sustained injuries to his ribs and lungs. During his treatment, he also developed complications that necessitated a partial thumb amputation.

Gregory sued Lylah Crews and Cunningham. Gregory claimed the drivers were negligent in the operation of their respective vehicles.

Gregory also sued the owner of Lylah Crews' vehicle, Christopher Crews. Gregory alleged Christopher Crews was vicariously liable for Lylah's actions.

Gregory later amended the complaint to add a claim against Dutchess County. Gregory alleged that the county's negligence created a dangerous road condition that contributed to the accident.

The county subsequently moved for summary judgment. The motion was denied because the court determined there were questions of fact that a jury should decide. The county appealed that decision and the appeal was still pending at the time of trial.

Prior to trial, the court determined as a matter of law that the Crews defendants were negligent and that their negligence was a substantial factor in causing the accident. The jury was still asked to decide what percentage of fault should be assigned to the Crews defendants.

Gregory's counsel suggested the jury assign 60 percent of the liability to the county, 30 percent to the Crews defendants and 10 percent to Cunningham. Plaintiff's counsel specifically maintained that Cunningham failed to take reasonable care to see and avoid the Crews vehicle. Gregory's counsel argued that there was nothing obstructing Cunningham's visibility prior to the crash.

For the claim against the county, counsel pointed to a resolution that the Town of Red Hook issued in 2007. After a series of crashes at the subject intersection, the town had asked the county to do a traffic study. The resolution stated that, while the study was being completed, the county should put stop signs on Linden Avenue to turn the intersection into a four-way stop. Counsel claimed the study was never done and the county never installed the additional stop signs.

Lylah testified that she was unfamiliar with the area and that the sun had blocked her view of the stop sign and the approaching vehicle.

The Crews' counsel argued that both the county and Cunningham should be found partially liable for the crash. The Crews' counsel claimed that Cunningham had 10 seconds to see and evade the Crews vehicle before impact. The Crews' counsel also maintained that the county failed to make the intersection safer in the 10-plus years between the date of the town's resolution and the date of the crash.

Cunningham's counsel claimed that his client was not negligent. Cunningham's counsel noted his driver had no traffic-control devices on his side of the roadway and had the right to presume the Crews vehicle would obey vehicle and traffic laws.

Cunningham's expert stated that while Cunningham could see the Crews vehicle 2,000 feet away, he did not know it was a danger until it ran the stop sign. Defense counsel concluded that by the time Cunningham was able to appreciate the danger, he did not have time to react.

The county contended that the negligence of the two drivers was the sole proximate cause of the crash. The county also maintained that it did a study of the intersection, but simply failed to document its findings in writing. Plaintiff's counsel countered that the study in question involved the Whalesback Road side of the intersection rather than the Rockefeller Lane side.

Injury: Gregory was taken by ambulance to Mid-Hudson Regional Hospital. He was admitted there for two weeks.

Gregory sustained 12 fractured ribs. The ribs punctured his lungs, causing them to collapse. He additionally suffered lung, spleen and kidney lacerations.

At the hospital, doctors inserted a plate to stabilize the fractured ribs. Because of the damage to his lungs, Gregory was also placed on extracorporeal membrane oxygenation (ECMO).

While Gregory was still on ECMO, he was transferred to a Westchester hospital. Doctors there inserted a central line into his left, dominant thumb as part of his treatment. The thumb subsequently became necrotic and gangrenous. Gregory's doctors then amputated a portion of the thumb.

Gregory also went into cardiac arrest at the Westchester hospital when a rib fragment punctured his lung.

Gregory spent four weeks at the Westchester facility before being transferred to an inpatient rehabilitation center. He underwent therapy there for another four weeks before he was discharged home. Gregory then received outpatient physical therapy and attended follow-up appointments.

Gregory continues to experience ongoing lung problems. The plate in Gregory's chest prevents the chest wall from fully expanding. As a result, he suffers from shortness of breath upon exertion.

Gregory's lung capacity is diminished, so his minor infections and colds are more severe than they would normally be. Because of his thumb amputation, daily activities such as getting dressed and typing on his phone/computer take longer than they did before the accident.

Gregory missed 18 months of work after the crash. He said he requires future lung treatment as needed.

Gregory sought recovery of $4.5 million in past medical expenses, $6 million in damages for his past pain and suffering and $10 million for his future pain and suffering.

Gregory's injuries were not disputed.

Result: The jury determined that County of Dutchess was negligent and that its negligence was a substantial factor in causing the accident. The jury further concluded that Cunningham was not negligent. The jury assigned 80 percent of the liability to the Crews defendants and 20 percent to the county.

The jury awarded Gregory $14.5 million.

MOTOR VEHICLE

Passenger Claimed Bus Rear-Ender Caused Injuries

Verdict: $0

Salome Vega and Josefina Olivera v. New York City Transit Authority, New York City Transit, Manhattan and Bronx Surface Transit Operating Authority, Metropolitan Transportation Authority, MTA New York City Transit, MTA Bus, Metropolitan Transportation Authority Bus Company and Joshua Ami, No. 512829/2015

Court: Kings Supreme

Defense Attorney(s): Rocco Iervasi; Kritzer Law Group; Smithtown, NY for The New York City Transit Authority, New York City Transit, Manhattan and Bronx Surface Transit Operating Authority, Metropolitan Transportation Authority, MTA New York City Transit, MTA Bus, Metropolitan Transportation Bus Co., Joshua Ami

Facts: On April 30, 2015, plaintiff Salome Vega, a construction worker in his 50s, was operating a vehicle on the Belt Parkway near 17th Avenue, in Brooklyn, when an MTA bus driven by Joshua Ami rear-ended Vega's vehicle. Vega and his wife, plaintiff Josefina Olivera, a house cleaner in her 50s who was a passenger in Vega's vehicle, both alleged injuries to their neck and lower back. Olivera also alleged injuries to her right shoulder and knee.

Vega and Olivera sued Ami and the believed owners of the bus, the New York City Transit Authority, New York City Transit, Manhattan and Bronx Surface Transit Operating Authority, Metropolitan Transportation Authority, MTA New York City Transit, MTA Bus and Metropolitan Transportation Authority Bus Co. Vega and Olivera alleged that Ami was negligent in the operation of the bus and that the remaining defendants were vicariously liable for Ami's actions.

The defendants conceded liability.

Injury: Vega claimed he sustained herniated cervical and lumbar discs. He settled his claims before trial, and the matter proceeded to trial on Olivera's claims only.

Olivera claimed she sustained herniated cervical and lumbar discs at the C3-4 and L5-S1 levels. She also claimed she sustained tears of her right shoulder's rotator cuff and right knee's meniscus.

Olivera underwent an anterior cervical discectomy and fusion, as well as arthroscopic surgery. She also underwent several years of physical therapy.

Olivera claimed she was unable to return to work as a result of her injuies.

Olivera sought recovery of future medical costs, and damages for past and future pain and suffering.

Defense counsel contended that the incident involved a minor impact with no property damage. Thus, the defense argued the accident could not have caused Olivera's alleged injuries and that any injury Olivera did have were caused by degenerative conditions.

Result: The jury rendered a defense verdict. It found Olivera did not sustain a permanent injury.

MEDICAL MALPRACTICE

Infant's Hyponatremia Was Properly Treated, Defense Argued

Verdict: $0

Antonia Andryshak, an infant, by her parents and natural guardians, April Andryshak and Christopher Andryshak, April Andryshak, individually, and Christopher Andryshak, » Page 8

VerdictSearch

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Review

« *Continued from page 1*

lacked jurisdiction to review, arguing the district attorney hadn't presented a question of law.

Madison County ADA Sam Rodgers countered that the top court should review the decision as an abuse of discretion. He said DVSJA hearing determinations do not fall within the scope of the intermediate court's plenary interest-of-justice sentencing authority.

"This case is about the standard of review for DVSJA eligibility and the required post-release supervision for those granted release," he said in his opening. "I'm not here to attack the law, but instead to give it structure to do what it is intended."

In the Franklin County case, both the trial court and Appellate Division denied the defendant's request to lower the woman's 15-year sentence for first-degree manslaughter, after the lower court was said to have been mostly reliant on her "incredible, irrelevant, evasive" testimony.

Her attorney, Mitchell Kessler of Cohoes, told the top court that the Appellate Division's affirmation was anything but a "model of clarity," reliant on "nonexistent facts." For instance, the trial judge didn't account for testimony from a psychologist who spent 20 hours with the defendant, Kessler stated.

"If they're not reversed," he said, "what does that say about the burden of proof that domestic violence survivors would have to meet to seek relief from the DVSJA?"

After watching the arguments, Brooklyn Law School professor Kate Mogulescu said she walked away wanting for more.

"I think the question of standard of review is one that needs to be resolved," said Mogulescu, who handled the state's first contested resentencing application, in Erie County in 2020, work that resulted in freeing a survivor of human trafficking.

"Yet I couldn't help but feel that something was lost in the arguments, which is really about the purpose of this law, and the two women whose cases the court was looking at. That struck me," she said.

Mogulescu directs the law school's Criminal Defense & Advocacy Clinic, which works with survivors who were prosecuted throughout New York.

Mogulescu said it's a "strange framework" for someone to prove their sentence was unduly harsh.

"If you look instead at the Drug Law Reform Act for resentencing, there was a presumption in favor of resentencing, unless the substantial interest of justice dictated otherwise," the law professor said. "In ushering in this whole ameliorative sentencing framework, the presumption should be in favor of sentencing instead of making someone show that their sentence is unduly harsh. We've seen courts really struggle with this, as a concept, and so I think some legislative guidance on that would be helpful."

Under the DVSJA, the person's offense would need to have occurred before the law took effect in August 2019.

"So moving forward, you have to raise the DVSJA at the time of sentence," said Mogulescu, who is calling for removal of the time bar and other revisions to the DVSJA. "There's no possibility of seeking resentencing later on, and we understand that to be incredibly problematic, when you think about the experience of domestic violence survivors who are arrested and prosecuted."

Mogulescu said the Survivors Justice Project has tracked 73 people who have been resentenced after filing DVSJA applications statewide. There have been more than 200 applications filed across New York.

"Despite what the DAs feared would be a floodgate of applications, there really haven't been," she said. "We have seen people come forward and seek relief under the law, but not nearly in the numbers that were anticipated. There are some counties, for example, where we haven't even seen one application filed."

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

Big Law

« *Continued from page 1*

of executive orders that have impacted firms such as Perkins Coie, which is fighting the order.

One insider told Law.com: "Ultimately, the group believes in providing partners with space to discuss what's happening, because they feel unable to do so inside their firms.

"There are multiple threads going at any one time," the person said. "It's still early, so we don't yet know what this will become."

In a recent post to LinkedIn, Chatterjee said: "LFPU is now over 300 partners strong. If we assume that each partner on average generates $2 million per year, that would represent $600 million in revenue and our group would be bigger than some firms in the Amlaw 100."

Access is restricted to partners from Am Law 200 firms, but the ripple effect has been immediate. The group has attracted attention from associates, retired partners, and even law firms offering support—including pro bono hours.

"It's already taken on a life of its own," commented a member.

Some partners are particularly frustrated by external commentary that they should simply leave firms that remain silent or do not align with their personal idea of what is right or wrong in this situation.

"The idea that we can just jump ship because we don't agree is ridiculous," the insider said. "We have ethical responsibilities to our clients, and staff who rely on us to show up. There would be conflicts, walking away isn't that simple and for partners it can take months."

Asked how involved they were in their firm's decision to stay quiet, the person said: "Not involved at all. Look at Kirkland [& Ellis] as an example—they have over 1,500 partners. You couldn't get that many people to agree on lunch, let alone this."

Chatterjee is a seasoned litigator with a track record of taking on high-stakes, increasingly contentious cases. His work includes civil rights litigation for same-sex couples navigating online adoption, as well as current cases involving ICE detainees, protest-related arrests, Silicon Valley homelessness, and protections for survivors of domestic violence.

LinkedIn has fast become the favored platform for lawyers to voice opinions, even when they are at odds with their employers.

Rachel Cohen, a former associate at Skadden, publicly resigned by posting her conditional notice letter on LinkedIn. In the post, she wrote: "This is not what I saw for my career or for my evening, but Paul Weiss' decision to cave to the Trump administration on DEI, representation and staffing has forced my hand. We do not have time. It is now or it is never, and if it is never, I will not continue to work here."

Cohen later testified before Democratic members of the Congressional Judiciary Committees on April 7, addressing concerns about threats to the rule of law in the U.S.

Goodwin did not immediately respond to a request for comment.

@ Molly Smith can be reached at msmith@alm.com.

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IN BRIEF

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against federal deregulation: state laws.

Trump issued an executive order Tuesday directing the U.S. attorney general to identify state environmental laws the administration considers to be impeding American energy production and "stop the enforcement of State laws and continuation of civil actions … that the Attorney General determines to be illegal."

The attorney general should prioritize laws addressing climate change and greenhouse gas emissions, or those related to environmental justice, the order stated.

Trump specifically identified California's cap-and-trade program to reduce greenhouse gas emissions, as well as New York and Vermont superfund laws that aim to recover money from fossil fuel companies for emitting greenhouse gases.

"These State laws and policies are fundamentally irreconcilable with my Administration's objective to unleash American energy," the order stated. "They should not stand."

The order came less than a month after fossil fuel executives reportedly met with Trump to discuss concerns about state climate regulations.

The American Petroleum Institute applauded the order, saying in a statement that directing the attorney general "to address this state overreach will help restore the rule of law and ensure activist-driven campaigns do not stand in the way of ensuring the nation has access to an affordable and reliable energy supply."

Environmental law experts say the executive branch cannot simply declare a state law unconstitutional under American federalism. But the federal government could seek to invalidate state laws by intervening in litigation or making a claim claim that the statutes are preempted by U.S. law or violate the Constitution.

Donald Kochan, a professor at George Mason University's Antonin Scalia Law School, said the Trump administration could argue that the state superfund law violates the Constitution's Dormant Commerce Clause, which prevents states from impeding interstate commerce.

"States undoubtedly retain the authority to regulate intrastate activities with purely intrastate effects, but these laws, by their very definition, are not contained to purely intrastate activities or effects, and instead … regulate global emissions," Kochan said.

But American University environmental-law professor Bill Snape said that "for Clean Air, for Clean Water, for basically all the major [federal] environmental statutes, states are allowed to have stricter standards."

Trump, with his order, "is blatantly saying, 'Let's just give the keys over to the polluting industries and let them do whatever they want,'" Snape added.

Columbia University law professor Camille Pannu said that while the order does not have much legal teeth, the administration is trying to "flip the narrative" about environmental protections, which "are really about ensuring that industry internalizes some of the costs of the environmental harm they're creating."

The administration "is instead claiming that the states are extorting money from business," Pannu added.

Kochan said that while the federal government has no veto power over state laws, the president can use an executive order to express the opinion that the U.S government believes those laws are unconstitutional.

"The goal there is to … begin the process of informing the courts of the invalidity of the laws," he added.

—Dan Novak

Attorneys 'On the Move': Venable Adds M&A Partner; Finance Attorney Rejoins Weil

• M&A attorney **Bradley Edmister** has joined **Venable** as a partner with the firm's corporate practice. He was previously at **Hogan Lovells**.

• **Jones Day** has hired **Philip Pfeffer** as a partner in the firm's business & tort litigation practice.

• **Debevoise & Plimpton** has added **Vadim Avdeychik** as partner in its investment management group.

• **Tom Hashagen** has returned to **Weil, Gotshal & Manges** as a partner in the firm's banking & finance practice. He rejoins the firm from **Goldman Sachs**, where he was a managing director and head of the Americas loan negotiation group in the global banking & markets division.

• **Greg Cage** has joined **Massumi + Consoli** as a partner in the firm's private equity and M&A practice. He joins from **Goodwin Proctor** where he was also a partner.

• **Rivkin Radler** has added **Michael Antongiovanni** as a partner in the firm's commercial litigation, construction, real estate, zoning & land use, and trusts & estates groups.

• **Morrison Foerster** has hired **James Lee** as a partner in its private equity group.

• **Sidley Austin** has added **Amy Rubin** as a partner and co-chair of its employee benefits and executive compensation practice in the firm's M&A and private equity. She joins from **Weil, Gotshal & Manges** where she was an executive compensation & benefits partner. The firm has also hired **George Hunter** as a partner in its M&A group. He joins from **Jones Day**.

• **Baker Botts** has added **Linda Martin** as a cross-border disputes partner. She was previously with **Freshfields.**

• Music lawyer **Ross Charap** has joined **Barton** as a partner. Prior to joining, he was a partner with **ArentFox Schiff**.

• **Davis Wright Tremaine** has added **Michael Butowsky** as of counsel with the firm's the financial services team. He joins from **Jones Day** where he was of counsel after serving as a partner.

• **Elaine Kleinberg** has joined **New York's Battery Park City Authority** as general counsel. She was formerly legal counsel & managing director at **CBRE**.

• **Ryan McCaffrey** has joined **Adler & Stachenfeld** as a partner in its real estate practice. He was formerly with **Sullivan & Cromwell**.

• **Michael Landsman** has joined **Falcon Rappaport & Berkman** as a partner in its real estate and estate planning practice groups. He joins from the boutique commercial law firm **Holm & O'Hara**, where he served as a co-managing partner.

• **Greenberg Traurig** has added **Eric Moran** as a shareholder in its litigation and white collar defense & investigations practices. He joins from **Epstein Becker Green**.

• **Weber Gallagher** has added partner **Neil Sambursky** and his team of eleven attorneys to launch the firm's new office on Long Island.

• **Gregory Jaske** has joined **Olshan Frome Wolosky** as a partner in the firm's real estate law practice. He joins from **Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo**.


Gregory Jaske

• **Pierson Ferdinand** (PierFerd) has added **Gerald (Jerry) Hathaway** as a partner. He was formerly with **Fox Rothschild**.

• **Jared Clark** has joined **Elliott Kwok Levine Jaroslaw Neils** as a partner. He joins from **Phillips Nizer** where he was chair of that firm's litigation practice.

• **Karen Mitchell has been appointed Chief People Officer at BCLP.**

• **Fleming Ware** has been elevated to shareholder at **Vedder Price.**


Amy Rubin

• **Goldberg Segalla** added **Nathalie Thomas-Padilla** and **James Kelly** as associates with its workers' compensation practice group. In addition, the firm has promoted partner **Christopher Maugans** to vice chair of its employment and labor practice group.

—Patricia Kane

Calendar

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NY City Bar (Non CLE)
Small Firm Chats – Stay Connected with Your Peers and Us!
12 p.m. - 12:45 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=SLFC042325&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

NY City Bar (CLE)
Introduction to the Surrogate's Court: Uncontested Administration and Probate Proceedings
1 p.m. - 4 p.m.
3 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB042325&mcode=NYLJ
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Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute
Appellate Advocacy 2025
12:45 p.m. – 5:00 p.m.
https://www.pli.edu/programs/appellate-advocacy/

THURSDAY, APRIL 24
FRIDAY, APRIL 25

NY State Bar (Non CLE)
Elder Law & Special Needs Spring Section UnProgram
Albany
https://nysba.org/events/elder-law-special-needs-section-spring-unprogram-2025/

THURSDAY, APRIL 24

NY State Bar (CLE)
Navigating Modern Day Slavery: Legislation, Frameworks and Ground-Level Perspectives in Supply Chain Regulation
1 credit, Webinar
https://nysba.org/events/navigating-modern-day-slavery-legislation-frameworks-and-ground-level-perspectives-in-supply-chain-regulation/

NY City Bar (CLE)
Litigating Land Use Article 78 Proceedings in NYC
2 p.m. - 4 p.m.
2 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB042425&mcode=NYLJ
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NY City Bar (Non CLE)
Mindfulness and Well-Being in Law Book Club
7 p.m. - 8:30 p.m.
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=MWBL042425&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute
Prison Law 2025
9 a.m. – 4:50 p.m.
https://www.pli.edu/programs/prison-law/

FRIDAY, APRIL 25

NY City Bar (CLE)
Current Issues in Insurance Regulation 2025
9 am - 1 p.m.
4.5 CLE credits
In-Person Registration Link: https://services.nycbar.org/EventDetail?EventKey=ins042525&mcode=NYLJ
Location: 42 West 44th Street, New York
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

MONDAY, APRIL 28

NY City Bar (CLE)
Federal Court Practice 101: An Introduction to the Nuts & Bolts of Federal Civil Practice
1 p.m. – 4 p.m.
3 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB042825&mcode=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

Practising Law Institute
Securities Litigation 2025: From Investigation to Trial
9 a.m. – 5:00 p.m.
https://www.pli.edu/programs/securities-litigation/

MONDAY, APRIL 28
TUESDAY, APRIL 29

Practising Law Institute
Twenty-Sixth Annual Private Equity Forum
9 a.m. – 3:45 p.m. (Day 1)
9 a.m. – 12:15 p.m. (Day 2)
https://www.pli.edu/programs/private-equity-forum/

Have an event to list?
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Remote Work

« Continued from page 4

tion claim did survive dismissal. In *Gayles v. Roswell Park Cancer Inst. Corp.*, 22 Civ. 00750, 2023 WL 6304020, at *4-6 (W.D.N.Y. Sept. 28, 2023), a Black administrative assistant working in a facility that processed COVID tests sought to work from home during the first three months of the pandemic because she had a disabled son who was at high risk for contracting the virus.

The employer denied her request and compelled her to use leave time if she did not come into the office. The plaintiff claimed race discrimination, alleging that the employer afforded remote work to similarly situated Caucasian administrative employees.

These allegations were sufficient to state claims under Title VII and the NYSHRL because the employer's denial of plaintiff's request constituted a material change in the conditions of her employment.

In so holding, the court rejected the view that remote work was a matter of mere convenience "in the context of the COVID-19 pandemic when the ability to work remotely was intertwined with legitimate public and personal health and safety concerns." *Id.* at *4.

Current Law

In recent cases, employees sought to retain their remote arrangements and asserted discrimination claims when they were called back after the pandemic. These cases indicate that the courts are returning to pre-pandemic jurisprudence on the federal issue of whether there is an adverse employment action, and that *Gayles* is inapposite where there are no health or safety concerns. *See Hamilton v. Siemens Healthcare Diagnostics, Inc.*, 23 Civ. 7408, 2025 WL 863572 (S.D.N.Y. Mar. 18, 2025); *Jones v. Brookhaven Science Assoc.*, LLC, 23 Civ. 04194, 2024 WL 4145777 (E.D.N.Y. Sept. 10, 2024); *Thompson*, 2024 WL 2943813 (S.D.N.Y. June 10, 2024).

However, NYCHRL claims are more likely to survive dismissal because no adverse job action is required to state a claim thereunder. The same may now be true for claims under the NYSHRL, which was amended in 2019 to afford more liberal construction.

In *Thompson*, a Black employee alleged that that Caucasian employees in his department were permitted to work remotely but his employer rescinded approval for him to do the same following his participation in an employee resource group critical of the racial climate at the company. He asserted a race discrimination claim under Section 1981, which the employer successfully moved to dismiss.

The court held that, "Plaintiff has not stated a discrete adverse employment action based on the denial of his remote work request." *Id.* at *8. It recognized that, "Prior to the COVID-19 pandemic, courts in the Second Circuit generally found that denying an employee's request to work remotely was not an adverse employment action," and followed such authority. *Id.* at *7.

Furthermore, the complaint alleged that the employer had offered to assist the plaintiff in locating a different position in the organization which could be performed remotely but he had no desire for a new position, further negating any adverse job action.

> An employer's even-handed application of a uniform remote work policy ensures compliance with legal obligations and is the best way to avert triable claims.

Likewise, in *Jones*, a Black employee brought an action against her employer in connection with post-pandemic denial of remote work. The plaintiff asserted a claim of race discrimination under Title VII, alleging that her duties as an office assistant could be performed remotely on a periodic basis, as four of her Caucasian co-workers were permitted to do.

The employer moved to dismiss the claim, arguing that the plaintiff had never been permitted to work remotely before the COVID-19 pandemic and that certain duties, including receiving and distributing paper mail, required her to be in the office.

The court dismissed the claim on the ground that the plaintiff failed to plead a "materially adverse change in the terms and conditions of employment." *Id.* at *7. It rejected *Gayles* as inapposite because the finding of an adverse employment action there was based on health and safety concerns during the early months of the pandemic.

By contrast, Ms. Jones did not "plausibly allege that [the employer's] denial of [her] request for a rotating remote work schedule subjected her to dangerous or extreme work conditions." *Id.* at *9. Thus, the employer was free to dictate how it wanted her to perform her job, including requiring that she be physically present at the office.

Most recently, in *Hamilton*, the court confirmed that denial of a remote working arrangement does not constitute an adverse job action. 2025 WL 863572, at *10.

In that case, the plaintiff claimed race, gender, national origin, sex and sexual orientation discrimination under Title VII because, among other things, he was allegedly "singled out" to return to his office in New York after the pandemic ended even though he had moved to Pennsylvania. *Id.* at *2.

The court granted the employer's motion to dismiss, noting that "before and since the COVID-19 pandemic, courts in the Second Circuit have generally found that denial of an employee's request to work remotely does not constitute an adverse employment action under Title VII." *Id.* at *10 (citing *Jones*).

Thus, absent a health and safety risk in the workplace, an employee has no right under federal anti-discrimination law to work from home.

This is not to say that employers have carte blanche when it comes to all aspects of remote work. In *Jones*, the plaintiff also asserted a Title VII retaliation claim, alleging that the employer offered her a three-day-a-week remote work arrangement in exchange for withdrawing her EEOC charge.

The court held that these allegations were sufficient to state a retaliation claim because "a more lenient standard governs the determination of an adverse action under Title VII's anti-retaliation provision as compared to the determination of an adverse employment action required to plead a Title VII discrimination claim." 2024 WL 4145777, at *13. Employers cannot offer remote work to entice an employee to forgo exercising federal rights.

Furthermore, courts will undertake a more searching analysis of NYCHRL claims about the denial of remote work because the employee need only allege that he or she has been treated less well than others because of a protected status. *See* N.Y.C. Admin. Code §8-107(1)(a).

In *Thompson,* the same allegations that were deemed insufficient under federal law were sufficient to state a claim under the NYCHRL "which does not require materially adverse employment actions and instead focuses on unequal treatment based on a protected characteristic." 2024 WL 2943813, at *21.

At the pleading stage, the plaintiff established that he was treated less well because of his race in alleging that Caucasian employees were permitted to work remotely but that he was compelled to give up his position and search for another one to do so. Analysis of claims under the current NYSHRL, which was amended in 2019, may align more closely with the liberal construction of the NYCHRL. *See* Labor Law §300; *Lee v. Riverbay Corp.*, 751 F Supp 3d 259 (S.D.N.Y. 2024).

Despite any differences in federal, state and city law in New York, one clear principle emerges: employees are more likely to institute actions when they believe they have been treated unfairly or differently from co-workers who have been permitted to work from home. An employer's even-handed application of a uniform remote work policy ensures compliance with legal obligations and is the best way to avert triable claims.

Holocaust

« Continued from page 3

ervation of sovereign immunity for violations of human rights law.

In the case of the Welfenschatz, because the actions taken by Nazi-Germany took place within its borders, the domestic taking exception applied and the case therefore had to be dismissed. *Philipp* dealt a significant blow to many Holocaust restitution claims, as many of the expropriations occurred within the borders of the offending states.

The recent *Simon* decision has limited Holocaust claims even further. Two-thirds of Hungary's pre-war Jewish population was systematically exterminated during the Holocaust. In addition, as stated in Simon's brief, in November 1944, "the Hungarian government declared all valuable objects owned by Jews—except for their most personal items—part of the national wealth of Hungary."

Hungary thereafter confiscated and liquidated much of that property, which gave rise to the lawsuit. This 2010 case has had years of motion and appellate practice, including an earlier visit to the Supreme Court, in which, alongside the *Philipp* decision, the court held that the expropriation exception did not apply to a foreign sovereign's taking of its own nationals' property. *Republic of Hungary v. Simon*, 592 U. S. 207 (2021).

To overcome the *Philipp* holding, the plaintiffs asserted they were either stateless or Czechoslovakian nationals at the time of the takings, not Hungarian nationals.

The case therefore pivoted so that the central issue focused on the other part of the expropriation exception, which requires that the expropriated "property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state."

To satisfy that requirement, the plaintiffs argued that the expropriated property had a commercial nexus to the United States because the Hungarian defendants liquidated it, commingled the proceeds from that property with money in a government treasury account, and, decades later, used the funds from that account in connection with commercial activity in the United States.

In the words of the Supreme Court, "the issue presented in this case is whether alleging commingling of funds alone can satisfy the commercial nexus requirement of the expropriation exception of the FSIA." Both lower courts determined that this "commingling theory" satisfied the statute's commercial nexus requirement. A unanimous Supreme Court disagreed.

The Supreme Court provided the following example of how the statute can be satisfied. If the tangible property was artwork of a plaintiff that the sovereign retained for its collection, the plaintiff would have to put forth some facts that support tracing that artwork to a location in the United States.

If the sovereign trades the expropriated artwork for a different piece of art and the plaintiff alleges facts sufficient to reasonably conclude that the different piece of art can be traced to the United States, the commercial nexus requirement would be satisfied. The plaintiff could not, however, merely allege that the foreign sovereign maintains an art collection in the United States.

The Supreme Court said that the plaintiffs accepted these principles, but posited that there was an exception that applies when a foreign sovereign converts expropriated property into money or other fungible property.

> Thereafter, California enacted a statute mandating the application of California law in cases brought by state residents to recover artwork stolen during the Holocaust.

In that situation, according to the plaintiffs, it is not necessary to identify the specific funds for which their property was exchanged. Instead, a plaintiff need only identify any fund that, at some time, was commingled with the proceeds of the foreign sovereign's sale of the expropriated property.

The Supreme Court did not accept this interpretation, explaining that the plaintiffs' commingling theory would effectively do away with the tracing requirement implicit in the phrase "exchanged for" within §1605(a)(3).

The court found there was no exception in the statute because the plain text of the expropriation exception treats all "property" alike, whether that property is tangible (like a piece of art) or fungible (like cash).

The court also questioned the reasonableness of the commingling theory because it "requires accepting the idea that the entire account with commingled funds should be regarded as property 'exchanged for' the expropriated property, even if that account's assets far outweigh what the foreign sovereign received for selling the expropriated property."

There were also the political aspects of the statute. The Supreme Court specifically noted that, it "interpret[s] the FSIA as we do other statutes affecting international relations: to avoid, where possible, 'producing friction in our relations with [other] nations and leading some to reciprocate by granting their courts permission to embroil the United States in expensive and difficult litigation.'"

That concern seems especially cogent in the context of the expropriation exception, which the Supreme Court said is "unique"(*id.)* in that the "restrictive" theory of foreign sovereign immunity removes immunity for a sovereign's "commercial" acts, whereas the expropriation exception applies to acts that are, by definition, "sovereign."

The Supreme Court said they were not ruling that plaintiffs involved in situations in which expropriated property is exchanged for cash may never sue. As examples of where a suit could be brought the court said a plaintiff could identify a United States account holding proceeds from expropriated property, or could show that a foreign sovereign spent all funds from a commingled account in the United States shortly after the commingling occurred.

As it relates to Holocaust claims, however, *Simon* is a significant blow because of the seemingly practical impossibility of tracing specific U.S. assets back to property expropriated so many years ago.

There is one other Supreme Court decision relating to Holocaust claims that merits discussion. The Cassirer litigation revolves around a painting by French Impressionist Camille Pissarro, which the Nazis stole in 1939 from Lilly Neubauer, a Jewish woman who was attempting to flee the Nazi regime.

The painting eventually came into the possession of the Thyssen-Bornemisza Collection Foundation (TBC), an instrumentality of the Kingdom of Spain, and has been publicly displayed in Madrid since 1993. Lilly's heirs, and others, sued TBC, seeking the return of the painting. Choice-of-law was the dispositive issue in the case because, if California law applied, the Cassirers would win but if Spanish law applied, TBC would win.

The case reached the Supreme Court for the first time in 2022, with the court holding that, in an FSIA suit raising non-federal claims against a foreign state or instrumentality, the district court should use the same choice-of-law rule applicable in a similar suit against a private party. *Cassirer v. Thyssen-Bornemisza Collection Foundation*, 596 U.S. 107 (2022).

The court thus vacated the Ninth Circuit's decision holding that Spanish law should apply. On remand, the Ninth Circuit held once again that Spanish law applies, even under the Supreme Court's opinion.

Thereafter, California enacted a statute mandating the application of California law in cases brought by state residents to recover artwork stolen during the Holocaust.

The Cassirers petitioned the Supreme Court again, arguing that California's enactment of a statutory choice-of-law requirement precluded the result below and that the court should therefore vacate the judgment and remand for application of the new choice-of-law statute, which Petitioners said was the typical practice when an intervening change in law occurs.

On March 10, 2025, the Supreme Court granted the Petition, vacated the judgement and remanded the case for further consideration in light of the new California statute.

The *Cassirer* decision stands in stark contrast to *Philipp* and *Simon* in that it favors the victims of the Nazi theft. But the reason for the difference seems clear. *Cassirer* was a *choice-of-law* case, whereas the other two implicated the *jurisdictional* reach of the FSIA.

On that issue, the Supreme Court was clearly of a mind to limit the reach of the expropriation exception under the FSIA, even though these decisions have significantly limited the ability of Holocaust victims to seek recompense in the U.S. courts.

These decisions also highlight the importance of keeping open other avenues of compensation, such as those established by the German Federal Ministry of Culture.

Mangione

« Continued from page 1

Committee, and it was the one assembled by the prior presidential administration.

"Since the change in administration, counsel has not been asked for a submission or offered the opportunity to meet with the Capital Case Committee formed by and existing under the current administration," the document alleges.

An email from defense counsel in February went ignored and the team learned of the decision to seek death from a reporter, the motion says.

"If the death penalty was being ordered pursuant to policy instead of publicity, the Attorney General would not have put her directive in the form of a press release followed by an Instagram post that effectively launched a new government social media account," states the filing.

The defense argues that the state case undermines the federal interest in capital punishment.

"While a new administration must be given wide latitude to develop new and different policies to help the American people, this does not include abandoning its own death penalty protocol so the Government can kill a particular defendant without regard to the law or settled procedures," the motion reads.

In capital cases, aggravating factors must outweigh the mitigating ones. They do not here, the defense says.

The motion also argues that the case is an outlier when compared to the other capital cases pursued by the Southern District of New York.

Every one of those cases, the motion states, "involved defendants who committed murder as part of a violent drug or racketeering enterprise, in furtherance of a narcotics business or as part of a terrorist organization."

None of those factors apply to the Mangione case, which alleges the stalking and murder of an individual by an individual.

"The driving factor for the Attorney General ordering the death penalty was politics and not the facts of the case," the defense says.

The defense motion follows a press release issued by Attorney General Pam Bondi on April 1, ordering the death penalty in the case to "carry out President [Donald] Trump's agenda to stop violent crime and Make America Safe Again."

"Because the Attorney General has chosen to proceed in this way, Mr. Mangione's Due Process rights have already been violated and the manner in which the Government has acted has prejudiced the grand jury pool and has corrupted the grand jury process," the document states.

In addition to asking a judge to preclude the death penalty, the defense wants the DOJ to turn over any documents relating to the capital directive.

The defense also wants any communications between government officials and any death penalty advocates or people lobbying on behalf of business interests, given Bondi's repeated reference to the victim's status as a CEO.

"If the Justice Department was moved to seek the death sentence due to any communications by or on behalf of any corporate interest, this would be relevant to a finding that the death penalty was being applied in an arbitrary manner," the motion says.

While Mangione has been indicted in New York State Court, he has not yet been indicted in federal court. The docket shows the federal case remains unassigned. He has pleaded not guilty in the state case.

The DOJ did not immediately return a request for comment.

Mangione is represented in both matters by Karen Friedman Agnifilo, Marc Agnifilo and Jacob Kaplan of Agnifilo Intrater.

Learned counsel in the federal matter is Avraham Moskowitz, founding partner of Moskowitz Colson Ginsberg & Schulman.

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

Letters Welcome

The Law Journal welcomes letters from its readers for publication. They should be of reasonable length and submitted with the understanding that all correspondence is subject to the editorial judgment of the newspaper. Letters may be e-mailed to Andrew Denney at adenney@alm.com.

Losses

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in response to habeas petitions filed by the American Civil Liberties Union and others.

The day after its Alien Enemies Act decision, the Supreme Court lifted a third lower court order blocking a Trump administration action—and again did so on narrow, technical grounds.

This time, the court said agencies that laid off around 16,000 probationary employees amid Trump's push to cull the federal workforce are not required to begin reinstating them to their positions, blocking a California federal judge's order.

The Supreme Court held, in a short written order, that various nonprofit groups lacked standing to challenge the Trump administration's mass firings of probationary employees, which refers to those still in the first year of their positions. U.S. District Judge William Alsup of the Northern District of California had ordered the employees reinstated after finding that the terminations were carried out at the direction of the Office of Personnel Management, which he said lacked authority to orchestrate mass terminations across the government.

Notably, Justice Elena Kagan appears to have split with her fellow liberal Democratic appointees to rule in favor of the Trump administration. Her exact vote in the case is unclear because—although she did not publicly dissent (unlike Sotomayor and Justice Ketanji Brown Jackson)—the court does not always provide the full voting breakdown of orders rendered on its emergency docket.

The nebulous nature of emergency docket voting is another frequent source of criticism regarding the docket.

From his courtroom in San Francisco, Alsup had awarded the injunction based on the claims of several nonprofit organizations who had alleged that the mass layoffs would affect the quality of government services that their members use.

"But under established law, those allegations are presently insufficient to support the organizations' standing," the Supreme Court wrote in its unsigned order Tuesday.

Narrow Rulings Mask Ideological Differences

Technical though they may be, the voting patterns in these cases suggest clear ideological differences among the justices.

"I think there's unquestionably an ideological valence there," said Shapiro. "And I think that goes in part to the eagerness with which some of the justices are willing to grant relief, even in the absence of irreparable harm."

The justices most sympathetic to the Trump administration's emergency requests have been Clarence Thomas, Neil Gorsuch, Samuel Alito Jr. and Brett Kavanaugh.

On the other hand, the three liberal Democratic appointees have been the most likely to deny the government's requests.

That has left Roberts and Barrett as the crucial votes capable of determining whether to let Trump actions go into effect or remain blocked.

"They certainly together can swing the court in any case that's otherwise got an ideological valence," Shapiro said. "It only takes one of them to join the other conservatives for the case to come out that way. I think they are the median justices on the court right now."

Barrett, one of Trump's three appointees to the court, has faced criticism from some conservatives this year for her willingness to vote against his administration in high-profile cases.

Writing in 2021, Barrett articulated a demanding standard for granting "extraordinary relief" on the high court's emergency docket. Still, as her vote in the case over Department of Education grants shows, she is, at least some of the time, open to intervening in a case in its early stages.

"Barrett I find a little confusing," said Shapiro.

"I do think she cares enormously about civil procedure and jurisdiction," Shapiro added. "I think she sometimes thinks the court is doing more than she needs to do in particular cases, but again, she doesn't always explain her thinking."

And though Shapiro wouldn't describe Barrett as a liberal justice by any means, "I do think she values her independence."

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

Judicial Ethics

Opinions From the Advisory Committee on Judicial Ethics

The Advisory Committee on Judicial Ethics responds to written inquiries from New York state's approximately 3,600 judges and justices, as well as hundreds of judicial hearing officers, support magistrates, court attorney-referees, and judicial candidates (both judges and non-judges seeking election to judicial office). The committee interprets the Rules Governing Judicial Conduct (22 NYCRR Part 100) and, to the extent applicable, the Code of Judicial Conduct. The committee consists of 28 current and retired judges, and is co-chaired by the Honorable Debra L. Givens, an acting justice of the supreme court in Erie County, and the Honorable Lillian Wan, an associate justice of the appellate division, second department.

Opinion: 24-166

Digest: Assuming permission is granted under 22 NYCRR 29.1(a), a judge may hire a professional photographer at the judge's own expense to take the judge's picture wearing a judicial robe in the courtroom at the bench during open, non-court hours for the judge's personal use to display in chambers or in the judge's home.

Rules: 22 NYCRR 29.1(a); 100.2; 100.2(A); 100.2(C); Opinions 23-49; 00-102; 95-141; 90-78; 89-123.

Opinion: A judge asks if it is ethically permissible to hire a professional photographer at his/her own expense to take the judge's picture in the courtroom at the bench wearing a judicial robe. The judge intends to use the photograph for personal use, to display in chambers or at the judge's home. The judge plans to obtain permission from the appropriate administrative authority pursuant to 22 NYCRR 29.1(a) and would thereafter pose for the photograph at a time when the courthouse is open and court is not in session.

A judge must always avoid even the appearance of impropriety and promote public confidence in the judiciary's integrity and impartiality (see 22 NYCRR 100.2; 100.2[A]). A judge may not "lend the prestige of judicial office to advance the private interests of the judge or others" (22 NYCRR 100.2[C]). Taking photographs in a courtroom or any other part of a courthouse "at any time or on any occasion" is prohibited without the permission of the Chief Administrator of the Courts or an appropriate designee (22 NYCRR 29.1[a]).

We have advised that a judge's photograph may be included in a photographic exhibit displayed in local public libraries (see Opinion 95-141) and a judge may pose for a portrait that will be displayed in the courthouse (cf. Opinion 90-78). Although a judge may not permit a photographer to use the judge's portrait on a business card, as this would lend judicial prestige to the photographer's private interests (see Opinion 89-123), no improper purposes are evident in the present inquiry.

Judicial robes are "a signification of judicial status" (Opinion 00-102) and thus the permissibility of wearing them during extra-judicial activities may involve a fact-specific analysis (see Opinion 23-49). We advised that a judge may wear judicial robes during an appearance in a documentary about notable Italian-Americans, which involved no political activity or fund-raising (see Opinion 00-102). We also said a judge may wear a judicial robe when giving a keynote address at a public high school graduation, which again involved no fund-raising and no risk of an appearance of lending judicial prestige to any private interests (see Opinion 23-49).

Here, we conclude it is ethically permissible for a judge to commission a photograph for purely personal use in chambers or in the judge's home. Because the purpose of such a portrait is to display the judge's image as one would a photograph of a spouse or child in military or other official uniform, the judge may wear judicial robes in the photograph. Assuming the judge has any necessary administrative approvals, the judge may also be photographed sitting at the bench in the courtroom, which in the present non-political context of private display at home or in chambers is simply a further signification of judicial status.

MedMal

« Continued from page 5

individually v. Jennifer Prince, D.O., Pamela Murphy, M.D., Gina Allegretti, M.D., Tanya Lynch, R.N., Jamie Ferguson, R.N., Rosemarie Mahaney, R.N., Catriona Fraser, R.N., Gladdie Agulto, R.N., Roberta Tenorio, R.N., Ann Reilly, R.N., Christopher Williams, R.N., Michael Will, Ryan Garrabrant, Matthew Kapklein, M.D., Naveen Kannekanti, M.D., Aalok Singh, M.D., Hasti Sanandajifar, D.O., Gretchen Harmon, M.D., Lauren Bader, M.D., Mengdi Lu, M.D., Samantha French, R.N., Diane McCarthy, R.N., Crystal Run Healthcare, LLP, Schumacher Emergency Medical Group, Orange Regional Medical Center, Empress Ambulance Service, Inc., Emergacare NY, LLC, Westchester County Health Care Corporation, Emergency Medical Association of New York, P.C., Children's & Women's Physicians of Westchester, LLP, Emergency Medical Associates, No. 56820/2016

Court: Westchester Supreme,

Plaintiff Attorney(s): James S. Lynch; Lynch Law Firm, P.C.; Hasbrouck Heights NJ for April Andryshak ,, Christopher Andryshak,, Antonia Andryshak

Arthur V. Lynch; Lynch Law Firm, P.C.; Hasbrouck Heights NJ for April Andryshak ,, Christopher Andryshak,, Antonia Andryshak

Defense Attorney(s): Stephen B. Toner; McGivney, Kluger, Clark & Intoccia, P.C.; New York, NY for Matthew Kapklein M.D., Aalok Singh M.D., Children's & Women's Physicians of Westchester, LLP

John J. Barbera; Martin, Clearwater & Bell; White Plains, NY for Westchester County Health Care Corporation

Miles S. Reiner; Vigorito, Barker, Patterson, Nichols and Porter, LLP; New York, NY for Pamela Murphy M.D.

Angela Thompson-Tinsley; Thompson-Tinsley Law PLLC; Cold Spring, NY for Jamie Ferguson R.N., Orange Regional Medical Center, Orange Emergency Services, P.C.

Kathryn C. Collins; Feldman, Kleidman, Collins & Sappe LLP; Fishkill, NY for Jennifer Prince D.O., Gina Allegretti M.D.

Facts: On Feb. 13, 2015, plaintiff Antonia Andryshak, a 2-month-old fraternal twin girl (who was born prematurely at 31-weeks' gestation), was admitted to the Children's Hospital at Westchester Medical Center, after being transferred from Orange Regional Medical Center. She was admitted with profound hyponatremia, a sodium level of 121, documented respiratory syncytial virus, dehydration, an altered mental status, and an immediate history of seizures and bronchiolitis.

Antonia's first basic metabolic panel (which measures eight different substances in the blood) was previously performed at Orange Regional Medical Center. It came back with a normal sodium level of 137. However, following the Antonia's seizures during the late night of Feb. 12, 2015, a repeat BMP came back at 121, approximately 32 hours after the initial BMP.

On Feb. 13, 2015, at 2 a.m., Dr. Matthew Kapklein, who was the attending-on-call physican in the pediatric intensive care unit at Children's Hospital at Westchester Medical Center, was contacted and agreed to accept the infant. He ordered an ambulance to pick her up, as a helicopter transport was unavailable. When the ambulance arrived at Orange Regional Medical Center at 3 a.m., the ambulance team examined the Antonia, obtained laboratory results and spoke with Kapklein, who ordered a 3 percent saline solution to be administered at 6 milliliters per hour based upon the baby's weight of 6.1 pounds. The infusion lasted from 3 a.m. until they arrived at Children's Hospital almost two hours later.

Upon her arrival at Children's Hospital at 5 a.m., Kapklein did a blood gas test, which showed her sodium level at 119. He ordered a repeat stat BMP and an increase in the infusion rate from 6 milliliters per hour to a more aggressive 10 milliliters per hour. The repeat BMP came back at 6:40 a.m. at 121.

At 7:30 a.m., there was a shift change, at which time Dr. Aalok Singh took over as the attending in charge.

During rounds that morning, Singh instructed the senior resident to order a repeat BMP at 9:30 a.m., noting that the last one was at 5 a.m. Inadvertent delays by the medical residents in obtaining the blood sample caused the results of that second BMP at Children's Hospital to not be reported to Singh until 11:30 a.m., at which time the Antonia's sodium level was 136 (in the normal range of 135-145). At that point, Singh ordered that the sodium infusion be discontinued.

Antonia's parents claimed that after many increases in sodium levels, the infant developed osmotic demyelination syndrome, resulting in seizure disorders and developmental delays.

Antonia's parents, April Andryshak and Christopher Andryshak, acting individually and as Antonia's natural guardians, sued Orange Regional Medical Center, Kapklein, Singh, and multiple other doctors, registered nurses and medical practices. The parents alleged that the defendants' actions constituted medical malpractice.

Several of the defendants were dismissed from the case or settled with the plaintiffs. Thus, the matter only continued against Drs. Matthew Kapklein, Aalok Singh, Jennifer Prince, Pamela Murphy, Gina Allegretti, Hasti Sanandajifar and Gretchen Harmon; Nurses Tanya Lynch, Jamie Ferguson, and Diane McCarthy; Orange Regional Medical Center; and the medical practices of Crystal Run Healthcare LLP, Westchester County Health Care Corp., Children's & Women's Physicians of Westchester LLP, and Orange Emergency Services P.C.

By the end of trial, the plaintiffs were limited to only one departure claim against each Kapklein and Singh. Plaintiffs' counsel argued that Kapklein and Singh had a duty to perform repeat blood tests every hour to monitor the rise in the baby's sodium level until it reached 125, at which point, it should have been discontinued and a slower infusion rate be followed to not increase the total sodium above 8 milliequivalents per liter in 24 hours. Plaintiffs' counsel contended that the rapid aggressive increase caused Antonia to develop osmotic demyelination syndrome, resulting in seizure disorders and developmental delays.

Defense counsel argued that there was no "standard of care" under the circumstances and that the infusion calculations that plaintiffs' counsel cited and relied upon were for the chronic onset of hyponatremia. Counsel contended that, in this case, Antonia had an acute onset of severe hyponatremia, which mandated a rapid correction because of concerns of brain damage if corrected too slowly. Moreover, the defense argued that there had never been a reported case of osmotic demyelination syndrome in a child as young as Antonia because the myelin sheaths in the brain are immature and unformed at the time. Thus, defense counsel argued that the alleged damages could not have possibly occurred.

Injury: Plaintiffs' counsel claimed Antonia developed osmotic demyelination syndrome, resulting in seizure disorders and developmental delays.

Antonia has since finished the third grade and has fun with her siblings, but her parents claimed she has some developmental delays.

Defense counsel disputed Antonia's alleged damages. Specifically, the defense denied Antonia developed osmotic demyelination syndrome and, therefore, argued that Antonia's alleged damages could not have occurred.

Result: The jury rendered a defense verdict. It found that the remaining defendants were not negligent in the care and treatment of Antonia.

Matter of Kaufmanan

« Continued from page 3

to a petition, notice to appear for formal interview, examination, or pursuant to subpoena under these Rules (22 NYCRR 1240.9[a][1]); or "the respondent's failure to comply with a lawful demand of the Court or a Committee in an investigation or proceeding under these Rules" (22 NYCRR 1240.9[a][3]).

The AGC has met its burden and there is sufficient evidence to immediately suspend respondent until further order of this Court.

Between February 2023 and May 2024, the AGC repeatedly directed respondent to submit an answer to H.E.'s complaint. Respondent failed to do so, despite his awareness of the AGC's attempt to contact him, as evidenced by respondent's March 8th email response to the AGC's email informing him of the complaint.

Furthermore, respondent repeatedly failed to comply with the AGCs lawful demands and failed to comply with this Court's judicial subpoena. This misconduct threatens the public interest and warrants suspension pursuant to 22 NYCRR 1240.9(a)(1) and (3) (see *Matter of Grant*, 224 AD3d 1 [1st Dept 2024]; *Matter of Amankwaa*, 221 AD3d 107 [1st Dept 2023]; *Matter of Tessler*, 215 AD3d 61 [1st Dept 2023].

Accordingly, the AGC's motion should be granted, and respondent suspended from the practice of law, effective immediately, and until further order of this Court.

All concur.

Court Calendars

First Department

APPELLATE DIVISION

CALENDAR FOR THE MAY TERM

TUESDAY, APRIL 15

2 P.M.

21/4334 People v. Victor Augustus
24/2929(2) Greene v. City of NY
24/3945(1) M, Baby Girl
24/1659 Berkovich v. Judlau Contracting
24/4331(2) T&A Insolvency v. Palade
22/1174 People v. Anthony White
24/2671 Timmons v. Praylow
24/1851 2512 7th Avenue v. Webb & Brooker Inc.
24/3623 Doe v. KIPP NY
23/5643 People v. Harrigan Cordero
24/6111 JAB Building v. 950 Third Avenue
24/1620 Weir v. Weir
24/7903 Joseph v. NYC Department of Housing
24/3090 Zurich American v. Providence Capital
24/727 Sacks v. Rent A Crate Enterprises
24/2850 McLaughlin v. Air & Liquid Systems Corp
24/1974 People v. Efrain Massapinero
24/2780N Guayara v. H.P.S.O.N.Y. Inc.

WEDNESDAY, APRIL 16

2 P.M.

18/4534(1) People v. Hector Rodriguez
24/4707 Hadzovic v. The Buckley School
24/6064 R., Sarah v. Mohammad M.
24/3850 People of the State of NY v. CVS Pharmacy
24/5803 Molner v. Molner
24/3121 Begnoja v. Hudson River Park
23/4436 People v. Lacquan Berkley
24/7463 Japanese Medical v. Tamba
23/5231 Zyskowski v. Chelsea-Warren Corp.
23/2667 People v. Michael Frederick
24/2613 Wang v. Marano
24/356(3) Kohli v. Tewari
24/4765(3) Kohli v. Tewari
24/5712 Joseph v. NYU Grossman School
24/1833 LFR Collections v. Tammy Tran Attorneys
24/5334 Fernandez v. Nationstar Mortgage
23/6424 People v. Charlie Vasquez
24/3392(2)N Cassidy v. NYC Transit Authority

THURSDAY, APRIL 17

2 P.M.

18/4459(1) People v. Emmet Allen
24/189 Tevlin v. Tevlin
24/7069 Domen Holding v. Sanders
22/3899 People v. Richard Butts
24/1862 Kim v. Bedouet
24/3176 Salamone v. Deily & Glastetter
24/1471 People v. Londell Squire
24/3812 Bank of NY v. Bosboom
24/2971 Bridgeton 396 Broadway v. HiRise Engineering
24/4843 J. S. v. City of NY
22/5700 People v. Luis Gonzalez
24/4691 South32 Chile v. Sumitomo Metal
24/3367 Verdugo v. Smiley & Smiley
24/6663 Five Star v. Trustees of Columbia Univ.
24/4805 Quezada v. City of NY
24/2789 Moore v. Greystone Properties
21/3610 People v. Nylik Hill
24/6483N Sawyer v. 1120 Fifth Avenue Corp.

TUESDAY, APRIL 22

2 P.M.

23/646(1) People v. Torrey Gibbs
24/4378(2) Smartmatic USA v. Fox Corporation
25/211(1) Richards v. Walls
23/1845(1) Richards v. Walls
23/6445 Geiger v. Hudson Excess Insurance
24/732(2) 3604 Jerome v. NYC Health & Hospitals
24/4499 Brown v. Gutiez
18/3521 People v. Taykawon Anderson
24/3538 Brito v. City of NY
24/2688 Mamah v. NYC Department of Education
24/578 Stromberg v. East River Housing
24/607 Picken v. RN Realty
23/3019 Mehling v. Corinthian Condominium
24/2258(2) 99 Wall v. Consigli & Associates
24/3790 Kshatriya v. Office of Chief Medical Examiner
23/2019 People v. Anand Mahabir
24/6656N Franco v. 800 E 173

WEDNESDAY, APRIL 23

2 P.M.

19/3552 People v. Nami Bey
24/2164 Vines v. Judlau Contracting
24/2459 Alcantara v. Toro
23/2377 Toribio v. Feldor Billiards
22/4259(2) Haygood v. Prince Holdings
24/1708(1) US Pony Holdings v. Fashion Footwear
24/5789(1) US Pony Holdings v. Fashion Footwear
19/4658 People v. Sammy Sampson
23/5285 Broughton v. 553 Marcy Avenue Owners
24/6620(2) Aerogen LLC v. Tapjets Holdings
24/3012(2) Rosario v. Montefiore Medical Center
24/140 Rivas v. Panama Leasing
24/1698 Oseguera Solarte v. Brearley School
24/958(2) Tarro v. Amadei
2011 - 02609 People v. Miguel Santos
24/148 Gordon v. Martel
24/4696N State Farm Mutual v. Torres-Jimenez

THURSDAY, APRIL 24

2 P.M.

24/2827 People v. Latiqua Gibbs
24/3108 Wilson v. AC 320 Hotel
24/2855 P., Olga v. Fabio G.
24/2341 Alekna v. 207-217 West 110
24/2634 McCormick v. Dipersia
24/3819 Hunnewell Partners v. Deloitte Transactions
24/2533N unez v. Global Launch
24/3573 Bokum v. BUFNY II Associates
22/4011 People v. Terrell Sumpter
24/2670 Rabizadeh v. 165 E 66
24/3635 Victor v. Khatskevich
24/3556 Welliver v. T-C The Colorado
24/145 Maccarone v. NY Convention Center
24/4155 Beast Investments v. Celebrity Virtual
24/626 People v. Luis Pena
24/3245 Stabile v. Dragonetti Brothers
24/3246N Stanton v. Dragonetti Brothers

TUESDAY, APRIL 29

2 P.M.

24/857 People v. Luis Rivera
24/2932 Li v. City of NY
22/1962 Moore v. NJ Transit Corp.
24/2959 MB Financial Bank v. 56 Walker
24/2909 Feiger v. Ray Enterprises
24/2355 Joseph v. 291 Broadway
19/5701 People v. Michael Fishbein
24/1412 Paulino v. Chaver-Jimenez
24/4421(2) CLSA Americas v. Mayo
24/1964 Moise v. The Chapin School
24/5457 Rational Special Situations v. Bank of NY Mellon
24/2635 Hassan v. NYC Health & Hospitals
24/6140 Stewart v. Prospect Transportation
23/5162(2) Santiago v. Genting NY
23/6126 People v. Adrian Acosta
24/2951 Fernandez v. Pichardo
24/4520(2)N Arena Limited v. Chalets LLC

WEDNESDAY, APRIL 30

2 P.M.

22/858(1) People v. Maurice Robinson
24/601 Tedford's Tenancy v. City of NY
24/2264 Hassan v. NYC Civil Service Commission
24/4085 Skydaniuk v. ESRT Empire State Building
24/4705 Sarante v. Courtlandt Development
23/4549(3) Brownie Companies v. Volmar Construction
24/2636 Mott Haven v. Rothermel
19/3434(1) People v. Anonymous
25/339 Audthan LLC v. Nick & Duke
23/4353 Gnann v. Morgan Stanley
24/7621 Rogers v. Montehill LLC
23/6296 Movimiento Misionero v. SoBRO Development
24/1839 First Trinity v. Advance Funding
24/1272 Dobco, Inc. v. City of NY
22/5658 People v. Darien Bailey
24/6235N U.S. Bank v. Zhu
24/5269N O'Brien v. Kaplan

THURSDAY, MAY 1

2 P.M.

18/5602 People v. Ramel Harkless
24/4502 Pastor v. August Aichhorn Center
24/165 Rios v. St. Barnabas
24/2282 State of NY v. Andres A.
24/6274N yanteh v. 590 Madison Avenue
24/4811 Connectone Bank v. Legacy Builders
23/5747 Landa v. Friedman
23/4461(1) People v. Jasen Jacques
24/1525(1) People v. Jasen Jacques
24/3130 Mandour v. Rafalsky
24/401 Scalamandre/Oliveira v. Judlau Contracting
24/6662 Sanchez v. 1649 Nelsco
24/5772 Bowden v. Summit Glory
24/3761(2) Jefferies, LLC v. IsZo Capital
24/2225(2) Ochoa v. 270 West Street
23/5614(1)NN . E., an Infant v. Parkash
23/5302(1)NN . E., an Infant v. Parkash

TUESDAY, MAY 6

2 P.M.

23/2666 People v. Aundray Harris
24/6900 Vitale v. Caban
24/3983 Duran v. ERY Retail Podium
23/2266 Urban v. Zipper
24/5411 Diamonds R-US v. Rafaello & Company
24/7804 Home Depot v. State of NY
24/7368 Zatorski v. Island Transportation
17/2599 People v. Tyrone Howard
25/351 G.S. 505 Park v. Sherry-Lehmann, Inc.
24/361 Byrnes v. RP1185 LLC
24/3548(2) Martin v. William & Cindy Abrams Family Trust
22/5781 People v. Tyshawn Morris
24/3026 Kiehl v. Cavicchio
24/1617N Simon v. Lewis
23/897(2)NFunti v. Andrews

WEDNESDAY, MAY 7

2 P.M.

23/1795(1) People v. Dominick Tarazona
23/67(2) Stanley v. City of NY
24/416N Y Marine v. Millennia Assurance
24/4830 Zaiger LLC v. Bucher Law
24/1847 Hartford Fire v. Hudson Excess
24/3973 Hossain v. City of NY
2020 - 00363(1) People v. Jamarly Williams
24/4572 CSI IT v. Dungey
24/3152 Perez v. Trustees of Columbia Univ.
23/2001 Derosa v. NYU Langone
24/5664 Rockmore Contracting v. City of NY
24/3386(2) Braganca-Ferreira v. SREP 10th Avenue Venture
24/3206N Montgomery v. Manzueta
24/1348N Surveillance Tech v. NYC Police Dept.
24/5483(3)N NewRez v. Morton

THURSDAY, MAY 8

2 P.M.

24/6075 People v. Juan Perez
24/237N azor v. Sydney Sol Group
24/3879 2497 Realty Corp. v. Fuertes
24/4809 Abramov v. 230 PAS SPE
24/1482 Salamah v. Grabowska
24/3282(2) Charles Condominiums v. Victor RPM First
22/3637 People v. Manuel Vega
18/3935(4) Kyowa Seni Co. v. Ana Aircraft
24/4761(4) Kyowa Seni Co. v. Ana Aircraft
24/620 CUCS Housing v. Aymes
24/1689(2) Isaly v. Garde
24/2428 Lopez v. NG 645 Madison
24/327 Skyview Capital v. Conduent Business
23/3250N Gillard v. Citigroup
25/253N Anheuser-Busch v. BBSR, LLC
24/1175N Windward Bora LLC v. Zorrilla

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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.

TUESDAY, APRIL 15

10 A.M.

653648/22 Bitabeats Media v. Targetspot

12 P.M.

159207/21 Suarez v. COA 200 E 34th LLC

WEDNESDAY, APRIL 16

2:30 P.M.

153147/13 Kotbi v. Najjar

THURSDAY, APRIL 17

11 A.M.

158521/24 Trundle v. Sutton Manor
653455/24 Pet Turtle Branding v. Iwanyk

MONDAY, APRIL 21

10 A.M.

651740/20 Basal Trading v. M&G Diamonds

TUESDAY, APRIL 22

9 A.M.

157485/21 Martinez v. 56th Realty

10 A.M.

655472/23 Gamma USA, Inc v. Pavarini McGovern
653645/21 Mayore Estates v. Century 21

3 P.M.

804695/24 Valley National Bank v. Jerusalem Properties

WEDNESDAY, APRIL 23

10 A.M.

654665/21 Noyack Medical v. Osk IX

12:30 P.M.

157243/17 Ardizzone v. Summit Glory LLC

THURSDAY, APRIL 24

9:30 A.M.

152314/21 Mark Propco LLC v. LJ Cross
816177/24 Mora v. Northeast Truck Rental

11:30 A.M.

802459/22 Tiwary v. 125 East 169th Street

2 P.M.

152489/16 Hyde v. Okolie

2:30 P.M.

652687/19 Eldad Prime LLC v. Aryeh

FRIDAY, APRIL 25

9:30 A.M.

153429/22 Re/Max LLC v. Realzon LLC

10 A.M.

311141/14 Yentis v. Yentis

12:30 P.M.

807615/21 Acevedo v. 3815 White Plains

MONDAY, APRIL 28

9 A.M.

653206/23 Linden Associates v. Buccini
160257/23 Walford v. MTA

FRIDAY, MAY 2

10 A.M.

29377/19 Velasquez v. Story Avenue East Residential

MONDAY, MAY 5

10 A.M.

652441/22 Serhant v. Federico

TUESDAY, MAY 13

10 A.M.

153982/20 Gaitan v. 18 EAST 18th Street

WEDNESDAY, MAY 14

2 P.M.

659287/24 PV 1508 CIA v. Singer

10 A.M.

650330/20 AT&T Mobility v. Grupo Salinas
655852/21 Interebar Fabricators v. C.B. Contracting Corp.

THURSDAY, MAY 22

10 A.M.

653409/23 Davidoff Hutcher & Citron LLP v. McLendon

FRIDAY, JUNE 20

10 A.M.

813946/21 Liu v. Consolidated Scaffolding Inc.

APPELLATE TERM

60 Centre Street Room 401

10 A.M.

The following cases are on for argument:

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

New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term Part

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

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

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

IAS PARTS

1 Silvera: 300 (60 Centre)
2 Sattler, J.: 212 (60 Centre)
3 Cohen, J.: 208 (60 Centre)
4 Kim: 308 (80 Centre)
5 Kingo: 320 (80 Centre)
6 King: 351 (60 Centre)
7 Lebovits: 345 (60 Centre)
8 Kotler: 278 (80 Centre)
9 Waterman-Marshall: 355 (60 Centre)
11 Frank: 412 (60 Centre)
12 Stroth: 328 (80 Centre)
13 Silvera: 300 (60 Centre)
13 Schumacher 304 (71 Thomas)
14 Bluth: 432 (60 Centre)
15 Johnson: 116 (60 Centre)
17 Hagler: 335 (60 Centre)
18 Tisch: 104 (71 Thomas)
19 Sokoloff: 540 (60 Centre)
20 Kaplan: 422 (60Centre)
21 Tsai: 280 (80 Centre)
22 Clynes: 136 (80 Centre)
23 Schumacher 304 (71 Thomas)
24 Katz: 325 (60 Centre)
25 Tingling: 1254 (111 Centre)
26 Perry, P.: 684 (111 Centre)
27 Dominguez: 289 (80 Centre)
28 Tingling: 543 (60 Centre)
29 Ramirez: 311 (71 Thomas)
30 McMahon: Virtual (60 Centre)
32 Kahn: 1127B (111 Centre)
33 Rosado: 442 (60 Centre)
34 Ramseur: 341 (60 Centre)
35 Perry-Bond: 684 (111 Centre)
36 Saunders: 205 (71 Thomas)
37 Engoron: 418 (60 Centre)
38 Nock: 1166 (111 Centre)
39 Clynes: 307 (80 Centre)
41 Moyne: 327 (80 Centre)
42 Morales-Minera: 574 (111 Centre)
43 Reed: 222 (60 Centre)
44 Pearlman: 321 (60 Centre)
45 Patel: 428 (60 Centre)
46 Latin: 210 (71 Thomas)
47 Goetz: 1021 (111 Centre)
48 Masley: 242 (60 Centre)
49 Chan: 252 (60 Centre)
50 Sweeting: 279 (80 Centre)
51 Chesler: 543 (60 Centre)
52 Johnson: 307 (80 Centre)
53 Borrok: 238 (60 Centre)
54 Schecter: 228 (60 Centre)
55 d'Auguste: 103 (71 Thomas)
56 Kelly: 204 (71 Thomas)
57 Kraus: 218 (60 Centre)
58 Cohen, D.: 305 (71 Thomas)
60 Crane: 248 (60 Centre)
61 Bannon: 232 (60 Centre)
59 James, D.: 331 (60 Centre)
62 Sweeting: 279 (80 Centre)

MFPKahn: 1127B (111 Centre)
MMSP-1: 1127B (111 Centre)
IDV Dawson: 1604 (100 Centre)

PART 40TR

JUDICIAL MEDIATION

On Rotating Schedule

Adams 300 (60 Centre)

EARLY SETTLEMENT

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

SPECIAL REFEREES 60 Centre Street

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

JHO/SPECIAL REFEREES 80 Centre Street

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

SPECIAL REFEREE 71 Thomas Street

Judicial Hearing Officers

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

SUPREME COURT Motion Calendars Room 130, 9:30 A.M. 60 Centre Street

SUPREME COURT Motion Dispositions from Room 130 60 Centre Street

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

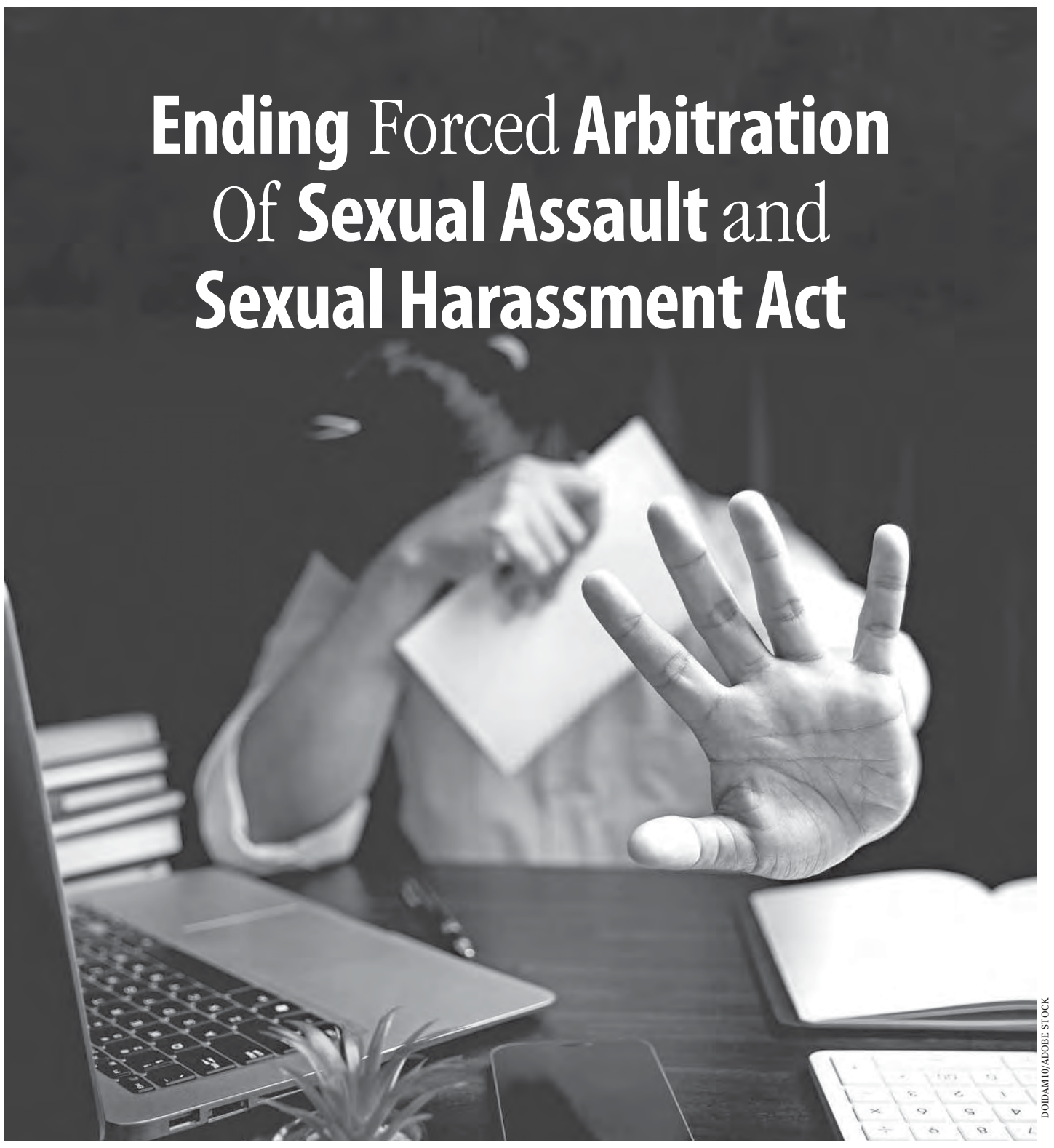
Motion Calendar Key:

ADJ—Adjourned to date indicated in Submission Courtroom (Room 130).
ARG—Scheduled for argument for date and part indicated.
SUB (PT #)—Motion was submitted to part noted.
WDN—Motion was withdrawn on calendar call.
SUB/DEF—Motion was submitted on default to part indicated.

Court Calendars Continued On Page 13

Litigation

Ending Forced Arbitration Of Sexual Assault and Sexual Harassment Act



DOIDAM10/ADOBE STOCK

BY ANDREW ST. LAURENT AND MEGAN DUBATOWKA

Federal courts are vigorously enforcing a law that limits arbitration of sexual harassment and assault claims—giving plaintiffs a potential advantage not only in prosecuting sexual harassment and assault claims, but also claims related to them.

The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (9 U.S.C. §402) (EFAA) amended the Federal Arbitration Act (FAA) to prohibit the enforcement of otherwise enforceable arbitration agreements for claims arising from sexual harassment or sexual assault.

Specifically, the EFAA provides that "no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case which is filed under federal, tribal, or state law and relates to the sexual assault dispute or the sexual harassment dispute." §402(a).

The EFAA also makes clear that courts and not arbitrators must determine whether the EFAA applies to a particular dispute, even where the "agreement purports to delegate such determinations to an arbitrator." §402(b).A recent decision in the Southern District of New York highlights the benefits of pleading sexual harassment and/or assault related claims, among other meritorious causes of action, to plaintiffs who wish to avoid contractually mandated arbitration.

In *Puris v. TikTok Inc*., No. 24 Civ. 944, 2025 WL 343905 (S.D.N.Y. Jan. 30, 2025), the plaintiff brought claims of employment discrimination, unlawful retaliation, and interference with FMLA rights. Notably, she did not plead a traditional harassment claim. Rather, she alleged that she was terminated in retaliation for complaining about sexual harassment.

> Perhaps more importantly, cases filed in court have more **immediate public relations** consequences than arbitrations, making the **threat of immediate litigation** a more potent threat.

TikTok argued that the EFAA did not apply because the plaintiff did not plausibly allege the harassment related retaliation claim, and that her other claims must be severed and arbitrated. The court disagreed. Determining that the EFAA overrode the FAA, Judge Denise Cote of the SDNY denied TikTok's motion to compel arbitration. First, the court determined that the retaliation claim was one "relating to conduct that is alleged to constitute sexual harassment."

Next, looking to the text of the EFAA, Judge Cote held "the EFAA excludes the entire case — not only certain claims — from mandatory arbitration, so long as it '*relates to*' the sexual harassment claim,…" *Puris*, at *6 (internal citations omitted). Ultimately, the retaliation, hostile work environment, and FMLA interference claims were all permitted to proceed in court.

Puris v. TikTok is not the first case in the district to hold that the EFAA may enjoin arbitration of an entire case. In *Johnson v. Everyrealm, Inc.*, 657 F. Supp. 3d 535, 561 (S.D.N.Y. 2023), the court concluded the EFAA's use of the word "case" instead of "claim" in §402 (a) was indicative of an intent to invalidate the arbitration clause with respect to "the entire case" relating to the sexual harassment dispute.

As such, the court held that the EFAA applied to the plaintiff's entire case, including the NYLL pay discrimination claim, gender, race, and ethnicity-based discrimination claim, and the NYLL whistleblower retaliation claim, and declined to compel arbitration.

While the issue has not yet reached the Second Circuit, an expansive reading of the EFAA as enjoining arbitration of the entire case where harassment claims are cognizably pled is the predominant view in the Southern District of New York. *See Baldwin v. TMPL Lexington LLC*, No. 23 Civ. 9899, 2024 WL 3862150, at *7 (S.D.N.Y. Aug. 19, 2024) (observing that the view "has been widely followed by courts in this District") (citation omitted).

Meanwhile, the Second Circuit has interpreted the EFAA's definition of "sexual harassment dispute" as extending to "retaliation resulting from a report of sexual harassment." *Olivieri v. Stifel, Nicolaus & Co., Inc.*, 112 F.4th 74, 92 (2d Cir. 2024).

It is also the majority view across other federal jurisdictions. *See e.g., Williams v. Mastronardi Produce, Ltd.*, No. 23 Civ. 13302, 2024 WL 3908718, at *1 (E.D. Mich. Aug. 22, 2024) ("This court shall follow the current majority view, that is based upon the statute's express language, and rules » Page 13

ANDREW ST. LAURENT *and* MEGAN DUBATOWKA *are partners and employment litigators with Harris St. Laurent & Wechsler.*

Bitcoin Reserve And the Impact on Federal Criminal Practice

BY PAUL A. TUCHMANN AND DANIEL PASSESER

On March 6, 2025, President Trump issued an Executive Order (the "EO") establishing a Strategic Bitcoin Reserve (SBR), which will maintain Bitcoin ("BTC") as a reserve asset of the United States.

As set forth in the EO, the SBR will not be funded with BTC the federal government purchases, but rather with BTC it obtains pursuant to federal civil or criminal asset forfeiture.

The EO is a significant departure from Department of Justice (DOJ) asset forfeiture policy, which requires forfeited assets to be sold so the proceeds can be deposited into the DOJ's Asset Forfeiture Fund (AFF). While the practical impact of the EO remains to be seen, practitioners representing both federal defendants and their victims are on notice that their clients may be affected.

The AFF collects and distributes the proceeds of forfeited assets. AFF funds are used primarily to support law enforcement operations, compensate crime victims, and cover costs associated with asset seizure and management.

Money in the AFF can also be shared with federal agencies, or with local law enforcement that participated in the seizure. Prior to the EO, most forfeited assets would be sold and the proceeds deposited in the AFF. But the EO exempts a single forfeited asset class, BTC, from liquidation, giving the attorney general the discretion to instead transfer forfeited BTC to the SBR.

Critically, the EO does not require DOJ to deposit forfeited BTC into the SBR, if the attorney general determines that BTC "can and should" be: (i) returned to identifiable and verifiable victims of crime; (ii) used for law enforcement operations; (iii) equitably shared with State and local law enforcement partners; or (iv) released to satisfy requirements under any of several statutes.



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Since these exceptions cover all of the most common uses of the AFF, the EO likely will not affect the disposition of most forfeited BTC. There are, however, circumstances where the DOJ is likely to direct forfeited BTC to the SBR rather than sell it for the benefit of the AFF.

Ordinarily, the "proceeds" of federal crimes, as well as property involved in money laundering transactions, are forfeited to the government by a defendant, and any restitution that federal courts order a defendant to pay to victims must, at least in the first instance, be paid by the defendant separately from forfeiture, i.e., not using the forfeited funds.

For example, consider a defendant with a net worth of $10 million who commits a crime that nets him $1 million, which he forfeits, but the crime also results in $2 million of losses to victims so a $2 million restitution order is imposed at sentencing. In the first instance, this defendant must pay the $2 million in restitution from his own pocket, on top of forfeiting $1 million in criminal proceeds.

The defendant and/or his victims could petition DOJ to use the $1 million that was forfeited to pay the victims, leaving the defendant responsible for paying only the $1 million balance; however, there is no guarantee DOJ will grant this request, particularly where the defendant can pay full restitution without resort to forfeited assets.

Where a defendant cannot pay the full restitution ordered by the court, DOJ is more likely to apply forfeited assets to the defendant's restitution obligation and compensate his victims. A key aspect of this process, however, is that any forfeited assets are first liquidated and the cash proceeds are deposited into the AFF, so those proceeds can be paid to that defendant's victims at DOJ's discretion.

Importantly, while the AFF has a reported balance of over $3.3 billion, victims may only be compensated from the AFF using funds that were "associated with the activity that caused the victim's loss." Therefore, while a victim can apply to DOJ for "remission" from the AFF, and a defendant can request to have forfeited funds applied towards restitution, how much a victim will recover from the AFF depends on the availability of » Page 12

PAUL A. TUCHMANN *is partner at Wiggin and Dana.* DANIEL PASSESER *is counsel at Wiggin and Dana.*

Don't Let an Anchor Drag Down the Defense at Trial

BY BRYCE FRIEDMAN, CHET KRONENBERG AND BENJAMIN MALINGS

'Anchoring" is a cognitive bias where an initial number sets a reference point (the anchor) that influences subsequent evaluations. In litigation, anchoring is a powerful tool plaintiffs try to use to unjustifiably drive up jury awards.

An anchor is set the moment a party first mentions a dollar amount for damages, and jurors unfamiliar with valuing non-economic damages often rely on this reference when deciding awards, even if the number is arbitrary. Studies show that introducing a high dollar figure raises jurors' estimates of appropriate damages.

In other words, "the more you ask for, the more you get." See John Campbell et al., "Countering the Plaintiff's Anchor: Jury Simulations to Evaluate Damages Arguments," 101 Iowa L. Rev. 543 (2016).

Anchoring is most commonly deployed by plaintiffs' counsel to obtain an excessive non-economic damages (pain and suffering, emotional distress, loss of consortium) award. Plaintiffs' attorneys routinely suggest a specific hefty dollar amount, often far above historical norms. Defense counsel in these cases must decide whether and how to respond to what is often an inappropriate demand.

CPLR 5501(c) permits plaintiffs to recover only "reasonable compensation" as compared against similar prior cases. Specifically, CPLR 5501(c) states that "the appellate division shall determine that an award is excessive or inadequate if it deviates materially from what would be reasonable compensation."

Defense lawyers should use CPLR 5501(c) and other rules and statutes at every juncture of a case to curtail anchoring tactics.

Motions in Limine

Defense counsel should try through motions in limine to preempt improper anchoring before it occurs. For example, a plaintiff's lawyer may try to anchor potential jurors to inflate damages during voir dire.

While plaintiffs' counsel may argue that they should be permitted to inquire of jurors about their willingness to award millions of dollars in damages, the Uniform Civil Rules » Page 12

BRYCE FRIEDMAN *and* CHET KRONENBERG *are partners at Simpson Thacher & Bartlett.* BENJAMIN MALINGS *is an associate with the firm.*

Inside

10 **Growing Technology Fuels Litigation And Delays in Fraud Cases**
BY JOSEPH CALABRESE

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BY BRIAN L. BANK AND ELIZABETH S. SY

11 **Domesticating Subpoenas Pursuant to New York's UIDDA**
BY CHRISTOPHER J. MCNAMARA AND QUINN N. D'ISA

11 **How Federal Courts Sidestep New York's Anti-SLAPP Law**
BY DANIEL J. SCHNEIDER

LITIGATION: Jade Lopez, Sections Editor | Monika Kozak, Design

Growing **Technology** Fuels **Litigation** and Delays in **Fraud Cases**

BY JOSEPH CALABRESE



IPUWADOL/ADOBE STOCK

With the astronomical rise of financial fraud, especially among senior investors, many broker-dealers who provide online account access are grappling with a rise in fraud-related litigation, both in the familiar comfort of securities arbitration and, far less comfortably, in state court.

Since the dawn of mandatory securities arbitration in the late 1980's, many broker-dealers have incorporated mandatory arbitration clauses in their customer agreements.

The Financial Industry Regulatory Authority (FINRA), the self-regulatory organization that oversees the activities of broker-dealers, investment firms, and registered securities professionals in the United States, administers a comprehensive arbitration and mediation program for all its registered members.

For decades, the FINRA forum was the only stop for customer disputes, with motions to compel arbitration or state court litigation routinely granted.

Now, however, with the rise in the various types of fraud endemic to a growing online world, many broker-dealers find themselves in state court and are faced with the decision to stay there and attempt to negotiate a quicker, favorable result or move to compel arbitrations, which in some instances now only complicates matters more.

It used to be that only "discount brokers" allowed their clients to manage their accounts online, including the capability to perform actions such as asset transfers and beneficiary changes. With the rise of many tech-friendly newcomers, even old-line brick and mortar stalwarts are getting in the game and offering complete online account management to stay relevant.

Keep in mind, the issue here is not information security. Post-2008, many institutions have hardened their defenses against fraud, but no system is foolproof - especially against a bad actor posing as a client.

The challenge at hand is the prevalence of fraud by known actors, who either gain passwords and usernames by deception or with the permission of the client, who can now electronically send account change instructions via electronic means, often directly via an online resource.

It may come as a surprise that a good chunk of this fraud is undertaken by known actors, often relatives of older clients who are no longer focused on their finances or simply need help paying their bills.

"Beneficiary fraud" is very much on the rise. Typical scenarios often include a new spouse or other individual who gets access to a client's credentials and adds themselves as beneficiaries to IRA's, TOD's, and many other account types. In doing so, they can outright remove other pre-existing beneficiaries with no notice to the people being removed.

After the death of the account holder, prior beneficiaries who process their claim are often surprised to find out that they have been replaced. Their first instinct is often to sue not only the bad actor, but the firm that held the assets.

In the past, arbitration had been favored by financial firms because it is quicker, cheaper and far more efficient than litigating in court. In New York, the CPLR, EPTL and SCPA are voluminous, and, to be fair, complicated. In comparison, the FINRA rules of arbitration procedure are much less complex.

In arbitration, the name of the game is efficiency. There are no depositions or interrogatories and discovery is governed by specific lists of documents to be produced.

The average lifespan of an arbitration from pleading to an award is between nine months to a year, with basically no right to appeal. Elderly clients can even apply for "expedited" scheduling, which is liberally granted by FINRA case administrators.

As efficient as arbitration is, it is simply not built for the immediacy required when a bad actor inserts themselves into the financial life of a senior investor. Arbitrators have injunctive relief powers, but one has to go through the process of pleadings and arbitrator appointment before that ever happens, which can take months.

Often when account changes are made, litigants need to move quickly to prevent a firm from paying assets to a disputed individual. In New York, the process is moving by Order to Show Cause ("OSC") filed with a civil complaint against the bad actor and a firm.

While firms are required by law to respond to the OSC in court, moving to compel arbitration of the contract-related causes of action in the complaint is still an option. But, the question becomes, is it always the best option?

Plaintiffs often combine causes of action that are arbitrable along with those that are not. This creates the likelihood of fracturing the litigation between state court and arbitration.

> It may come as a surprise that a good chunk of this **fraud** is undertaken by known actors, often **relatives of older clients** who are no longer focused on their finances or simply need help paying their bills.

For example, a plaintiff sues an alleged bad actor for changing the beneficiary status from other family members to herself right before the death of the account holder. The complaint focuses on the actions of the bad actor, alleging coercion or some type of fraud, but it also includes causes of action against the firm for breach of contract, breach of fiduciary duty and negligence for allowing it to happen.

The legitimacy of the charge is well within the jurisdiction of the court and may have no relation to actions taken by the firm, but the firm is along for the ride as far as discovery is concerned because it holds all if not most of the relevant documents, which often include previous beneficiary designations which may be inconsistent with the last-minute changes or other factors.

Claims against the firm which are grounded in contract rightfully belong in arbitration.

When this happens, the firm has to make a choice: it can stay and fight it out in state court, mired in an elongated and expensive discovery process, or it can move to compel arbitration of only the contract-based causes of action.

The process becomes even more complicated when there are potential third parties who may have an interest in the beneficiary change and have not brought suit with the plaintiff. Once again, the firm has a series of choices, none of them good.

The firm can move ahead with the state court action or arbitration, but there is a risk of the uninvolved potential party later filing a separate action against the firm.

To avoid this potential litigation risk, the firm can initiate an interpleader to bring in the other party to the state action. However, that choice potentially ties the firm to state court as it may not be able to compel remote non-signatories to arbitration.

Further, if there is a distribution to an estate which is interrupted or stopped by the firm, the firm is potentially exposed as a defendant in a turnover proceeding in Surrogates Court.

As the number of fraud cases grow, these complicated situations grow with them.

Compounding the issue is the fact that many civil practitioners are not familiar with securities arbitration or the mandatory arbitration clauses contained in client agreements, and often find themselves mired in delays while fighting a motion to compel arbitration.

In New York, motions to compel arbitration are liberally granted as the law strongly favors the contractual rights afforded to firms, even when non-signatory beneficiaries seek redress based on the contract signed by a deceased client.

The effort to litigate those cases for plaintiffs is time consuming and expensive. The current growing backlog of cases in state court often results in judicial decisions taking many months before they are rendered. Courts will often stay the state court litigation (including discovery) until the disposition of the arbitration, leading to an even greater delay in potential resolution.

State court practitioners are best served when they fully consider all of their options before deciding how to commence an action.

The same is true for counsel who reflexively move to compel arbitration where the facts of the case may merit remaining in state court where a reasonable disposition may be possible, especially when actions of a potential fraudster are attenuated from anything the firm may have done.

Often, the best choice is an attempt at reaching an agreement before filing or, at a minimum, having a firm grasp of the facts of the case before undergoing motion practice. Once litigants are faced with fighting a motion to compel and maintaining a potentially stayed court action, they risk long waits and a dissipation of their potential financial recovery in time and counsel fees.

Technological development is not static and with the advent of Artificial Intelligence and more sophisticated fraudulent schemes, filings in state court will continue to grow. State court resources are already stretched very thin and unbridled advances in technology will only make that tenuous situation worse.

The complexities of state law and arbitration do not mix well. The only way to meet these challenges for both sides is careful consideration of the right venue at the right time. In most cases, a little cooperation on both sides goes a long way.

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Navigating the **Impact of the 2024 Amendment** To N.Y. C.P.L.R. §2106

BY BRIAN L. BANK AND ELIZABETH S. SY



CHOKNITI/ADOBE STOCK

Picture this: You're sitting in your office checking your email for the third time to see if your client returned a notarized affidavit that needs to be e-filed by end of day. While time is ticking, you wonder how something so routine can suddenly feel so urgent.

After not hearing back for another hour, you give your client a call. Your client says they have been waiting at their local bank for thirty minutes for the notary to return from a lunch break.

Fortunately, scenarios like this have largely been extinguished thanks to the game-changing amendment to N.Y. C.P.L.R. §2106. Effective Jan. 1, 2024 (the 2024 Amendment), allows any person to submit an affirmation under penalty of perjury in lieu of a notarized affidavit.

Prior to the 2024 Amendment, this privilege was limited to non-party attorneys and licensed health care practitioners in New York State. See N.Y. C.P.L.R. §2106 (effective Oct. 25, 2023, to Dec. 21, 2024).

This article will provide an overview of the history of N.Y. C.P.L.R. §2106, the pros and cons of the 2024 Amendment, an analysis of recent case law that illustrates New York courts' interpretation and application of the amended statute, and best practices with respect to drafting affirmations in compliance with the 2024 Amendment.

Earlier Iterations Of Section 2106

The first version of N.Y. C.P.L.R. §2106, effective Sept. 1, 1963, permitted non-party attorneys in the State of New York to use affirmations in lieu of affidavits when subscribed and affirmed "to be true under the penalties of perjury." N.Y. C.P.L.R. §2106 (effective Sept. 1, 1963, to 1973); N.Y. C.P.L.R. 10005.

The original intent of this statute was "to save an attorney appearing in a civil action the trouble of taking an oath where he must presently make an affidavit or verification of a paper to be served or filed in the action." *Fitzgerald v. Washington*, 80 Misc. 2d 861, 868, 365 N.Y.S.2d 598 (Civ. Ct. 1975) (citing NY Legis Doc, 1962, No. 8, p. 206).

A decade later, the statute was amended to extend the privilege to non-party physicians, osteopaths, and dentists. N.Y. C.P.L.R. §2106 (effective 1973 to Dec. 31, 2014).

On Jan. 1, 2015, the statute was further amended and restructured into two subsections. Subsection (a) contained the same language as the predecessor statute while subsection (b) extended the privilege to any person located outside of the United States with a requirement that the affirmation be in "substantially" the following form:

> *I affirm this ... day of ....., ..., under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.*
>
> *(Signature)*

N.Y. C.P.L.R. §2106(b) (effective Jan. 1, 2015, to Oct. 24, 2023).

> The **2024 Amendment is beneficial** because it not only **eliminates** the obstacle of having to plan for or find a readily available **notary to notarize an affidavit**, but it expands N.Y. C.P.L.R. §2106 to any person, including parties to an action.

On Oct. 25, 2023, Governor Hochul signed into law two amendments to the statute – one effective that same day and the 2024 Amendment, which became effective Jan. 1, 2024.

The first amendment reworded subsection (a) to apply to non-party attorneys and any licensed health care practitioner (as opposed to only physicians, osteopaths, and dentists). N.Y. C.P.L.R. §2106 (effective Oct. 25, 2023, to Dec. 21, 2024). The first amendment has since been superseded by the 2024 Amendment.

The 2024 Amendment provides that a "statement of any person wherever made, subscribed and affirmed by that person to be true under the penalties of perjury, may be used in an action in New York in lieu of and with the same force and effect as an affidavit." N.Y. C.P.L.R. §2106. The statute requires that the affirmation shall be in "substantially" the following form:

> *I affirm this ___ day of _____, ____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.*
>
> *(Signature)*

The 2024 Amendment largely tracks the language set forth in subsection (b) of the predecessor statute, with an acknowledgement of "the laws of New York, which may include a fine or imprisonment." N.Y. C.P.L.R. §2106 (b) (effective Oct. 25, 2023, to Dec. 21, 2024).

Pros and Cons of the 2024 Amendment

The 2024 Amendment is beneficial because it not only eliminates the obstacle of having to plan for or find a readily available notary to notarize an affidavit, but it expands N.Y. C.P.L.R. §2106 to any person, including parties to an action.

Additionally, the 2024 Amendment promotes consistency with federal practice, which has embraced the use of unsworn declarations since 1976. See 28 U.S.C. §1746.

On the other hand, there is a potential risk that elimination of the notarization process may open the floodgates to fraudulent statements. As explained by the National Notary Association, the notarization process "is the official fraud-deterrent process that assures . . . a document is authentic, and can be trusted." *What is Notarization*, National Notary Association.

Nevertheless, considering that the 2024 Amendment is still in its nascent stage, and cases are developing concerning its application, it remains unclear whether the potential risk will materialize.

Recent Case Law and Best Practices

Recent cases serve as a guide to best practices in drafting affirmations in accordance with the 2024 Amendment.

In *R.F. v. L.K.*, 82 Misc. 3d 1221(A), 207 N.Y.S.3d 435 (Sup. Ct. Westchester Cnty » Page 13

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Domesticating **Subpoenas** Pursuant to **New York's UIDDA**

BY CHRISTOPHER J. MCNAMARA AND QUINN N. D'ISA

Section 3119 (Section 3119) of the New York Civil Practice and Law Rules (CPLR) codifies the Uniform Interstate Depositions and Discovery Act (UIDDA) and provides for streamlined interstate discovery.

However, the mechanics of domesticating an out-of-state subpoena in New York can sometimes be daunting for those unfamiliar with New York practice. This article outlines the steps necessary to domesticate an out-of-state subpoena in New York and highlights some best practices while identifying potential speed bumps to avoid.

Per Section 3119, there are two options a litigant has when deciding *how* to domesticate an out-of-state subpoena in New York. The first option is to retain an attorney licensed to practice in New York (Option A) to domesticate the out-of-state subpoena and then serve the in-state (New York) subpoena on the recipient.

The second option is for an out-of-state attorney to submit the out-of-state subpoena to the county clerk in the New York county where the litigant is seeking to conduct the discovery and request that the clerk issue the subpoena (Option B).



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Option A

The most expedient path for an out-of-state litigant or practitioner seeking to domesticate an out-of-state subpoena in New York is to retain a licensed New York attorney to handle it. The reason being that Section 3119 permits an in-state (New York) subpoena to be issued by a licensed New York attorney without court or clerk involvement.

Indeed, pursuant to subsection (b)(4) of Section 3119, "if a party to an out-of-state proceeding retains an attorney licensed to practice in [New York], and that attorney receives the original or a true copy of an out-of-state subpoena, the attorney may issue a subpoena under this section."

While the party seeking the domestication of the subpoena in New York does not need to list the New York counsel on records for the out-of-state proceeding, New York counsel should appear on all records for the proceeding(s) in New York.

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To comply with Option A, the out-of-state litigant/attorney must provide New York counsel with an original or true copy of the out-of-state subpoena. Following that, New York counsel will issue an in-state (New York) subpoena for service in accordance with Section 3119 without the need for court or clerk approval.

While it is critical that practitioners always adhere to the relevant CPLR provisions concerning subpoenas – *e.g.*, Articles 23 and 31 – the following are some best practices for domesticating out-of-state subpoenas:

- Incorporate the terms within the out-of-state subpoena into the in-state (New York) subpoena.
- State with particularly the reason(s) why a non-party has relevant documents or testimony.
- Include the following language on the face of the subpoena: "Issued under the provisions of the Uniform Interstate Deposition and Discovery Act and CPLR 3119".
- Attach the out-of-state subpoena to the in-state (New York) subpoena and ensure that the out-of-state subpoena is a true copy.

Where circumstances permit the retention of a New York licensed attorney – *e.g.*, by working with the New York office of the law firm handling the out-of-state proceeding or retaining separate New York counsel – Option A is a much more streamlined approach than Option B.

Option B

If Option A is not practical, Section 3119 provides an alternative approach. More specifically, in accordance with subsection (b)(1) of Section 3119, "[t]o request issuance of a subpoena under this section, a party must submit an out-of-state subpoena to the county clerk in the county in which discovery is sought to be conducted in [New York]."

For parties pursuing Option B, they should start by reviewing the relevant county clerk's website to confirm whether the clerk's office provides guidance on how to domesticate an out-of-state subpoena. This is especially important because different counties handle domestication differently.

While county clerks do not provide subpoena forms, many of them do provide exemplars on their website that can be used as a resource for parties. One thing to be mindful of, irrespective of whether one is utilizing an exemplar subpoena form, is that many counties require the phrase "Issued under the provisions of the Uniform Interstate Deposition and Discovery Act and CPLR 3119", or something similar, to be placed on the in-state (New York) subpoena.

> To the extent that parties are concerned about availing themselves of New York's jurisdiction, it should be noted that a **request for the issuance of a subpoena** under Section 3119 **does not constitute an "appearance"** in New York.

While some county clerks include exemplars that reference this language, parties should be sure to conform their subpoenas to include this language. Parties should also always be sure to review the applicable CPLR provisions relating to subpoenas (including Articles 23 and 31 of the CPLR) to ensure that the subpoena conforms to New York's requirements; parties should not assume, for instance, that an exemplar subpoena will include all the necessary information.

Parties should also not be shy about engaging in direct communication with the county clerk in the relevant county where discovery is sought to confirm the process. This can be particularly helpful if the local clerk does not offer written guidance on its website.

Direct communication with the county clerk may even be necessary since an out-of-state attorney will not be able to use New York's electronic filing system, NYSCEF, to submit the out-of-state subpoena to the clerk, because NYSCEF filing credentials are only provided to New York licensed attorneys or out-of-state attorneys admitted *pro hac vice*.

Moreover, by engaging directly with the county clerk, out-of-state attorneys can clarify any local idiosyncrasies as they navigate various domestication issues. For example, depending on the county, the clerk may require that an in-state (New York) subpoena be submitted along with the out-of-state subpoena being submitted for domestication (which, as noted above, is a good practice, generally).

Additionally, in some counties, the clerk may request that the out-of-state subpoena be submitted in person, though some may permit the out-of-state subpoena to be submitted via mail. It is helpful to know the local practices to avoid any false starts, particularly if the discovery being sought is time sensitive.

Along with submitting the out-of-state subpoena (and, potentially, the in-state subpoena), a filing fee is owed to the court to domesticate the subpoena. The fee differs by county but is typically $10.

When going in person, the domestication process will typically be completed on the same day; if proceeding by mail, the process may experience delays, so, again, communication with the clerk will likely be helpful in expediting the process.

To the extent that parties are concerned about availing themselves of New York's jurisdiction, it should be noted that a request for the issuance of a subpoena under Section 3119 does not constitute an "appearance" in New York. *See* CPLR 3119(b)(1).

Once the county clerk is in possession of the out-of-state subpoena, Section 3119 provides that the clerk "shall promptly issue a subpoena for service upon the person to which the out-of-state subpoena is directed."

Thus, while the county clerk will sign an in-state subpoena and return it for service, it is important to note that the clerk's office will not serve the subpoena; that is up to the party that obtained the subpoena.

Potential Speed Bumps

The most common challenge a party will encounter during domestication is procedural noncompliance. While Section 3119 eliminates the need for formal court involvement, attorneys must strictly follow New York's rules on subpoenas.

A procedural mistake, such as providing the county clerk with an improperly formatted in-state subpoena under Option B, is likely to result in the clerk rejecting the subpoena. Conversely, for Option A, failure to attach the out-of-state subpoena to the in-state subpoena when effecting service may lead to a successful motion to quash the subpoena on non-compliance grounds.

A less common, but still important issue, arising from domestication is the validity and scope of the out-of-state subpoena. For example, New York courts have found that the county clerk has no authority to issue an in-state subpoena where the foreign state did not properly issue the out-of-state subpoena. *See, e.g.*, *In re Boyarsky*, No. 53667/14, 2014 WL 7927864, at *3 (N.Y. Sup. Ct. May 09, 2014).

To that end, *Boyarsky* suggests that the foreign state's court must issue the out-of-state subpoena. Notably, Section 3119 defines "out-of-state subpoena" as "a subpoena issued *under authority of a court* of record of a state other than this state." (Emphasis added.)

Consequently, for a subpoena challenged in a New York court on the grounds that a » Page 12

How Federal Courts Sidestep **New York's Anti-SLAPP Law**

BY DANIEL J. SCHNEIDER

Defamation plaintiffs are finding safer harbors in federal court in states that have strong anti-SLAPP statutes. Typically, the barrier to entry to the courts is very low.

There is normally a minimal pleading standard that allows a plaintiff to sue a defendant upon allegations of facts that are only particular enough to give the defendant(s) and the court notice of what a claim is about and which provides sufficient detail of each element of the claim (hereinafter, "Notice Pleading").

However, the Legislature of New York State, by statute, has significantly raised that barrier to entry in subject matter, such as with certain defamation claims, which it has determined requires heightened pleading standards.

By statutory scheme, known colloquially as the "anti-SLAPP Statute" (for simplicity, this term will be used herein), which seeks to prevent "strategic litigation against public participation" a/k/a "SLAPP suits," the New York Legislature has made it much harder for a plaintiff to sue for defamation in New York State Courts where the content is in the public interest and made in a public forum.

In such a case, New York has chosen to codify protections for "the little guy" speaking out in public against a larger opponent. Without anti-SLAPP protections, well-heeled plaintiffs are able to chill speech by inundating ordinary citizens with extraordinary



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legal bills in retaliation for public denigration.

New York's anti-SLAPP Statute aims to level the playing field "to protect citizens who participate in public affairs against retaliatory lawsuits." *See Nelson v. Ardrey,* 231 A.D.3d 179, 181 (2d Dept. 2024).

It has done this by raising the standard of pleading when the litigation in question qualifies as a SLAPP suit. When it does, in state court, a plaintiff must prove its case to a significant extent at the outset, showing that it "has a substantial basis in law" (hereinafter, "Substantial Basis Pleading"). *See* CPLR 3211(g); CRL §76-a(2).

In this regard, even before discovery, the court will "look beyond the face of the pleadings to determine whether the claim alleged is supported by substantial evidence." *See Reeves v. Associated Newspapers, Ltd.,* 232 A.D.3d 10, 24 (1st Dept. 2024). If it fails to make this showing, the case will be dismissed.

Substantial Basis Pleading is an incredibly high bar. The burden of pleading is flipped on its head to encourage early dismissal of SLAPP suits.

In an ordinary case, to succeed on a motion to dismiss, a defendant must show conclusively that the case as submitted has no merit, while to win a motion to dismiss in a SLAPP suit, a defendant need only rely on a plaintiff's failure to show a substantial basis in law.

Worse for the plaintiff, if the court dismisses a SLAPP suit under this heightened standard, it must order the plaintiff to pay the defendant's legal fees related to the suit. *See* CRL §76-a(1)(a).

To qualify as a SLAPP suit, and to get the benefit of the heightened pleading standard, the defamation claim must "involve[e] public petition and participation." *See* CRL § 70-a. For practical purposes, this means it must relate to speech that takes place in a public forum and is of public interest.

> The alternative way to **avoid** the heightened standards applied to a **SLAPP suit**, is for a plaintiff to **avoid state court** and to bring its defamation claim (which is state law by nature) in federal court, if it has a basis to do so.

With respect to the public forum element, the public square has grown exponentially with the explosion of social media. New York Courts have now solidified that Facebook and its ilk are public forums. *See Ardrey*, 231 A.D.3d at 185-186.

Therefore, someone thinking of alleging defamation needs to be exceedingly careful if the speech took place on social media, as one of the two SLAPP suit factors will likely have been met.

With respect to the other factor, "public interest," that term is statutorily defined and "shall be construed broadly, and shall mean any subject other than a purely private matter." *See* CRL §76-a(1)(d).

Thus, a defamation plaintiff should take great care attacking content as the phrase "construed broadly," seems to suggest that anything under the sun rather than an intimately private topic would qualify as public interest.

The law remains in development. At least one court has determined that accusations of criminality on a public-facing Facebook page (meaning with no privacy settings applied) were, despite potential public interest in the information, purely private for the purposes of determining whether the controversy was a SLAPP suit. *See Ardrey*, 231 A.D.3d at 185-186.

Therefore, litigants who seek to avoid heightened standards applied to a SLAPP suit must be selective in choosing statements they include in their lawsuit. In-so-doing, they must analyze the current law to determine how much the judicially expanded definition of "purely private" has narrowed the definition of "public interest" and limit their inclusions to purely private defamatory statements.

The alternative way to avoid the heightened standards applied to a SLAPP suit, is for a plaintiff to avoid state court and to bring its defamation claim (which is state law by nature) in federal court, if it has a basis to do so.

On many issues, the federal and state procedural rules are similar, but not with SLAPP suits. There is no federal anti-SLAPP statute and no federal basis to apply the Substantial Basis Pleading over the Notice Pleading.

In such a case, as Substantial Basis Pleading and the Notice Pleading standards conflict, the federal court must choose which to apply—the heightened state law rule under the anti-SLAPP Statute, or its own default rules regarding a motion to dismiss.

For you law school graduates, if this causes PTSD flashbacks to the *Erie* Doctrine, it should. *Erie* is the reason federal court is more favorable to defamation plaintiffs as it relates to anti-SLAPP.

The basic premise of the *Erie* Doctrine is where a federal court hears a case with only state law claims, and the state law conflicts with the federal law or rule, the federal court will apply state law to substantive issues and federal or rule rules to procedural issues. *See Gasperini v. Ctr. for Humans., Inc.*, 518 U.S. 415, 427 (1996); *see also Erie R. Co. v. Tomkins,* 304 U.S. 64 (1938).

Suffice to say that since the rules for motions to dismiss and summary judgment are considered procedural, federal courts will apply its own rules as it relates to the standard of pleading rather than the heightened one codified in New York's anti-SLAPP Statute.

This means that a SLAPP suit, which would be subject to Substantial Basis Pleading in state court, would only be subject to Notice Pleading in federal court. *See LaNasa v.* , 731 F. Supp. 3d 403, 414 (E.D.N.Y. 2024), *aff'd* 2025 WL 893456, 24-1325 (2d Cir., Mar. 24, 2025); *see also Hu v. City of New York*, 927 F.3d 81, 88 (2d Cir. 2019). » Page 12

Anchor

« Continued from page 9

for the Supreme Court and the County Court (N.Y. Comp. Codes R. & Regs. Tit. 22, §202.33, Appendix E, §A(4) specifically states that counsel may not "inform potential jurors of the amount of money at issue."

Motions in limine likewise can be directed toward the form of argument. Plaintiffs' counsel may argue that they should be permitted to rely on anchoring because CPLR 4016(b) carves out the right for attorneys to make reference to specific damage amounts in summation.

But CPLR 5501(c) is designed to mitigate against the upward spiral of runaway verdicts by permitting plaintiffs to recover only "reasonable compensation" as compared against similar prior cases.

Defense counsel should rely on CPLR 5501(c) in motions in limine and in trial objections (to preserve the record for appeal) to prevent plaintiffs' counsel from arguing, as an anchoring tactic, that noneconomic damages are worth far more than compensation levels in similar prior cases.

Defense counsel also should point out that plaintiffs' counsel are bound by the Rules of Professional Conduct, which prevent lawyers from making arguments that they know lack merit under existing law.

As such, if defense counsel believes that plaintiff's counsel may present an figure calculated to improperly anchor the jury to a grossly inflated figure to compensate plaintiff's claim for pain and suffering, defendants should make full use of the Rules of Professional Conduct to alert the court to educate plaintiff's counsel to avoid anchoring.

Additionally, defense counsel can be proactive and seek to have the trial court order a bifurcated trial on the issues of liability and damages, a practice expressly encouraged in actions for personal injury under the Uniform Civil Rules for the Supreme Court and the County Court (N.Y. Comp. Codes R. & Regs. Tit. 22 §202.42).

Such bifurcation need not necessarily be in front of the same panel of jurors as well, as §202.42(e) allows the empaneling of a new jury for the damages phase when doing otherwise would be impractical.



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Exposing The Anchor

Defense counsel should not be afraid to call out anchoring for what it is in front of the jury – a tactic used to manipulate jurors toward specific outcomes without any grounding in evidence or logic.

Studies have shown that "tactical de-biasing" is effective, as jurors are much more likely to resist the sway of anchoring when they become aware of its existence as a known cognitive bias. See Christopher T. Stein & Michelle Drouin, "Cognitive Bias in the Courtroom: Combating the Anchoring Effect Through Tactical Debiasing," 52 U.S.F. L. Rev. 393 (2018).

Proposing a Counter-Anchor

Many defendants are wary of addressing damages arguments head-on and avoid proposing lower figures out of fear that any mention of damages is an implicit admission of liability. The available data, however, suggests that simply ignoring the plaintiff's anchor is among the least effective ways to counter its effect.

With a carefully considered plan of attack, counsel can weave together arguments that both disclaim liability while also establishing appropriate calculations of damages if liability is found.

Counsel need not create an arbitrary counter-anchor either – instead, consider giving jurors a formulaic way of thinking about the damage award process, asking them to consider the practical value of money that may be awarded and what is actually needed to make the plaintiff whole.

Post-Trial Motions and Appeals

A defendant can attempt to overturn excessive verdicts stemming from anchoring through the post-trial motion process or through appeals. CPLR 4404(a) governs post-trial motions, allowing the court to set aside a verdict or order a new trial "where the verdict is contrary to the weight of the evidence" or where doing so is "in the interest of justice."

In addition, CPLR 5501(c) directs appellate courts to set aside a verdict if it "deviates materially from what would be reasonable compensation." In this regard, defendants have had some success in New York reducing excessive verdicts based on CPLR 5501(c).

For example, in *Hedges v. Planned Security Service Inc.*, 190 A.D.3d 485, 488 (1st Dept. 2021), the First Department cited 5501(c) to reduce a damage award in a personal injury case involving a plaintiff's injuries that resulted in permanent structural brain damage.

The plaintiff's attorney suggested $50 million as an anchor for future pain and suffering, for which the jury ultimately awarded $29 million. The trial court reduced the future pain and suffering award to $14.5 million, which was further reduced to $10 million by the First Department.

The First Department reached the $10 million figure after rejecting defendants' argument that the award should be reduced so that it was in line with awards of less than $3 million given in other traumatic brain injury cases. The court pointed out that the plaintiffs in those other cases suffered less debilitating brain injuries than this plaintiff and that this plaintiff nearly died.

Notably, while the court did reduce the award, the court also declined the invitation of amici to announce a new rule prohibiting the practice of anchoring. Three months later, in *Perez v. Live Nation Worldwide, Inc.*, 193 A.D.3d 517, 518 (1st Dept. 2021), the First Department reduced a disproportionate $85.75 million award for brain injuries suffered from a fall to $20 million.

The court again declined the invitation of amici to announce a new rule prohibiting anchoring, but nonetheless held that because the jury's award was "significantly higher than the awards in any of the cases cited, including those involving similarly devastating injuries[,]" a reduction under CPLR 5501(c) was warranted.

More recently in *Sinera v. Embassy House Eat LLC*, 223 A.D.3d 442, 443 (1st Dept. 2024), the First Department upheld a trial court's order vacating an approximately $6.7 million personal injury verdict as excessive.

Plaintiff had suffered injuries to his non-dominant wrist after falling from a ladder. The jury's award included $1 million for past pain and suffering, $2 million for future pain and suffering, $1 million for future lost income and wages, and $2.5 million for future medical expenses.

The court compared the award to verdicts involving similar wrist and shoulder injuries and found that the jury's award for future medical expenses was based on unreliable and speculative evidence.

The First Department concluded that the lower court "providently exercised its discretion in determining that the jury's award of damages deviated materially from what would be reasonable compensation."

While the court did not expressly call out anchoring, counsel for defendants pointed to the practice in their briefing to argue that the award was not rationally related to the evidence at trial.

The threat that improper use of anchoring poses to fairness in the civil justice system is becoming more well known. For example, in March 2025, the Georgia Legislature's tort reform package included a prohibition on arguing or eliciting testimony about the "worth or monetary value of noneconomic damages" until after the close of evidence.

In *Gregory v. Chohan*, 670 S.W.3d 546, 551 (Tex. 2023), the Texas Supreme Court reversed a $16.5 million verdict after a plaintiffs' attorney attempted to anchor the jury by use of comparisons bearing little relevance to the injuries at issues, including the $71 million cost of an F-18 aircraft or the $186 million price tag of an abstract painting by Mark Rothko.

The court made explicit reference to the plaintiff's use of "unsubstantiated anchors," holding that such argumentation lacking any rational connection to the evidence created an outsized verdict that could not stand under state law. See *Gregory*, 670 S.W.3d at 558.

In sum, attorneys in New York should make full use of the tools available to combat outsized verdicts unsupported by precedent and evidence that may be generated by improper use of anchoring techniques.

Bitcoin

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forfeited funds related to that victim's case.

Currently, the AFF does not include proceeds from several high-profile BTC seizures. For example, 95,000 BTC—valued at approximately $3.6 billion at the time—were seized in 2022 from a couple who hacked the cryptocurrency exchange Bitfinex.

The government also seized nearly 70,000 BTC in 2020 related to its prosecution of Silk Road, a dark web marketplace for illegal goods and services, and seized over 51,000 BTC in 2021 from James Zhong, who had stolen it from Silk Road. This 216,000 seized BTC alone would be worth over $17 billion today.

As of the beginning of the Trump Administration, blockchain analysis firms were reporting that over $6 billion in BTC holdings had not been liquidated and remained under government control.

From a practitioner's perspective, the attorney general's decision to deposit forfeited BTC in the SBR instead of the AFF would only be consequential where that decision affects a restitution order or a defendant's ability to satisfy it.

For example, the 51,000 BTC seized in 2021 from Zhong had been stolen from the criminal actor Silk Road. Because as a criminal actor itself Silk Road did not (and could not) seek restitution from Zhong, the disposition of those forfeited BTC in the SBR would not impact Zhong or Silk Road, his victim. Similarly, BTC seizures in narcotics cases often involve no victim eligible for restitution.

Conversely, in many cases where restitution is ordered, seized BTC may not be forfeitable. With respect to forfeiture, the government stands in the shoes of the criminal actor for purposes of title. In the case of Bitfinex, the seized BTC was stolen from a legitimate exchange.

The government's title to the forfeited BTC, therefore, is that of the defendants, which is inferior to that of Bitfinex. For this reason, the government recently indicated its intention to return this seized BTC to Bitfinex and/or the users of the Bitfinex exchange through a third-party forfeiture proceeding and is not seeking to forfeit the BTC for itself.



JAKUB KRECHOWICZ/ADOBE STOCK

But the title in the Bitfinex case did not have to be as clean as it was. Imagine that defendants had stolen 100,000 BTC—worth over $8 billion today—from two different cryptocurrency exchanges instead of one, and then commingled the stolen BTC in the same BTC wallet with other, legitimately obtained BTC.

In such a case, the government might forfeit all the BTC in that wallet, as no one, including the victims, would have clear title to its contents. If some or all of the BTC in the wallet was forfeited, liquidated and deposited into the AFF, then the victims—in this case the exchanges that had been hacked—could potentially recover compensation from the AFF and the defendants could have that compensation applied to their restitution obligations.

But if the forfeited BTC was instead deposited in the SBR, the AFF could not provide compensation to the victims. This appears to be the kind of case where the seized BTC can "be returned to identifiable and verifiable victims of crime," and therefore where the EO gives the attorney general the discretion to not deposit it into the SBR. It is hard to imagine that the DOJ would decline to help compensate the victims in this scenario, who had been deprived of assets worth billions of dollars.

A similar scenario where the EO could prove consequential is where a convicted defendant stole or otherwise criminally obtained non-BTC assets and then used those stolen assets to purchase BTC before the government arrested the perpetrator and seized the BTC as a "substitute asset" for the proceeds of the crime.

If the government seizes this BTC, the victims of the original theft would not have title to it. And again, if that BTC is liquidated and deposited in the AFF, the victims and the defendant could seek remission from DOJ of those funds in the AFF. But if this BTC was instead deposited into the SBR, the victims would be out of luck, unless the criminal actor could, even without the forfeited funds, pay restitution.

As these examples demonstrate, attorneys representing victims who were (a) robbed or defrauded of BTC, or (b) robbed or defrauded of other assets the perpetrator turned into BTC would be wise to engage with DOJ early and often to ensure that (a) DOJ knows those victims' interests are protected by the language of the EO; and (b) any seized BTC should not be sent to the SBR but instead deposited into to the AFF and made available for victim compensation – particularly if the defendant won't otherwise be able to pay.

Similarly, attorneys representing defendants who had BTC seized by the government and are facing restitution orders if convicted should engage with the DOJ early and often about ensuring that the seized BTC is liquidated and sent to the AFF so it may be applied against the defendant's restitution obligations, rather than sent to the SBR.

While restitution is always something that diligent counsel for defendants and victims should keep at the front of mind, the EO provides yet another reason to do so.

Anti-SLAPP

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Even assuming the allegations are identical in both places, the barrier to entry in federal court is much lower in comparison (Importantly, being in State Court does not guarantee the applicability of anti-SLAPP or of the granting of a pre-discovery motion to dismiss for failure of Substantial Basis Pleading. See *Ardrey*, 231 A.D.3d 179 (though the case was dismissed at the summary judgment stage).

Conversely, being in Federal Court and only requiring Notice Pleading does not guarantee that a plaintiff will survive a motion to dismiss. See *Stiene*, 731 F. Supp. 3d 403.).

Another benefit of federal court for such a plaintiff is that the attorney's fees are not available in federal court for these cases. As discussed above, not only are attorney's fees available to a defendant for a dismissal of a SLAPP-suit in state court, but an award of them is compulsory.

While the attorney's fees rule here seems more substantive rather than procedural, the trend has been to deny attorney's fees in SLAPP suits. This is because federal courts have found the attorney's fees in the anti-SLAPP Statute to be inextricably intertwined with the (procedural) statute that requires Substantial Basis Pleading.

Succinctly stated by one court, "because the anti-SLAPP statute makes costs and fees available only when the court dismisses an action based on *the statute's* dismissal provision and does not purport to make them available to parties who obtain a dismissal under Federal Rule of Civil Procedure 12(b)(6), a federal court [] cannot grant costs or fees under New York's anti-SLAPP law." See *Stiene*, 731 F. Supp. 3d at 417.

As a result, in New York, it is becoming uniformly accepted that a SLAPP suit defendant cannot recover attorney's fees if sued in federal court.

In light of the vast difference in the above two standards of pleading, if a defamation plaintiff can get into federal court, it is substantially easier for a plaintiff to sustain its case and they do not have to concern themselves with having to pay attorney's fees if they lose. Thus, it is a safer harbor in federal court.

So why are there still defamation cases filed in state court? It is because only claims connected to a question of federal law, or state claims with "complete diversity" may be brought in federal court. With respect to the latter, if any plaintiff is from the same state as any defendant, there is insufficient diversity, and the case is barred from federal court.

There, a plaintiff is relegated to state court and the procedural and potentially expensive hornets' nest of the anti-SLAPP statute.

For those who seek representation in connection with defamation claims, it is important to choose counsel who is versed not just with SLAPP suits but can also navigate both state and federal court and advise on the nuances of each.

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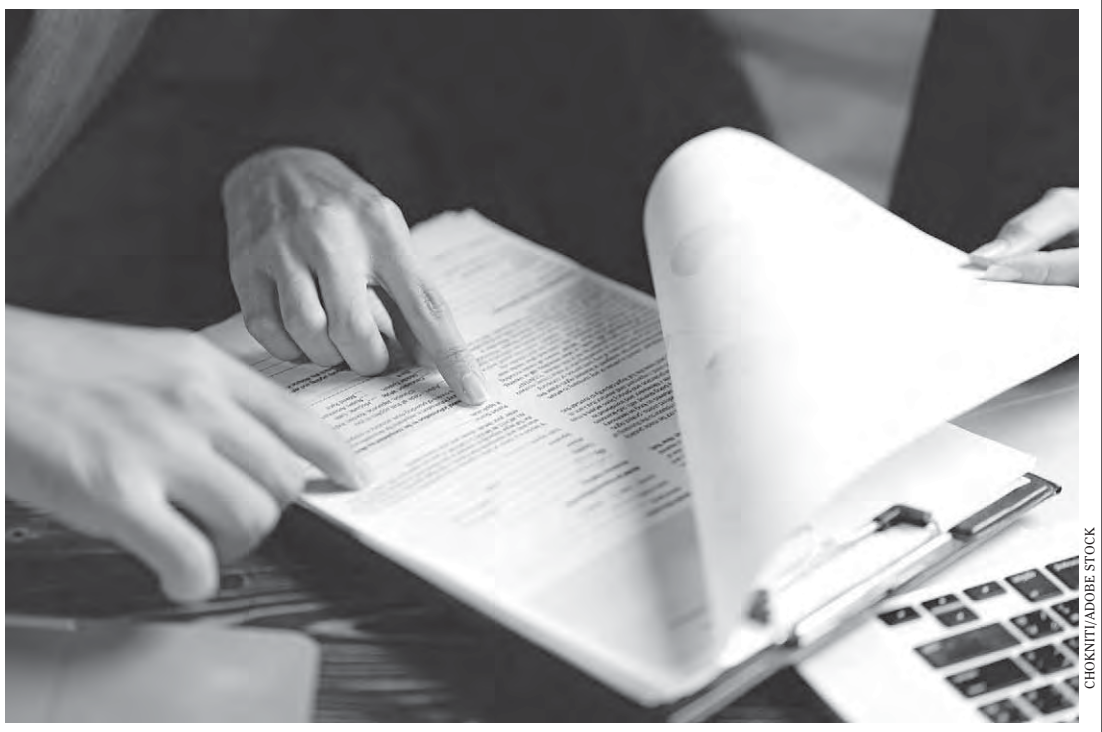
« Continued from page 11

foreign court did not duly issue the out-of-state subpoena, the outcome will likely depend on the foreign court's procedures and orders (*e.g.*, whether they permit an attorney to issue subpoenas).

Thus, it is best to have the foreign state's court issue the out-of-state subpoena wherever possible, and to ensure that any in-state subpoena does not go beyond the scope of the out-of-state subpoena.

Finally, it should be noted that Section 3119 expressly limits the ability for a court or county clerk to issue a subpoena in connection with an out-of-state proceeding relating to "legally protected health activity" and "gender-affirming care". *See generally* CPLR 3119(g)–(h).

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Amendment

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Apr. 4., 2024), the Supreme Court of Westchester County rejected the defendant's affirmation stating that he "affirms the following under the pains and penalties of perjury" because it did not substantially reflect the language in the 2024 Amendment insofar as there was "no acknowledgement of the laws of New York or the possible penalties of fine or imprisonment if the statements made therein are not true."

In *Grandsard v. Hutchison*, No. 153605/2024, 2024 WL 1957086, at *1 (Sup. Ct. N.Y. Cnty. Apr. 26, 2024), the Supreme Court of New York County made clear that the language of the 2024 Amendment extends to attorney affirmations.

In *Grandsard*, the court rejected petitioner's attorney's "Verification/Affirmation" that merely affirmed "under the penalty of perjury". The court explained that the purpose of including language acknowledging the laws of New York and the possibility of fines or imprisonment is for a witness to appreciate the gravity of their factual account.

Similarly, in *Zhou v. Cent. Radiology, PC*, 84 Misc. 3d 410, 419, 220 N.Y.S.3d 580, 587 (Sup. Ct. Queens Cnty 2024), the Supreme Court of Queens County rejected two expert affirmations that merely affirmed "under penalties of perjury." In doing so, the court noted that it was incumbent on the Court to uphold the integrity of the laws of New York and ensure compliance by all parties.

Further, the amendment to the statute was not made in an effort to lessen the seriousness of the affirmation and the consequences of making false statements, but instead was meant to reduce the burden of seeking a notary public to obtain a properly sworn affidavit. (Holding the error was "not harmless or ministerial" because the language in the affirmations did not demonstrate the experts' "acknowledgement of the import and seriousness of their statements").

The Supreme Courts in Kings County and the Bronx, however, have been more forgiving when with the failure to follow the language set forth in the 2024 Amendment and have relied on N.Y. C.P.L.R. §2001, which allows them to (1) permit a party to correct a mistake, omission, defect, or irregularity; or (2) disregard any mistake, omission, defect, or irregularity if a substantial right of a party is not prejudiced. See *MTGLQ Invs., LP v. Mendoza*, 85 Misc. 3d 1227(A) (Kings Cnty Civ. Ct. 2025) (disregarding respondent's failure to follow the form required by N.Y. C.P.L.R. §2106 pursuant to N.Y. C.P.L.R. §2001 since the "mistake causes no prejudice to Petitioner"); *1245 Stratford, LLC v. Osboume*, 84 Misc. 3d 1228(A) (Bx. Cnty. Civ. Ct. 2024) (same).

While the 2024 Amendment may relieve the burden of having to notarize a document, it is important to not overlook the language provided in the Amendment. To avoid a defective affirmation, attorneys should update the language in their form affirmation to mirror the language set forth in the 2024 Amendment.

While failure to do so in certain courts may not prove fatal, it is recommended that attorneys not rely on the discretion of the deciding court and instead simply conform to the strictures of the 2024 Amendment. Further, if there is any doubt as to the efficacy of an affirmation, one can still resort to using a notarized affidavit to avoid any confusion.



ANDREY POPOV/ADOBE STOCK

Harassment

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that the EFAA precludes arbitration of this whole case."); *Turner v. Tesla, Inc.*, 686 F. Supp. 3d 917, 925-926 (N.D. Cal. 2023) (finding arbitration agreement unenforceable with respect to plaintiff's entire case because her "non-sexual harassment claims were intertwined with her sexual harassment claims").

What is less clear is whether courts will extend the EFAA to enjoin arbitration of the entire case where a plaintiff pleads claims that are not intertwined with or in some way factually related to the sexual harassment or assault claims alleged. At least one SDNY decision, *Mera v. SA Hosp. Grp., LLC*, 675 F. Supp. 3d 442, 448 (S.D.N.Y. 2023), limited the EFAA to the plaintiff's sexual harassment claims and granted the defendants' motion to compel arbitration of the plaintiff's wage and hour claims under the FLSA and the NYLL.

The court's basis for arriving at this conclusion was the lack of any relationship between the plaintiff's sexual harassment claims and wage and hour claims.

More recent decisions in the district have expressly disagreed, finding *Mera's* interpretation impractical and "antithetical to the language of the EFAA and its protective intent" and would require the court to make decisions about the relatedness of claims "early in a case and in a definitive manner a question that often is not easily answered on the pleadings." *Diaz-Roa v. Hermes L., P.C.*, No. 24 Civ. 2105, 2024 WL 4866450, at *13 N. 9 (S.D.N.Y. Nov. 21, 2024) (internal citation and quotation omitted) (noting "[i]t is not self-evident for example, that evidence that the plaintiff was the victim of persistent sexual assault or harassment would be irrelevant to the claim that such person had also been deprived of her rights to a minimum wage and overtime pay.")

These decisions reinforce a broader trend: federal courts are strictly enforcing the EFAA, which has major implications. Notably, sexual harassment and assault claims may receive more favorable treatment in court than in arbitration, particularly in plaintiff-friendly jurisdictions like New York.

Perhaps more importantly, cases filed in court have more immediate public relations consequences than arbitrations, making the threat of immediate litigation a more potent threat.

The EFAA is a powerful tool for plaintiffs who prefer to bring their claims in court. Plaintiffs' counsel are encouraged to conduct thorough due diligence of the facts underlying their clients' employment claims to determine whether plausible harassment or harassment related retaliation claims exist.

For litigants living or working in New York City, the NYCHRL has the "most lenient applicable liability standard," and to allege "a hostile work environment theory of sexual harassment," a plaintiff need only show "she has been treated less well than other employees because of her gender" or subjected to "unwanted gender-based conduct." *Delo v. Paul Taylor Dance Foundation, Inc.*, 685 F. Supp. 3d 173, 182 (S.D.N.Y. 2023).

This means the EFAA qualifying harassment claim may not necessarily require allegations of sexual misconduct, such as unwanted touching or comments. *See id.; but see Singh v. Meetup LLC*, 750 F. Supp. 3d 250, 259 (S.D.N.Y. 2024), *reconsideration denied,* No. 23 Civ. 9502, 2024 WL 4635482 (S.D.N.Y. Oct. 31, 2024)(plaintiff failed to allege harassing conduct or inappropriate comments that constitute sexual harassment and "[h]olding otherwise would collapse the difference between "gender discrimination" and "sexual harassment, a step too far").

Given the pervasive nature of harassment in the workplace, clients seeking counsel for employment claims may not recognize or even be aware that they are a victim, or may be embarrassed or ashamed to describe such conduct.

Additionally, a "sex" plus based theory of harassment (e.g., sex and race or sex and age) would likely qualify under the SDNY's broad interpretation of the EFAA and local anti-harassment statutes.

Plaintiffs' counsel should thoroughly investigate a client's entire work history, including their day-to-day interactions with co-workers and management. It is also best practice to review documents and communications *before* filing the complaint, and not for the first time when presented with discovery requests.

Counsel should, of course, make every effort to assess the veracity of a client's claims fully before filing a complaint. This is good practice whether you ultimately uncover a harassment claim or not: it is always preferred to truly get to know your client, the good, the bad, and the ugly, before you file.

If there is a good faith belief that your client has a meritorious harassment claim that can survive F.R.C.P. 12(b)(6), the EFAA will allow you to litigate your client's entire case in court, notwithstanding the existence of a mandatory arbitration clause.

And, if the facts presented truthfully do not constitute harassment, you will thank yourself later for having done the proper due diligence early.

Court Calendars

New York County

Court Calendars Continued From Page 8

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, APRIL 14

Submission

1 100210/25 Rojas v. NYC Dept. of Health And Mental Hygiene
2 101287/23 Soares v. C/o Joel Isaacson & Co.

TUESDAY, APRIL 15

Submission

1 100375/25 Goris v. N.Y.C.H.A
2 100262/25 Liriano v. NYC Dept. of Health And Mental Hygiene
3 101118/21 Nampiaparampil v. NYC Campaign Finance Board
4 101127/24 Siomkos v. Trinh

Paperless Judge Part

MONDAY, APRIL 14

153115/24 273-275 Grand St. Associates LLC v. Jmx Studio Corp
160933/24 298 East Village Owner LLC v. Stewart
850204/23 57th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. Ledbetter
152854/20 Aig Prop. Casualty v. Firstservice Residential New
155055/23 Alverez v. NYC Et Al
155399/24 Astar LLC v. Fabular Lao
157809/23 Azogue v. 726 Eighth LLC Et Al
159093/24 Azzopardi v. Trooper 1 Et Al
152113/18 Baez v. NYCTA
158788/21 Barton Hall v. Afiaa 158 West 27th St.
650881/25 Benya v. Riso
654674/23 Biales v. 10 East End Ave. Owners, Inc. Et Al
190031/24 Borthwick v. Sumitomo Corp. of Americas Et Al
151887/22 Boykins v. North Shore Univ. Hosp. Et Al
451383/24 Brennan v. Martinez Hernandez
161906/24 Brown v. Piece of Cake Moving & Storage LLC
160722/23 Calle Sarmiento v. Skyline Restoration Inc. Et Al
159718/24 Cavalry Spv I v. Fox
651449/24 Certain Underwriters At Lloyd's v. Southwest Marine And General Ins. Co.
158288/16 Chattah v. Butter Group
152297/23 Chen v. Ribbon Home, Inc. F/k/a Achieve, Inc.
157769/20 Chisag v. Masaryk Towers Corp.
850442/23 Citimortgage, Inc. v. Dweck
450463/20 NYC v. Hafez Ullah
159516/24 Clark v. NYC Et Al
659501/24 Clever Gain Mgt. v. Smi 138 E 50 St LLC Et Al
152452/21 Concepcion v. NYC Et Al
158366/20 Cuesta v. Inwood Heights, Inc.
151501/25 Dark Alley Media v. Videoapp Inc. Et Al
651523/24 Davis v. Flatiron/23rd St. Partnership Dist. Mgt. Assoc. Inc Et Al
950843/21 Davis v. Ymca of The USA Et Al
151315/23 De Jesus Victoriano v. Funky Foundations, Inc. Et Al
453085/24 Dept. of Education of The City School Dist. of NYC v. Deseta
155893/24 Dicairano v. Clipper 550 Madison Owner LLC Et Al
952341/23 Dickerson-Neal v. Combs
950549/20 Doe v. Morris
150924/25 Doe v. Dowling
151079/20 Duran For The Estate of Salvador Duran v. NYCHA
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162104/24 Edwards v. Rising Ground, Inc. Et Al
190260/24 Evans v. Air & Liquid Systems Corp.
805052/23 Feng v. Namtc
161105/21 Fifth Partners LLC v. Punch House Flatiron LLC Et Al
154631/23 Figaro v. NYC Et Al
156501/24 Fiorito v. NYC
154275/21 Fischetti v. Silver Cab LLC
659294/24 Fowler v. Ibarra LLC Et Al
654891/24 Goldberg v. Marcus
155617/24 Gomez Chacon v. 168 Mercer St. LLC Et Al
150443/25 Gonzalez v. Korin, Inc.
150162/19 Greaves v. A Va Service Corp.
155823/24 Green 333 Corp. v. Kusyk
160068/24 Greenbaum v. 628 West End LLC
651701/23 Greenland Asset Mgt. Corp. v. Microcloud Hologram, Inc. F/k/a And As Successor-In-Interest To Golden Path Acquisition Corp. Et Al
805105/24 Gutwillig v. Tewari M.D.
190096/21 Halperin v. Continuous Sales Co. LLC
160020/24 Harrell v. Fort Tyron Rehabilitation And Health Care Facility
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659614/24 Hercules Capital, Inc. D/b/a Hercules Capital (maryland) v. Spartan Logistics Services, Inc.
157799/20 Hererra-Mendez v. 125 Broad St. Condominium
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850481/24 Hilton Resorts Corp. v. Lefebvre
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850498/24 Hilton Resorts Corp. v. Russell R. Webber
850486/24 Hilton Resorts Corp. v. Smith
850480/24 Hilton Resorts Corp. v. Tolksdorf
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654637/21 Idahosa v. Mfm Contracting Corp. Et Al
151042/24 Idea 247, Inc. v. Gimmie
650467/25 in The Matter of The Application of Unitrin Safeguard Ins. Co. As Subrogee of Oswald Ramotar And Richard Ramotar v. Greenwich Ins. Co.
654283/24 Ipfs of NY v. 400 Concrete Corp.
150763/25 Isufi v. Alan Ripka And Associates
659093/24 Jacobson v. USAA Life Ins. Co. of NY Et Al
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155021/24 Kolenovic v. Chase Bank A.K.A. Jpmorgan Chase & Co. Et Al
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650817/24 Liberty Mutual Ins. Co. Et Al v. Veazy
157553/21 Lionel v. Metro. Transportation Auth. Et Al
152052/23 Marshall v. Planetary Movers Inc. Et Al
150467/24 Masiello v. Touro Univ. Et Al
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651116/21 McKeon v. Musallam
153714/24 Midland Credit Mgt. v. Cepeda
152447/24 Midland Credit Mgt. v. Woodward
651234/23 Midway Wind v. Siemens Gamesa Renewable Energy, Inc.
155461/22 Nadler v. Carmine Ltd.
952107/23 Ormond v. Weinstein
655222/24 Orphion Therapeutics, Inc. v. The Children's Hosp. of Philadelphia Et Al
157216/23 Osorio Daza v. 111 West 57th St. Condominium Et Al
159246/23 Pennant v. Genting NY LLC Et Al
451061/25 People of The State of NY v. 24 Hour Plumbing & Drain Cleaning LLC
655803/24 Pizzarotti v. Hudson Ins. Co.
152141/21 Quintanilla v. Khurshid Erkinov Et Al
155294/20 Rivera v. Planetary Movers Inc.
162317/19 Rizwan v. Nuwest Logistics LLC
160660/24 Rodriguez Cuevas v. Planet 550 Corp. Et Al
153372/16 Roman v. 1781 Riverside LLC
155864/23 S v. Scan-Harbor, Inc. Et Al
805309/24 Sarkar v. West
100336/20 Sene-Dorsi v. Real Real, Inc.
805345/17 Silberman v. Del Pizzo
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655549/23 Steven Gurney-Goldman v. Solil Mgt.
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654693/19 Tazeh v. Willis Dental Care Pllc
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152308/19 Tumminello v. Wiesner Law Firm
650313/25 Unger v. Juin
155963/16 Vertefeuille v. Goldman Sachs Headquarters LLC
157818/17 Villar v. NYC
653622/21 Wiener v. Franchitti
150080/25 Winiarsky v. Doe
152718/25 Zettle v. Alexander

TUESDAY, APRIL 15

850014/23 132 Mulberry Funder LLC v. NY Cyprus Capital Markets LLC Et Al
652287/24 231/249 West 39 St. Associates v. Wong
656438/21 234 East 23rd Duplex LLC v. The Board of Mgrs. of 234 East 23rd St. Condominium Et Al
161911/23 360 East 72nd St. Owners Inc. v. Epstein
153007/25 711 West End Ave. LLC v. Visnauskas
160954/24 Abac-Ajca v. Djg Bldg. And Mgt.
158183/24 Alcantara v. United Parcel Service
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655201/24 Ameris Bank v. Artisan Preservation LLC
652731/24 Arel Funding I Lp Et Al v. Feldman
651801/24 Arena Special Opportunities Partners I v. Alfonsi
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150400/15 Bacon v. Nygard
159187/22 Bekkar v. Rosado
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650746/25 Betablox Series LLC v. Williams
653091/24 Bin Ahmed Al Hamed v. Bin Ahmed Al Hamed
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653328/23 De Lage Landen Financial Services, Inc. v. Thompson
154691/24 Dieudonne v. 142-12 Rosedale Rlty. Corp. Et Al
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153256/24 NYCTL 1998-2 Trust Successor in Interest To NYCTL 2016-A Trust And The Bank of NY Mellon As Collateral Agent And Custodian v. Kips Bay Community Assoc.
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160467/24 Reclaim The Records Et Al v. NYC Et Al
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152852/23 Roman v. Lendlease (us) Const. Hldgs. Inc. Et Al
157956/24 Roy v. Skinney
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850066/25 Sig Cre 2023 Venture LLC v. West 24-27 Rlty. LLC Et Al
650737/25 Skanska USA Bldg. Inc. v. Statewide Contracting Group
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158736/24 State Farm Mutual Automobile Ins. Co. v. 3rd Ave. Chemists, Inc. Et Al
659678/24 Torpago, Inc. v. Vosges Hldgs.
656144/23 Valley Nat. Bank v. Murray Hill 32 LLC Et Al
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E-Filing Submission Part

Adjourned for Working Copies Part

Part 1

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

Part 2

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

MONDAY, APRIL 14

653622/21 Wiener v. Franchitti

TUESDAY, APRIL 15

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654582/22 Ae Design Solution Inc. v. Noel
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151732/22 Jeremiah Hardy v. 595 Baltic Asset LLC
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654156/23 Shs Upper City NY II LLC v. State Nat. Ins. Co.
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653646/23 The Board of Mgrs. of 25 Prince St. Condominium v. NYC Prince Hldgs. LLC Et Al
655739/23 Triantafillakis v. Madden
655131/21 Varyence v. Rational Surgical Solutions
653622/21 Wiener v. Franchitti

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654743/21 373-381 Pas Associates v. Recruiting Resources
654595/18 Const. Specialists, Inc. v. Imperiex Const., Inc.
159832/23 Rational Surgical Solutions v. Hishmeh
653646/23 The Board of Mgrs. of 25 Prince St. Condominium v. NYC Prince Hldgs. LLC Et Al

Part 3

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

MONDAY, APRIL 14

653795/15 Homapour v. 3m Properties
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653544/21 Tender Touch Health Care v. Tnuzeg LLC

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651103/25 Kim D.M.D. v. Markel

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651801/24 Arena Special Opportunities Partners I v. Alfonsi
653215/21 Bove Industries, Inc. v. NYC
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651100/24 Firstservice Residential New York, Inc. v. Ndreu
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654558/22 Pichardo v. High Class Limo. And Car Service Corp. Et Al
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654128/23 World Host Group Us Inc. v. O'Cloud Ventures

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655568/24 Kahlon v. Chaluts

Part 6

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

MONDAY, APRIL 14

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Part 7

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

MONDAY, APRIL 14

160933/24 298 East Village Owner LLC v. Stewart
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654674/23 Biales v. 10 East End Ave. Owners, Inc. Et Al
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655307/21 Permanent Mission of The Republic of Uganda To The United Nations v. Artemus USA LLC Et Al
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Motion

152873/25 Zander LLC v. 537 West 149th St. Corp. A/k/a 537 West 149th St. Housing Dev. Fund Corp.

Part 9

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

TUESDAY, APRIL 15

365439/20 Zeidel v. Zeidel

Part 11

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

MONDAY, APRIL 14

450463/20 NYC v. Hafez Ullah
952341/23 Dickerson-Neal v. Combs
659614/24 Hercules Capital, Inc. D/b/a Hercules Capital (maryland) v. Spartan Logistics Services, Inc.
157779/24 Hubshman v. 1010 Tenants Corp. Et Al
654283/24 Ipfs of NY v. 400 Concrete Corp.
652821/23 Rk Capital LLC Et Al v. Eocine Mgt. Advisors Inc., Et Al

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652821/23 Rk Capital LLC Et Al v. Eocine Mgt. Advisors Inc., Et Al

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653091/24 Bin Ahmed Al Hamed v. Bin Ahmed Al Hamed
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Part 12

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

MONDAY, APRIL 14

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FOUNDATIONS

THE ANNUAL RETURN OF THE SHUBERT FOUNDATION For the fiscal year ended 5/31/2024 is available at its principal office located at 234 W 44TH ST, 5TH FL, NEW YORK, NY 10036 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Robert E. Wankel.
7380 a14

THE ANNUAL RETURN OF Falconwood Foundation Inc. for the calendar year ended December 31, 2023 is available at its principal office located at 20 Gramercy Park South, New York, NY 10003 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Daniela Kaisth.
7383 a14

THE ANNUAL RETURN OF The Monteforte Foundation For the fiscal year ended August 31, 2024 is available at its principal office located at 235 W 75th St. Apt 302 New York, NY 10023 for the inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Judith-Ann Corrente
6193 a14

LIQUOR LICENSES

NOTICE IS HEREBY given that license# NA-0370-25-108563 for liquor has been applied for by the undersigned to sell liquor at retail in a tavern under the ABC law at 241 Bowery NY, NY 10002, NY County for on-premises consumption. Wilka's.NYC LLC 241 Bowery New York NY 10002
6966 Apr7 m Apr14

LIMITED LIABILITY ENTITIES

JENICA RUSU NP IN FAMILY HEALTH, PLLC. Arts. of Org. filed with the SSNY on 03/20/25. Office: Nassau County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC, 30 Cornell Drive, Great Neck, NY 11020. Purpose: For the practice of the profession of Nurse Practitioner in Family Health.
6701 m31-M my5

BASS NURSE PRACTITIONERS IN PSYCHIATRY, PLLC Art. Of Org. Filed Sec. of State of NY 2/19/2025. Off. Loc.: New York Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to The LLC, 641 Lexington Ave, FL 14, New York, NY 10022-4503, USA. Purpose: Nurse Practitioner in Psychiatry.
6716 my31-M my5

Notice of Formation of Manhattan Health - NP in Family Health, Physical Therapy, Chiropractic, Acupuncture PLLC. Arts of Org filed with Secy of State of NY (SSNY) on 2/27/2025. Office Loc: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against PLLC to 300 East 56th Street, New York, NY 10022. Purpose: Medicine.
7350 A14 M My19

NOTICE OF FORMATION of Emily Rebenstock, Psychologist, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/13/2024. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 220 5th Ave, 11th Fl, New York, NY 10001. Purpose: any lawful act.
5632 M10 M A14

NOTICE OF FORMATION of Alex Freitas NP in Psychiatry PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/21/2024. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 158 West 75th St, Apt 1A, New York, NY 10023. Purpose: any lawful act.
5948 M17 M A21

NOTICE OF FORMATION of COLON & PARTNERS PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/4/25. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 250 Park Ave 7th Fl, New York, NY 10177. Purpose: any lawful act.
5953 M17 M A21

LIMITED LIABILITY ENTITIES

368 WEST 46 STREET, LLC. Arts. of Org. filed with the SSNY on 11/04/03. Latest date to dissolve: 12/31/2053. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 372 West 46th Street, New York, NY10036. Purpose: Any lawful purpose.
7374 a14-M my19

48-15 AJB LLC. Arts. of Org. filed with the SSNY on 03/28/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 48 Waverly Avenue, East Rockaway, NY 11518. Purpose: Any lawful purpose.
6960 a7-M my12

ARLEMAR REAL ESTATE 61 LLC Art. Of Org. Filed Sec. of State of NY 10/13/2022. Off. Loc.: New York Co. SSNY designated as agent upon whom process may be served & shall mail proc.: The LLC, 485 Madison Avenue, 16th Floor, New York, NY 10022, USA. Purpose: Any lawful purpose.
7029 a7-M my12

ASHLEY SPITZER, LLC Articles of Org. filed NY Sec. of State (SSNY) 4/3/25. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to c/o Lynn Gartner Dunne Frigenti & Renke, LLP., 445 Broadhollow Rd., Ste. 105, Melville, NY 11747. Purpose: Any lawful purpose. Principal business loc: 1385 York Ave., Apt. 7B, NY, NY 10021.
7038 a7-M my12

BEDFORD JBG LLC. Arts. of Org. filed with the SSNY on 12/06/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 298 Montrose Road, Westbury, NY 11590. Purpose: Any lawful purpose.
6961 a7-M my12

FRANKLIN USA LLC, Arts. of Org. filed with the SSNY on 04/03/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: David Demarco, 1 Canterbury Rd, Glen Head, NY 11516. Purpose: Any Lawful Purpose.
7039 a7-M my12

JACK'S HARDWARE SERVICES LLC Art. Of Org. Filed Sec. of State of NY 3/21/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o George Royer, 3202 Third Avenue, Bronx, NY 10451, USA. Purpose: Any lawful purpose.
7028 a7-M my12

JCR REALTY SERVICES LLC Art. Of Org. Filed Sec. of State of NY 3/21/2025. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process may be served & shall mail proc.: c/o George Royer, 3202 Third Avenue, Bronx, NY 10451, USA. Purpose: Any lawful purpose.
7027 a7-M my12

MVMH HOLDING LLC. Arts. of Org. filed with the SSNY on 03/27/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, DHC Legal, c/o Andreas Koutsoudakis, 605 Third Avenue, 34th Floor, New York, NY 10158. Purpose: Any lawful purpose.
6963 a7-M my12

DELUXE CREDIT SOLUTIONS LLC, Arts. of Org. filed with the SSNY on 01/28/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 3 Mitchell Place, Suite 16C, NY, NY 10017. Reg Agent: Liel Dardashtian, 3 Mitchell Place, Suite 16C, NY, NY 10017. Purpose: Any Lawful Purpose.
5662 m10-M a14

E137 MANAGER, LLC, Arts. of Org. filed with the SSNY on 09/13/2023. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 18 Main Street, 2nd Fl, Roslyn, NY 11576. Purpose: Any Lawful Purpose.
5685 m10-M a14

HOLDINGS JW LLC, Arts. of Org. filed with the SSNY on 03/07/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 60 Cutter Mill Road, Ste 405, Great Neck, NY 11021. Purpose: Any Lawful Purpose.
5663 m10-M a14

LUMOS IT CONSULTING LLC, Arts. of Org. filed with the SSNY on 02/19/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 26 Netherwood Dr, Albertson, NY 11507. Reg Agent: Tony Tam, 26 Netherwood Dr, Albertson, NY 11507. Purpose: Any Lawful Purpose.
5659 m10-M a14

14015 JAMAICA LLC. Filed with SSNY on 09/06/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 1 HOWARD PL, BALDWIN, NY 11510. Purpose: Any Lawful
6012 m17-M a21

SENIOR CONSULTING LLC, Arts. of Org. filed with the SSNY on 03/06/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jennifer Cowdrey, 49 Stewart St, Floral Park, NY 11011. Purpose: Any Lawful Purpose.
5647 m10-M a14

SHREDUCTION US LLC, Arts. of Org. filed with the SSNY on 03/06/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 3280 Sunrise Highway #326, Wantagh, NY 11793. Purpose: Any Lawful Purpose.
5655 m10-M a14

10723 LLC. Filed with SSNY on 02/10/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: C/O JAMES BAYDAR, ESQ., 1 HOLLOW LN, STE 107, LAKE SUCCESS, NY 11042. Purpose: Any Lawful
6026 m17-M a21

130-1115 LLC. Filed with SSNY on 02/10/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: C/O JAMES BAYDAR, ESQ., 1 HOLLOW LN, SUITE 107, LAKE SUCCESS, NY 11042. Purpose: Any Lawful
6027 m17-M a21

1474 OAKLEY ASSETS LLC. Filed with SSNY on 01/30/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 16 MIDDLE NECK RD, STE 150, GREAT NECK, NY 11021. Purpose: Any Lawful
6015 m17-M a21

1907 PLACE LLC. Filed with SSNY on 11/07/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 52 PEBBLE LANE, ROSLYN HEIGHTS, NY 11577. Purpose: Any Lawful
6025 m17-M a21

241 SHORE ROAD LLC. Filed with SSNY on 02/14/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 265 SUNRISE HWY, ROCKVILLE CENTRE, NY 11570. Purpose: Any Lawful
6032 m17-M a21

265 COVERT ST LLC. Filed with SSNY on 02/21/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 158 PAYNE WHITNEY LN, MANHASSET, NY 11030. Purpose: Any Lawfu
6034 m17-M a21

275 SMITHTOWN BLVD LLC. Filed with SSNY on 10/28/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 623 STEWART AVE., STE. 122, GARDEN CITY, NY 11530. Purpose: Any Lawful
6022 m17-M a21

37-58 103 ST LLC. Filed with SSNY on 02/14/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 15 WOODFIELD LN, GLEN HEAD, NY 11545. Purpose: Any Lawful
6028 m17-M a21

445 HENRY, LLC. Filed with SSNY on 03/05/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 2631 MERRICK RD, STE 203, BELLMORE, NY 11710. Purpose: Any Lawful
6024 m17-M a21

55WRIC LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 2/10/2025. Office: New York County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, One Penn Plaza, Ste 3100, NY, NY 10119. Purpose: any lawful act.
5897 m17-M a21

88 WOODSMEADOW LLC. Filed with SSNY on 02/28/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 273 PIPING ROCK RD, GLEN HEAD, NY 11545. Purpose: Any Lawful
6036 m17-M a21

9 VERBENA LLC. Filed with SSNY on 07/29/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 27-10 HOYT AVE S, ASTORIA, NY 11102. Purpose: Any Lawful
6011 m17-M a21

AJ DEVONSHIRE, LLC. Arts. of Org. filed with the SSNY on 02/19/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 64 Shelbourne Lane, New Hyde Park, NY 11040. Purpose: Any lawful purpose.
5981 m17-M a21

MARC DORI LLC. Filed with SSNY on 02/12/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 212 WOODSIDE DR, HEWLETT, NY 11557. Purpose: Any Lawful
6020 m17-M a21

ANDREWS AVE BUILDERS LLC. Filed with SSNY on 10/25/2024. Office: Bronx County. SSNY designated as agent for process & shall mail to: 963 BRADY AVE, BRONX, NY 10462. Purpose: Any Lawful
6006 m17-M a21

ASV TEAM CONSTRUCTION LLC. Filed with SSNY on 02/25/2025. Office: Bronx County. SSNY designated as agent for process & shall mail to: 1051 EVERGREEN AVE, #1, BRONX, NY 10472. Purpose: Any Lawful
6009 m17-M a21

BELL HOLDINGS, LLC. Filed with SSNY on 07/10/2014. Office: Bronx County. SSNY designated as agent for process & shall mail to: 3042 MICKLE AVE, BRONX, NY 10469. Purpose: Any Lawful
6007 m17-M a21

BINX 39 CHRISTOPHER ST LLC. Arts. of Org. filed with the SSNY on 08/15/24. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Foster Garvey, P.C., 100 Wall Street, 20th Floor, New York, NY 10005. Purpose: Any lawful purpose.
5987 m17-M a21

EJAPTIAN LLC. Filed with SSNY on 02/26/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 122 SOUTH LONG BEACH RD, ROCKVILLE CENTRE, NY 11570. Purpose: Any Lawful
6030 m17-M a21

ELEVEN FOURTH GN LLC. Filed with SSNY on 02/18/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: PO BOX 231095, GREAT NECK, NY 11023. Purpose: Any Lawful
6021 m17-M a21

FLOWER HILL AUTO GLASS LLC. Filed with SSNY on 02/12/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 30 SINTSINK DR EAST, PORT WASHINGTON, NY 11050. Purpose: Any Lawful
6016 m17-M a21

LEBANON ASSETS 26 LLC. Filed with SSNY on 01/08/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 16 MIDDLE NECK RD, STE 150, GREAT NECK, NY 11021. Purpose: Any Lawful
6014 m17-M a21

LINON HOME & DESIGN LLC. Filed with SSNY on 09/09/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 22 JERICHO TPKE, STE 200, MINEOLA, NY 11501. Purpose: Any Lawful
6023 m17-M a21

NOTICE OF FORMATION of Lipman Rose Consulting, LLC. Arts of Org. filed with NY Secy of State (SSNY) on 3/3/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5920 m17-M a21

NOTICE OF FORMATION of PRIME MOVER NEW YORK LLC. Arts of Org. filed with NY Secy of State (SSNY) on 3/5/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5929 m17-M a21

NOTICE OF FORMATION of 232-86 Real Estate LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/11/25. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 232 E 84th Street, New York, NY 10028. Purpose: any lawful act.
6373 M24 M A28

NOTICE OF FORMATION of Perach Holdings, LLC. Arts of Org. filed with NY Secy of State (SSNY) on 3/4/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5926 m17-M a21

NOTICE OF FORMATION of Motion Made, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/8/25. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 262 Elizabeth St, Apt 3, New York, NY 10012. Purpose: any lawful act.
5856 M24 M A28

RAYJENNLOR LLC. Filed with SSNY on 09/11/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: THREE WEST VILLAGE GREEN, HICKSVILLE, NY 11801. Purpose: Any Lawful
6013 m17-M a21

SAFA & SANA LLC. Filed with SSNY on 03/07/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 387 STEWART AVE, BETHPAGE, NY 11714. Purpose: Any Lawful
6038 m17-M a21

SUFFOLK SOCCER HOLDINGS, LLC. Filed with SSNY on 03/07/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 6 TOWN PATH, GLEN COVE, NY 11542. Purpose: Any Lawful
6039 m17-M a21

TONY'S TACOS OF LEVITTOWN LLC. Filed with SSNY on 10/14/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 395 N SERVICE RD, STE 302, MELVILLE, NY 11747. Purpose: Any Lawful
6037 m17-M a21

VIRTU NOVA MEDIA LLC. Arts. of Org. filed with the SSNY on 03/04/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 665 Hillside Avenue, Suite 737, New Hyde Park, NY 11040-2512. Purpose: Any lawful purpose.
5986 m17-M a21

VOLUPTAS ROSE LINGERIE LLC, Arts. of Org. filed with the SSNY on 03/13/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Victoria Gherardi, 1 Steeple Lane, Roslyn Heights, NY 11577. Purpose: Any Lawful Purpose.
5938 m17-M a21

GRAVEYARD TALES LLC Art. Of Org. Filed Sec. of State of NY 2/20/2025. Off. Loc. :Nassau Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to The LLC, 11 Harvard Rd South, Garden City, NY 11530, USA. Purpose: Any lawful act or activity.
6340 m24-M a28

NDG PROPERTIES, LLC Art. Of Org. Filed Sec. of State of NY 3/18/2025. Off. Loc. : Bronx Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to The LLC, 1747 Hobart Avenue, Bronx, NY 10461, USA. Purpose: Any lawful act or activity.
6410 m24-M a28

THEME-INGLE LLC. Arts. of Org. filed with the SSNY on 03/07/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2156 Beech Street, Wantagh, NY 11793. Purpose: Any lawful purpose.
6206 m24-M a28

CLOSE HOLD PRODUCTIONS, LLC, Arts. of Org. filed with the SSNY on 03/12/2025. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 134 N 4th St., Brooklyn, NY 11249. Purpose: Any Lawful Purpose.
6725 m31-M my5

JACKSON DRIVE LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 1/12/2025. Office: New York County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 19 Jackson Dr, Acton, MA 01720. Purpose: any lawful act.
6708 m31-M my5

LJUCOVIC HOLDINGS, LLC, Arts. of Org. filed with the SSNY on 03/27/2025. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 305 6th Avenue, Pelham, NY 10823. Purpose: Any Lawful Purpose.
6713 m31-M my5

NASSAU SOCCER HOLDINGS, LLC. Filed with SSNY on 03/07/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 6 TOWN PATH, GLEN COVE, NY 11542. Purpose: Any Lawful
6031 m17-M a21

NOTICE OF FORMATION of Packer Games Studio LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/7/2024. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #978111, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
5903 M17 M A21

MONROE HOUSING LLC. Arts. of Org. filed with the SSNY on 02/18/25. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Law Office of D. Paul Martin PLLC, 385 Fifth Avenue, Suite 804, New York, NY 10016. Purpose: Any lawful purpose.
5247 m3-M a14

920 EAST 226 ASSOCIATES LLC, Arts. of Org. filed with the SSNY on 03/05/2025. Office loc: Bronx County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 1103 East 226 Street, Bronx, NY 10469. Purpose: Any Lawful Purpose.
6711 my31-M my5

KELAMBOB, LLC, Arts. of Org. filed with the SSNY on 03/25/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 80 Armour Street, Long Beach, NY 11561. Purpose: Any Lawful Purpose.
6704 my31-M my5

NABIM LLC, Arts. of Org. filed with the SSNY on 03/27/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Nabi Mashriqi, 5 Kenneth Court, Hicksville, NY 11801. Purpose: Any Lawful Purpose.
6712 my31-M my5

SPECTRUM RECORDS, LLC. Arts. of Org. filed with the SSNY on 03/20/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 250 Mercer Street, #C204, New York, NY 10012. Purpose: Any lawful purpose.
6703 my31-M my5

NOTICE OF FORMATION of HIVE PILATES, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/9/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 95 Horatio St, 5F, New York, NY 10014. Purpose: any lawful act.
6957 A07 F My12

NOTICE OF FORMATION of JUSTIN STONE INVESTORS LLC f/k/a JONATHAN STONE INVESTORS LLC. Articles of Organization filed with Sec. of State of NY (SSNY) on 12/20/2024. Office location: New York Co. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail a copy of process to 435 East 65th Street, #12C, New York, NY 10065. Purpose: any lawful purpose.
4246 A07 F My12

NOTICE OF FORMATION of SRG CAPITAL GROUP LLC. Articles of Organization filed with Sec. of State of NY (SSNY) on 01/10/2025. Office location: New York Co. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail a copy of process to 54 W 39th St, 15th Fl, New York, NY 10018. Purpose: any lawful purpose.
4244 A07 F My12

NOTICE OF FORMATION of SRG REAL ESTATE MANAGEMENT LLC. Articles of Organization filed with Sec. of State of NY (SSNY) on 01/10/2025. Office location: New York Co. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail a copy of process to 54 W. 39th St, 15th Floor, New York, NY 10018. Purpose: any lawful purpose.
4245 A07 F My12

NOTICE OF FORMATION of JUNK MASTERS PRO LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 11/22/24. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 27 Williams Dr, Massapequa Park, NY 11762. Purpose: any lawful act.
6427 A07 M My12

NOTICE OF FORMATION of Sigrud LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 1/15/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 276 First Ave, Apt 12E, New York, NY 10009. Purpose: any lawful act.
6246 A07 M My12

NOTICE OF FORMATION of 47 Roses LLC. Arts of Org. filed with NY Secy of State (SSNY) on 3/4/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5906 m17-M a21

NOTICE OF FORMATION of ANCOLIE COACHING LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/12/2025. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Ancolie Coaching LLC, 331 West 21st Street, 4FE, Mew York, NY, 10011. Purpose: any lawful act.
7024 A14 M My19

NOTICE OF FORMATION of BIG TRUCK REPAIRS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/20/24. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 4385 Wickham Ave Apt 1, Bronx, NY 10466. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
5521 A14 M My19

NOTICE OF FORMATION of GAIA ENVIRONMENTAL INSPECTIONS LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 1/30/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 151 Miriam Parkway, Elmont, NY 11003. Purpose: any lawful act.
7341 A14 M My19

NOTICE OF FORMATION of Snappie Handyman LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/26/2025 . Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1050 Jackson Ave, Franklin Square, NY 11010. Purpose: any lawful act.
7280 A14 M My19

NOTICE OF FORMATION of Speak Up New York LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/29/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #182522, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
5874 A14 M My19

NOTICE OF FORMATION of Elevation Partners Consulting LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/25/25. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 179 Atlantic Ave, Hempstead, NY 11550. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act.
5634 M10 M A14

NOTICE OF FORMATION of 141-11 182nd Street LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 3/11/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1981 Marcus Ave, Ste E117, Lake Success, NY 11042. Purpose: any lawful act.
5952 M17 M A21

NOTICE OF FORMATION of Bearmacvan Holdco, LLC. Arts of Org. filed with NY Secy of State (SSNY) on 3/4/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5910 m17-M a21

NOTICE OF FORMATION of Dbng Capital, LLC. Arts of Org. filed with NY Secy of State (SSNY) on 3/4/25. Office location: New York County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5912 m17-M a21

NOTICE OF FORMATION of Directional Content Services, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/9/25. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 409 E 82nd St, #2C, New York, NY 10028. Purpose: any lawful act.
5871 M17 M A21

TOMA PROPERTY MANAGEMENT LLC. Arts. of Org. filed with the SSNY on 03/20/25. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Gusrae Kaplan Nusbaum, PLLC, 425 Broadhollow Road, Suite 300, Melville, NY 11747. Purpose: Any lawful purpose.
6702 m31-M my5

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SALES

SUPREME COURT: BRONX COUNTY. McCormick 110, LLC, Pltf., v. Patricia Rodriguez, et al, Defts. Index #32595/2017E. Pursuant to judgment of foreclosure and sale entered January 22, 2020, I will sell at public auction in Courtroom 711 in the Bronx County Courthouse, 851 Grand Concourse, Bronx, New York on May 12, 2025 at 2:15 P.M. prem. k/a 2125 Harrison Avenue, Bronx, NY 10453 (Block 3210, Lot 104). Approx amt. of judgment is $385,869.02 plus costs and interest. Sold subject to terms and conditions of filed judgment and terms of sale and in compliance with the Foreclosure Auction Rules for the 12th Judicial District. PATRICK WYNNE, ESQ. Referee. Jeffrey S. Greene, P.C. Atty's for Pltf., 800 Westchester Avenue – N307, Rye Brook, NY 10573, (914) 686-5091.
7231 a14-M-1t

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX Bank of America, N.A., Plaintiff AGAINST Dale A. Gordon, et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered March 4, 2024, I, the undersigned Referee will sell at public auction at Courtroom 711, Bronx County Supreme Court, 851 Grand Concourse, Bronx, NY on May 12, 2025 at 2:15PM, premises known as 804 East 216th Street, Bronx, NY 10467. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, Block: 4674, Lot: 153. Approximate amount of judgment $514,616.02 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #35287/2015E. For sale information, please contact XOME at www.Xome.com or call (844) 400-9633. Leonard Aloi, Esq., Referee Frenkel Lambert Weiss Weisman & Gordon, LLP 53 Gibson Street Bay Shore, NY 11706 01-075017-F00 83784
6607 a14-M my5

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., CSAB Mortgage-Backed Trust 2006-4, CSAB Mortgage-Backed Pass-ThroughCertificates, Series 2006-4, Plaintiff AGAINST Martina R. Garcia; et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered May 8, 2018, and amended August 23, 2024, I, the undersigned Referee, will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, New York on May 12, 2025, at 2:15PM, premises known as 1500 Vyse Avenue, Bronx, NY 10460. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, Block 2995 Lot 120. Approximate amount of judgment $857,204.83 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 381047/2011E. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price. Leticia Arzu, Esq., The Bozeman Law Firm, PLLC, Referee LOGS Legal Group LLP f/k/a Shapiro, DiCaro & Barak, LLC Attorney(s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: April 6, 2025 For sale information, please visit www.Auction.com or call (800) 280-2831 85060
7083 a14-M my5

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX U.S. Bank National Association, as trustee, on behalf of the holders of the Adjustable Rate Mortgage Trust 2007-1, Adjustable Rate Mortgage-Backed Pass-Through Certificates, Series 2007-1, Plaintiff AGAINST Juan Ramos a/k/a Juan S. Ramos; et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered April 28, 2017 and amended in July 31, 2017 and January 13, 2025, I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, New York 10451 on May 12, 2025 at 2:15PM, premises known as 1414 Bryant Avenue, Bronx, NY 10459. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of NY, Block 2999 Lot 7. Approximate amount of judgment $601,060.67 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 35020/2015E. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price. Larry A. Arias, Esq., Referee LOGS Legal Group LLP f/k/a Shapiro, DiCaro & Barak, LLC Attorney(s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: March 11, 2025 84829
6608 a14-M my5

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of DSC MERIDIAN DISLOCATION OPPORTUNITIES MASTER FUND L.P. Authority filed with Secy. of State of NY (SSNY) on 3/18/25. Office location: NY Co. LP formed in Delaware (DE) on 2/27/25. SSNY designated as agent of LP upon whom process against it may be served. SSNY shall mail process to The LP 888 Seventh Ave 16th Fl NY, NY 10106. DE address of LP: 1209 Orange St Wilmington DE 19801. Arts. Of Org. filed with DE Secy. of State, P.O. Box 898 Dover, DE 19903. Purpose: any lawful activity.
6699 Mar31 m May5

SALES

SUPREME COURT COUNTY OF BRONX Deutsche Bank National Trust Company, as Trustee for Fremont Home Loan Trust 2004-4, Asset- Backed Certificates, Series 2004-4, Plaintiff AGAINST Kevin Ellison; et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered June 7, 2016, resettled October 5, 2017, ratified February 27, 2019, and further amended October 7, 2024, I, the undersigned Referee, will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, New York on May 5, 2025, at 2:15PM, premises known as 873 Bruckner Boulevard, Bronx, NY 10459. All that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, Block 2732 Lot 43. Approximate amount of judgment $722,285.54 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 22615/2005E fka 22615/2005. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price. Joseph T. Jednak, Esq., Referee LOGS Legal Group LLP f/k/a Shapiro, DiCaro & Barak, LLC Attorney(s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: March 14, 2025 84700
6283 a7-M a28

SUPREME COURT COUNTY OF BRONX NATIONSTAR MORTGAGE LLC, Plaintiff AGAINST WILLI G. BREA; ET AL., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered February 4, 2020, I, the undersigned Referee will sell at public auction at Courtroom 711, Bronx County Supreme Court, 851 Grand Concourse, Bronx, NY on May 5, 2025 at 2:15 PM, premises known as 2571 Bainbridge Avenue, Bronx, NY 10458. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough of Bronx, County of Bronx, City and State of New York, Block: 3293 Lot: 77. Approximate amount of judgment $600,910.86 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #382136/2010E. Scott H. Siller, Esq., Referee Gross Polowy, LLC 1775 Wehrle Drive Williamsville, NY 14221 21-000618 84884
6284 a7-M a28

SUPREME COURT COUNTY OF BRONX U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT, Plaintiff AGAINST FELIX M. TIBURCIO, NIURCA TIBURCIO, ET AL., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered August 22, 2024, I, the undersigned Referee will sell at public auction at Courtroom 711, Bronx County Supreme Court, 851 Grand Concourse, Bronx, NY on May 5, 2025 at 2:15PM, premises known as 1052 Grant Avenue, Bronx, NY 10456. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of the Bronx, City and State of New York, Block 2448, Lot 6. Approximate amount of judgment $453,470.64 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #32237/2017E. Sergio Marquez, Esq., Referee Gross Polowy, LLC 1775 Wehrle Drive Williamsville, NY 14221 16-006008 84704
6281 a7-M a28

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of BIOFRONTIER LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/28/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 25 Cheshire Avenue, Syosset, NY 11791. Purpose: any lawful act.
6247 M24 M A28

NOTICE OF FORMATION of Daniels NY RE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 2/13/2025. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 1981 Marcus Ave, Ste E117, Lake Success, NY 11042. Purpose: any lawful act.
6341 M24 M A28

NOTICE OF FORMATION of SB STUDIOS NYC LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/23/2024. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to Heidi J Meyers, 11 Broadway Suite 925, New York, NY 10004. Purpose: any lawful act.
6372 M24 M A28

KMP LUXURY LLC. Arts. of Org. filed with the SSNY on 02/24/25. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 300 East 57th Street, Apartment 6F, New York, NY 10022. Purpose: Any lawful purpose.
5988 m17-M a21

Application for Authority of BASIL ENTERTAINMENT LIMITED LIABILITY COMPANY filed with the Secy. of State of NY (SSNY) 3/14/2025. Formed in FL 7/23/2013. Office loc.: NY County. SSNY is designated as agent of LLC upon whom process against it may be served. The address SSNY shall mail copy of process to 210 Lake Dr. E., Ste. 301, Cherry Hill, NJ 08002. The office address required to be maintained in FL is 7901 4th St. N., Ste. 300, St. Petersburg, FL 33702. Arts. of Organization filed with the Secy. of State, The Centre of Tallahassee, 2415 N. Monroe St., Ste. 810, Tallahassee, FL 32303. Purpose: Any lawful activity.
6218 m24-M a28

SALES

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2, -against- ESTATE OF DOROTHY STRIPLIN, ET AL. NOTICE OF SALE NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure entered in the Office of the Clerk of the County of Bronx on October 22, 2018, wherein HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2 is the Plaintiff and ESTATE OF DOROTHY STRIPLIN, ET AL. are the Defendant(s). I, the undersigned Referee, will sell at public auction at the BRONX COUNTY SUPREME COURT, 851 GRAND CONCOURSE, COURTROOM 711, BRONX, NY 10451, on May 5, 2025 at 2:15PM, premises known as 915 ARNOW AVENUE, BRONX, NY 10469; and the following tax map identification: 4552-1 & 2. ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK Premises will be sold subject to provisions of filed Judgment Index No.: 380817/2012E.
Louis J. Russo, III, Esq. - Referee. Robertson, Anschutz, Schneid, Crane & Partners, PLLC, 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff. All foreclosure sales will be conducted in accordance with Covid-19 guidelines including, but not limited to, social distancing and mask wearing. *LOCATION OF SALE SUBJECT TO CHANGE DAY OF IN ACCORDANCE WITH COURT/CLERK DIRECTIVES.
6566 a7-M a28

SUPREME COURT COUNTY OF BRONX, WILMINGTON TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2015-1, Plaintiff, vs. TYRONE WAYMYERS, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly entered on November 27, 2024, I, the undersigned Referee will sell at public auction at the Bronx County Supreme Court, Courtroom 711, 851 Grand Concourse, Bronx, NY 10451-2937 on May 5, 2025 at 2:15 p.m., premises known as 1129 East Tremont Avenue, Bronx, NY 10460. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, Block 4004 and Lot 7. Approximate amount of judgment is $882,823.27 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #380556/2010E. Laura C. Browne, Esq., Referee Friedman Vartolo LLP, 85 Broad Street, Suite 501, New York, New York 10004, Attorneys for Plaintiff. Firm File No. 202961-1
6522 a7-M a28

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of VEKYDE LLC. Application for authority filed with Secretary of State of NY (SSNY) on 1/10/25. Office loc: NY County. LLC formed in NJ on 1/20/24. SSNY designated agent upon whom process may be served and mailed to R/A: United States Corporation Agents, Inc., 7014 13th Ave, Ste 202, Brooklyn, NY 11228. Principal business address: 111 Town Square Plaza, Ste 1238 #407824, Jersey City, NJ 07310. Cert. of LLC filed with NJ Dept of the Treasury, DORES, 33 W State St, #5th Fl, Trenton, NJ 08608. Purpose: Any lawful activity.
4261 M10 M A14

Notice of Qualification of VANTAGE EQUITY PARTNERS LLC. Authority filed with NY Secy of State (SSNY) on 12/10/24. Office location: New York County. LLC formed in Delaware (DE) on 1/5/24. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1907 Back St, Sullivans Isl., SC 29483. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity.
4045 M10 M A14

NOTICE OF QUALIFICATION of 9ACHARLES LLC. Authority filed with NY Secy of State (SSNY) on 3/6/25. Office location: New York County. LLC formed in Delaware (DE) on 1/28/25. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5907 m17-M a21

NOTICE OF QUALIFICATION of Local Factor Group LLC. Authority filed with NY Secy of State (SSNY) on 1/22/25. Office location: New York County. LLC formed in Connecticut (CT) on 11/27/23. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. CT address of LLC: 48 Turkey Hill Road N Westport, CT 06880. Cert. of Formation filed with CT Secy of State, Capitol Office P.O. Box 150470 Hartford, CT 06115. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5921 m17-M a21

LIMITED LIABILITY ENTITIES

600 WEST 52ND STREET LLC. Arts. of Org. filed with the SSNY on 05/06/14. Latest date to dissolve: 05/05/2114. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 372 W. 36th Street, New York, NY 10036. Purpose: Any lawful purpose.
7377 a14-M my19

6 BLOX IX, LLC, Arts. of Org. filed with the SSNY on 04/08/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jeanette Prymas C/O Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Reg Agent: Jeanette Prymas, Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Purpose: Any Lawful Purpose.
7397 a14-M my19

6 BLOX VIII, LLC, Arts. of Org. filed with the SSNY on 04/08/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jeanette Prymas C/O Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Reg Agent: Jeanette Prymas, Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Purpose: Any Lawful Purpose.
7396 a14-M my19

6 BLOX VII, LLC, Arts. of Org. filed with the SSNY on 04/08/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jeanette Prymas C/O Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Reg Agent: Jeanette Prymas, Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Purpose: Any Lawful Purpose.
7395 a14-M my19

6 BLOX VI, LLC, Arts. of Org. filed with the SSNY on 04/08/2025. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jeanette Prymas C/O Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Reg Agent: Jeanette Prymas, Cardworks, Inc., 101 Crossways Park Drive West, Woodbury, NY 11797. Purpose: Any Lawful Purpose.
7394 a14-M my19

ARRYJ LLC, Arts. of Org. filed with the SSNY on 04/11/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 176 W. 86th St, Unit 11B, NY, NY 10024. Purpose: Any Lawful Purpose.
7392 a14-M my19

Mimamakim LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 3/6/2025. Office: Bronx County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 1969 Haight Ave, Bronx, NY 10461. Purpose: any lawful act.
7390 a14-M my19

STATERE LLC, Arts. of Org. filed with the SSNY on 03/25/2025. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Charles F Stouls, 475 Hudson Street, Upper Apt, NY, NY 10014. Purpose: Any Lawful Purpose.
7391 a14-M my19

HK ESTATE AMBER VALLEY GE LLC. Filed with SSNY on 03/10/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 910 FRANKLIN AVE., STE 220, GARDEN CITY, NY 11530. Purpose: Any Lawfu
6035 m17-M a21

ISLA CAPITAL, LLC. Filed with SSNY on 02/13/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. Purpose: Any Lawful
6019 m17-M a21

K2K CONSTRUCTION LLC. Filed with SSNY on 10/17/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 9 SYCAMORE LN, ROSLYN HEIGHTS, NY 11577. Purpose: Any Lawful
6018 m17-M a21

KING SOLOMON PROPERTY MANAGEMENT LLC. Filed with SSNY on 10/21/2024. Office: Nassau County. SSNY designated as agent for process & shall mail to: 7 HAWTHORNE TER, GREAT NECK, NY 11023. Purpose: Any Lawful
6017 m17-M a21

NASHVILLE VANDY 208 SPONSOR LLC. Filed with SSNY on 03/05/2025. Office: Nassau County. SSNY designated as agent for process & shall mail to: 99 WASHINGTON AVE, STE 700, ALBANY, NY 12260. Purpose: Any Lawful
6033 m17-M a21

Notice of Formation of Poptimist LLC. Arts. of Org. filed with SSNY on 2/17/25. Office location: New York County. SSNY designated as agent for process and shall mail to: 300 W. 55th St., Ste. 17P, New York, NY 10019. Purpose: Any lawful activity.
7347 A14 M My19

Notice of formation of N & H HOME CLEANING SERVICE LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 02/27/2025. Office location: Nassau County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 90 Main St, Mineola, NY 11501. Purpose: Any lawful act.
7393 A14 M My19

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LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of Bentall-GreenOak (U.S.) GP LLC. Authority filed with NY Secy of State (SSNY) on 2/6/25. Office location: New York County. LLC formed in Delaware (DE) on 3/29/19. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5911 m17-M a21

NOTICE OF QUALIFICATION of DW HAMMER CONSTRUCTION, LLC. Authority filed with NY Secy of State (SSNY) on 3/4/25. Office location: New York County. LLC formed in Illinois (IL) on 3/5/24. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. IL address of LLC: 55 E. Monroe, Ste 3425, Chicago, IL 60603. Cert. of Formation filed with IL Secy of State, 213 State Capitol, Springfield, IL 62766. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5913 m17-M a21

NOTICE OF QUALIFICATION of DW HAMMER, LLC. Authority filed with NY Secy of State (SSNY) on 3/4/25. Office location: New York County. LLC formed in Illinois (IL) on 4/3/14. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. IL address of LLC: 55 E. Monroe, Ste 3425, Chicago, IL 60603. Cert. of Formation filed with IL Secy of State, 213 State Capitol, Springfield, IL 62766. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5914 m17-M a21

NOTICE OF QUALIFICATION of Transact Campus Payments, LLC. Authority filed with NY Secy of State (SSNY) on 3/3/25. Office location: New York County. LLC formed in Delaware (DE) on 3/22/00. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5932 m17-M a21

NOTICE OF QUALIFICATION of PRAX MEDICAL, LLC. Authority filed with NY Secy of State (SSNY) on 3/3/25. Office location: New York County. LLC formed in Delaware (DE) on 12/23/24. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 418 Broadway, Ste N, Albany, NY 12207. The name and address and, where applicable, the New York State license number of each professional within the foreign professional service limited liability company who is licensed to practice the profession or professions in New York State available from SSNY. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: medicine.
5927 m17-M a21

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of Savant Capital Holdings, LLC. Authority filed with NY Secy of State (SSNY) on 1/9/25. Office location: New York County. LLC formed in Delaware (DE) on 4/13/23. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity.
5930 m17-M a21

NOTICE OF QUALIFICATION of Savant Capital, LLC. Authority filed with NY Secy of State (SSNY) on 2/20/25. Office location: New York County. LLC formed in Delaware (DE) on 10/24/11. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity.
5931 m17-M a21

NOTICE OF QUALIFICATION of Transact Campus, LLC. Authority filed with NY Secy of State (SSNY) on 3/3/25. Office location: New York County. LLC formed in Delaware (DE) on 9/1/16. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5933 m17-M a21

DSC MERIDIAN DRAWDOWN GP LLC Authority filed with Secy. of State of NY (SSNY) on 2/26/25. Office location: NY Co. LLC formed in DE on 2/24/25. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to The LLC 888 Seventh Ave 16th Fl NY, NY 10106. DE address of LLC: 1209 Orange St Wilmington DE 19801. Arts. of Org. filed with DE Secy. of State, P.O. Box 898 Dover, DE 19903. Purpose: Any lawful activity.
6700 Mar31 m May5

NOTICE OF QUALIFICATION of GOLDEN TOUCH CLEANING & MAINTENANCE LLC. Application for authority filed with Secretary of State of NY (SSNY) on 1/29/2025. Office loc: Bronx County. LLC formed in NJ on 9/28/2011. SSNY designated as agent upon whom process may be served and mailed to 420 Melville Ave, Lakewood, NJ 08701. Cert. of LLC filed with NJ Secretary of State, PO Box 620, 20 West State St, 6th Fl, Trenton, NJ 08618. Purpose: Any lawful activity.
6534 A07 M My12

NOTICE OF QUALIFICATION of WILLOW CREEK ELECTRIC, LLC. Authority filed with NY Secy of State (SSNY) on 3/6/25. Office location: New York County. LLC formed in Colorado (CO) on 10/12/17. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. CO address of LLC: 743 Horizon Ct., Ste 200, Grand Junction, CO 81506. Cert. of Formation filed with CO Secy of State, 1700 Broadway, Ste 550, Denver, CO 80290. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5935 m17-M a21

LIMITED LIABILITY ENTITIES

GENERATE IMPACT SOLUTIONS LLC. Cert. of Formation filed in DE 5/28/24, Appl. For Auth. filed with NY DOS 2/20/25. New York Cty. SSNY desig. agent of LLC, will mail to the LLC, 8 Spruce St, 54H, NY, NY, 10038. NY office address: 8 Spruce St, 54H, NY NY 10038. Arts. of Org. filed with Secy. of State of DE, 820 N. French St, 4th Fl, Wilmington DE 19801. Any Lawful purposes.
5271 M24 M A28

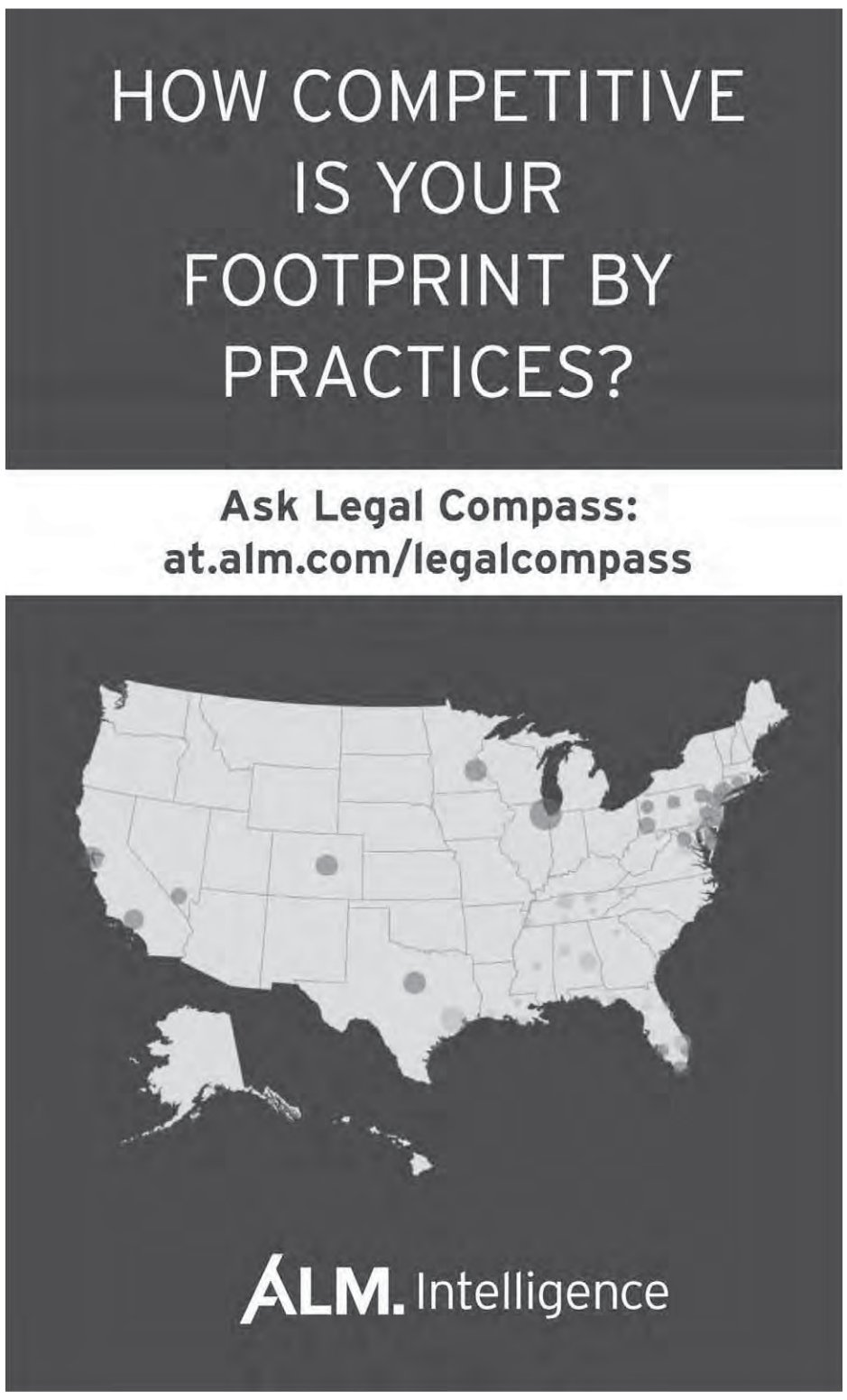
NOTICE OF QUALIFICATION of MK MEDSPA, LLC. Authority filed with NY Secy of State (SSNY) on 3/5/25. Office location: New York County. LLC formed in Delaware (DE) on 12/21/23. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. Ste 4, Dover, DE 19901. Purpose: any lawful activity.
5922 m17-M a21

NOTICE OF QUALIFICATION of OMG BUILDING PRODUCTS LLC. Authority filed with NY Secy of State (SSNY) on 2/11/25. Office location: New York County. LLC formed in Delaware (DE) on 4/18/94. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity.
5925 m17-M a21

NOTICE OF QUALIFICATION of WoW Health Solutions, LLC. Authority filed with NY Secy of State (SSNY) on 2/13/25. Office location: New York County. LLC formed in Michigan (MI) on 11/30/17. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 6786 Rossmore Court, West Bloomfield, MI 48322. MI address of LLC: 400 Renaissance Center, Suite 2600, Detroit, MI 48243. Cert. of Formation filed with MI Secy of State, Ottawa Building, 611 W. Ottawa, P.O. Box 30004 Lansing, MI 48909. Purpose: any lawful activity.
5937 m17-M a21

NOTICE OF QUALIFICATION of JUXTA VENTURE PARTNERS GP LLC. Authority filed with NY Secy of State (SSNY) on 3/3/25. Office location: New York County. LLC formed in Delaware (DE) on 2/27/25. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1411 Broadway, Fl. 16, NY, NY 10018. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity.
5915 m17-M a21

NOTICE OF QUALIFICATION of Kontron America Modules, LLC. Authority filed with NY Secy of State (SSNY) on 2/10/25. Office location: New York County. LLC formed in Delaware (DE) on 12/12/24. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St. Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity.
5919 m17-M a21



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