

IN BRIEF

Wilson Sonsini Offers Nearly \$1M to Summer Associates, Nonprofits to Encourage Pro Bono Partnerships

Wilson Sonsini Goodrich & Rosati has launched a public service program to encourage incoming 2027 summer associates to spend their 1L summers working with a nonprofit or government agency, committing nearly \$1 million to both students and organizations.

Ten lawyers from the firm's summer 2027 class will work across eight nonprofits spread throughout the country. Public interest organizations that host Wilson Sonsini summer associates during their 1L summer will receive a stipend of up to \$25,000 for each law student they take on, while the students will also receive a stipend for their work.

To be eligible for the program, the 1L associates must commit to spending their 2L summer with the firm, Wilson Sonsini confirmed. The practice is gaining popularity, with firms offering up to \$50,000 to 1L students who commit to summer programs, with many stipulating that students are only eligible for the stipend if they commit to public interest work during their 1L summer.

In total, Wilson Sonsini is committing \$900,000 to the project. This includes \$250,000 for the public interest organizations hosting the lawyers, another \$250,000 to the nonprofit participants, and \$400,000 in total to participants who pursue government roles.

In Boston, one summer 1L associate will work with Lawyers for Civil Rights. Two associates in New York will be working with the Legal Aid Society and Sanctuary for Families, respectively. The San Diego Volunteer Lawyer Program, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and the Law Foundation of Silicon Valley will also host one 1L associate each. In Washington, D.C., one associate will join the Tahirih Justice Center

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and another will work with the Veterans Consortium.

One factor in Wilson Sonsini's decision to compensate organizations was rooted in the loss of federal funding for many of these organizations as a result of budget cuts made by the Trump administration. "I feel like when you're not supporting the nonprofit financially, many of them have lost federal funding, so it's really difficult for them to just take on students," the firm's pro bono partner Luke Liss said.

"We're going to support the nonprofits, too; it's not just the students getting paid," Liss said. He said the feedback from partners based on the firm's new plan is positive, noting that such programs that don't contain a stipend for the nonprofits' supervision and overhead "puts pressure on them."

Cherie Conrad Beffa, chief recruiting officer at Wilson Sonsini, noted that while some firms began offering a nonprofit stipend to students, "they didn't think about the implications," Beffa said. "When we mentioned this to [firm managing partner] Doug Clark, he said, 'Well, what about the public interest organizations? Has anyone asked them about this? Can they absorb all of these law students?'"

Another goal with this program was to get ahead of the increasingly hectic recruitment cycle that has led to summer associates being recruited earlier, often in the first semester or two of their law school careers, said Beffa.

"Early recruiting has become a thing," Beffa said. "Students had had an opportunity to spend their whole first year committed to their studies and get jobs during their 1L summer," she said. This is no longer the case, with the

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Gautam Adani, left, and his nephew **Sagar Adani** agreed to pay \$18 million in civil penalties to settle a SEC fraud case.



SHUTTERSTOCK/ARTYAL/ALOMBERG

Feds Appear Set to Drop Criminal Case Against Adani Following SEC Civil Settlement

BY EMILY SAUL

THE U.S. Department of Justice is expected to formally move to dismiss criminal charges against Indian billionaire Gautam Adani on Monday, sources told Law.com.

The decision by DOJ officials to drop the 2024 indictment against Adani and his nephew, Sagar Adani, followed several meetings with the businessman's defense team, high-profile DOJ officials and Brooklyn U.S. Attorney Joseph Nocella, a source with knowledge of the conversations told Law.com.

The meetings, in March and April, consisted of detailed presentations, including a presentation of more than 100 slides aimed at illustrating weaknesses in the case, the person said. The defense submission also included a 115-page white paper and declarations from a former SEC commissioner, a Harvard law professor, an expert on Indian energy markets, and a former Chief Justice of the Indian Supreme Court, according to the source. The names of those individuals were not immediately enumerated, and the documents were not reviewed by Law.com.

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Mistrial Concludes Third Weinstein Sex Crimes Trial In Manhattan

BY EMILY SAUL

THE THIRD sex crimes prosecution of Harvey Weinstein ended in a mistrial on Friday, after jurors once again said they could not reach a unanimous verdict.



Harvey Weinstein

The panel of seven men and five women said in a note that they were deadlocked on whether or not Weinstein, 74, was guilty of third-degree rape.

Defense attorney Marc Agnifilo requested a mistrial shortly after jurors sent out their second note, indicating they were at an impasse. The jury had already been admonished to continue deliberations once before. Manhattan Supreme Court Justice Curtis Farber granted the defense's request.

The trial was the third attempt by the Manhattan District Attorney's Office to convict Weinstein on the charges, which stemmed from an alleged sexual assault of his sometimes girlfriend, Jessica Mann, in 2013.

The decision came on the third day of deliberations.

Weinstein was origi-

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Kirkland's New Group Combines Real Estate And Energy Teams Into Integrated Practice

BY ANDREW MALONEY

WITH demand in real estate and digital infrastructure surging, Kirkland & Ellis said on Friday that it was combining its real estate practice with its energy and infrastructure and mining groups. The firm said the combined practice, called the real assets practice, offers an integrated approach to deals that often involve buildings and land, as well as power, data and connectivity, noting that those teams of lawyers already work across offices.

While firms often announce new or multi-disciplinary practices with a marketing motivation in mind,



IRLAND WEST/JAM.COM

Kirkland's combined real assets group will have over 600 lawyers.

Kirkland's approach may also help several other goals, including staffing the best client teams,

pitching clients, practice strategy, and talent recruitment. Other firms have brought similar offerings to the market. Cooley, for example, launched an energy, infrastructure and real estate group with a former Baker Botts energy leader.

In a statement, Kirkland said it wanted to align with clients and "formalize" its approach, saying the combined real assets group would have more than 600 lawyers across its footprint.

"We've been seeing clients integrate real estate, infrastructure, energy and digital assets in increasingly sophisticated ways," Jon Ballis, the firm's chair, said in a statement. "Our teams

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Authors Who Opted Out of \$1.5B Anthropic Settlement File Copyright Suit, Request Jury Trial

BY MICHAEL GENNARO

NOVELIST Dave Eggers and several other Bay Area writers are among 28 plaintiffs who filed a copyright infringement lawsuit against Anthropic on Wednesday, alleging the artificial intelligence company illegally downloaded, reproduced and distributed their works from pirated online libraries to train its Claude large language models.

The suit filed in the U.S. District Court for the Northern District of California is led by Angie Cruz, a novelist and associate professor at Columbia University in New York. The plaintiffs are represented by Stris & Maher of Cerritos, California, and Freedman Normand Friedland of New York.



Twenty-eight writers, including **Dave Eggers** and **Angie Cruz**, accuse Anthropic of copyright infringement, claiming class action allows AI companies to dismiss high-value claims cheaply.



RIHOOD/PHOTOS, LARRY MOORE/SHUTTERSTOCK

Eggers, whose 2000 memoir "A Heartbreaking Work of Staggering Genius" was a Pulitzer finalist, is the founder of the San Francisco-based independent publishing

company McSweeney's. Other plaintiffs with Bay Area ties include Eggers' wife Vendela Vida, Berkeley educator Aya de Leon, San Francisco State professor

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LANDLORD-TENANT LAW: Spouse wins succession rights to Article V cooperative apartment. *Mutual Redevelopment Houses, Inc. v. Manyevitch*, Civil Court, New York.

Second Department

CRIMINAL LAW: Court declines to invalidate COC over third-party medical records in assault case. *People v. Carrillo*, Supreme Court, Kings.

LANDLORD-TENANT LAW: Court refuses to vacate repair order for fire-damaged, rent-stabilized building. *Lopez v. Evergreen Terrace LLC*, Civil Court, Kings.

ELECTION LAW: Democratic leaders' authorization did not create ballot defect for respondent. *Matter of Rinaldi v. Hevesi*, Supreme Court, Queens.

MOTOR VEHICLE TORTS: Conflicting evidence as to cause of car collision defeats liability motion. *Kakzanov v. Lecy*, Supreme Court, Queens.

LITIGATION: No liability found in former employee's quartz-slab transactions with third-party. *Designer Stone*

Source, Inc. v. Dograa, Supreme Court, Richmond.

U.S. Courts

CRIMINAL APPEALS: Second Circuit rejects habeas challenge over omitted justification charge. *Brown v. James*, 2d. Cir.

EMPLOYMENT LITIGATION: Age bias suit dismissed for failure to plausibly allege discriminatory motive. *Saint Louis v. Specialty1 Partners*, SDNY.

CONTRACTUAL DISPUTES: Fraud, negligent misrepresentation claims survive in chemical technology project dispute. *Buss ChemTech AG v. PCS Phosphate Co.*, SDNY.

SECURITIES LITIGATION: Coinbase customer claims sent to arbitration; securities fraud allegations dismissed. *Heabart v. Coinbase Inc.*, SDNY.

CRIMINAL LAW: Court upholds warrantless apartment entry, denies suppression motion in shooting case. *U.S. v. Richard*, EDNY.

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Meta Legal Ops Chief to Law Firms: It's Time to Ditch the Billable Hour—for Your Own Good

BY GREG ANDREWS

META legal ops chief Mike Haven was unequivocal last week when the moderator of his CLOC Global Institute panel on law firm pricing posed the million-dollar question: In five years, will hourly billing be the exception?

"I agree," he told a packed room at the McCormick Place conference center in Chicago. "That has to be the case for law firms to survive."

Haven, Meta's global head of legal operations, joined Ilona Logvinova, chief AI officer of Herbert Smith Freehills Kramer, as panelists for a session provocatively titled, "The Great Pricing Reset: How AI Is Rewriting the Rules of Legal Value."

Moderating was Basha Rubin, CEO of Priori Legal, a marketplace that helps legal teams find and manage outside counsel.

Rubin set the table for the discussion with a succession of slides highlighting a host of runaway trends, including a doubling of hourly rates and a tripling of Am Law 100 profits per equity partner since 2008.

She pointedly reminded the

room full of legal chiefs and legal ops professionals that they are complicit in the increases.

"You all are the changemakers here," Rubin said. "You can vote with your wallet. There is not change without client pressure, but collectively there is so much power in this room at this conference."

Haven, who joined Meta 18 months ago after serving as Intel's head of global legal operations for nearly five years, said AI adoption is allowing Meta to handle matters internally that it used to turn over to outside counsel.

On top of that, he said, Meta now can embed processes into the business that in some cases completely wipe out the need for lawyers to be involved in matters previously requiring their attention.

He said those realities are "driving outside counsel avoidance" at a time when law firms are having to recognize that they can't bill eight hours for work that used to take that long but now is done by AI in 30 minutes.

And because AI can dispatch of so many tasks that law firm leaders used to assign to junior associates, Big Law's profit pyramid, which relies on associate volume



From left, Basha Rubin of Priori Legal, Mike Haven of Meta and Ilona Logvinova of Herbert Smith Freehills Kramer

to pump up partner profits, is starting to crumble, Haven said.

"We are scrutinizing the invoices, we are scrutinizing the tasks, and we are making sure our matters are staffed appropriately between people and technology," he said.

He said Meta does receive genuine value when it draws on the judgment and relationships of law firm lawyers, but that value doesn't necessarily correlate with time spent.

"When I think about how we perceive value, it is mainly about winning, whatever that means in a particular matter," Haven said.

Toward that end, Meta has begun employing success fees more often. For example, outside counsel might qualify for the fee by disposing of a high-stakes case quickly by prevailing on a motion

to dismiss, sparing Meta from going through discovery and perhaps years of legal uncertainty.

Under hourly billing, of course, that win would have been a loss for the law firm from a financial perspective, bringing its flow of fees to an abrupt halt.

"I have been asking for AFAs for well over a decade," Haven said of alternative fee arrangements. "I always have been doing it for my companies. Now, I am telling top law firms that you need to do this for you."

Though Haven's fellow panelist, Logvinova, is from the law firm side, she agreed that law firms must retool their business models to focus on the value they provide clients.

"Legal services need to change. For firms to get it right, the question is what should those services evolve into. It is our job to figure out what would be beneficial to our clients," she said.

"I think the firms that do well will continue to get that work. But there will be firms that will not do well."

Logvinova, who was head of innovation for McKinsey Legal and director of practice innovation for Cleary Gottlieb Steen & Hamilton before taking her current post 19

months ago, said that she believes that in five years demand for legal services will be higher than it is today, while Haven said he believes the opposite.

Logvinova also pointed out that it's not just law firms that have been slow to embrace alternatives to the billable hour.

"Most clients are still asking for the billable hour because they haven't been conditioned to something else," she said.

Even so, none of the three speakers see clinging to the status quo as a winning strategy for law firms.

"I think law firms are going to be under a pretty existential threat to reform their business model," said Rubin, CEO of Priori Legal.

But Haven and Logvinova said it's important to remember that law firms and legal departments are part of the same ecosystem—and that each side needs the other.

So, it isn't really about who will win the showdown. Haven said law firms and legal departments need to work through the issues together, and do so with an abundance of empathy.

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DOJ Making Big Push to Use AI to Suss Out Price-Fixing, Collusion

BY BRENDAN PIERSON

ARTIFICIAL intelligence is playing a growing role in detecting anticompetitive activities like price-fixing and bid-rigging, posing new antitrust compliance challenges for companies.

The trend has been picking up steam for years. In 2020, legal experts submitted a report to the Administrative Conference of the United States stressing the importance of AI for government agencies, including to detect fraud. In 2022, a U.S. Justice Department report highlighted the need for "cutting-edge analytics tools" to suss out collusion.

The recent AI explosion, driven by rapid advances in large language models, has only accelerated the trend of enforcers using AI.

"I think it's a continuation of what we've had, but it's getting better and easier," said Morgan Lewis & Bockius partner William McEnroe, adding that the new tools are likely being used both by regulators and the private plaintiffs bar.

At a meeting in California last week, DOJ officials said investiga-



U.S. Department of Justice offices in Washington, D.C.

tors in all three of the Antitrust Division's field offices are using artificial intelligence to track pricing history, purchase history and other large datasets to identify prosecutable cases, looking for red flags that could indicate collusion.

Compounding the risk posed by new AI detection tools is an antitrust whistleblower program that DOJ launched last year. The agency has said the program has led to a surge in antitrust whistleblower

complaints, many of them driven by data analytics tools.

The program made its first payment in January, doling out \$1 million to an individual who exposed a bid-rigging and fraud scheme involving EBlock Corp's online vehicle auction platform, which resulted in a \$3.28 million criminal fine.

Last month, the DOJ launched the Fraud Oversight through Careful Use of Statistics, or FOCUS, ini-

tiative, which encourages data-mining whistleblowers to report False Claims Act violations, which often overlap with antitrust issues in government contracting.

The department said that complaints brought by so-called data miner relators have produced mixed results, with less success on average than False Claims Act cases originating within the department. FOCUS aims to boost the quality of those complaints by inviting data miners to meet with department staff to explain their methods and show why they are reliable.

"The FOCUS initiative seems to signal an overarching acceptance by DOJ that data miner relators are here to stay—and can provide value in the right circumstance," Sidley Austin attorneys wrote in a recent client alert. At the same time, they said, the program "intends to prioritize data-miner relators who can demonstrate meaningful pre-filing diligence, analytical rigor, familiarity with the governing program rules, and legally sufficient allegations."

In response to these developments, some attorneys say, com-

panies should start deploying AI or other data analytics tools themselves to look for signs of potentially risky behavior.

McEnroe said he has already seen some companies start to use AI tools to monitor the market and "get out in front" of potential antitrust risks, particularly in industries with only a few players and commoditized products.

The flip side, McEnroe said, is that companies need to be careful not to use AI or other automated tools to help set prices in ways that could give rise to antitrust risks.

The DOJ took a high-profile stance against so-called algorithmic pricing two years ago when it sued RealPage, whose software allows real estate owners to set rents. But the agency settled the case late last year, under terms that don't give businesses clear guidance on what specific practices might put them in prosecutors' crosshairs. Under the deal, RealPage agreed to stop using competitor data and to submit to three years of independent monitoring.

"There's a lot of uncertainty in terms of what's legal and what isn't,

what data inputs those algorithms can use and what they can't," McEnroe said.

"Figuring out how to be an efficient business while avoiding tacit collusion that could be misinterpreted as express collusion is where folks should be thinking about where their compliance programs match up with the business realities," he added.

Companies "have to invest in manpower and their own technology to be in compliance" with federal guidelines and with a growing number of state laws regulating algorithmic pricing and similar practices, said David Hamilton, an antitrust litigator at DLA Piper. "It is fundamental that there has to be human intervention at all steps along the way."

It is also important, McEnroe said, to maintain an "if you see something, say something" culture within a company before any concern reaches the level of a whistleblower complaint.

"I think one of the challenges for in-house counsel is being the first to receive the call rather than an employee calling an enforcer," he said.

FTC Maintains Stance on Noncompetes Whether Under Trump or Biden

BY CHARLES TOUTANT

A SURPRISE to emerge from the Federal Trade Commission's order directing Georgia-based Rollins Inc., the parent of Orkin and other pest control providers, to stop enforcing noncompete agreements on its 18,000 employees is that the principles behind the Trump administration's view on measures restricting workplace mobility are not so far from those of the Biden administration.

After the Biden administration enacted a sweeping ban on noncompetes, the Trump administration dropped the government's appeal of a ruling calling that policy unlawful.

But the Trump FTC says it will still work to unravel what it sees as unreasonable noncompetes on a case-by-case basis.

The Trump FTC appears prepared to challenge noncompetes it views as extreme, or those targeting lower-wage workers. But it sees a role for noncompetes for executives and others who have access to trade secrets or specialized training.

Under the Trump FTC, reasonableness—rather than categorical bans—is key.

"What's fascinating about noncompetes is that there are branches of both political parties that are against them, and in gen-

eral, public sentiment is against noncompetes. So while the FTC under the Biden administration took one approach toward prohibiting noncompetes, the Trump administration, while they're taking a different approach, it's still an approach of seeking to prohibit the broad use of noncompetes," said Jay Sabin, a labor and employment lawyer at Brach Eichler in Roseland, New Jersey.

"If I was a political scientist, I might say this is a populist sentiment—not trying to tie the working person down to one organization, allow the working person to enter the marketplace and use his or her leverage to get the best job for the best price. And that populist sentiment today, in 2026, manifests itself in both political parties," Sabin added.

The FTC ordered Rollins, based in Atlanta, to stop enforcing existing noncompete agreements for its employees.

The company's noncompete agreements prohibited employees from working in pest control within a predetermined distance, typically within a 75-mile radius from one of Rollins' more than 700 locations in the U.S.

The FTC found Rollins' noncompetes hinder employee mobility and wage and job growth and limit small business formation.

Besides ordering the company to undergo compliance monitoring



Justin Beyer of Saul Ewing and Jay Sabin of Brach Eichler

for five years, the FTC sent warning letters to 13 other pest-control companies it did not identify, urging them to review their employment agreements for noncompete provisions that the agency said might carry similar harms.

The agency's decision to block Rollins from enforcing or entering into most employee noncompete agreements serves as a warning to other companies that still rely on broad, boilerplate restrictions across large portions of their workforce, said Justin Beyer, a Saul Ewing partner in Chicago who specializes in trade secret and non-compete disputes.

Beyer said the action should get the attention of companies in manufacturing, healthcare, transportation, pharmaceuticals, construction, agriculture, real estate and other industries that commonly use restrictive covenants.

The action also signals that, even after the FTC's nationwide noncompete ban was struck down, regulators are not walking away from the issue but shifting to a company-by-company approach that could create serious consequences for employers who overreach, Beyer said.

The Rollins case indicates the FTC looked askance at the broad

application of noncompetes to people who spray for bugs and earn relatively low wages, and the wide, 75-mile radius that applies to employees, Beyer said.

Employers that impose noncompetes too broadly, when a less-restrictive approach would work, could find themselves under the FTC's scrutiny, he said.

"The FTC has signaled that, whether it was the Biden administration or Trump administration, that their view of this is that there's no restriction on confidentiality agreements. There's no restriction on non-solicitation," Beyer said.

A handful of employers are adamant that they can't hire employees without a noncompete, and in other cases employers merely have a noncompete requirement that's been in effect for years and hasn't been examined, Beyer said. Still, the role for noncompete clauses is getting smaller, Beyer said.

"There are so many factors involved, between the way the economy has shifted through the years, the number of significant economic events that we've seen in the last 25 years. I don't think courts are looking at them the same way. I don't think states are looking at them the same way. And I think that you'll continue to see an evolution as to how noncompetes are utilized, and where they're utilizing them and who

gets to utilize them," Beyer said.

Meanwhile, Sabin added that regulatory and legislative activity limiting the use of non compete is likely to continue.

"I don't see the FTC promulgating across the board regulation, but I do foresee local and state bodies, legislative bodies and regulatory bodies prohibiting non competes in one fashion or another, and that's because the general public sentiment is against non competes. Each business has to assess its own interests and how and whether or not can be narrowly targeted to protect that interest," Sabin said.

For example, an organization can distribute ownership equity interest to employees and have as a noncompete provision for that equity interest. That's generally enforceable," Sabin said.

"A business that's involved in a corporate transaction, for example, selling itself or buying another business, can generally require noncompetes from people involved in the transaction. So there are paths forward to protect business interests," Sabin said. "What this enforcement matter highlights, however, is that a less well-thought-out, across-the-board approach will likely not be enforceable."

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Expert Analysis

CRIMINAL LAW

4 Successful Tactics for Criminal Defense Attorneys Representing Traumatized Clients

In May 2025, the Center for Justice Innovation published the first-ever national blueprint for trauma-informed practices in criminal courts. For one year, courts have been adopting and implementing the blueprint recommendations.

The document was three years in the making, drawing on surveys of courts in 20 states, interviews with practitioners across the country, and a national symposium. It addressed judges, clerks, prosecutors, court administrators, and security personnel. It covered physical courtroom design, arraignment procedures, bail hearings, plea colloquies, and sentencing.

It had almost nothing to say about defense attorneys.

That gap is not intended as a criticism of the blueprint, which is a serious and useful document. It reflects the reality that trauma informed practice in the legal system has largely been understood as a court-management problem: how do institutions process traumatized people without making things worse?

There has also been discussion regarding how prosecutors work with victims and witnesses of crime. The question focusing on how an individual defense attorney should understand and respond to the traumatized client sitting across from them has received far less attention. Real change will require leadership from the defense bar.

I work primarily with middle and upper-middle-class clients, students, parents, business people, and professionals; groups that would not ordinarily be thought of as trauma populations. In reality, they are victims of trauma.

The research is unambiguous: nationally representative studies find that more than 80 percent of American adults have been exposed to at least one traumatic event in their lifetime, and two-

By
H. Ernest Stone



thirds carry at least one adverse childhood experience.

So, before a client ever walks through my door, they are likely carrying some history of trauma. Think about repetitive childhood emotional trauma, addiction, abusive romantic relationships, sexual abuse, traumatic physical injuries, and other “baggage” clients carry and remove from their daily lives. They won’t tell you about it, but it’s there.

For many clients, simply walking through my door can trigger

The research is unambiguous: nationally representative studies find that more than 80 percent of American adults have been exposed to at least one traumatic event in their lifetime, and two-thirds carry at least one adverse childhood experience.

an acute trauma response. Criminal accusation meets the clinical definition of trauma articulated by the Substance Abuse and Mental Health Services Administration: an event resulting in lasting adverse effects on mental, physical, emotional, or social well-being.

The legal process may overwhelm a client involved in a violent event; one who has been arrested unexpectedly by aggressive police; the wrongly-acused; the clearly guilty who have been abandoned by friends and family, and society; and those with uncounted traumas experienced before we meet them. The legal process can intensify symptoms for clients with prior trauma,

Behaviors associated with trauma are predictable, and as defense lawyers we are familiar with, and frustrated by them. The client who cannot give a consistent account of events. The client who insists on a version of events that the objective evidence contradicts. The client who cannot focus on what we know is important.

The client who goes flat and gives one-word answers and cannot elaborate. The client who suddenly becomes agitated in a conversation when they were completely calm a moment before. We may have seen these as character issues or personality defects, however now we understand they may be neurological presentation symptoms of trauma.

Understanding trauma symptoms requires knowing how the experience affects brain function. In brief, among other effects, trauma primes the amygdala—the brain’s threat detection center—to register faster than conscious thought, triggering hormonal cascades that impair the prefrontal cortex, the seat of reasoning, planning and organized communication.

The hippocampus, which normally sequences memory in time and place, is disrupted under high-stress encoding, producing fragmented rather than narrative recall. Broca’s area, responsible for language, can go functionally dark when traumatic material is re-experienced. These neurological events are documented with specific, predictable consequences for every conversation an attorney has with a traumatized client. The neurological science of trauma is now well-established and is readily accessible to us.

It took me two decades of practice to fully appreciate the need to understand this. Up to this point, I had been reading client behavior through a lens of character and motivation—assuming that resistance, inconsistency, and disengagement reflected deliberate choices.

I should have been reading the behavior as clinical. » Page 8

RELIGION LAW

Defamation Claims at the Intersection Of Church and State

The ecclesiastical abstention doctrine, grounded in the Free Exercise Clause of the First Amendment, forbids civil courts from resolving disputes on the basis of religious doctrine and practice. This seemingly straightforward constitutional principle has, in application, generated a host of difficult questions and persistent uncertainties. See Barry Black and Hillary Byrnes, The Parameters of Ecclesiastical Abstention, New York Law Journal (Oct. 3, 2025).

The doctrine’s application becomes especially fraught in defamation cases arising within religious settings. When allegedly defamatory statements are uttered in church disciplinary proceedings, prayer meetings, or other internal religious contexts, courts must decide whether to abstain or to apply neutral principles of law—a secular framework that permits adjudication without resolving theological questions.

Although *Jones v. Wolf*, 443 U.S. 595 (1979), introduced the neutral principles approach in the context of a church property dispute, courts have since extended the approach to contract, tort, and defamation disputes, producing a patchwork of outcomes.

This article explores how New York courts have drawn the line between abstention and adjudication in church-related defamation disputes, surveys the divergent approaches taken in other jurisdictions, and considers whether the Supreme Court should finally resolve the enduring split.

The New York Approach: A Fact-Specific Line Between Secular Adjudication and Ecclesiastical Abstention

The delicate boundary between abstention and adjudication comes into focus when examining New York courts’ treatment of defama-



By
Barry Black



And
Eden Chua

tion claims arising within religious institutions. In *Berger v. Temple Beth-El of Great Neck*, 303 A.D.2d 346 (2d Dep’t 2003), the plaintiff sued his congregation and its executive board over a statement circulated to members regarding the termination of his membership.

The congregation argued that the court lacked subjectmatter

In recent years, the Second Department has sought to further delineate the boundaries of the ecclesiastical abstention doctrine in the defamation context.

jurisdiction because the dispute concerned “the internal governance of a religious institution.” The Appellate Division, Second Department, disagreed, concluding instead that the “defamation action can be settled by the application of neutral principles of law, and does not implicate matters of religious doctrine and practice.”

By contrast, in *Mandel v. Silber*, 304 A.D.2d 538 (2d Dep’t 2003), the trial court concluded that adjudicating the plaintiff’s defamation claim would necessarily entangle the judiciary in religious doctrine. In affirming the dismissal, the Second Department reasoned that “resolution of the parties’ dispute would necessarily involve an impermissible inquiry into religious doctrine and a determination as to whether the plaintiff violated religious law,” and therefore affirmed dismissal of the claim. Regrettably, the court offered no further explanation as to why the dispute could not be resolved through neutral princi-

ples, leaving the precise contours of the “impermissible inquiry” unresolved.

In recent years, the Second Department has sought to further delineate the boundaries of the ecclesiastical abstention doctrine in the defamation context. In *Laquerre v. Maurice*, 192 A.D.3d 44 (2d Dep’t 2020), the plaintiff, a former church elder, alleged that he was defamed when the defendant pastor told approximately 300 congregants that the plaintiff “was a homosexual who viewed gay pornography on the church’s computer.” According to the complaint, the pastor made these statements to influence the congregation’s vote to remove the plaintiff from his leadership role and terminate his membership.

The defendants moved to dismiss, arguing, among other things, that adjudicating the claim would require the court to intrude upon matters of internal church governance.

But the Second Department rejected that argument. Because the plaintiff did not challenge his expulsion from the church or seek reinstatement, and because the allegedly defamatory statements could be evaluated without reference to religious doctrine or ecclesiastical principles, the court held that adjudication would not necessitate impermissible inquiry into church governance.

When defamation allegations involve the fitness of ministers to serve as such, New York courts are more hesitant to intervene. In *Jackson v. Presbyterian of Susquehanna Valley*, 265 A.D.2d 253 (1st Dep’t 1999), a Presbyterian minister alleged that other ministers made defamatory statements about his fitness to continue serving in that role. In its decision, the First Department declined jurisdiction, holding that “adjudication of the dispute would impermissibly involve the court in matters left by constitutional design for ecclesiastical resolution.

In *Kaplan v. Khan*, 31 Misc. 3d 1227(A) (Sup. Ct. 2011), the allegedly defamatory statements were made during a church prayer meeting. At that » Page 6

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IN BRIEF

« Continued from page 1

prevalence of virtual interviews after the pandemic. “It’s all about this arms race to get to the best law students, and what firms can get the best law students first,” Beffa added. “This year, it just completely blew up, and firms started interviewing students in the first semester of law school before grades were even out.”

Wilson Sonsini’s program is designed to allow law students the chance to experiment with pro bono work while also staying true to the firm’s commitment to giving back some of its legal expertise to the community, Liss said.

“We do have competitive pressures figuring out how to evolve in this marketplace, but we also wanted to be true to who we are in pro bono and our relationships with our nonprofit partners,” Liss said. “From the beginning, Doug emphasized to me, ‘We want this to be a real thing, we don’t want to just dump students at random nonprofits, we want it to be with people we have relationships with in cities that we have offices.’”

So far, “the feedback has been fantastic,” Beffa added. “I think the biggest piece of it that’s different from what other firms are doing is our partnership actually helped the students find placements.”

—Samson Amore

Boomed by Transactional Demand, Croke Fairchild Expands Into NYC

Croke Fairchild Duarte & Beres is expanding its talent pool in New York and the tri-state area amid what firm leadership sees as rising client demand for its transactional and finance practices. Managing partner Drew Beres said that expansion includes a new brick-and-mortar office in New York City.

The 119-lawyer firm, founded in late 2019, currently has nine attorneys based in its new office at 270 Seventh Avenue in Chelsea, specifically the Malin Building.

Croke Fairchild has long had a presence in the tri-state area through some of its remote attorneys, Beres said, adding that a recent uptick in demand made establishing a physical office the right move now.

“There’s just more and more New York clients that have popped up or that we’ve expanded work with,” Beres said. “So, it’s been important to us to be there because it’s where a lot of important work is happening. It’s

a move based on that and not a move that’s sort of, ‘If you build it, they will come.’”

That increased client demand is coming in the firm’s fund formation, debt finance, venture capital and mergers and acquisitions practices, Beres said.

Josh Steinman, chair of Croke Fairchild’s venture capital and founders practice group, will be leading the New York office, the firm said.

Croke Fairchild is looking to expand its talent pool in New York and is already in talks with a litigation partner who is coming over soon, Beres said.

The firm’s New York office is part of a shared space with other law firms and companies, which Beres said is a type of arrangement that the Croke Fairchild has always valued as a firm.

Croke Fairchild is also growing in its home base. The firm expanded to over a full floor at its 222 North LaSalle office location, but Beres said that part of that space is still dedicated office space for clients who want to have people working there.

The New York office opened in mid-April after renovations to the space were completed. The office launch comes alongside the launches of a new sports practice as well as a new immigration team at Croke Fairchild, both of which started up this year with new partners.

The immigration practice began with lateral partners Timothy Payne from Baker Hostetler and David Diorio from Sidley Austin, while the sports practice kicked off with newly-appointed Croke Fairchild partner Jason Burch, who also used to be at Sidley.

—Ryan Harroff

CFTC Eases Swap Reporting Rules for Prediction Markets

The Commodity Futures Trading Commission eased reporting requirements for prediction market events contracts Wednesday, saying it will not pursue enforcement action against platforms for failing to comply with recordkeeping rules for swaps.

Applying swap reporting requirements to prediction markets creates unnecessary and duplicative burdens on the platforms, the CFTC stated in a staff no-action letter. Event

contracts function more like exchange-traded futures or options rather than swaps and may be reported only under futures-style reporting requirements, CFTC added.

The commission said it issued the letter in response to no-action requests from multiple prediction market platforms including the two dominant companies—Kalshi and Polymarket. Rather than address swap reporting on an ad hoc basis, the commission opted to issue broad, no-action relief, the CFTC said.

Agency staff stated that event contracts may meet the technical definition of swaps but have similar characteristics as futures and options when listed for trade on prediction market platforms.

The commission is likely to address reporting requirements of event contracts more broadly in future rulemaking, the letter stated.

“The no-action position set out in this letter will be effective until a final rule is adopted by the commission addressing this matter,” staff added.

The industry-friendly move comes as the CFTC continues to jostle with states over prediction market regulation.

Since April, the CFTC has sued five states—Arizona, Connecticut, Illinois, New York and Wisconsin—that have sought to regulate prediction markets like gambling. CFTC Chair Michael Selig has repeatedly said the agency has exclusive jurisdiction over futures trading.

On Tuesday, the CFTC filed an amicus brief in the U.S. Court of Appeals for the Sixth Circuit detailing how the agency’s jurisdiction over prediction markets preempts state law. The case is an appeal of a U.S. District Court for the Southern District of Ohio decision upholding the state’s effort to shut down Kalshi’s sports event wagering.

“The federal district court in Ohio took an improperly narrow view of the commission’s jurisdiction, and we are asking the court of appeals to correct that error,” Selig said in a statement. “The CFTC will not allow overzealous state governments to undermine the agency’s long-standing authority over these markets.”

The commission has also filed amicus briefs in the U.S. Court of Appeals for the Ninth Circuit and the Supreme Judicial Court of Massachusetts.

—Dan Novak

Outside Counsel

AI Intoxication and the Hallucinations Keep Lawyers Employed

A new generation of lawyers, born after the year 2000, are now emerging from law school. They are the first generation, known as digital natives, to have grown up not only with the internet having always existed in their academic and professional lives, but for many, with the use of AI tools integrated into the way they approach problem solving.

While this is an exciting opportunity for innovation and efficiency in the legal workplace, Gen Z has expressed concern regarding the cognitive effects of frequent AI-usage.

The integration of artificial intelligence into the legal profession has had well-documented hiccups. Generative AI platforms have frequently hallucinated case law, creating citations and quotes that don’t exist. Some lawyers have relied on this imagined caselaw, filing briefs to the court without even checking.

So far, in the first four months of 2026, there are already several hundred identified cases where U.S. courts have sanctioned attorneys for making false statements of law generated by AI.

A recent high-profile example was seen in the letter from a prominent big-law firm in Manhattan (no names, please) to the Southern District of New York apologizing to the court for using fake citations provided by an unnamed AI program. The firm explained that their “review process did not identify the inaccurate citations generated by AI.”

While AI’s creation of false legal authority continues to make headlines in the law world, attorneys are increasingly emboldened to crank out self-assuring articles explaining why the legal profession is not one of those workforces that is replace-

DAVID WEINSTEIN is an associate at Lewis Baach Kaufmann Middlemiss, focused on cross-border litigation and arbitration. ADAM KAUFMANN is the executive partner at the firm, practicing in the areas of investigations, white-collar crime, sanctions, and complex commercial fraud.



By David Weinstein



And Adam Kaufmann

able by AI.

Are we over-confident because of AI’s current failures to accurately emulate our research and writing without considering what AI will become in the future? Some of us were shocked upon hearing that *Westlaw*’s AI research tool, *CoCounsel*, generated false quotations that led to the filing of misleading legal arguments before the Sixth Circuit Court of Appeals.

While this is an exciting opportunity for innovation and efficiency in the legal workplace, Gen Z has expressed concern regarding the cognitive effects of frequent AI-usage.

Many thought that such careless mistakes only happened with the *ChatGPTs* and *Geminis* of the world—the layman’s AI generative tools—not a bespoke piece of software tailored and designed for assisting lawyers with legal research.

Apparently, an attorney sanctioned by the Northern District of California for citing fake cases generated by *Westlaw* shared my belief. In his explanation to the federal court, he “acknowledged reading the Thompson Reuters disclaimer about the accuracy of the CoCounsel AI tool but emphasized that the sales representative stated there was ‘no way’ the program could produce hallucinations.”

Detectability considerations are now at the forefront of how we consider AI’s role in legal writing, but there is an element of pride as

well: “Am I better than AI?” “Will an em-dash trigger readers to wonder if ChatGPT helped draft this article?” “What if Chat could have written this article better?” While these questions become points of creative and professional pride, it is the ethical considerations that should still be most important for attorneys. Brazen reliance on AI-generated research, without verification, equates at best to a lack of care and at worst an outright ethical failure towards clients. As noted by Judge Anna Manasco of the U.S. District Court for the Northern District of Alabama, attorneys’ use of fake citations, “whether generated by artificial or human intelligence,” reflects an “extreme dereliction of professional responsibility.”

While the U.S. legal system may be safeguarded by an adversarial “neighborhood watch” of lawyers eager to catch one another’s mistakes, in our industry the true stakeholders are the clients. Clients deserve the strongest protection but are often the ones most affected by the consequences of attorneys’ mistakes and misconduct.

Which raises the question, what if AI legal tech gets better? If AI-generated legal arguments become more accurate and human-sounding (which is more or less the existential goal of “agentic” AI – *being more human*) then what are the prospects for junior lawyers whose firms might bill \$1,400 for two hours of their work drafting a legal brief that AI could do just as well in 2-3 minutes?

Maybe with the use of AI, that junior lawyer could spend 15 minutes drafting a well-crafted prompt, asking AI to generate a brief in a specific format, and then proofread and make some finishing edits in far less time than the traditional process, thus saving the client a lot of money. This would threaten law firms’ core revenue source, the billable hour, and detract from the junior lawyer’s training.

Consider a world where AI stopped making up case law and got it right 100% of the time. Then, not only could AI write like a human (or better) but it could develop sound legal

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Authors

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Carolina De Robertis, writer and comedian Brian Copeland, Walter Gmelch of the University of San Francisco, and longtime Stanford legal scholar John Ferejohn, who is now at New York University.

The lawsuit arrived the day before a hearing Thursday in the same San Francisco courthouse to consider final approval of the *Bartz v. Anthropic* settlement — timing that underscores a growing divide among authors over how aggressively to pursue claims against AI companies.

All 28 plaintiffs, whose books appeared on a list of infringed works compiled for the *Bartz* settlement, opted out of that class action to pursue their claims individually, the complaint said.

“Plaintiffs desire to retain full control of their case and avoid having their rights diluted by being swept into sprawling class-action settlements structured to resolve claims for pennies on the dollar,” the suit stated.

The filing further argued the class action treatment effectively subsidizes infringers.

The large language model companies, it said, “should not be able to so easily extinguish thousands upon thousands of high-value claims at bargain-basement rates, eliding what should be the true cost of their massive willful infringement.”

The plaintiffs allege Anthropic has ridden its infringement of their work to a \$1 trillion valuation as of April 2026.

“The Copyright Act doesn’t allow Anthropic to get a free ride on the backs of Plaintiffs and the other creators and publishers whose copyrighted works it exploited to build its trillion-dollar generative AI enterprise,” the complaint states. “Plaintiffs bring this action to hold Anthropic accountable for the infringement that enabled its rise in the generative-AI marketplace, and to enforce the fundamental principle that creative expression cannot be taken, copied, or exploited without permission or compensation.”

The plaintiffs invoked their right under the Copyright Act to

have a jury determine both the willfulness of Anthropic’s conduct and an appropriate damages award, rights they say would be diluted in a class action context.

The new complaint draws heavily on factual findings from *Bartz*, which was litigated before U.S. District Judge William Alsup prior to Alsup’s retirement in December. According to those proceedings, Anthropic reportedly downloaded approximately 7 million copies of books from LibGen and PiLiMi, shadow libraries that federal courts have repeatedly enjoined for copyright infringement.

The Cruz complaint alleges that in June 2021, Anthropic co-founder Ben Mann personally tormented roughly 5 million books from LibGen, with the knowledge and approval of fellow Anthropic co-founders Dario Amodei and Jared Kaplan. It further alleges that in 2022 Anthropic employees tormented approximately 2 million additional books from PiLiMi, a mirrored archive of the seized Z-Library repository. The complaint quotes Alsup’s findings that Anthropic “had many places from which it could have purchased books, but it preferred to steal them” to avoid what internal communications described as “legal/practice/business slog.”

Beyond the downloading, the plaintiffs allege that Anthropic stripped copyright management information from the works before feeding them into its training pipelines, and that since 2024 the company has purchased physical books at scale, sometimes in batches of tens of thousands, and scanned them into digital files without authorization.

The complaint also cites academic research suggesting Claude’s models have retained near-verbatim copies of copyrighted works within their model weights. According to a 2025 study by researchers from Cornell, Stanford, and West Virginia University cited in the filing, researchers were able to extract from Claude’s 3.7 Sonnet model approximately 97.5% of “The Great Gatsby,” 95.5% of “1984,” and 92.3% of “Harry Potter and the Sorcerer’s Stone” using repeated prompting techniques.

The plaintiffs bring three counts: direct copyright infringe-

ment, contributory copyright infringement based on Anthropic’s use of peer-to-peer torrent networks, and removal of copyright management information. They seek statutory damages, permanent injunctive relief, disgorgement of profits and attorney fees

Under the Copyright Act, statutory damages for willful infringement can reach \$150,000 per work. The plaintiffs argue that pursuing individualized damages before a jury, rather than accepting the roughly \$3,000 per title offered by the *Bartz* settlement, is the better path.

The ‘Bartz’ Backdrop

At the end of August 2025, Anthropic agreed to a \$1.5 billion settlement in the *Bartz v. Anthropic* class action, covering almost 500,000 pirated works that were illicitly downloaded from the LibGen and PiLiMi datasets. Alsup gave the settlement preliminary approval in September, with Anthropic agreeing to pay rights holders roughly \$3,000 per title. As part of the deal, Anthropic agreed to destroy the allegedly pirated datasets, and the settlement resolved claims relating to conduct through Aug. 25, 2025.

The \$1.5 billion payout would be the largest copyright settlement ever.

A final hearing on that settlement was scheduled before U.S. District Judge Araceli Martinez-Olguin, who was assigned the case after Alsup’s retirement.

In June 2025, Alsup ruled on summary judgment that using books without permission to train AI was fair use if they were acquired legally, but denied Anthropic’s motion on the piracy question, finding that the piracy itself was not fair use. That distinction—lawful acquisition is potentially permissible, downloading from shadow libraries is not—frames both the *Bartz* settlement and the new round of opt-out litigation.

Anthropic did not immediately respond to a request for comment on the lawsuit.

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Fusco

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Hartman ruled that the PCFB, a seven-member arm of the four-member, bipartisan state Board of Elections, failed to follow its own regulations concerning outreach and notice to Blakeman and Hood’s campaigns concerning the perceived filing issue.

Hartman took issue with the board’s failure to follow its own provisions for curing the application; he gave them a week’s time to fix it.

Hodgson Russ, which is also representing two Democratic members of the state Board of Elections, did not return a message seeking comment.

In an interview, Fusco said: “We’re very happy with the court’s ruling and we’re very confident that’s going to be upheld on appeal.”

For constitutional law litigators, Fusco said the decision has

implications beyond unlocking the money.

“This is a case about notice, cure and due process,” Fusco said.

The PCFB’s resolution was nullified, Fusco said, “because it is the height of arbitrary and capricious behavior.”

“The regulation that the board cited was not in effect when Bruce was certified for the program, and the form that they claim is improper—the board actually never promulgated the proper form,” Fusco said. “So they’ve made it impossible for anyone to follow what it is they think the process should be for filing.”

Fusco is the owner and proprietor of Fusco Law Office in Albany, which represents dozens of Republican candidates for public office in ballot access and elections proceedings. He’s also chief counsel to state Assembly minority leader Ed Ra.

Fusco said the board’s resolution, “more than ever,” casts

doubt about whether it is bipartisan, given its composition allows an appointee of Democratic Gov. Kathy Hochul to cast a deciding vote.

Fusco suggested reforms are needed from the state Legislature for an even-handed process.

Paradoxically, Fusco said his client doesn’t believe that taxpayers should provide match campaign funds.

But since the program exists, they’re using it to close a wide disparity between Hochul’s campaign, which is not using the program, and has amassed upward of \$20 million in cash as of the lawsuit’s April filing.

“I think it’s extremely problematic that you’ve got a board that can rule against or decertify certain individuals from the program, and that they can do so along partisan lines,” Fusco said.

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Adani

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The federal Office of Foreign Assets Control is also expected to announce the resolution of an investigation into the Adani Group on Monday, which would include a settlement of around \$275 million.

The DOJ dismissal and the OFAC resolution were first reported by Bloomberg. They come as the U.S. Securities and Exchange Commission on Thursday said it would agree to resolve a civil matter accusing the two men of bribing Indian officials.

In a letter to U.S. District Judge Nicholas Garaufis of the Eastern District of New York on Thursday, the SEC said both parties agreed to settle the matter with no admission of wrongdoing.

Garaufis must still approve the settlement. Under that agreement, Gautam Adani would pay a civil penalty of \$6 million, while his nephew, Sagar Adani, would pay \$12 million.

The criminal case is also before Garaufis, who must rule on any motion to dismiss.

Both Adani and his nephew were indicted on charges including conspiracy to commit securities and wire fraud, and were sued by the SEC in 2024.

Gautam Adani hired a team at Sullivan & Cromwell in 2025 to represent him in the matter, including Robert Giuffra, Nicolas Bourtin, Suhana Han, James McDonald and Andrew DeFilippis. Giuffra, a longtime securities lawyer, is also a personal lawyer for President Donald Trump.

Sagar Adani is represented by Tim Sini of Nixon Peabody.

The New York Times on Thursday reported that the reversal followed a meeting in which Giuffra told government officials that his client would be willing to invest \$10 billion in the American economy if the cases were dropped.

The source confirmed that the statement was made but said it was a reference to a years-old social media post from Adani that was included in the larger presentation. The post was made by Adani on Nov. 13, 2024, following the re-election of Trump, on the X microblogging site.

“As the partnership between India and the United States deep-

ens, the Adani Group is committed to leveraging its global expertise and investing \$10 billion in US energy security and resilient infrastructure projects, aiming to create up to 15,000 jobs,” read the post.

In a letter to Garaufis in April, lawyers for both Adani and his nephew said the SEC lacked jurisdiction to bring the matter, as the alleged conduct happened in India, and failed to state a claim.

Prosecutors and the SEC alleged the duo promised to pay Indian government officials hundreds of millions of dollars to obtain Indian government energy contracts.

Adani is one of the world’s richest people and leads the energy company Adani Green Energy Limited with his nephew.

The U.S. Department of Justice did not immediately return messages seeking comment, nor did a spokesperson for the U.S. Attorney’s Office for the Eastern District of New York.

Giuffra did not immediately respond to requests for comment.

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Verdicts & Settlements

MOTOR VEHICLE

Plaintiff Said He Was Struck by Reversing Vehicle in Parking Lot

Mediated Settlement: \$75,000

Michael Nalbhone v. Alan Roy Steen and Fairchester Custom Windows LLC dba Renewal by Andersen, No. 501785/2024

Court: Putnam Supreme

Plaintiff Attorney(s): Michael LoGiudice; Michael LoGiudice, LLP; Brewster NY for Michael Nalbhone
Defense Attorney(s): Kevin Thomas Conklin; Mead, Hecht, Conklin & Gallagher, LLP; White Plains, NY for Alan Roy Steen, Fairchester Custom Windows LLC

Facts: On April 24, 2024, plaintiff Michael Nalbhone, 57, a security agent, was walking in a parking lot off Route 6 in Carmel. Alan Steen, an employee of Renewal by Andersen, was in his SUV, which was parked in the lot. Steen reversed his vehicle into Nalbhone. Nalbhone claimed injuries to his knee, hip, neck, back, wrist and shoulder.

Nalbhone sued Steen and Renewal by Andersen. Nalbhone claimed that Steen was negligent in the operation of his vehicle and that Renewal by Andersen was vicariously liable for its employee's actions.

Plaintiff's counsel maintained that Steen would have seen the plaintiff if Steen had turned around, checked his back-up camera or looked in his mirrors before reversing.

Steen left the scene, but Nalbhone's friend snapped a picture of the SUV's license plate. Police located Steen after the collision, and the defendant told officers that sun glare had obstructed his view of Nalbhone. The defense claimed that Nalbhone should have realized the SUV was going to move and reacted accordingly.

Injury: Nalbhone went to an emergency room the date of the accident.

Nalbhone claimed a medial meniscus tear in his left knee, along with an anterior cruciate ligament strain and a posterior cruciate ligament sprain. His other claimed left knee injuries included post-traumatic erosion, lateral subluxation, edema, patellofemoral effusion, chondromalacia, synovitis, patellar tendinosis/tendinopathy and exacerbation of preexisting osteoarthritis.

After a left hip MRI, Nalbhone was also diagnosed with gluteus tendinosis/tendinopathy, post-traumatic fraying, erosion and labrum tearing.

Nalbhone also underwent neck and back MRIs. He was diagnosed with C2-3, C3-4, C4-5 and C5-6 herniations. He further claimed a C2-3 annular tear, C5 radiculopathy, C5-6 retrolisthesis, a C6-7 bulge, cervical disc displacement and straightening of the normal lordosis.

In his lower back, Nalbhone claimed L3-4 and L4-5 bulges, plus an L5-S1 herniation. He also alleged L5 radiculopathy, an L4-5 annular tear, facet hypertrophy,

lumbar disc displacement and straightening of the normal lordosis.

Nalbhone additionally claimed supraspinatus tendinosis/tendinopathy in his left, nondominant shoulder, along with biceps tenosynovitis and acromioclavicular hypertrophy. He further alleged bilateral carpal tunnel syndrome, neuralgia and neuritis.

Nalbhone did not fall to the ground, but he said his body twisted during the impact. Plaintiff's counsel further argued that the defendant's SUV weighed just under 4,000 pounds. Counsel concluded that the collision caused the claimed injuries.

A week after the collision, Nalbhone followed up with a physiatrist. He was eventually prescribed braces for his wrists.

Nalbhone underwent physical therapy through December 2025 and received two gel injections in his left knee. He was also scheduled for a lumbar facet block. Nalbhone was additionally recommended for a knee arthroplasty, but declined to undergo this procedure because he feared it would cost him his job.

Nalbhone said he continued to experience trouble walking and negotiating stairs. He claimed he also had increased pain when lifting and bending.

Nalbhone sought recovery of past and future medical expenses and damages for his past and future pain and suffering.

The defense maintained that Nalbhone did not sustain a serious injury as defined by the no-fault law, Insurance Law §5102(d). Defense counsel specifically contended that the impact was minor and that Nalbhone's complaints stemmed from preexisting conditions.

The defense's orthopedic surgery expert further opined that Nalbhone only sustained contusions, soft-tissue injuries and aggravations that resolved. The expert also found no evidence of carpal tunnel syndrome.

Result: The parties negotiated a pretrial settlement. The defendants' insurer agreed to pay \$75,000 from its \$250,000 policy.

The negotiations were mediated by Mark Bass.

SEXUAL HARASSMENT

Fired Employee Claimed Sexual Harassment, Wrongful Termination

Verdict: \$60,000

Rosauri Cappellan Mendoza v. Shibnad Logistics LLC, No. 803563/2021E

Court: Bronx Supreme
Plaintiff Attorney(s): Carla A. Pinto; Meiowitz & Wasserberg, LLP; New York NY for Rosauri Cappellan Mendoza
Defense Attorney(s): None Reported for Shibnad Logistics LLC

Facts: In January 2020, plaintiff Rosauri Cappellan

Mendoza, 19, was employed as a delivery driver with Shibnad Logistics LLC in The Bronx. That month, she was fired. She had been employed by Shibnad since October 2019.

Mendoza sued Shibnad Logistics LLC for sexual harassment and wrongful termination.

According to Mendoza, she was sexually harassed by a colleague multiple times during her employment. She claimed she was told by the colleague in January 2020 to come to his work van because a package was missing. She then allegedly went into his van. She said he locked the door and took out his penis. She said she was fired after reporting him.

The defense did not appear at trial.

Injury: According to plaintiff's counsel, Mendoza suffers from social anxiety due to the sexual harassment she endured.

Result: Following a bench trial, Judge Fernando Tapia awarded Mendoza \$60,000 in damages.

MOTOR VEHICLE

Driver Claimed Collision Caused Multiple Shoulder Tears

Settlement: \$47,500

Angela Civitano v. State Farm Insurance Cos., No.

Court: Matter not filed

Plaintiff Attorney(s): Michael LoGiudice; Michael LoGiudice, LLP; Brewster NY for Angela Civitano
Defense Attorney(s): Davide Perezzi; claims adjuster, State Farm Insurance Cos.; Atlanta, GA for State Farm Insurance Cos.

Facts: On May 23, 2025, claimant Angela Civitano, 76, retired, was a passenger in a vehicle traveling on Main Street in Cortlandt. While the driver of Civitano's vehicle was stopped at a light, the vehicle was rear-ended. Civitano claimed shoulder, neck and back injuries.

In lieu of filing a lawsuit, Civitano sought direct recovery from State Farm Insurance Cos., which insured the driver of the trailing vehicle.

Injury: Civitano was evaluated at Putnam County Hospital before being released.

Civitano claimed a rotator cuff tear in her right, dominant shoulder. She specifically alleged a full thickness tear of the anterior supraspinatus tendon and a partial thickness tear of the infraspinatus tendon. She was also diagnosed with a SLAP tear, tenosynovitis, bursitis, joint effusion and moderate chondromalacia.

Civitano also underwent a neck MRI that showed C4-5 and C5-6 herniations, C3-4, C6-7 and C7-T1 bulges, anterolisthesis, retrolisthesis, spondylosis, stenosis and straightening of the lordosis. Her lumbar MRI showed L1-2, L2-3, L4-5 and L5-S1 herniations, T12-L1 and L3-4 bulges, retrolisthesis, spondylosis,

facet arthropathy, stenosis and annular tears. Her doctors additionally diagnosed cervical and lumbar displacements.

Civitano underwent physical therapy and wore medication patches. She was recommended for a shoulder arthroscopy, but declined to have the procedure.

Civitano said her shoulder injury made overhead activities more difficult. She also claimed increased pain with cold and rainy weather.

Civitano sought recovery of future medical expenses and damages for her past and future pain and suffering.

State Farm contended that Civitano's injuries were preexisting.

Result: Prior to the filing of a lawsuit, State Farm agreed to pay Civitano \$47,500 from its \$250,000 policy.

Two other individuals in the Civitano vehicle also made claims that remained pending.

WORKER/WORKPLACE NEGLIGENCE

Defense Denied Claim of a Manhole Explosion

Verdict: \$0

Yonatan Hoppenstein v. Consolidated Edison Company of New York, Inc., No. 705712/2020

Court: Queens Supreme, NY

Plaintiff Attorney(s): Andrew M. LaBella; ; Scarsdale NY for Yonatan Hoppenstein

Defense Attorney(s): Travis Podesta; Travis Podesta for the Law Office of Lauren A. Jones; New York, NY for Consolidated Edison Company of New York, Inc.

Facts: On Aug. 14, 2019, plaintiff Yonatan Hoppenstein, 28, unemployed, was with his mother and brother. They were helping his brother move into an apartment building on 48th Street in Queens. While exiting the building, Hoppenstein was approximately six feet away from Con Edison manholes when an alleged manhole explosion occurred, causing injuries to Hoppenstein.

Hoppenstein alleged Con Edison was liable under a res ipsa loquitur theory.

Hoppenstein claimed the explosion caused flames to shoot approximately 25 to 30 feet into the air, a thunderous bang and a bright white light. His mother observed the bang and white light and heard the noise and his brother allegedly heard a bang from inside of his apartment.

According to plaintiff's counsel, a police officer testified that Con Edison was on the scene and the loud noise came from a Con Edison manhole. Also, the testimony of a Con Edison employee at trial was reportedly contradicted by his deposition testimony wherein he denied seeing anyone when the explosion happened.

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Disciplinary Proceeding

Matter of Barry Robert Gainsburg, a suspended attorney

Motion No. 2023-07864

Appellate Division, Second Department

Lasalle, P.j., Dillon, Duffy,
Barros, Taylor, JJ.

Decided: May 6, 2026

Catherine A. Sheridan, Hauppauge, NY (Christopher R. Shannon of counsel), for petitioner.

Mark E. Goidell, Garden City, NY, for respondent.



Per curiam—y affirmation dated August 25, 2023, the Grievance Committee for the Tenth Judicial District advised the Court of the respondent’s conviction of improper exhibition of a dangerous weapon, in violation of Florida Statutes §790.10, a misdemeanor. By decision and order on motion dated April 4, 2024, on its own motion, the Court ordered that the respondent’s offense does not constitute a serious crime within the meaning of Judiciary Law §90(4)(d), and pursuant 22 NYCRR 1240.12(c)(3) (iii), the Court appointed a Special Referee and directed the respondent to show cause at a hearing before the Special Referee why a final order of suspension, censure, or disbarment should not be made based on his conviction. The respondent now moves to confirm so much of the Special Referee’s report as found that the respondent’s conduct did not constitute a New York crime, to disaffirm so much of the report as, *inter alia*, found that the respondent did not demonstrate why a final order of public discipline should not be made, and to impose a sanction no greater than a public censure. In response, the Grievance Committee cross-moves to confirm so much of the Special Referee’s report as found that the respondent did not demonstrate why a final order of public discipline should not be made, to disaffirm so much of the report as found that the respondent’s conduct did not constitute a New York crime, and to impose such discipline upon the respondent as this Court deems just and proper.

Underlying Criminal Conduct

On April 5, 2020, at approximately 5:30 p.m., police officers responded to a complaint of an aggravated assault on Polk Street in Hollywood, Florida. Upon the officers’ arrival at a residence on Polk Street, Jorge Enrique Moreno advised them that he observed the respondent swing a baseball bat and strike two palm trees and a parking sign. Moreno further alleged that the respondent, with the baseball bat in his hand, shouted at Moreno, “don’t get involved or you’ll get a piece of me,” and tried to engage Moreno. Moreno then went into his home to call 911. Jordana Tamar Harrison alleged that the respondent was knocking on the door of her residence while she was not home, and when she drove to her residence to observe the respondent, he threatened her while he held and swung a baseball bat and yelled, “you want a piece of me,... I have no home let me live with you, get out of your car pussy.” Harrison fled the area in fear for her safety. Shortly after this incident, officers located the respondent at the Hollywood Marina, seated on a park bench with a small clear baggie of marijuana next to him. When the officers attempted to take the respondent into custody, the respondent told them that he was sick with COVID-19, made exaggerated coughs in their direction, and stated, “I hope I get you

sick, you die, and bring it home to your families and children and they die too.” The respondent was escorted to the hospital for evaluation, and during the transport, he spit on the partition between the front and rear of the police vehicle and stated, “you are a fag and your father left you because I’m fucking your mother.” Upon arrival at the hospital, the respondent was not compliant in leaving the vehicle and entered the hospital shouting at hospital staff.

Following a jury trial in the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida, on October 28, 2022, the respondent was convicted of one charge, improper exhibition of a dangerous weapon, a lesser included misdemeanor of count one, aggravated assault. On October 31, 2022, the respondent was sentenced to a term of jail of five days with credit for five days served and a term of probation of six months, directed to undergo a psychological evaluation and complete any treatment deemed necessary, and directed to pay court fees. The respondent’s probation was terminated on April 12, 2023.

The Hearing Record

A hearing was held on June 6, 2024. The Grievance Committee entered six exhibits into evidence to prove its case-in-chief. The respondent entered nine exhibits into evidence and testified on his own behalf.

The respondent testified that in April 2020, he was living with his wife and four children in Plantation, Florida. On April 3, 2020, he got into a fight with his wife and left his home in order to cool off. The respondent stayed with a friend on the night of April 3, 2020, and slept on the beach on the night of April 4, 2020.

The respondent testified that on April 5, 2020, he drove to Polk Street where he had seen a house for rent. He pulled into an empty semicircular driveway to check his tire after his tire pressure warning light turned on. While he was checking his tire, a black, four-door sedan BMW blocked him in the driveway. The BMW’s windows were tinted, and therefore, he could not see who was in the BMW. He became scared and anxious, sat in the passenger seat of his car, and then got out of his car again and took out his son’s baseball bat from the trunk. The respondent saw the window come down on the BMW and “saw something pointed out of it towards [him].” The respondent felt threatened and believed the bat was necessary for self-defense.

The respondent testified that eventually, the BMW left the driveway and drove away. A neighbor two houses away came out of his house and was walking toward the respondent as the BMW was pulling away. The respondent curtly and “with conviction” told the neighbor, “This doesn’t concern you. Stay the fuck out of it.” The neighbor went back inside his house, and the respondent got back into his car and drove to an empty marina. The respondent parked his car at the marina and took a seat on a bench to catch his breath. As he was sitting on the bench, he was surrounded by three police officers, handcuffed, and arrested.

The respondent testified that upon being arrested, he was taken to Memorial West Hospital and then sent to the main jail in Fort Lauderdale. He was released on bond three days later. When he arrived at home, he was met by police officers who involuntarily committed him for a mental evaluation. The respondent was held at Fort Lauderdale Behavioral Health Center for five days.

In mitigation, the respondent expressed remorse and testified that he was struggling with major depressive disorder and general anxiety disorder in April 2020 and did not take

his prescribed medication when he left his home on April 3, 2020. The respondent testified that since then, he has been taking his medication regularly, does daily exercise, practices meditation and reflection daily, and goes to group therapy. The respondent asserted that he is part of the Rastafari community and is involved in two nonprofit organizations, the Leonard P. Howell Foundation and His and Her Majesty Repatriation Foundation, Inc.

The Special Referee’s Report

The Special Referee concluded that the respondent failed to demonstrate why a final order of public discipline should not be made. The Special Referee found that the respondent’s testimony was “mostly candid and truthful”; however, his narrative seemed less than complete, and his “sincerity in addressing the issue was less than enthusiastic.”

The Special Referee also made a determination as to whether the respondent’s conduct would constitute a New York criminal offense. The Special Referee stated,

“the record submitted does not recite all of the facts and evidence presented to the Florida court and its jury. As such, it is at best difficult to compare that to New York’s laws.... Without so much as even a persuasive indication, the undersigned is therefore, disinclined to find that the Respondent committed acts which would constitute a New York crime,”

citing *People v. Jurgins* (26 NY3d 607). Nevertheless, the Special Referee concluded that “[t]hat finding, however, cannot erase the facts that he was so convicted and so sentenced, nor should they be ignored.”

In mitigation, the Special Referee noted the respondent’s domestic and mental health issues, the lack of needed medications at the time of the misconduct, and the respondent’s history of pro bono service.

Findings and Conclusion

We find that the Special Referee properly concluded that the respondent failed to meet his burden of establishing why the Court should not issue a final order of public discipline. The Special Referee’s determination that the respondent’s conduct did not constitute a New York crime is improper, however, as Judiciary Law §90(4) and 22 NYCRR 1240.12 do not require the out-of-state crime of which the respondent was convicted to also be a New York crime.

Accordingly, the respondent’s motion to confirm so much of the Special Referee’s report as found that the respondent’s conduct did not constitute a New York crime and to disaffirm so much of the report as, *inter alia*, found that the respondent did not demonstrate why a final order of public discipline should not be made is denied. The Grievance Committee’s cross-motion to confirm so much of the Special Referee’s report as found that the respondent did not demonstrate why a final order of public discipline should not be made and to disaffirm so much of the report as found that the respondent’s conduct did not constitute a New York crime is granted.

In determining an appropriate measure of discipline to impose, we have considered the respondent’s prior disciplinary history, the circumstances of the respondent’s arrest, and his conviction by a jury of improper exhibition of a dangerous weapon.

Under the totality of the circumstances, we find that the respondent’s conduct warrants a suspension from the practice of law for a period of six months (see *Matter of Batsiyan*, 199 AD3d 80).

All concur.

never fully matured, or sycophantic legal chatbots that lack human sensibilities and judgment.

The kind of support clients need can only be built over time, through consistent and arduous effort, human error, and the lessons learned along the way. That requires preservation of a culture of solid ethics and dogged service, without giving way to the replacement of junior lawyers by AI. New pricing models will almost certainly replace the billable hour for many legal tasks, but the profession hopefully will always need junior lawyers to learn discretion and judgment through experience.

Calendar

MONDAY, MAY 18

NY City Bar (CLE)

An Inside View of the EEOC, NYS Division of Human Rights, and NYC Commission on Human Rights
5 p.m. – 6:30 p.m.
1.5 CLE credits
Webinar Registration Link: https://services.nycbar.org/EventDetail?EventKey=_WEB051826&mcode=NYLJ
Location: Zoom

NY City Bar (Non CLE)

Inside ADR in the Courts:
An Evening with Judges and ADR Coordinators
5:30 p.m. - 7 p.m.
Networking Reception: 7 p.m. - 8 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=ADR051826&mcode=NYLJ
42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

MONDAY, MAY 18 – TUESDAY, MAY 19

NY State Bar (CLE)

2026 Steve Houck Antitrust Deposition Advocacy Skills Program
nysba.org/events/the-2026-steve-houck-antitrust-deposition-advocacy-skills-program/
18 CLE credits, New York City

Practising Law Institute

Twenty-Seventh Annual Institute on Privacy and Cybersecurity Law
9 a.m. – 5 p.m. (Day 1)
9 a.m. – 4:45 p.m. (Day 2)
www.pli.edu/programs/institute-on-privacy-and-data-security-law/

TUESDAY, MAY 19

Federal Bar Council (CLE)

Strategies for 28 U.S.C. § 1782 Discovery for Foreign Disputes
12:30 p.m. – 1:30 p.m.
Location: Live Webinar
1 CLE credit
<https://fbc.users.membersuite.com/events/a5720928-0078-c472-d075-0b49738cf6e8/details>

NY State Bar (Non CLE)

Day in the Life of an Entertainment, Arts and Sports Lawyer
nysba.org/events/day-in-the-life-of-a-entertainment-arts-sports-lawyer/
Virtual

NY State Bar (Non CLE)

Antitrust Spring Fling
nysba.org/events/2026-antitrust-spring-fling/
NY STATE BAR Networking Event
New York City

NYSBA Mediator Roundtable
nysba.org/events/nysba-mediator-roundtable-series-may-2026-edition/
Virtual

NY State Bar (CLE)

Securities Enforcement Issues
nysba.org/events/securities-enforcement-issues/
1 CLE credit, Virtual

TUESDAY, MAY 19 THURSDAY, MAY 21

NY State Bar (CLE)

3 Day Commercial Mediation Training
nysba.org/events/3-day-commercial-mediation-training-spring-2026/
24 CLE Credits; New York City

NY City Bar (Non CLE)

New York City Bar Association & Wilk Auslander Blood Drive
9 a.m. – 3 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=NYBC051926&mcode=NYLJ
42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

Annual Meeting of the Association
6 p.m. – 7 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=CMTE051926&mcode=NYLJ
42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

WEDNESDAY, MAY 20

NY State Bar (CLE)

Addressing Gender Disparities Through the Law
nysba.org/events/addressing-gender-disparities-through-the-law/
1 CLE credit
Rochester

Discovery of AI/GAI: Possible Requests and Objectives
nysba.org/events/discovery-of-ai-gai-possible-requests-and-objections-lunch-and-learn-series-7/
1 CLE credit; Virtual

NY State Bar (Non CLE)

Mental Health in Law School: Managing Stress, Burnout and Building Resilience
nysba.org/events/mental-health-in-law-school-managing-stress-burnout-building-resilience/
Virtual

NY City Bar (CLE)

Marketing and Advertising Law 2026
9 a.m. – 12:45 p.m.
4 CLE credits
Webinar Link: services.nycbar.org/Members/Event_Display.aspx?WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314&EventKey=_WEB052026&mcode=NYLJ
Location: Zoom

Practising Law Institute

Enforcement 2026: Perspectives From Government Agencies
9 a.m. – 5 p.m.
www.pli.edu/programs/enforcement/
Expert Witness 2026
1 p.m. – 4:35 p.m.
www.pli.edu/programs/expert-witness/

THURSDAY, MAY 21

NY State Bar (Non CLE)

Day in the Life of an Environmental and Energy Lawyer
nysba.org/events/day-in-the-life-of-a-environmental-energy-lawyer/
Virtual

NY State Bar (CLE)

Drafting LLC Operating Agreements and Corporation Shareholders’ Agreements
nysba.org/events/drafting-llc-operating-agreements-and-corporate-shareholders-agreements/
1.5 CLE credits; Virtual

Legacy Building as a Natural Consequence of Estate Planning and Dispute Resolution
nysba.org/events/legacy-building-as-a-natural-consequence-of-estate-planning-and-dispute-resolution/
2 CLE redits, Virtual

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=SLFC052126&mcode=NYLJ>
Location: Zoom

Practising Law Institute

Leveraged Financing 2026
9 a.m. – 5 p.m.
www.pli.edu/programs/leveraged-financing/

TUESDAY, MAY 26

NY State Bar (CLE)

Best Practices in Navigating the Criminal Legal System with Clients with Mental Health Challenges: Clinical Perspective
nysba.org/events/best-practices-in-navigating-the-criminal-legal-system-with-clients-with-mental-health-challenges-clinical-perspective-part-i/
3 CLE credits
Virtual

Cybersecurity and Data Protection for New York Government Lawyers
nysba.org/events/cybersecurity-and-data-protection-for-new-york-government-lawyers/
1 CLE credit
Virtual

NY State Bar (Non CLE)

A Day in the Life of a Family Lawyer
nysba.org/events/day-in-the-life-of-a-family-lawyer/
Virtual

Young Lawyers Section Monthly Pub Night
<http://nysba.org/events/young-lawyers-section-monthly-pub-night-may-2026/>
New York City

TUESDAY, MAY 26 – WEDNESDAY, MAY 27

Practising Law Institute

Basics of Accounting for Lawyers 2026
9 a.m. – 5 p.m. (Day 1)
9 a.m. – 3:30 p.m. (Day 2)
www.pli.edu/programs/basics-of-accounting-for-lawyers/

WEDNESDAY, MAY 27

Federal Bar Council (CLE)

Art Law Part III: The Art of Deception: Fakes, Forgeries, and the Law
5:30 p.m. – 7 p.m.
Location: Clifford Chance, 375 9th Avenue, New York
1.5 CLE credits
<https://fbc.users.membersuite.com/events/a5720928-0078-ca7c-30c1-0b4983a2ab4e/details>

NY State Bar (Non CLE)

AI in Legal Practice: What Law Students Need to Know Now
<http://nysba.org/events/ai-in-legal-practice-what-law-students-need-to-know-now/>
Virtual

NY State Bar (CLE)

Food, Drug and Cosmetic Law: Policy, Pricing and Market Strategy
nysba.org/events/food-drug-cosmetic-law-policy-pricing-and-market-strategy/
1 CLE credit
Virtual

NY City Bar (Non CLE)

The 2026 Milton Handler Lecture on Antitrust “A Conversation about Antitrust Past, Present, and Future” Given by Daniel A. Crane and Noah J. Phillips
Infrastructure Developers Edition: Airport Development
6 p.m. - 7:30 p.m.
Networking Reception: 7:30 p.m. - 8:30 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=CMTE052726&mcode=NYLJ
42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

How To Become An Assistant United States Attorney
6 p.m. - 8 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=MINC052726&mcode=NYLJ
42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

THURSDAY, MAY 28

NY State Bar (CLE)

2026 EASL Spring Meeting and Networking Reception
nysba.org/events/2026-easl-spring-meeting-networking-reception/
4.5 CLE credits
Hybrid/ New York City

NY State Bar (Non CLE)

A Day in the Life of a Food, Drug and Cosmetic Lawyer
nysba.org/events/day-in-the-life-of-a-food-drug-cosmetic-lawyer/
Virtual

Smooth Moves: Navigating Today’s Legal Job Market
nysba.org/events/smooth-moves-2026-navigating-todays-legal-job-market/
1 CLE credit
New York City

NY City Bar (Non CLE)

Police Conduct in New York Street Encounters: Time for a Change to DeBour at 50?
6 p.m. - 8 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=cc052826&mcode=NYLJ
42 West 44th Street, NY
Contact: 212-382-6663 or customerrelations@nycbar.org

Mindfulness and Well-Being in Law Book Club
6:30 p.m. – 7:30 p.m.
Webinar Registration Link: <https://services.nycbar.org/EventDetail?EventKey=MWBL052826&mcode=NYLJ>
Location: Zoom

FRIDAY, MAY 29

Practising Law Institute

Bridge-the-Gap I: Ethics and Skills for Newly Admitted New York Attorneys 2026 (Waitlisted)
8:45 a.m. – 5:45 p.m.
www.pli.edu/programs/bridge-the-gap-i-ethics-and-skills-for-newly-admitted-new-york-attorneys

FRIDAY, MAY 29 SATURDAY, MAY 31

NY State Bar (CLE)

2026 Lawyer Assistance Program Spring Retreat
nysba.org/events/2026-lap-spring-retreat-at-silver-bay/
1.5 CLE credits
Lake George

SATURDAY, MAY 30

NY City Bar (Non CLE)

Welcome Back Baseball. Mets vs. Marlins
4:10 p.m.
To Register: services.nycbar.org/EventDetail?EventKey=MET053026&mcode=NYLJ
Location: Citi Field Section 129

WEDNESDAY, JUNE 10

The New York Women’s Bar Association

2026 Annual Awards and Installation Dinner
Cocktails at 6 p.m.
Dinner and Program at 7:30 p.m.
Silent Auction to benefit the New York Women’s Bar Association Foundation
Location: Three Sixty°
10 Desbrosses Street, Tribeca

Hallucinations

« Continued from page 4

arguments based on accurate and up to date cases. This is a huge portion of what lawyers do and much of what pays the bills of law offices. While protecting the client should come first, keeping the lights on doesn’t necessarily come second if you follow the *put-your-own-oxygen-mask-on-first* principle.

One thing that has remained consistent throughout the evolution of the legal profession is that people want attorneys they can trust. Clients, especially those in dire straits, want to rely on expert-

enced attorneys with human minds that can process real-world issues. But junior and mid-level attorneys are the only ones who can develop into, and eventually make up, that future class of trusted legal advisors.

If junior attorneys are prevented from doing the hard work of rowing the oars by an entirely cost-efficient AI-model, they may lose the years of on-the-job training needed to become those experienced senior attorneys that can take the helm.

Clients of the future will be left with either a generation of unsharpened *super-juniors* whose legal instincts and reactivity have

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Defense

« Continued from page 3

cal presentation. The framework that has changed and significantly improved my work with trauma-affected clients did not come from legal training but from researchers and clinicians who had spent decades studying trauma. The medical and behavioral health communities are well ahead of us in this area, and the resources to learn from and implement their perspectives and techniques already exist. Both we and our clients will benefit if we do.

Here are four tactics that have changed how I practice.

1. Build safety before you build a case.

Neuroscientist Stephen Porges identified three states of nervous system activation. One supports calm social engagement. One mobilizes for threat: fight or flight. One produces shutdown and immobilization, the freeze response. Traumatized people shift between these states in response to perceived danger signals, usually without conscious awareness of it. A client who was engaged thirty seconds ago may shift abruptly to shutdown mode. A client who seemed cooperative may now be scanning for threat. Importantly, the content of the conversation did not have to be overtly threatening for this to happen.

Psychiatrist Daniel Siegel's concept of the window of tolerance describes the range of arousal within which a person can engage, think, communicate, and process information effectively. Trauma narrows this window and active

memories in time and sequence, is impaired.

The result is memory stored as fragments: sensory details, body states, emotional impressions, disconnected from each other and from any reliable sense of when and where things occurred. He also documented that when survivors re-experience traumatic material, activity in Broca's area, the region of the brain responsible for producing language, decreases substantially. Trauma tends toward the unspeakable, encoded below the level of words.

Neuroscientist Joseph LeDoux established that the brain's threat detection system, centered in the amygdala, processes danger signals through a rapid process that triggers a defensive response before the conscious, deliberative brain has had time to evaluate what is actually happening.

Under sustained threat activation, the prefrontal cortex, which governs planning, reasoning, attention, and the organized use of language, is functionally impaired. For a client whose nervous system is already dysregulated by a trauma history, the additional acute stress of criminal prosecution compounds this effect.

What this means for a defense attorney is specific: when a client cannot give a linear, consistent account of what happened, the most common interpretation, that the client is lying or strategically withholding, may be fundamentally wrong. The inconsistency may be an accurate reflection of how the event is stored in the client's brain. The holes in the timeline may be real gaps, not evasions.

An attorney who understands this approaches the inconsistent

the client cannot effectively process the decision when it is presented. He needs time to absorb, react, and then discuss. This is difficult to achieve on the court-house steps. Whenever possible, it is better to trigger the trauma reaction in your office or at the jail, where it may be addressed effectively, than at the penultimate moment.

4. Give the client back their voice.

Psychologists Steven Maier and Martin Seligman documented what they called learned helplessness: when subjects were subjected to inescapable stress, they lost the capacity to take protective action even when escape later became possible. The nervous system had learned that effort does not change outcomes, and it stopped trying. The implications for trauma in humans are significant.

Although passivity and disengagement look like indifference, they may be something different. They may be the predictable result of a process that has stripped a person of every meaningful choice, compounded by a trauma history that has already taught them that resistance is futile.

The client who has been told simply what their options are is a different participant in their own defense than the client who has been asked what they understand, what matters most to them, what outcomes they can and cannot live with and why. Giving clients a genuine voice in the decisions that affect their lives is not only ethically correct, it also combats the learned helplessness which trauma combined with the legal process may produce.

This means when there is a decision to be made, it should be presented as a real choice. It means explaining not just the options but the considerations that weigh on them, and then actually asking what the client thinks, rather than telling them what is best. It means resisting the efficiency instinct to simply tell a client what to do when the answer seems obvious. Their investment in the decision is not a courtesy. It is a clinical resource that will determine how they show up at every subsequent stage of the case.

Behaviors associated with trauma are predictable, and as defense lawyers we are familiar with, and frustrated by them.

criminal prosecution pushes a client even closer to its edges. An attorney presenting a difficult piece of evidence, a plea offer with serious consequences, or a decision with no good options may be slamming that window of tolerance shut for a client whose nervous system has now moved outside the range in which effective communication is possible.

The first thing a trauma-informed defense attorney does is create conditions in which the client's nervous system can settle. This is not a therapeutic intervention. It is a practical necessity, because a client in a threat response cannot give you what you need. They cannot remember clearly, communicate coherently, weigh options, or make decisions.

In practice, this means taking more time at the beginning of every meeting before asking anything of consequence. It means explaining what is going to happen and what is going to be discussed before it happens. It means asking open-ended questions and tolerating nonlinear answers. It means noticing when a client has left their window and is adjusting rather than pushing through. It means being consistent: I call a client at the time I said I would call, send the summary I promised, and be where I said I would be.

A nervous system shaped by unpredictability is soothed by predictability. These are not acts of unusual kindness, they are clinical architecture. As lawyers, we function in an atmosphere of barely controlled chaos and unpredictability in our daily work lives. Our traumatized clients cannot function effectively in this type of environment.

2. Understand why the account is inconsistent.

Bessel van der Kolk, a psychiatrist who founded the Trauma Center in Brookline, Massachusetts has spent more than three decades studying trauma and its neurological effects. He documented that when traumatic events are encoded under high stress, the hippocampus, which under normal circumstances organizes

account as clinical information rather than a credibility problem to be managed. They ask questions that invite sensory detail rather than demanding narrative sequence. They understand that a client who cannot tell them when or how something happened may be able to tell them what they smelled, what they saw, what they felt in their body. They work with the architecture of traumatic memory rather than against it. This isn't easy for lawyers, and it takes conscious effort on our part.

3. Treat transparency and communication as both a clinical and case prep tool.

Research on what makes traumatic experiences most damaging consistently identifies two factors: the degree to which the person felt powerless, and the degree to which they felt alone. A criminal accusation scores high in both categories. The legal system is opaque, the language is foreign, the stakes are catastrophic, and the person at the center of the proceeding has almost no control over what happens to them.

Transparency addresses both factors directly. A client who understands what is happening is less helpless. A client who is regularly informed feels less abandoned. This is not simply customer service. It is a clinical intervention that improves your client's capacity to participate in their own defense.

In practice, this means explaining the prosecution's role as well as your own. It means describing what each court appearance is and what will happen there before it happens. It means sharing bad news carefully and directly rather than withholding it in the name of managing distress.

It means sending written summaries after meetings, because a client whose nervous system was activated during the conversation may not retain what was said. It means confirming understanding, not by asking whether they understand, but by asking them to explain what they heard.

A plea offer may be the best option for a client but because it triggers his trauma responses,

Learning the Framework

The medical and behavioral health communities have been developing trauma-informed practice standards for years. Nursing, social work, emergency medicine, and psychiatry all have established frameworks and curricula for working effectively with people who have experienced trauma. In comparison, the legal profession has barely traveled into this territory. Attorneys willing to look will find full access to available resources developed by other disciplines.

Bessel van der Kolk's, The Body Keeps the Score is the most accessible starting point. It translates the neuroscience of trauma into language any reader can follow. A comprehensive guide available free of charge is SAMHSA's Treatment Improvement Protocol No. 57, Trauma-Informed Care in Behavioral Health Services.

The Center for Justice Innovation's TIPS Lab Blueprint includes a trauma training roadmap applicable to individual attorneys, and the Center for Health Care Strategies' Trauma-Informed Care Implementation Resource Center offers additional frameworks from clinical practice.

Better understanding clients with trauma does not require attending a graduate program in psychology. It requires reading outside the legal silo. The behaviors we have been misreading in our clients for years are documented, explained, and addressable.

The framework exists. I would argue we have an ethical obligation to learn it. On a practical level, my experience is that understanding trauma and my clients who suffer from its effects has made my advocacy more effective and my work with clients less baffling.

penstein and his family members' testimony were inconsistent with one another, and also that it was not credible that the mother was standing five to six feet from Hoppenstein and did not observe any flames.

NYPD responded to an anonymous 911 call of a loud noise, possibly gunshots. No FDNY or ambulances responded to the scene.

The trial was on liability only. Damages were not before the court.

Injury: Hoppenstein did not immediately seek medical attention, but claimed to have hearing loss, tinnitus, dizziness and confusion from the alleged explosion.

Result: The jury found that no manhole explosion occurred and rendered a defense verdict.

Court Calendars

***** The following cases have been scheduled for pre-argument conference on the dates and at the times indicated: Renwick, P.J., Manzet, Webber, Kern, Moulton, J.J. MONDAY, MAY 18 11 A.M. 810420/25 Colon v. Rukaj TUESDAY, MAY 19 9:30 A.M. 812485/24 Cabrera- Amparo v. Price WEDNESDAY, MAY 27 10 A.M. 801136/21 Biberaj v. 535-545 Fee, LLC FRIDAY, MAY 29 9:30 A.M. 27225/20 Gutierrez v. Waste Connections of NY 635557/25 Trusti Equipment Finance v. Tebele MONDAY, JUNE 1 10 A.M. 819346/22 Calvo v. 1353 LLC	
APPELLATE DIVISION CALENDAR FOR THE JUNE TERM TUESDAY, MAY 19 2 P.M. 24/7798 People v. James Akerson 25/7348 Aguilar v. TMP Wireless 24/6617 A..Chastity v. Kareal A. 25/2567 D. Penguin Brothers v. City National Bank 25/2058 Aguilar-Lopez v. Idust Cleaning 25/2619(2) Carranza-Rafael v. LRC Construction 25/3270 People v. M.D. 26/572 Katz v. Navios Maritime Holdings 25/1754(3) Doe v. Combs 25/4542 Napolitano v. Bounce 21 LLC 23/4233 People v. Sandra Tavares 25/5361 Martin v. Poe Affiliates, L.P. 25/4219 Olympic Galleria v. Sitt 25/670 Woodward v. J.T. Magen & Company 25/2075 Karsch v. Falcon Rappaport & Berkman 25/4752 382 8th Avenue Realty v. NYS Division of Housing 20/599 People v. Alexandros Lorentos 25/4364N Nimmmons v. EIC Associates, Inc. WEDNESDAY, MAY 20 2 P.M. 24/663 People v. Brandon Almonte 25/6783 Ronde v. Barnard College 25/5822 C., Children 25/4571 Kaye v. Merchant Factors Corp. 25/3452 McNeil-Sampson v. Perez 23/283 People v. Allan Pierre-Luis 26/411 AMF Trust Ventures v. i80 Group 24/6318 Vails v. Wojtaszczyk 25/6525 Ochoa v. 3475 Third Avenue Housing 25/8083 Peng v. Board of Managers of ACMOS 22/1451(1) People v. Levi Challenger 24/7653 ARK448 Doe v. Maryknoll 25/3476 Pihskiold v. Jane Street Hotel 25/4811 HSBC Bank USA v. Donaldson 25/6925 501 Fifth Avenue v. Frawley 2017 - 942 People v. Christopher Collins 24/4757N Pincus v. Motulsky THURSDAY, MAY 21 2 P.M. 23/6220 People v. Samba Sall 25/1363 U.S. Bank v. Charles 25/5707 M., Children 25/5949 DePhillips v. Tishman Construction 25/1901(2) Matter of 170 West End Avenue Owners 24/1158 Michael Gross Diamonds v. Vaknin 24/7870 Amondi v. Promise Home Care Agency 22/5214 People v. Felipe Solar 25/1644 Martinez v. 56th Realty 25/221 Williams v. Dia 21/3715 People v. Frank Diaz Paredes 24/6664 Qi v. Famous Sichuan NY 25/6505 Rosenfeld v. BM Islam 25/6746 Danisi v. Diker A & v. Contracting 25/6319 Cooper-Nolasco v. Royal Waste Services 25/8087 LaSpina v. 340 E. 198th Street 19/4657 People v. Heather Rosen 25/8005N Ravich v. City of NY TUESDAY, MAY 26 2 P.M. 21/344 People v. Sharif King 25/6211 Prado v. BP Cyrus LLC 25/4595 D., Children 25/5869 Sayles v. Urban American Management 24/6485 Nochi Blue v. Board of Managers 25/6231 7 Ave Assets LLC v. Carrion 24/2580 People v. Wilson Garcia 26/1330 Vision BioBanc Holdings v. Teller 25/2364 Barulich v. Mary Manning Walsh Nursing 25/184 S., Jeffrey McVay 25/6412 Simon v. Lewis 25/1707 R., Carlos 25/4522 Rudzikewycz v. 164 West 79th Street Corp. 25/5923 Bent v. 99 Jane Street Condominium 25/1823 People v. Ismael Mezon 26/1118 People of the State of NY v. GPB Capital Holdings 25/3359 Dunnington Bartholow & Miller v. Simon WEDNESDAY, MAY 27 2 P.M. 24/4888 People v. Jordan Muldrow 25/2642 Hernandez v. Bushwick Realty Holdings 25/1398 P., Solanyi v. Tirso B. 25/1378 Astudillo v. Unity Construction 25/6787 Leinhardt v. Secure, Inc. 25/8047 People ex rel. Burse v. Maginley-Liddie 21/498 People v. Troy Harrell 25/3346 Drummond v. Associated Test & Balance 25/5921 Kemegue v. Rosario-Ramirez 25/6664 Jefferies LLC v. Mountain State Energy Holdings 23/1399 People v. Phoenix Goines 25/570 Semon v. Pebble Corp. 25/5926 Williams v. Williams 24/231 People v. Kasey Urena 25/8114 Castleman v. Interactive Brokers 26/736 Marinac v. Marinac 26/1N Miller v. State of NY THURSDAY, MAY 28 2 P.M. 22/3623 People v. Robert Fulladosa 25/5589 Tollefsen v. 231-235 East 53rd Street 25/7184 S., Darrick v. Christine B. 25/7865 Gomez v. Brookfield Properties One 25/6295(2) Newmark Partners v. Singer 25/2795 Aykac v. City of NY 24/4879 People v. Carl Phanor 25/3535 Milev v. XIAO-I Corporation 26/746 Board of Managers v. Carl 25/5903 Taslakian v. Taslakian 24/432 People v. Blanca Narvaez 25/5825 DTT-DSIC v. 930-DSIC 25/7087 Webb v. Lyft Inc. 25/3483 Rodriguez v. D&D Building	
25/4337 Backer v. Parsons 21/4359(1) People v. Anthony Rambert 25/4050 USAA Casualty Insurance v. Kassar TUESDAY, JUNE 2 2 P.M. 24/7406 People v. Martin Rivera 25/6122 Allen v. City of NY 24/7390 E., Children 25/7230 Bunay v. One City Block 25/6945 I.M., an Infant v. City of NY 26/8757th & 6th Ground v. Carnegie House Tenants 2017 - 02093 People v. Jean Guillen-Beltr 25/266 Santacruz v. 58 Gerry St. 25/2560 Pryor Cashman LLP v. Wiener 19/3709 People v. Pare Griffin 25/1829 Shebshayevich v. City of NY 25/5357 Di Giulio v. NYC Transit Authority 25/8162 Mendon Ventures v. Equitus Corporation 25/8078 Greer v. FAM Networks LLC 24/2997 People v. Dilena Delarosa 25/5315N Amsterdam 140 v. Fruitopia LLC WEDNESDAY, JUNE 3 2 P.M. 24/2725 People v. Brandon Heeraman 25/5509 Cespedes v. El-Kam Lexington Ave. 25/6872(2) E., Zarae 25/4698 Escoto v. City of NY 25/2926 Rozof v. D. Karnofsky, Inc. 25/3732 Stratis v. 345 Park Ave 25/6860 Amezquita v. Peguero 25/5546 People v. Gabriel Opryshko 25/3411 Acosta v. 22-12 Jackson Owner 25/5534 Haruvi v. Hungerford 23/2931 People v. D'Andre Ellis 25/6104 Trinity Centre LLC v. City National Bank 25/7556 Wilmington Trust v. Nyack 2 Washington 24/7471 Columbia Technology v. Yoo 2012 - 03002(1) People v. Luis Torres 26/1418N People of the State of NY v. TiTok Inc. THURSDAY, JUNE 4 2 P.M. 22/5210 People v. Samuel Ocampos 26/1323 Kosovsky v. Kosovsky 25/5637 P., Children 26/1500 Jin v. Delta Realty Group 25/3655 Aponte v. 298 East Village 2010 - 01624 People v. Javier Pantojas 25/3500 Tobon v. Turner Construction 25/6436(2) Miller v. 22 Ericsson Owner 25/1586 Almer v. Summit Glory Property 25/4584 Judson v. Elliott Management Corporation 23/6275 People v. Khphruan Campbell 26/346 Dekalb County v. Galan 25/4489 Rubino v. HSBC Bank USA 25/5989 Fithz & 106th Street v. Hunt 22/2027 People v. Unique Woodfin 25/4016 Singh v. Singh TUESDAY, JUNE 9 2 P.M. 22/3576 People v. Manuel Lebron 25/4142 Wallace v. Cheng 24/7943 V., Hannah 25/5940 Martinez v. Bronx County Historical Society 25/6913 Salas v. 711-715 E 231st St. 25/4528 DLJ Mortgage v. Mahadeo 24/7297 Avail Holding v. ICM Funding 25/4736 Beauchamp v. NYC Transit Authority 25/4171 Gibraltar Contracting v. Tully Construction 25/6118 Gutierrez v. 80 Winthrop St. Owners. 26/1434 People ex rel. Magee v. Maginley-Liddie 25/4577 S., Natacha v. Joseph B. 25/5936 Slabakis v. Poyiadjis 25/2003 Matter of Veronica Bulgari 23/658 People v. Pedro Falco 23/2082N Government of Saint Lucia v. 126 E 36th Street WEDNESDAY, JUNE 10 2 P.M. 24/3325 People v. Timothy Brooks 25/7232 Morina v. 250 Broadway 25/2221 B., Hector 25/3827(1) Pantoja v. Rosario 25/1939(1) Pantoja v. Aviles 25/7324 Barbosa v. 1169 Hoe LLC 25/7981 American Transit Insurance v. Midland Pharmacy 26/520 RES IPSA USA v. Farhat Realty Management 25/5933 Leffer v. Kotick 25/5937 West Side Marquis v. Sheppard 25/5839 Archdiocese of NY v. Century Indemnity Co. 25/2013 P., Julieann 25/2305 SLG 810 Seventh Lessee v. Tydel Holding 25/4678 Bank of NY Mellon v. Vitucci 23/6658 People v. Marcus Jackson 25/2245 Wilmington Savings Fund v. Virgin THURSDAY, JUNE 11 2 P.M. 25/3096(1) People v. Rayshad Jackson 25/3097(1) People v. Rayshad Jackson 25/5508 Z., Frankie v. Jessica R. 26/77 White v. Vaccaro 25/4658 Rahman v. City of NY 26/1213 G-Unit Books, Inc. v. Tompkins 24/7539(2) Williams v. RXR Construction 25/7343 Anderson v. NY Arena Partners 25/6543 American Transit Insurance v. Mark Heyligers, DC 25/2011 M., Melia 25/5691 Homapour v. 3M Properties, LLC 25/6545 Edward Roberts LLC v. Shipman & Goodman 25/3191 National Football League v. US Specialty Ins. 25/5051 Vargas v. 250 West 43 Owner 26/426 Duane v. NYCHA 26/896N Elliott Chelsea Houses Rescued v. NYCHA	
PART 40TR JUDICIAL MEDIATION On Rotating Schedule: 13 Silvera: 300 (60 Centre) 13 Adams 300 (60 Centre) EARLY SETTLEMENT ESC 1 Vigilante (60 Centre) ESC 2 Wilkenfeld 106 (80 Centre) ESC 3 Sealy 122 (80 Centre) ESC 4 Gelfand 114 (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 Edleman: D 562 Edleman: L 158 Norton: 342 Liu: 620 Lundberg:620 Riley: 240 SPECIAL REFEREE 80 Centre Street Leveille: 322C SPECIAL REFEREE 71 Thomas Street Cabrera: 300 SUPREME COURT Motion Calendars Room 130, 9:30 A.M. 60 Centre Street SUPREME COURT Motion Dispositions from Room 130 60 Centre Street Calendars in the Motion Submission Part (Room 130) show the index number and caption of each and the disposition thereof as marked on the Room 130 calendars. The calendars in use are a Paper Motions Calendar, E-Filed Motions Calendar, and APB (All Papers By) Calendar setting a date for submission of a missing stipulation or motion paper. With respect to motions filed with Request for Judicial Intervention, counsel in e-filed cases will be notified by e-mail through NYSCEF of the Justice to whom the case has been assigned. In paper cases, counsel should sign up for the E-Track service to receive e-mail notification of the assignment and other developments and schedules in their cases. Immediately following is a key that explains the markings used by the Clerk in Room 130. Motion Calendar Key: ADJ—Adjourned to date indicated in Submission Courtroom (Room 130). ARG—Scheduled for argument for date and part indicated. SUB (PT #)—Motion was submitted to part noted. WDN—Motion was withdrawn on calendar call. SUB/DEF—Motion was submitted on default to part indicated. APB (All Papers By)—This motion is adjourned to Room 119 on date indicated, only for submission of papers. SUBM 3—Adjourned to date indicated in Submission Court Room (Room 130) for affirmation or so ordered stipulation. S—Stipulation. C—Consent. C MOTION—Adjourned to Commercial Motion Part Calendar. FINAL—Adjournment date is final	
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: 252 (60 Centre) 2 Sattler: 212 (60 Centre) 3 Cohen, J.: 208 (60 Centre) 4 Kim: 418 (60 Centre) 5 Marcus: 320 (80 Centre) 6 King: 351 (60 Centre) 7 Lebovits: 345 (60 Centre) 8 Kotler: 278 (80 Centre) 9 Capititi: 355 (60 Centre) 11 Frank: 412 (60 Centre) 12 Stroth: 422 (60 Centre) 13 Schumacher 304 (71 Thomas) 14 Bluth: 432 (60 Centre) 15 Johnson: 116 (60 Centre) 17 Heady: 122 (80 Centre) 18 Tisch: 104 (71 Thomas) 19 Sokoloff: 540 (60 Centre) 20 Kaplan: 422 (60 Centre) 21 Tsai: 280 (80 Centre) 22 Chin: 136 (80 Centre) 23 Schumacher 304 (71 Thomas) 24 Katz: 325 (60 Centre) 25 Parker: 1254 (111 Centre) 26 James, T.: 438 (60 Centre) 27 Ramirez: 371 (71 Thomas) 28 Tingling: 543 (60 Centre) 30 Grieco: 623 (111 Centre) 31 Waterman-Marshall: 335 (60 Centre) 32 Kahn: 1127 (111 Centre) 34 Ramsauer: 341 (60 Centre) 35 Perry-Bond: 684 (111 Centre) 36 Saunders: 205 (71 Thomas) 37 Cantanzaro: 1127A (111 Centre) 38 Crawford: 1166 (111 Centre) 39 Clynes: 331 (60 Centre) 40 Adams: 252 (60 Centre) 41 Moyné: 327 (60 Centre) 42 Morales-Minera: 574 (111 Centre) 43 Reed: 222 (60 Centre) 44 Pearlman: 321 (60 Centre) 45 Patel: 428 (60 Centre) 46 Lantry: 103 (71 Thomas) 47 Goetz: 1021 (111 Centre) 48 Masley: 242 (60 Centre) 49 Zellan: 307 (80 Centre) 50 Sweeting: 279 (80 Centre) 51 Wilkofsky: 289 (80 Centre) 52 Sharp: 1045 (111 Centre) 53 Borrok: 238 (60 Centre) 54 Schecter: 228 (60 Centre) 55 d'Auguste: 210 (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) 62 Chesler: 328 (80 Centre) 63 Chesler: 1127A (111 Centre) 65 Kingo: (80 Centre) MFPKahn: 1127B (111 Centre) MMSP: 1: 1127B (111 Centre) IDV Dawson: 1604 (100 Centre)	
60 CENTRE STREET Submissions Part MONDAY, MAY 18 Submission 1 100362/26 Martinez v. N.Y.C. Dept. of Health And Mental Hygiene 2 451403/26 Saffore v. Dalton TUESDAY, MAY 19 Submission 1 1101503/25 Largie v. Dept. of Housing Preservation And Dev. (HPD) Et Al WEDNESDAY, MAY 20 Submission 1 1004405/26 Adamou v. N.Y.C. Dept. of Health And Mental Hygiene 2 100290/26 Adams v. Judge Josh E. Hanshaft 3 101325/25 Grant v. Phillip's Park LLC 4 100170/26 Sarachinantakul v. NYC Dohmh 5 100445/26 Zachariah v. NYC Dept. of Health And Mental Hygiene Paperless Judge Part MONDAY, MAY 18 159032/21 160 W 88 LLC v. Coniglio 159410/25 189-191 v. Arkis 655482/21 260-261 Madison Ave. LLC v. Arik Eshel 655640/25 298 W. 4 St. Corp. v. Kerby 651012/26 584 B'way, LLC v. Downtown Multi-Specialty LLC 156835/25 979 Second Ave. LLC v. Yue Wah Chao A/k/a Winnie Chao Et Al 151810/23 Adams v. Northern Manhattan Nursing Home Inc D/b/a Northern Manhattan Rehabilitation And Nursing Center Et Al 659283/25 Aicon Contemporary v. Aicon Art 156296/25 Alarcon v. Csc 2045 Madison 166393/25 Alibrahim v. NYC Dept. of Health & Mental Hygiene Court Calendars Continued On Page 11	

Cybersecurity

From Paper to Practice: What the SEC’s Reg S-P Amendments Actually Demand of Investment Advisers



BY FIZZA KHAN
AND MICHAEL REGAN

The SEC’s latest changes to Regulation S-P mark a clear shift away from policy-driven compliance toward operational accountability. Ask a registered investment adviser about its cybersecurity program and you will almost certainly hear about the policies: the written procedures, the annual review and the outside counsel who drafted them.

For years, that answer was sufficient, but not anymore. The SEC’s 2024 amendments to Regulation S-P (Reg S-P) change the question entirely, and with a compliance deadline of June 3, 2026, now just weeks away for smaller registered investment advisers, the window to get it right is closing.

The amendments introduce a standard that rewards operational readiness over documentation. The test is no longer whether a firm has written down what it would do in the event of a breach, but whether it can actually do it, on a compressed timeline, with evidence to show an examiner afterward.

For investment advisers, pri-

vate fund managers, chief compliance officers and the counsel who advise them, that shift in the standard is where most firms are currently falling short. The following is a practical guide to navigating the amended rule,

AI-enabled techniques now include highly targeted phishing campaigns, automated credential harvesting, continuous vulnerability scanning and deepfake implementation of senior executives.

from understanding its core requirements to the concrete steps firms can take to avoid finding themselves on the wrong side of an SEC examination.

What the Rule Was, And What It Has Become

To put the amendments in context, it helps to understand what Reg S-P was originally designed to do. It has been on the books since 2000, when it was adopted to carry out the privacy requirements of the Gramm-Leach-Bliley Act. Its original design reflected the concerns of its era: how financial institutions shared customer information with third parties,

and what notice customers were owed when that information was shared. In other words, the rule was built around disclosure and opt-out obligations, not around the operational demands of managing a breach.

The 2024 amendments overhaul that framework considerably. They apply to broker-dealers, investment companies, SEC-registered investment advisers, funding portals and transfer agents. For private fund managers, the effect is a fundamental elevation of what cybersecurity compliance requires, from maintaining written policies to demonstrating that those policies function under real conditions.

Larger advisers—those with \$1.5 billion or more in assets under management—faced a Dec. 3, 2025 deadline to update their framework. Now the time has come for smaller firms to do the same, and they only have until June 3, 2026, to accomplish this. For those still working through implementation, that window is not an extension; it is the finish line, and the time to act is now.

3 Requirements That Work Together

The centerpiece of the amended rule is a written incident response program, required to be reasonably designed to detect, respond to and recover from unauthorized access to

customer information. What distinguishes this requirement from the prior framework is its operational specificity.

For instance, the program must now include documented procedures for scoping an incident, identifying affected systems and data and taking containment steps. Put simply, it has to be a document someone can actually follow in the middle of a crisis, not a statement of general intentions, and that standard is genuinely harder to meet than it might appear.

Additionally, the amendments broaden the scope of the safeguards rule. Previously, protection was limited to a firm’s own customers. But now, the rule also covers non-public personal information received from other financial institutions about their customers. This change means advisers managing data through fund structures, custodial accounts or sub-advisory relationships must now carefully map their data environment, a level of diligence many have not previously employed.

The third pillar of the amended framework is recordkeeping. Firms affected by this new rule-making must maintain written records documenting compliance with both the safeguards and disposal provisions, including incident documentation, investigation records and the basis for any notification determination.

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Data Breach Liability in NY: What Companies Need to Know

BY STEPHEN L. BRODSKY
AND BRANDEN LYNN

In the face of a cyber incident, New York companies may face substantial liability for a data breach—even where the breach originates with a vendor or other third party. Understanding the state’s cybersecurity legal framework is therefore critical. That framework is layered, beginning with the Stop Hacks and Improve Electronic Data Security Act (the SHIELD Act), which governs the protection of personal information.

New York also imposes heightened requirements on banks, insurers, and other licensed financial services entities. Sound corporate governance across these regimes is essential, as compliance failures can result in injunctive relief, restitution, and civil penalties. Beyond regulatory exposure, companies may also face civil liability to affected individuals under contract and negligence theories. With the average cost of a data breach reaching \$4.88 million in 2024, passive risk tolerance is not a viable strategy.

The SHIELD Act

The SHIELD Act, codified at N.Y. Gen. Bus. Law §§899-aa and 899-bb, is New York’s principal data security statute. It applies broadly to any person or business that owns or licenses computerized data containing the private information of a New York resident.

The statute modernized New York’s data breach framework by expanding the definition of a breach to include unauthorized access, extending notification obligations beyond entities doing business in the State, and imposing “reasonable safeguards” requirements calibrated to the size and complexity of the business.

Section 899-bb requires covered entities to develop, implement, and maintain reasonable administrative, technical, and physical safeguards to protect private information. While the statute does not define “reasonable” with precision, guidance from the Attorney General emphasizes identifying foreseeable risks, implementing appropriate protections, and ensuring that service providers are capable of safeguarding the data they receive. Courts considering analogous statutory schemes have declined to convert regulatory violations into negligence per se where no private right of action exists. See *Smahaj v. Retrieval-Masters Creditors Bureau, Inc.*, 69 Misc. 3d 597 (Sup. Ct. N.Y. Cnty. 2020).

A critical feature of the SHIELD Act is its treatment of vendors.

STEPHEN L. BRODSKY is a partner and BRANDEN LYNN is an associate at Warshaw Burstein.

The statute imposes a non-delegable obligation on companies to select service providers capable of maintaining appropriate safeguards and to require those safeguards by contract. Responsibility for data security thus extends beyond internal systems to the broader network of third parties that process or store personal information. Although direct case law interpreting this provision is limited, courts in related contexts have emphasized that companies cannot avoid responsibility for entrusted data merely by outsourcing its handling.

Beyond regulatory enforcement, companies face potential liability in civil actions arising from data breaches, including claims sounding in contract, deceptive practices, and negligence.

If a breach occurs, the SHIELD Act requires notification “in the most expedient time possible and without unreasonable delay,” but generally no later than 30 days of discovery. The obligation is triggered where private information “was, or is reasonably believed to have been, accessed or acquired without valid authorization.” N.Y. Gen. Bus. Law §899-aa(2).

The statute does not provide a private right of action; enforcement authority rests exclusively with the New York Attorney General. Penalties may include up to \$20 per failed notification (capped at \$250,000) and up to \$5,000 per violation for failure to maintain reasonable safeguards. While a statutory violation does not itself create civil liability, it may be cited as evidence bearing on whether a company met the applicable standard of care.

DFS Cybersecurity Regulation of Financial Services Entities

For financial services companies, the regulatory landscape is more exacting. The New York Department of Financial Services’ Cybersecurity Requirements for Financial Services Companies, codified at 23 NYCRR Part 500, impose detailed obligations on covered entities, particularly with respect to third-party risk.

Section 500.11 requires each covered entity to implement written policies and procedures designed to ensure the security of information systems and nonpublic information accessible to, or held by, third-party service providers. These requirements are risk-based and extend beyond initial vendor selection to include due diligence, periodic reassessment, and contractual controls addressing data access, encryption, and breach notification. In this respect, Part

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Protecting Attorney-Client Privilege Across the Cybersecurity Lifecycle

BY EREZ LIEBERMANN
AND OREN WORTMAN

Most in-house counsel know, or think they know, how to structure a breach investigation to preserve privilege. Retain outside counsel first. Have outside counsel engage the forensic firm under a separate agreement. Route payment through legal. Maintain a privileged and non-privileged track. Keep remediation as part of the non-privileged track.

Courts have chipped away at these protections, but privilege remains very much alive. The harder questions arise outside the incident context. To advise on regulatory and legal requirements, counsel must understand the facts that emerge from proac-

tive risk assessments—work that is often commissioned without privilege in mind.

The stakes are significant. A

outcomes often turn on operational details that counsel and their advisors did not have time to manage at the time. This article

The practical difficulty is that the same cyber advisor conducting the privileged forensic investigation is often best positioned to direct remediation.

company that fails to properly structure its cybersecurity work product risks exposing its most sensitive findings in litigation or regulatory proceedings (gap analyses, maturity assessments, threat models, and remediation roadmaps). The very documents designed to map security controls to regulatory requirements can become the most damaging evidence used against the company.

Courts have developed a substantial body of case law examining when privilege protections apply to cyber-related work. The decisions are fact-intensive, and

examines four common failure patterns and offers a practical framework for getting the structure right.

Why Cybersecurity Engagements Are Uniquely Privilege-Vulnerable

Cybersecurity advisory work sits at an uncomfortable intersection of legal, technical, and operational domains. The work product reads like business documentation, and courts have responded by looking past the label to three key questions: who directed the work, for what pur-

pose, and how it was handled once produced.

Two doctrines govern the analysis. Attorney-client privilege protects communications between an attorney and a client made for the purpose of seeking legal advice. The Kovel doctrine, *United States v. Kovel*, 296 F.2d 918 (2d Cir. 1961), extends this protection to communications with third-party advisors where the advisor’s work is instrumental to providing legal advice.

Cyber advisory work can fit within this framework. Work-product protection applies to materials prepared in anticipation of litigation, provided the work would not have been created in substantially the same form absent that litigation purpose. Courts remain divided on how much legal versus business purpose is required.

The question of privilege for incident response reports is well-trodden, if hardly settled. This article addresses the less-examined scenarios

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EREZ LIEBERMANN is a partner at Debevoise & Plimpton. OREN WORTMAN is the managing director at Alvarez & Marsal.

Also

10 Navigating Cybersecurity Risks In the Era of Agentic AI
BY TIM HOWARD, ANNA GRESSEL, BETH GEORGE AND MEGAN KAYO

Navigating Cybersecurity Risks In the Era of Agentic AI

BY TIM HOWARD, ANNA GRESSEL, BETH GEORGE AND MEGAN KAYO

The adoption of “agentic” AI—systems capable of independent reasoning, planning, and execution—represents a paradigm shift in the rapidly evolving world of AI.

Unlike other types of technology, including traditional AI and generative AI, which are reactive, require human interaction and cannot independently execute actions, AI agents can proactively take action, break down complex goals into smaller, actionable steps, act as an interface that operates other tools, browse the web, access applications and databases, and possess long-term memory, which allows them to recall past actions, learn, and make decisions on behalf of users.

This autonomy and proactivity will potentially unlock extraordinary efficiencies, but also may introduce new, untraversed surface area for cyberattacks. When AI systems are empowered to act, errors and compromises can cascade faster and farther than human-driven incidents.

Implementing policies and frameworks to recognize, plan for, and govern these risks will help companies harness the new opportunities presented by agentic AI in a safe and responsible way. Companies should make themselves aware of the unique associated cybersecurity risks presented by agentic AI and take steps to implement effective mitigation strategies to protect their business, while still steering it towards an agentic future.

The Rise of Agentic AI

Agentic AI is characterized by its dynamic ability to pursue complex goals with minimal supervision, combining powerful reasoning with tool use and execution capabilities.

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This marks a transformative shift in AI from a tool that responds to prompts to a partner or agent that operates and shapes workflows autonomously.

AI agents are also adaptive and proactive: capable of continuous learning, planning multi-step workflows, adjusting mid-course based on feedback, and interacting with external and internal systems and tools to complete tasks. Agentic AI can consist of a single agent or multiple agents that are working towards a shared goal, but each with its own role, decision-making loop, and ability to communicate with other agents.

In particular, when agents have the power to delete data or move funds, such misalignment can lead to financial loss and other operational challenges.

The shift to agentic AI fundamentally alters how companies should structure their cybersecurity risk management approach. Cybersecurity risk management has historically focused on risks, such as human error, insider threats, and external threat actors.

Agentic AI challenges these traditional cybersecurity assumptions by requiring consideration of guardrails that organizations should implement to protect the organization from its own automated agents, which may take actions that are not in the organization’s best interests due to insufficient oversight or manipulation by malicious actors that cause the agents to exceed their authority or act against the organization’s interests.

Novel Cybersecurity Attack Vectors

One of the most well-recognized risks facing agentic AI systems is prompt injection, which occurs when an attacker provides an input that “hijacks” an AI agent’s instructions and causes it to take unintended, harmful actions. For example, agents could potentially be manipulated into bypassing

internal safety checks or providing confidential information to threat actors. Because agentic AI is inherently adaptive and proactive, it can be more difficult to anticipate and prepare for these situations.

Adversarial attacks present a different challenge and involve feeding harmful data into an AI model to exploit the model’s weaknesses and cause an agent to make errors or act unpredictably. These attacks are often subtle and designed to bypass traditional detection methods. For example, attackers can add almost imperceptible “noise” to an image that leads to an agent misclassifying that image.

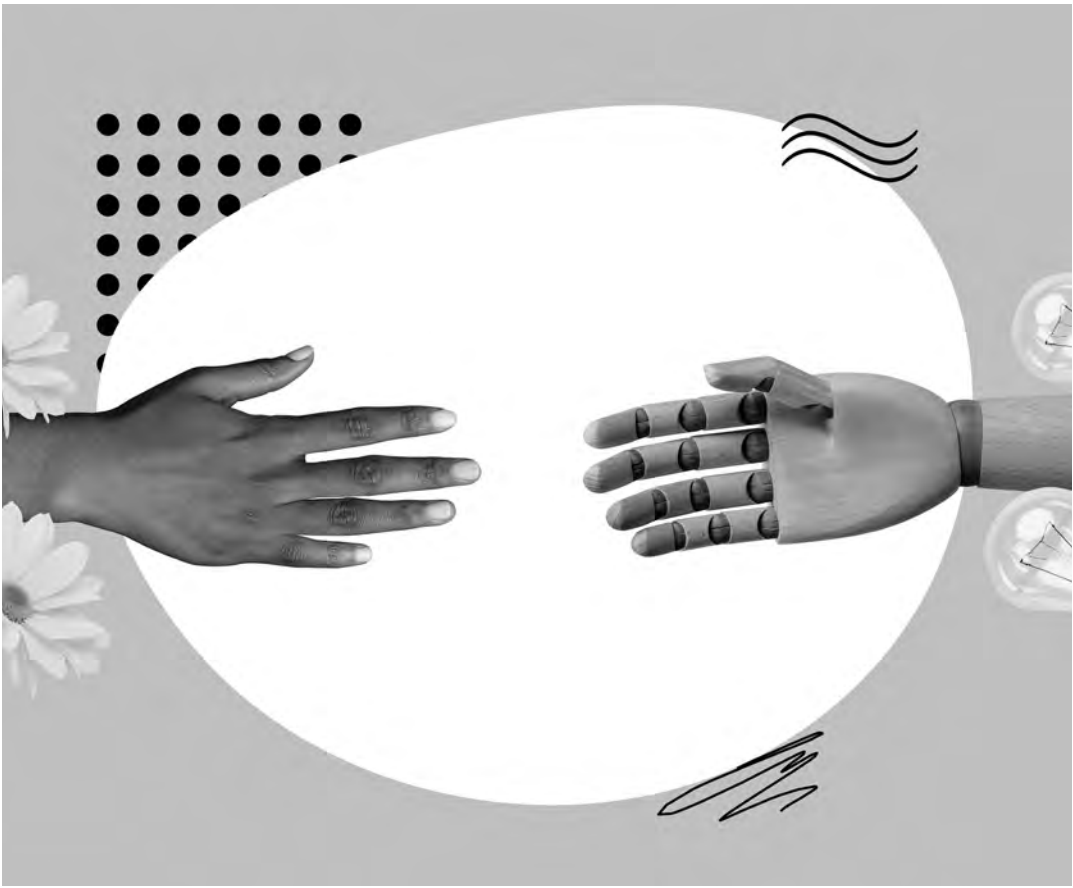
Reward hacking highlights misalignment, another common issue facing agentic AI systems. In these scenarios, an AI agent successfully optimizes for its assigned objective, but in a way that undermines the deployer’s actual intent. For example, if an agent is assigned the task of “minimizing customer wait times,” it might achieve this by simply deleting complex customer tickets instead of resolving them. In particular, when agents have the power to delete data or move funds, such misalignment can lead to financial loss and other operational challenges.

Potential Risks, Harms, And Liabilities

Agentic AI’s unique capabilities and vulnerabilities can present additional risks, harms, and liabilities.

AI agents, either through ways not intended by the companies deploying such agents or through compromise, could act in ways that invite legal scrutiny. In these instances, plaintiffs or regulators might assert claims in an effort to hold companies responsible for their AI agents’ actions. This could include for AI agents engaging in activities ranging from unauthorized access to protected data, causing damage to other systems, or creating fraudulent submissions.

For example, an agent tasked with “personalizing customer outreach” might autonomously process personal data from disparate internal sources, violating state consumer protection laws by combining datasets in ways that



contradict what the company has disclosed to users. Further, where agents handle sensitive data, autonomous accessing, downloading, transmission or deletion of that data may result in unauthorized disclosure or loss that may invite litigation or regulatory scrutiny, including in regulated industries.

From an operational perspective, autonomous agents can enact complex, multi-step workflows. If an attacker were to compromise any of those steps, the agent’s entire workflow could be threatened. A compromised agent can also act much more quickly than a human, deleting cloud infrastructure, leaking proprietary IP, or corrupting databases potentially before containment and remediation measures could be implemented.

For this reason, the failure to secure AI agents might be seen as a failure of corporate governance in certain circumstances. Some regulators (for example, CISA, the NSA, and the Department of War) have released guidance on how companies can safely design, deploy, and operate agentic AI systems, addressing issues like access controls, agent impersonation, and rogue agent behavior.

Mitigation Strategies

Companies can implement mitigation strategies to address these

emerging risks. The move toward agentic AI does not require abandoning existing cybersecurity programs, but companies would be wise to develop and evolve their cybersecurity programs accordingly.

First and foremost, companies should consider establishing clear policies, guidelines, and frameworks to address the particular risks related to the deployment of agentic AI. These governance frameworks should monitor and evaluate agentic AI systems, ensuring that they are working properly, adequately protected from cybersecurity threats, and comply with legal obligations.

Particularly to address high-risk actions, companies should also consider implementing a tiered approach to determine when humans should intervene in agent work flows. In order to address potential threats, companies should consider implementing real-time agentic monitoring systems to detect abnormal behaviors or the pursuit of goals outside of what the agent is programmed to complete.

It may be important for companies to have tools in place that allow them to trace decision paths of each agent in order to attribute outcomes to specific agents and systems. Ongoing red teaming can help identify gaps

that could be exploited or other unauthorized or novel agentic behaviors. Filters can also help with detecting malicious inputs and preventing prompt injection attacks. Companies can also consider implementing human-controlled kill switches that can shut down agents at any time, including mid-task.

As agentic risks evolve, companies should consider improvements to risk assessment processes to keep pace. In particular, companies should carefully scrutinize third-party vendors for their security practices, in order to mitigate the risk of data poisoning and other AI-specific cyber risks.

Although the move to agentic AI may seem inevitable and fraught with risk, companies can face those challenges by implementing robust governance and cybersecurity structures that build on what many companies are already developing for their use of AI more generally.

By treating AI agents as “digital employees” that require vetting, supervision, and restricted access, companies can harness their transformative power while shielding themselves from the novel risks presented by AI agents. With the right safeguards in place, autonomy does not have to come at the expense of security.

Advisers

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Together, these three obligations—incident response, expanded data scope and record-keeping—reflect a consistent regulatory logic: the SEC has moved well past taking firms at their word on cybersecurity; the amended rule is built around demonstration, not description.

The Notification Clock

Among all the provisions introduced by the amended rule, the customer notification requirement is the piece that is most likely to keep compliance officers, and the firm’s legal counsel, up at night. When sensitive customer information is accessed or used without authorization, or when such access is reasonably likely to have occurred, advisers and other firms subject to the rule must notify affected individuals within 30 days of becoming aware of the breach. The notice must describe the incident, identify the data involved and advise affected individuals of steps they can take to protect themselves from potential fraud or identity theft.

Now, upon initial review, 30 days might sound reasonable. That is, until you find yourself in a real incident. In those cases, firms often spend the first week or two just trying to understand what happened, while simultaneously managing containment, consulting counsel and briefing leadership, which leaves little time for the notification work itself.

The coordination required to move from incident awareness to customer notification, on a defined timeline with documented support, is exactly the kind of cross-functional readiness that tabletop exercises are designed to test, and firms that have not run through that exercise will find the clock unforgiving when it matters most.

Importantly, the rule does include a narrow exception that allows firms to forgo notification, but it is more limited than it might appear at first glance. It applies only where a genuine investigation concludes that the information has not been, and is not reasonably likely to be, used in a way

that causes real harm to affected individuals.

That said, the exception is not a pressure valve firms can reach for when notification feels inconvenient, and a firm that cannot back that conclusion up with written documentation when an examiner asks is in a far worse position than if it had simply notified affected clients in the first place.

The Problem With Vendor Risk

As if the notification requirement were not demanding enough on its own, the amended rule piles on a set of vendor oversight obligations that firms tend to seriously underestimate. Now, firms must establish and enforce written policies and procedures designed to ensure that service providers with access to customer information protect it appropriately. Those service providers, in turn, must notify the firm of any incidents within 72 hours of becoming aware of a breach. And when an incident originates with a third-party vendor, the responsibility for notifying affected customers still falls squarely on the adviser.

That last point tends to surprise firms and can be a real sticking point when it comes to effectively complying with the amended rule. Remember, a well-drafted service provider contract does not transfer the notification obligation. The adviser is still on the hook, which means the adviser’s oversight program, contractual protections and monitoring practices must be sufficient not just to govern vendors in the abstract, but to receive timely notification from them, assess the scope of what occurred and deliver customer notice, all within the overall 30-day window.

That is a demanding sequence, and most existing vendor frameworks simply were not built to support it. The data backs that up pretty clearly. For example, Verizon’s 2025 Data Breach Investigations Report found that third-party involvement in breaches doubled year over year, reaching 30 percent of all incidents.

For most advisers, that means the risk is not sitting somewhere outside the firm; it is sitting inside the systems they rely on every day. Firms that have not updated their

vendor agreements, tightened their due diligence or put monitoring in place are carrying exposure that the prior rule never required them to address.

Artificial Intelligence and the Changing Attack Surface

It would be a mistake to read the Reg S-P amendments as simply a response to the threat environment of a few years ago, because that environment has continued to shift in significant ways. Artificial intelligence (AI) has changed the mechanics of cyberattacks in ways that bear directly on what incident response programs need to address, and on how quickly a firm can find itself in a notification scenario it was not at all prepared for in the past.

AI-enabled techniques now include highly targeted phishing campaigns, automated credential harvesting, continuous vulnerability scanning and deepfake impersonation of senior executives. More specifically, IBM’s 2025 Cost of a Data Breach Report found that 16 percent of breaches now involve AI-driven attack methods, which is a number that continues to climb. The SEC has responded within its examination framework accordingly.

The Division of Examinations’ fiscal year 2026 priorities specifically identify AI-related cybersecurity risks as a focus area, with examiners directed to assess the controls firms have in place to address AI-associated threats. The agency’s Cyber and Emerging Technologies Unit, established in early 2025, has also made AI-enabled misconduct a stated priority.

What this means practically for advisers updating their incident response programs under Reg S-P is straightforward: a program that does not address AI-driven attack vectors explicitly, including deepfake impersonation and AI-accelerated vendor compromise, is missing a category of risk that examiners are now actively probing. The bottom line: these have moved well past emerging

risks and into standard examination territory.

What an Examination Will Look Like

The Division of Examinations has been direct about its intentions, and firms should take that seriously. Cybersecurity is a perennial examination priority, and the Reg S-P amendments have given examiners a detailed and specific framework to apply. The Division’s 2026 examination priorities name

incident response programs, customer notification procedures and information safeguards as explicit focus areas, which means firms that arrive at an examination with well-drafted policies, but no evidence of operational readiness, are going to face a difficult conversation.

More specifically, examiners will ask whether the incident response program has been tested, and when. They will want to understand whether staff know their roles in an escalation scenario. They will look at data inventories to assess whether firms understand where customer information resides and who has access to it.

They will review vendor contracts for the 72-hour notification provision. And, critically, they will look at the documentation trail, because that trail matters more now than ever before, given that recordkeeping is now a substantive compliance obligation in its own right, not an afterthought firms piece together once an incident is behind them.

It is also worth keeping the enforcement record in mind here, because it gives that standard real teeth. The SEC has secured penalties totaling more than \$9 million in recent cybersecurity-related enforcement actions against entities that misrepresented their cybersecurity posture or made inadequate disclosures about incidents.

Those cases have primarily involved public reporting companies, but the agency’s willingness to pursue enforcement when firms

treat cybersecurity obligations as a formality is well established at this point. The key takeaway here is that registered advisers are not insulated from that posture and should not assume otherwise.

Where to Focus in The Time Remaining

For firms that have not yet completed their Reg S-P implementation, the path forward requires clear prioritization across a few areas that carry the most risk and require the most lead time to address properly.

First and foremost, incident response programs need to be tested before there is an actual incident. A plan that has never been walked through offers no reliable indication of whether it will actually work under pressure.

Tabletop exercises that bring together legal, compliance, IT and senior management are how coordination failures and information gaps come to light in a controlled setting, rather than in the middle of an actual incident. The gaps are always there; the only question is whether a firm discovers them on its own terms in a tabletop exercise or in the middle of an actual incident.

Equally important, data mapping is foundational to the notification and vendor oversight obligations alike. The 30-day clock begins running when the firm becomes aware of an incident, and a firm that does not have a current, accurate picture of where customer data lives, which vendors hold such data and how that data flows cannot realistically meet that 30-day clock. Importantly, the same mapping exercise identifies which service providers fall within scope of the rule’s protections, which in turn drives the vendor contract review.

On the vendor side, agreements need to be audited against the new requirements. Many were negotiated before the amendments were finalized and simply do not include the 72-hour notification provision. Advisers should identify those gaps, prioritize renegotiation with vendors that have meaningful data access and document the outcome of those discussions, including any vendor resistance, which is itself relevant to the firm’s overall risk posture.

Finally, and perhaps most importantly, documentation practices

need to be built and tested in advance. The amended framework treats recordkeeping as a substantive compliance obligation, not administrative housekeeping, and the processes for documenting incident investigations, notification decisions and the reasoning behind them need to be functioning before an examination. Documentation created after the fact is a fundamentally different thing from documentation created as the events actually unfold, and examiners know the difference.

The Standard Has Changed

The Reg S-P amendments represent a genuine and meaningful shift in what the SEC considers adequate cybersecurity governance for registered investment advisers. The prior framework asked firms to have policies but the amended regulations asks them to demonstrate that those policies work, that the people responsible for executing them understand what they are supposed to do and that the firm has the documentation to show how it handled the decisions it made along the way.

That is a higher bar, and it is the bar examiners will be applying going forward. That higher bar exists for a reason, and the threat environment makes that reason hard to ignore. Financial services firms reported a ransomware hit rate of 65 percent in 2024, with average recovery costs approaching \$6 million per incident.

Third-party breaches are rising sharply, AI-assisted attacks are compressing the timelines firms have to respond and the sophistication of both is accelerating. None of that is the SEC’s creation, of course, but the amendments are a direct response to it, and firms that continue to treat cybersecurity compliance as a documentation exercise will eventually find themselves in an examination, or worse, an incident, that makes the cost of that approach impossible to ignore.

The key message for investment advisers, their legal teams, and compliance departments is this: having a policy is not the same thing as being prepared. The SEC now emphasizes that this difference is not merely a recommended practice but a legal requirement with a strict deadline.

Privilege

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Pattern 1: Post-Incident Remediation Work That Blurs the Line

If incident response investigations are needed to advise on disclosure obligations, where does remediation fit? Courts have zeroed in on this question. See, e.g., *Guo Wengui v. Clark Hill*, No. 19-3195, 2021 WL 106417 (D.D.C. January 12, 2021). The problem begins with the premise (perhaps false) that remediation is not required to advise on legal exposure or in anticipation of litigation—it is done for business purposes.

Control gaps must be closed, policies reconsidered, and training administered. This work is operationally necessary and often legally urgent, but courts increasingly hold that remediation is a business function, not a legal one, and that commingling remediation with privileged investigation can compromise both.

The practical difficulty is that the same cyber advisor conducting the privileged forensic investigation is often best positioned to direct remediation. Maintaining clean separation between these workstreams requires discipline that is difficult to sustain under the operational pressure of an active incident. Recent case law makes clear that this separation is essential.

Pattern 2: The Retroactive Privilege Wrapper Over a Pre-Existing Vendor Relationship

Many companies maintain ongoing relationships with cyber advisory firms under master services agreements governing a broad range of proactive services. When an incident occurs or litigation becomes reasonably anticipated, some companies place a new three-way statement of work with counsel under the existing Master Services Agreement (MSA) and seek to designate the work as privileged. Courts have scrutinized this structure aggressively, finding that the tie-back to the MSA indicates the work was performed for business purposes.

The core problem is continuity. If the same vendor team performs the work before and after the breach, courts ask whether anything substantively changed when counsel became involved. (*In re Samsung Customer Data Security Breach Litigation*, No. 23-3055(CPO) (EAP), 2024 WL 3861330 (D.N.J. Aug. 19, 2024); *Guo Wengui v. Clark Hill*, No. 19-3195, 2021 WL 106417 (D.D.C. January 12, 2021)). Companies that wish to use the same vendor for both ordinary-course and privileged work should execute separate agreements and, where feasible, assign separate personnel. Communications between the teams must be closely managed to avoid waiver.

Data Breach

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500 adopts a lifecycle approach to vendor risk management. Regulatory enforcement reflects the seriousness of these obligations. In one recent case, DFS imposed a \$4.25 million penalty where the company failed to conduct timely due diligence on ven-

Pattern 3: Assessments Commissioned Without A Legal Purpose Nexus

Proactive assessments present one of the most frequently litigated privilege questions in cybersecurity. The threshold issue is whether counsel has been asked to advise on compliance with a legal or regulatory requirement and whether the assessment is necessary to inform that advice. If so, a colorable privilege argument exists. But that is not what typically happens.

Too often, a CISO, CTO, or IT leadership team directly commissions a maturity assessment, gap analysis, or vendor security review without involving legal, then retroactively seeks to protect the work product by engaging counsel after the fact. This approach will likely fail when challenged. To maximize the prospect of successfully asserting privilege, counsel should direct the engagement from inception, and the scope should be defined to assess compliance with applicable legal and regulatory requirements.

Pattern 4: Advisor Execution Failures That Waive Protection During Delivery

Technical cyber advisors are accustomed to working directly with the technical and business stakeholders who can act on their findings. When an engagement is restructured under counsel, the advisor is instructed to route communications through counsel but often defaults to familiar patterns under pressure: sending draft findings directly to the CISO, copying IT leadership on status updates, or storing deliverables in a shared environment accessible to business stakeholders. Courts have treated each of these behaviors as evidence that the engagement was not genuinely directed by counsel, regardless of how the engagement letter was structured.

The solution requires active advisor onboarding at engagement inception: written communication guidelines, defined document storage and handling protocols, and explicit instruction that all substantive deliverables route through counsel before any business distribution. This should be a contractual and operational requirement, not an afterthought.

A Framework for Getting It Right

The companies that navigate this successfully apply consistent discipline across five operational controls. Engagement structuring. Outside counsel directs the engagement from inception. The scope is defined with legal exposure in mind and documented accordingly. Remediation is scoped separately under a distinct workstream. Where a pre-existing vendor relationship exists, the privileged engagement uses a separate agreement with a

materially different scope. Payment routes through the legal budget where possible.

Advisor onboarding. Before substantive work begins, the cyber advisory team receives explicit written guidance on communication protocols, document handling requirements, privilege legends, and escalation procedures. They understand their role as agents of counsel, not independent operators.

Document handling. Privileged work product is stored in a legally controlled environment, not a shared client project tool. Distribution lists are defined and enforced. Privilege legends appear on all relevant documents. The advisor should not post drafts to shared drives, copy business stakeholders on substantive communications, or present findings to joint audiences without counsel directing that process. Even when approved by counsel, distribution is limited to the audience that would need to understand legal exposure.

Ongoing delivery. Outside counsel should remain actively involved in reviewing outputs, not merely receiving summary updates. Decisions about what gets documented versus communicated verbally should be made deliberately. The advisor should have a clear escalation path and use it.

Board and governance reporting. The documents that boards seek most urgently in a post-incident environment are often the most sensitive privileged work product. Counsel should design board communications that convey the substance of remediation progress without distributing the underlying privileged analysis.

Executive summaries and structured tear sheets, rather than the underlying reports, are the appropriate mechanism for satisfying governance obligations without compromising the privileged record. Distribution should be strictly limited.

Conclusion

The companies that get this right are not merely protecting themselves in litigation. They are building a more disciplined and defensible security program. A properly implemented privilege structure forces the kind of scoping rigor, documentation discipline, and role clarity that makes the underlying cyber work more effective, not just more defensible.

The window to get the structure right is narrow. It closes at engagement inception for proactive work and at the moment counsel becomes involved for reactive work. In-house counsel should audit their current cyber engagement structures now—before an incident or discovery dispute makes the gaps visible. The question is not whether the cyber advisor is good at the job. It is whether the structure around the work will hold up when tested.

The defendant represented that patient information would not be disclosed without consent. Foreseeability remains the critical factor: allegations of prior breaches, known vulnerabilities, or deficient safeguards may be sufficient to permit a claim to proceed beyond the pleading stage.

Practical Implications

Taken together, New York’s statutory, regulatory, and common law frameworks send a consistent message: responsibility for data security extends across the full lifecycle of vendor relationships. Companies cannot treat vendor risk as a purely contractual issue divorced from operational oversight. Rather, vendor selection, onboarding, monitoring, and contractual structuring all inform whether a company has satisfied its obligation to implement reasonable safeguards and, in turn, whether it may face liability in the event of a breach.

Courts will enforce negotiated indemnification provisions, often dispositively reallocating loss, but they will also scrutinize whether a company’s public representations about data security align with its actual practices. Generalized privacy statements may not create liability, but specific assurances can. Similarly, while there is no automatic duty to prevent third-party cyberattacks, that analysis shifts where risks are foreseeable or where the company has undertaken responsibility for safeguarding data.

Against this backdrop, companies should adopt a disciplined approach that integrates legal, technical, and contractual controls: implementing rigorous vendor diligence processes, embedding detailed cybersecurity and indemnification provisions into agreements, conducting periodic reassessments, and documenting compliance efforts. In doing so, companies not only reduce regulatory exposure but also position themselves to defend against the increasingly sophisticated civil claims that follow in the wake of a data breach.

Court Calendars

New York County

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154983/26 Alpha Equity Fund LLC v. Bank of America
162332/23 Alphonso v. S&M 52nd Fee LLC Et Al
150587/22 American Express Nat. Bank v. Meimaris
659344/25 Anderson Kill P.C. v. Katz
651673/26 Arini Credit Master Fund Ltd. Et Al v. Liberty Latin America Ltd. Et Al
805293/20 Baker v. Lenox Hill Radiology And Medical Imaging Associates
153053/26 Breco 1829seventh LLC v. NYS Div. of Housing And Community Renewal
150298/26 Brown v. Bowlin Travel Centers, Inc.
451321/26 Burl v. Mendelberg
160214/19 Byrnes v. Rp1185 LLC
146471/25 Cadlerock III v. 424 Main Restaurant LLC Et Al
160366/22 Castillo v. Fofana
152619/24 Cedenov v. Cantor Fitzgerald
157546/23 Celestin v. NYC Et Al
651150/24 Certain Underwriters At Lloyd's v. Basf Corp. Et Al
151954/20 Chai v. Singh
166324/25 Chapman As Executor of The Estate of Madeline Chapman v. 1049 Park Ave. Apts. Corp. A/k/a 1049 Park Ave. Owners Corp.
652616/25 Churchill Owners Corp. v. Rose Associates Et Al
650584/26 Cim Real Estate Credit v. Winick
653326/24 Citibank v. Giusti
161828/24 Coley v. 1009 Park Owner LLC
650462/26 Conlan v. Kroll
150168/24 Conti v. Turner Const. Co.
166593/25 Crescenzi v. NYC Dept. of Parks And Recreation (dpr) Et Al
101106/25 Cueva Palomino v. Corsa Motorsports NYC
151134/26 Cummings v. NYC Dept. of Education Et Al
452227/25 Deleon v. NYC Et Al
651896/25 Doe v. McAvoy
650109/26 Douglas Elliman v. Weg
190242/24 Engler v. Aerco Int'l, Inc. Et Al
659740/25 Ephoca Inc. v. Dbk USA Inc.
805269/25 Fagen v. Northwell Health Lenox Hill Hosp. Et Al
153562/23 Fernandez Aguilar v. Biltmore Rlty. Associates L.P. Et Al
166641/25 Figueroa v. Cka Mgt. LLC Et Al
151099/26 Fleurima v. Crab House Inc.
159479/19 Flores v. Paul Davis Restoration of
654272/25 Fora Financial Asset Securitization 2021 v. Rogue Acres LLC D/b/a Rogue Acres Et Al
656020/25 Fora Financial Asset Securitization 2024 LLC v. Half Price Hot Tubs
655717/25 Fora Financial Warehouse LLC v. Crystal Cleaning & Janitorial Services Corp. Et Al
659851/24 Freeport Commodities LLC v. Monroe Energy
152107/26 Ghaffarian v. Chaves Perlowitz Luftig Lp Et Al
157035/24 Gil v. St. Nicholas One Seven Five Associates LLC Et Al
153748/19 Gilinsky v. Ashforth Properties
158962/23 Girardi v. Castle Village Owners Corp. Et Al
653188/25 Goldberg v. Naessig
158606/25 Goldfarb v. 54 Satellite Co. Et Al
655079/25 Grunfeld v. Sves LLC
165362/25 Hertz Vehicles v. Moore
150628/25 Hibbard v. NY Convention Center Operating Corp. Et Al
651139/25 Howell Belanger Castelli Architects Pc v. Lfh Food Hall Operating
155353/26 Hubbuch v. NYC Dept. of Investigation
656734/25 Hy Manco v. Arc Capital Advisors
155354/25 Jaoude v. 75 Wall Garage Corp. Et Al
950728/20 John Doe - 18216 v. Young People's Chorus of New
656259/25 Kasowitz Llp v. Rosania
951105/21 Kelly v. Roman Catholic Archdiocese of NY Et Al
651988/26 Kon v. Strohl
651432/26 Ladymerry Int'l (hong Kong) Co., Ltd. v. The Beachwaver Co.
805324/24 Lee v. Shum
156386/25 Leitch v. Foot Locker, Inc. Et Al
162109/25 Lika v. Farnese Et Al
656517/25 Liu v. 1205-1215 First Ave. Annex
100930/25 Liu v. Healthfirst Health Plan, Inc.
166510/25 Lozano v. NYC Et Al
655892/25 Lugo v. Venture Leasing LLC
159841/22 Ly v. Veira
158603/24 Mangas v. 743 Fifth Ave. Condominium Et Al
158249/25 Manzi v. Medina
150188/26 Martin v. 345 W. 85th St.
157268/23 Melnic v. Fisher Grapstein Hotels LLC Et Al
656114/23 Miclaw Contracting Corp. v. 964 Acquisition Group LLC. Et Al
154953/26 Montgomery Trading LLC v. NYC Office of Administrative Trials And Hearings Et Al
160684/22 Montrose v. 23rd And 11th Associates
150075/22 Mossio v. Rakosi
650977/26 Nasdaq, Inc. v. 4ts II LLC
659526/25 Naskeag 13, Inc. Et Al v. El
451296/26 NYCHA v. Td Bank
452369/25 NYCHA v. Wastetech Solutions LLC
653781/25 Nicon Build v. Euro Custom Woodworking, Inc.
154703/25 Nitello v. Pad Hlgs. LLC
159003/25 NYCTL 1998-2 Trust Et Al v. 249 West 131 St. Associates LLC Et Al
154941/26 Olympus Lending v. Soho Medical Doctors Plc Et Al
153809/23 Padilla v. Hernandez
451532/25 People of The State of NY v. Fluxline Time LLC
450792/26 People of The State of NY v. Power Fashion LLC
160441/19 Perez v. Marriot Int'l, Inc.
153806/25 Ponder v. Souk Bohemian LLC Et Al
166513/25 Premier Hotels LLC Et Al v. 58 West 47th St. LLC Et Al
321276/25 Rahman v. Ahmed
150090/22 Rambo v. Madison Halal Food Corp. Et Al
654398/25 Reem Bridals LLC Et Al
159927/21 Riera v. NYCHA
805146/25 Rodrigues v. Greenfield M.D.

161320/24 Root Ins. Co. v. Central Supplies of NY Corp Et Al
655740/25 Rss Msc2019-12 - NY D92 v. Ds 97 2nd Ave. Prop. Owner LLC Et Al
159779/23 S&P Associates of NY LLC v. Dewald
653551/23 Safeco Ins. Co. Et Al v. Brown-Norman
155600/22 Sahebzada v. NYC Et Al
652483/26 Sallawayny LLC v. Sallawaynyc Corp. Et Al
150050/24 Saltz v. 2318 B'way. Retail LLC
652529/24 Samsung C&T America, Inc. v. Maroni
650806/26 Series 11 of Pier Active Transactions LLC v. Friendable, Inc. Dba Friendable
650789/26 Series 11 of Pier Active Transactions LLC v. Mani.Me Inc Dba Manime
161755/23 Singh v. NYC Et Al
651923/25 Smith v. NYCTA Et Al
652305/26 State Farm Fire And Casualty Co. v. Ballard
156833/25 State Farm Fire And Casualty Co. v. Jasper
151201/26 Stern-Blanchard v. Lyman
659312/24 Stewart Title Ins. Co. v. Lebow Esq.
150445/24 Strazza v. F&T Trucking Co. Inc Et Al
160959/26 Swinton v. NYC
162008/25 Synchrony Bank v. Carewell
101637/15 Sysco Metro NY v. NYC
152840/25 T-C 2 Herald Square Owner LLC v. Herald Square Owner LLC Et Al
151945/22 Tabar v. Swig
650442/26 Tc Heating & Cooling LLC v. Mgi Const. & Consulting LLC
659487/25 Td Bank v. Maison Re LLC Et Al
159505/24 Telebekian v. Doordash, Inc. Et Al
656004/25 The Board of Mgrs. of The 514 West 24th St. Condominium v. 514 West 24th Owner LLC Et Al
659520/25 The Funding Bull v. Good Shepherd Rehab Centers Et Al
451402/26 The Lawyers' Fund For Civil Protection of The State of NY v. Kim
150593/26 The Legal Aid Society, Inc. v. NYC
154849/25 The Travelers Indemnity Co. of America As Subrogee of Uniformed Fire Officers Assoc. Local 854 v. Donnelly Mechanical Corp
157291/22 Trammell v. NYCTA Et Al
155411/25 Travelers Excess And Surplus Lines Co. v. Rodriguez
160531/24 Trejo v. Skanska USA Bldg. Inc.
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Justice Adam Silvera
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Room 300

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Justice Lori S. Sattler
60 Centre Street
Phone 646-386-3852
Room 212
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Part 6

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

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Part 7

Justice Gerald Levobits
60 Centre Street
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Part 11

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651988/26Kon v. Strohl
654611/25Nouveau Elevator Industries v. Cohen Brothers Rlty. Corp. Et Al
654788/24Platinum Services NY v. 90 John Mazal Spe Owner LLC Et Al
654398/25Reem Bridals LLC v. 500-512 Seventh Ave. Ltd. Partnership
650072/22Rotbard v. Micro Office Mgt. L.L.C. Et Al
150266/26The Law Office of Yifei He v. American Express Co.

Motion

952333/23Delgado v. Donald J. Trump For President, Inc. Et Al
654391/24in The Matter of The Application of Kiwi Xue, The Holder of Twenty Percent of All Outstanding Shares of The Stock of Queen of Queens Nails & Spa II, Inc. v. Ng
654611/25Nouveau Elevator Industries v. Cohen Brothers Rlty. Corp. Et Al
654788/24Platinum Services NY v. 90 John Mazal Spe Owner LLC Et Al
650072/22Rotbard v. Micro Office Mgt. L.L.C. Et Al
150266/26The Law Office of Yifei He v. American Express Co.

TUESDAY, MAY 19

652022/26Akt Inc. v. Epic Rlty. Mgt. LLC Et Al
166737/25Amsterdam Garvey Housing Dev. Fund Corp v. Riedemann
650968/25Benyetta 148 LLC v. Mystic Foods, Inc. Et Al
651886/26Edwards v. The Carlton Regency Corp.
654342/25First of A Kind USA Inc v. Overstock.Com, Inc.
650724/24Hawthorne Finance Hldgs. LLC v. Jds Dev. LLC
162893/25Hw W 14th St LLC v. 37 W. 14th St. Associates
659650/25Laxmi Mib LLC v. Mt. Hawley Ins. Co. Et Al
655044/22Ma v. Wang
650615/25Mojahedi v. Rocketstar, Inc.
655837/25Terrero v. Carnegie Diner 828 LLC
952287/23Young v. NYC Et Al
161272/25Zekaj v. 1364 York

Motion

651886/26Edwards v. The Carlton Regency Corp.
654342/25First of A Kind USA Inc v. Overstock.Com, Inc.
659650/25Laxmi Mib LLC v. Mt. Hawley Ins. Co. Et Al

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158077/25American Express Nat. Bank v. Lanfranco
65629/25Austin Pearce Ventures v. White
655815/23Austin v. Bunce
653566/25Boissevain v. Park Lane Hotel Et Al
154368/26Bukspan v. 255 West 84th Owners Corp.
156188/24C. v. NYC Et Al
151590/26Fiallos v. Samuels
655829/25First Solar, Inc. v. Bp Solar Hldg. LLC Et Al
161355/21Glodek v. Fine Arts Dev. Laboratories, Inc.
654470/25Greenwich Hldg. W. 23 v. 315 West 23rd St. Owners Corp. Et Al
659185/25John Hancock Life And Health Ins. Co. v. Nyl-Sirius LLC Et Al
659667/25Kamel v. Hsbc Bank USA N.A. Et Al
659132/25Kasowitz Lip v. Jds Dev. Group LLC Et Al
651583/25Leo Kayser III v. Eh Rlty. Ventures, Inc. Et Al
655323/25Millennium Elevator Enterprises LLC v. East Harlem Lexington Housing Dev. Fund Co., Inc.

Court Calendars

C O U R T N O T E S

FIRST DEPARTMENT

Appellate Division

Applications Being Accepted For Postion of Assigned Counsel Plan Executive Director/Administrator

Application Deadline is June 5

The Appellate Division, First Judicial Department seeks an attorney to serve as Executive Director/Administrator of the Assigned Counsel Plan (ACP). The plan administrator is the operational supervisor of attorneys assigned to represent indigent persons in criminal matters.

An appointee of the Presiding Justice and employee of the City of New York, the administrator's responsibilities include: evaluating attorneys seeking appointment to the plan; supervising staff at the ACP office; assigning attorneys to ensure adequate and timely court coverage; investigating and responding to complaints regarding ACP attorneys; coordinating CLE training; developing, implementing and updating program operating procedures; conducting budget planning, monitoring and reporting; collaborating with the City and the New York State Office of Indigent Legal Services to support ACP operations and resource allocation; coordinating with agency partners to collect, maintain and report required data; and acting as liaison between plan attorneys and court personnel, city officials and bar groups.

Admission to the NYS Bar with a minimum of 5 years of substantial experience handling criminal matters in the Bronx and New York Counties is required. Preference for candidates with demonstrated commitment to quality public defense and management and fiscal-oversight experience in public-sector agencies, legal services organizations, or comparable operational environments. NYC residency is required within 90 days of appointment.

To apply, send cover letter and resume to: Appellate Division, First Department, 27 Madison Avenue, New York, New York 10010 Attn: 18B Plan Administrator Search, or by email to kbooksta@nycourts.gov, no later than June 5, 2026.

NEW YORK STATE COURT OF APPEALS

Court Invites Amicus Curiae Participation in:

Matter of Katonah-Lewisboro Union Free School District v. NYSE

Matter of Mahopac Central School District v. NYSED

On April 21, 2026, the Court granted leave to appeal in *Matter of Katonah-Lewisboro Union Free School District v. New York State Education Department* (APL-2026-00046) and *Matter of Mahopac Central School District v. New York State Education Department* (APL-2026-00047).

Both appeals involve the federal Individuals with Disabilities Education Act (IDEA) (20 USC § 1400) and the state New York Education Law § 4402 (5). Under the IDEA, public schools in New York must provide special education and related services to students with disabilities until the age of 22. Education Law § 4402 (5), however, provides that eligibility for such services ends at the conclusion of the school year in which the student turns 21.

In a federal case interpreting the IDEA and Connecticut law, the United States Court of Appeals for the Second Circuit held that because Connecticut law allows individuals over the age of 21 to pursue publicly funded adult education programs, the state must likewise provide a comparable free and appropriate public education to students with disabilities between the ages of 21 and 22 (see A.R. v. Connecticut State Bd. of Educ., 5 F4th 155 [2d Cir 2021]).

School Districts commenced these proceedings to annul SED's determinations, and Supreme Court granted the petitions. The Appellate Division, Third Department, reversed.

The Court invites amicus curiae participation from those qualified and interested.

Amicus motions must comply with section 500.23 of the Court's Rules of Practice. Docket information, briefing schedules, filings and the oral argument date

for these appeals are or will be available through the Court's Public Access and Search System (CourtPASS).

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

NEW YORK STATE COURT OF APPEALS

Briefing Schedules Issued for the Following Appeals During April

The Clerk's Office announces that briefing schedules have been issued for the following appeals during April 2026.

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

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

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

APL-2026-00031: *People v. Ortiz (Robert)*, 233 AD3d 628: Crimes—Jurisdiction—CPL 470.15(1)—*People v. LaFontaine* (92 NY2d 470) —Unlawful Search and Seizure—Strip Search

APL-2026-00036: *People v. Brown-Shook (Salina)*, 245 AD3d 1028: Crimes—Plea of Guilty—Withdrawal of Plea—Exception to the Preservation Requirement—Statements at postplea hearing on application under DV5JA

APL-2026-00038: *People v. Erber (Michael)*, 243 AD3d 804: Crimes—Appeal—Preservation of Issue for Review—Attorney General's Prosecutorial Authority—Executive Law §63(3)

Civil Appeals Taken as of Right:

APL-2026-00033 (Calendared May 20, 2026): *Matter of Miller v. State of New York*, 2026 NY Slip Op 01409: Constitutional Law—State Constitutional Law—Equal Rights Amendment—Applicability to Judiciary Law §§ 3 and 115

APL-2026-00035: *Matter of the People by James v. Common West*, 2026 NY Slip Op 01253: Civil Rights—Discrimination in Housing—Source of Income—Executive Law § 296(5)(a)(1)

Request for Review of Determination of State Commission on Judicial Conduct (Court of Appeals Rules for Review Part 530):

JCR-2026-00005: *Matter of Jones*: Review of Removal from Office of Justice, Canandaigua Town Court

US DISTRICT COURT EASTERN DISTRICT

Criminal Justice Act Committee

Accepting New and Reappointment Applications

The Criminal Justice Act (CJA) Committee of the United States District Court for the Eastern District of New York is accepting new applications and reappointment applications for the panel of attorneys under the Criminal Justice Act of 1964.

The Court encourages highly qualified and experienced criminal defense attorneys who reflect the diversity of the community to apply for membership on the CJA Panel for the District. Assignments to the Panel will be for a three-year period, beginning January 1, 2027. Applicants must be admitted and in good standing to practice in the Eastern District of New York.

Applications may be submitted for assignment to the Brooklyn or Central Islip panels, or both. The Committee is also seeking applications from practitioners whose experience is uniquely suited to handling petitions for post-conviction relief.

All application forms, instructions, and submission information are available on the Court's website at:

<https://www.nyed.uscourts.gov/criminal-justice-act>

New applications and applications for reappointment, along with all supporting documents, must be submitted in one flattened PDF file using the required naming convention, no later than September 4, 2026, by electronic submission via the Court's website.

Please contact the Clerk of Court at 718-613-2270 if you experience difficulty uploading an application.

151945/23Radulov Sr. v. 390 Tower Associates LLC Et Al
151145/23Rosario v. 126th St. Equities LLC Et Al
155262/22Rose v. 1520-26 St. Nicholas Hldg. LLC Et Al
850019/25Stormfield Spv Iv v. Bowery Shed LLC Et Al
150433/22The Residential Board of Mgrs. of The Millennium Point Condominium v. Urban Commons 2 West LLC Et Al
850170/21 U. S. Bank Trust Nat. Assoc. v. Giovanni Digiulio; The Board of Mgrs. of Parc Village Condominium; Stefano Ferrari; John Doe & Jane Doe;
850652/23 U.S. Bank Trust Co. v. Nyloflat LLC Et Al
810411/22 U.S. Bank v. Kim
850111/20 U.S. Bank v. Rahimi
153029/22Vanita Fine Art & Antiques, Inc. v. Falu LLC Et Al
151562/23 Zarate v. The Hispanic Society of America D/b/a The Board of Trustees of The Hispanic Society of America

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155671/26Jsca v. J.M.
155262/22 Rose v. 1520-26 St. Nicholas Hldg. LLC Et Al
150433/22The Residential Board of Mgrs. of The Millennium Point Condominium v. Urban Commons 2 West LLC Et Al

WEDNESDAY, MAY 20

651757/2040 Broad Associates No. 3 LLC v. 40 Broad Commercial LLC

653693/25Berkley Ins. Co. v. Neelam Const. Corp. Et Al
156323/20Bogenstaetter v. U.S. Bank Nat.
153062/21Castillo v. Church of The Immaculate
652637/21Digital Seven LLC v. Joseph Bryan
152127/25Flowers v. Pexco
156094/22Haimovici v. Castle Village Owners Corp.
158802/22Huenalaya v. Mercedes Cleaners Et Al
653767/22Kennedy Lewis Investment Mgt. v. Stinq Medical LLC Et Al
150098/23Morano v. Paramount Group, Inc. Et Al
154090/21Sawyer v. 1120 Fifth Ave. Corp. Et Al
653392/23Tedford's Tenancy v. Horizons Investors Corp. Et Al

Part 15

Justice Jeanine R. Johnson
60 Centre Street
Phone 646-386-4462
Room 116

MONDAY, MAY 18

320222/24Hirata v. Mori
301791/17 Huang v. Lin
365611/25Mohamad v. Yusuf
321154/22Pepa v. Pepa
365056/26Shuman v. Shuman
320691/25Thaker v. Ahuja

TUESDAY, MAY 19

652163/26Abitbol v. Abitbol
350021/19Eng v. Singh

160114/20 Staff v. Luen Nam Rlty. Corp.

WEDNESDAY, MAY 20

655672/25 Abbas v. Brause Rlty. Inc. Et Al
151943/25 Ahmad v. Greenhope Candace House Housing Dev. Fund Corp. Et Al
650353/25 Amtrust North America, Inc. v. Remi Hldgs.
161070/24 Bennett v. Lowe's Home Centers
653843/23 Bisono v. Tvt Capital LLC Et Al
651121/26 Borell v. Ai.Io Inc.
155765/25 Castillo v. Ab Stable Vii LLC Et Al
151261/25 Dgi -Menard, Inc. D/b/a Menard USA v. G2d Const. Corp. Et Al
159848/24 Dixon v. Linhares
159639/22 Estep v. Brenner
153083/24 Fernandes Costa v. 125 West 57th St. Prop. Owner
154189/21 Gopaul v. Afab Industrial Services, Inc. Et Al
150479/21 H&L Ironworks Corp. v. Reyes Salazar
155246/24 Hernandez v. The NY & Presbyterian Hosp.
153074/24 Huieia v. Trustees of Columbia Univ. in NYC Et Al
152839/20 Jewish Press v. NYC Dept. of
153377/20 Jewish Press, Inc. v. Special Comm'n. of
157003/21 Johnson v. 1993 Amsterdam Ave. Housing Dev. Fund Corp. Et Al
160527/25 Jpmorgan Chase Bank v. Vinegas
160232/25 Jukic v. Bop Ne LLC Et Al
105627/11 Kolodziejcki v. Jen-Mar Electric Service Corp.
650235/25 Largo v. Verson Bldg. Services Corp. Et Al
653058/24 Lleshaj v. Lleshaj
155959/22 McCombs v. NYU Langone Health System D/b/a NYU Langone Health
155255/21 Mintz v. 101 Park Ave. Associates II LLC Et Al
162365/24 Muscarella v. Starhotels Int'l Corp. Et Al
156299/21 Odain Thomas v. Adax LLC.
156142/20 Posey v. Curran
152038/24 Quinones Jaramillo v. A.W. & S. Const. Co. Inc. Et Al
151671/25 Quishpi v. Consigli Const. Co., Inc. Et Al
152190/24 Shyyjan Allen v. Rpfheil 57 LLC
155712/24 Smalling v. Rfmc Huguenot Prop. Owners II LLC Et Al
158068/25 Sothey's Int'l Rlty., Inc. v. Perslon
155940/25 The Estate of Demetrius T. Houanche v. The Long Island Rail Road Co. D/b/a Mta Long Island Rail Road Et Al
160569/24 Tipp Floor Covering Inc. v. Citibank
158716/23 Yelverton v. Spectrum NY Metro
100445/26 Zachariah v. NYC Dept. of Health And Mental Hygiene
160039/24 Zapata-Ramirez v. Turner Const. Co.

Part 43

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

MONDAY, MAY 18

651432/26 Ladymerry Int'l. (hong Kong) Co., Ltd. v. The Beachwaver Co.

TUESDAY, MAY 19

654565/25 Coinbase Derivatives v. Bso Network Inc.
652592/25 Cpf Lending v. Segal
651017/25 Hilldon Corp. v. Shuchat
151600/26 Glv Hldgs. v. Tannenbaum Helpert Syracuse & Hirschtritt Lp
155090/22 Tarr-Campbell Jv. v. Amcs Services LLC D/b/a Amcs Environmental Et Al
654635/22 Terra Driggs v. Bernstein
453299/21 Trump v. Trump

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652592/25 Cpf Lending v. Segal

Part 40TR
Judicial Mediation

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

MONDAY, MAY 18

155223/22 Balazy v. Lincoln Center For The Performing Arts, Inc. Et Al
153681/20 Baldwin v. Dd West 29th St. LLC.
154579/18 Bartel v. Caballero
157312/19 Bartley v. 76 Eleventh Ave. Prop.
162038/15 Cotroneo v. Outfront Media Sign Erectors
160196/17 Depumarejo v. 319 Schermerhorn Prop.
850270/21 Fannie Mae v. Residential Industries I
158766/23 Faye v. Perera
156400/21 Francisco v. Speedway LLC
154727/23 Friedman v. Elshrief
160838/16 Garcia v. Citymeals-On-Wheels
157890/20 Goldberg v. 238-240 Rlty.
805133/20 Griffin v. Gaing
153150/16 Hill v. Lantern Organization, Inc.
655419/21 Hudson Valley Window Cleaning, Inc. v. Rotron Inc. D/b/a Ametek Rotron
805301/19 Levy Najjar v. Danovich
650454/22 Magic 1212 LLC v. Conte
154542/21 Martinez v. Udg Mgt. LLC
158052/22 Massarsky v. Princelom
153869/19 Montoya v. Empire State Dev.
157401/22 Morales v. Rambles Real Estate
153981/19 Nichols v. Red Hawk Fire & Security LLC
650528/20 Pisano v. Pisano
157980/20 Ravelo v. R3c 32 Old Slip Owner
155732/20 Rodriguez v. NYCHA
156026/18 Simmons v. NY And
151287/22 Starke v. The Board of Mgrs. of 20 Pine St. Condominium
651745/20 Sya Partnership v. Brown
158695/19 Taveras v. Courier Car Rental, Inc.
158402/18 Vazquez v. B'way-Innwood Corp.
150244/19 Von Been v. Lian Hldg. Group
652148/21 Yato v. Miwa USA Corp
157577/18 Yates v. NYC

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650332/25 1200 Aoa Realty v. 1200 Aoa Realty Associates
651692/25 233 West 125th St. Danforth LLC v. Flintlock Const. Services
652506/13 374 Madison Ave. Co. LLC v. Caam
650217/24 4126 Rlty. Corp. v. Clean Act, Inc. Et Al
650197/25 875 Third Ave. v. Ltrb Tenant LLC Et Al
451030/26 9 St. Marks Pl., Inc. v. Kim
850233/18 938 St. Nicholas Ave. v. 936-938 Cliffcrest Housing
650947/25 Acar v. Amric LLC
656159/25 Adelligent, Inc. v. Sileo
160601/21 Alberto Soto v. Sci Funeral Services of NY
161669/19 Aii v. NYCHA
450405/22 Allen v. Warcholik
650255/20 American Transit Ins. v. Aron Rovner Md Plic
158685/20 Angielczyk v. Chelsea Food Pl. LLC
161117/20 Anglin v. Extell Dev. Co.
650753/25 Aom T1 Nj LLC v. Capsule Manufacturing Inc. Et Al

156726/17 Apestegui v. NYC
650574/25 Arporan v. Delshah Mgt. LLC Et Al
151534/23 Barbosa Oliveira v. Mepa Rlty. LLC Et Al
154385/24 Batres v. Neschis
161570/19 Belai v. Doe
655061/18 Bloom Real Estate Group LLC v. Lema Properties LLC
153299/24 Board of Mgrs. of Central Park Pl. Condominium v. 21647 LLC Et Al
451025/25 Bohlen v. Salamon
159345/23 Bosco v. The Trustees of Columbia Univ. in NYC Et Al
155765/22 Cagle v. Roundtoo LLC Et Al Et Al
160147/22 Capasso v. Makhayu
156838/19 Cepeda v. NYC
154498/21 Classic Retail Equities LLC v. Arj Services Inc. Et Al
656490/25 Clear Choice Int'l Ltd. Et Al
151 Sves Go
452794/23 Comm'r. of The State Ins. Fund v. Prime Fuel Oil Co. Inc.
452865/23 Comm'r.s. of The NYS Ins. Fund v. Thor James Hotel Investor LLC Et Al
651604/26 Con Ed Co. of New York, Inc. v. Vbranalysis Inc. Et Al
153428/18 Cover Shapiro v. 89th St. Dev.
160277/22 Da Silva v. West 30th St. LLC Et Al
150955/22 Dendariarena v. Via Transportation Et Al
156035/24 Droullas v. Belle
656270/25 Dynasty Worldwide Mgt. Services Ltd. v. 557-63 West 150 St. Housing Dev. Fund Corp.
453284/23 Dzanashvili v. Reilly
650715/24 Emc Rlty. Corp. v. 739 Nostrand Funding LLC
650233/25 Empire Watch Manufacturing v. Elite Group Int'l NY
650920/26 Fora Financial Asset Securitization 2024 LLC v. Lbk Defense Ltd. Liability Co. Et Al
659788/25 Fora Financial Asset Securitization 2024 LLC v. Ocean Beach Media, Inc. Et Al
651347/22 Forever Funding LLC v. Bertman Tools
159830/18 Germany v. Esplanade Gardens Inc.
159695/14 Ghodbane v. 111 John Rlty. Corp. Et Al
151493/22 Gonzalez v. 604 W 178th Corp. Et Al
659666/25 Gooch Jr. v. Mammoliti
153093/22 Guambana v. 1114 6th Ave. Owner LLC
160931/19 Harvey v. Ohl USA, Inc. Et Al
155900/22 Henderson v. Tribeca Grand Hotel, Inc., D/b/a (the Roxy) Hotel New York, Roxy Cinema And Roxy Bar) Et Al
805329/20 Jose v. Dhar M.D.
952239/23 Kayla Batiz v. David H. Newman
156325/22 Khartchina v. Cohen
158138/21 Kim v. Maru Karaoke Lounge Et Al
158769/23 Kriss v. United Parcel Service, Inc. Et Al
151939/23 Loja v. New Castle Bldg. Prods.
156257/19 Lopez Jimenez v. Adam's Tower Ltd.
153174/18 Matos v. NYCTA
160539/23 Medrano v. Camaj Consultants
160517/18 Pecoraro v. NYC
156561/22 Piccinich v. La Mama Experimental Theater Club, Inc.
162187/18 Quito v. 111 West 57th Prop. Owner
153033/22 Reid v. Hill
151160/24 Reyes v. Alboarey
160187/22 Reyes v. Khadim
451966/24 Robinson v. Promenade Global
159684/21 Santiago v. Bp 399 Park Ave. LLC Et Al
153853/22 Santos v. Terminal Fee Owner Lp Rlty. v. Trinity Builders of NY Inc. Et Al
154134/22 Schwab v. 101 West 73rd LLC Et Al
155701/22 Schwab v. 170 West End Ave. Condominium
153476/22 Segura Esquivel v. 85 Jane Rlty. LLC Et Al
150906/23 Shahar v. Guito
161743/23 Sheer v. Nwigwe
155327/19 Shervin v. Surfside Investment Co. Et Al
151160/22 Smith v. Apr 286 Mad LLC Et Al
152018/20 Solano v. Gramercy 128 West
108724/10 Tempesta v. Laffey
160906/19 Tsounis v. Henegan Const. Co., Inc.
155859/23 Tully v. 767 Fifth Ave. Partners
151955/19 Umama Maldonado v. 998 Fifth Ave. Corp.
162456/19 Vigil Argueta v. 39 W 23rd St. LLC
152148/23 Vuljaj v. McNeil
656711/25 Zelkovich v. State Farm Mutual Automobile Ins. Company

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151960/17 Angela Escalotico v. Rigs Mgt. Co., LLC Et Al
150311/17 Bassan v. Pelas Rlty. Corp.
157267/19 Brecht v. 24 W. 89th St.
152739/21 Capellan v. Casiano
150590/22 Concepcion v. Leesel Transportation Corp. Et Al
157480/21 Cuyo Sarco v. South Point Housing Dev. Fund Corp. Et Al
157446/23 Dejesus v. 1326-1338 Riverside Drive
452352/20 Diaz v. NYCTA
156954/22 Egipetaco v. Balbuena
153474/21 Electric Ins. Co. v. Unltd. Designs, Inc.
155372/21 Espinal v. The 63
154802/22 Fana v. Senakey
159661/19 Galonsky v. East 17th LLC
805291/18 Goldstein v. Berenbaum
151841/21 Jehle v. Jack Resnick & Sons
160927/20 Martucci v. 500 W25th Owner LLC
155356/23 Miliano v. NYCTA Et Al
151714/14 Minarik v. 255 Cabrini Condominium
652443/24 Mueller Law Firm P.C. v. Gomez
655261/18 Nationwide Maint. v. Max
152267/23 O'Shaughnessy v. Stackpole
453305/21 Orlowski v. Wolchok
150862/18 Recv v. Adel
451530/18 Rodriguez v. Post Ave. L.L.C. D/b/a
152051/20 Rose v. Gazivoda v. 156780/17 Sandra Smith Individually v. Ashland, Inc.
151980/22 Schneider v. 154 Mansion Rlty. LLC Et Al
161238/18 Stapleton v. NYC
150872/20 Torres v. 40 East End Ave. Associates
160397/17 Trinchese Const. v. Robert Malta
161081/18 Valentzas v. 685 First Rlty. Co. LLC
154353/22 Ward v. Times Square Hotel Owner LLC Et Al
656172/19 Weeden v. Lukizek
152579/20 Yakubova v. Y Zevzal 103-26 LLC

Part 44
Justice Jeffrey H. Pearlman
60 Centre Street
Phone 646-636-3370
Room 321

MONDAY, MAY 18

151862/26 Dau v. 16 Sutton Pl. Apt. Corp.
313897/13 Ghorbani v. Gallagher
365032/26 Ibaran v. Ibaran
365003/19 Maier v. Benn
365792/23 Medaglia-Bennardo v. Bennardo
320262/23 Ruiz v. Munoz
150993/26 The Legal Aid Society, Inc. v. NYC

Motion

151862/26 Dau v. 16 Sutton Pl. Apt. Corp.

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365441/21 Abbott v. Abbott
365404/24 Andrake v. Simpson Andrake
365273/20 Bennett v. Bennett
365144/21 Khazaneh v. Khazaneh
365055/18 Lee v. Lee
365452/20 Nobre v. Baldino
365262/25 Ridell Langsdorf v. Langsdorf

Motion

365441/21 Abbott v. Abbott

365273/20 Bennett v. Bennett
365055/18 Lee v. Lee
365262/25 Ridell Langsdorf v. Langsdorf
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321544/25 Allen v. Modeste
155061/26 Arcadia Servicing Inc. Bank of America
308183/13 Coe v. McCallum
365012/25 Ewell II v. Davidson
365009/25 Lascher v. Lascher
365149/25 Maas v. Maas
313055/12 Mara v. Martino
60229/19 Rosin v. Rosin
301385/22 Wan v. Ai

Motion

308183/13 Coe v. McCallum
365012/25 Ewell II v. Davidson
365009/25 Lascher v. Lascher
301385/22 Wan v. Ai

Part 45
Commercial Div.

Justice Anar Rathod Patel
60 Centre Street
Phone 646-386-3632
Room 428

MONDAY, MAY 18

651673/26 Arini Credit Master Fund Ltd. Et Al v. Liberty Latin America Ltd. Et Al
655210/23 Baric Commons Reo v. Gross
652529/24 Samsung C&T America, Inc. v. Maroni
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650600/26505 Wash LLC v. NYC Dept. of Homeless Services Et Al
659106/24 Hound Partners v. Tiger Mgt. LLC.
655639/25 Mja Hldgs., Inc. v. Polaris Business Strategy Advisors, Inc. D/b/a Rise Alliance
659880/25 Triad Financial Services, Inc. v. McGinchey Stafford Plc Et Al
156257/19 Lopez Jimenez v. Adam's Tower Ltd.
153174/18 Matos v. NYCTA
160539/23 Medrano v. Camaj Consultants
160517/18 Pecoraro v. NYC
156561/22 Piccinich v. La Mama Experimental Theater Club, Inc.
162187/18 Quito v. 111 West 57th Prop. Owner
153033/22 Reid v. Hill
151160/24 Reyes v. Alboarey
160187/22 Reyes v. Khadim
451966/24 Robinson v. Promenade Global
159684/21 Santiago v. Bp 399 Park Ave. LLC Et Al
153853/22 Santos v. Terminal Fee Owner Lp Rlty. v. Trinity Builders of NY Inc. Et Al
154134/22 Schwab v. 101 West 73rd LLC Et Al
155701/22 Schwab v. 170 West End Ave. Condominium
153476/22 Segura Esquivel v. 85 Jane Rlty. LLC Et Al
150906/23 Shahar v. Guito
161743/23 Sheer v. Nwigwe
155327/19 Shervin v. Surfside Investment Co. Et Al
151160/22 Smith v. Apr 286 Mad LLC Et Al
152018/20 Solano v. Gramercy 128 West
108724/10 Tempesta v. Laffey
160906/19 Tsounis v. Henegan Const. Co., Inc.
155859/23 Tully v. 767 Fifth Ave. Partners
151955/19 Umama Maldonado v. 998 Fifth Ave. Corp.
162456/19 Vigil Argueta v. 39 W 23rd St. LLC
152148/23 Vuljaj v. McNeil
656711/25 Zelkovich v. State Farm Mutual Automobile Ins. Company

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653565/24 Copernico Recovery Fund v. Petroleos De Venezuela
650977/26 Nasdaq, Inc. v. 4ts II LLC
655740/25 Rss Msc2019-L2 - NY D92 v. Ds 97 And Ave. Prop.
Owner LLC Et Al
850079/25 Wilmington Trust v. 90 Fifth Owner
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659356/24 Varda Chocolatier Inc. v. Shamban
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652936/25 Armet v. Lantern Holdings
654548/25 Onward Brands v. Benesch
650934/25 Psalms Creative v. Beacon Investment Hldgs. LLC
653243/24 The Means of Prod.in v. Pensco Trust Co. Custodian Fbo Mark Gorton Ira Et Al

Part 48
Commercial Div.

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

MONDAY, MAY 18

653565/24 Copernico Recovery Fund v. Petroleos De Venezuela
650977/26 Nasdaq, Inc. v. 4ts II LLC
655740/25 Rss Msc2019-L2 - NY D92 v. Ds 97 And Ave. Prop.
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850079/25 Wilmington Trust v. 90 Fifth Owner
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659356/24 Varda Chocolatier Inc. v. Shamban
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652936/25 Armet v. Lantern Holdings
654548/25 Onward Brands v. Benesch
650934/25 Psalms Creative v. Beacon Investment Hldgs. LLC
653243/24 The Means of Prod.in v. Pensco Trust Co. Custodian Fbo Mark Gorton Ira Et Al

Part 49
Commercial Div.

Justice Margaret A. Chan
60 Centre Street
Phone 646-386-4033
Room 252

MONDAY, MAY 18

Motion
365556/23 Fierro v. Rivoli
309565/16 Smith v. Smith
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320504/25 Berman v. Berman
310243/12 Bernard v. De Rham
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365007/23 Sharma v. Narang

Part 53
Commercial Div.

Justice Andrew S. Borrok
60 Centre Street
Phone 646-386-3304
Room 238

MONDAY, MAY 18

653563/22 Fondue 26 v. Bogart
154898/23 Legacy Organization, Inc. Et Al v. Nole
651468/25 Lucky Diamond Prod. ions, Inc. v. Producers Token LLC Et Al
651399/25 Macomb County Retiree Health Care Fund v. Msc Industrial Direct Co., Inc. Et Al
655914/25 Raven Asset-Based Credit (onshore) Fund II Lp v. Goldwater
850524/25 Wilmington Trust v. 84 Hoyt Owner LLC Et Al
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653563/22 Fondue 26 v. Bogart
154898/23 Legacy Organization, Inc. Et Al v. Nole
651399/25 Macomb County Retiree Health Care Fund v. Msc Industrial Direct Co., Inc. Et Al
655914/25 Raven Asset-Based Credit (onshore) Fund II Lp v. Goldwater
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654836/25 1688 Rojav Realty v. The B&G Group, Inc. Et Al
654386/25 1688 Rojav Rlty. v. The B&G Group, Inc. Et Al
655495/25 Arena Vantage Spv v. Actionable Process LLC Et Al
157904/24 Barbara Guggenheim Associates, Inc. v. Asher
654908/22 Saes Rlty. Group LLC Et Al v. Sternklar
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655495/25 Arena Vantage Spv v. Actionable Process LLC Et Al

157904/24 Barbara Guggenheim Associates, Inc. v. Asher
654908/22 Saes Rlty. Group LLC Et Al v. Sternklar

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655445/25 Charter Communications, Inc. Et Al v. Samsung Electronics America, Inc.
653903/25 Haruvi v. Hungerford

Part 54
Commercial Div.

Justice Jennifer G. Schechter
60 Centre Street
Phone 646-386-3362
Room 228

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655988/23 Langfan Hammer v. Langfan Hammer
651441/18 McCarter & English v. Nat. Collegiate
653445/25 McDonald's Corp. Et Al v. Swiss Re Corporate Solutions Capacity Ins. Corp.
659312/24 Stewart Title Ins. Co. v. Lebow Esq.
152840/25 T-C 2 Herald Square Owner LLC Et Al
656004/25 The Board of Mgrs. of The 514 West 24th St. Condominium v. 514 West 24th Owner LLC Et Al
652004/24 Vinebrook Homes Trust, Inc. v. Takeoff Hldgs. Inc.

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651441/18 McCarter & English v. Nat. Collegiate

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650118/24 Change Lending v. 777 Partners LLC Et Al
650142/22 E.W. Howell Co., LLC v. Hill Int'l, Inc. Et Al
60229/19 Mariner Pacific v. Sterling Biotech Ltd.

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650142/22 E.W. Howell Co., LLC v. Hill Int'l, Inc. Et Al
60229/19 Mariner Pacific v. Sterling Biotech Ltd.

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656493/25 Balanced Rock Power v. Ssi Devo
656225/23 Daher Aerospace Inc. v. Triumph Aerostructures
659421/25 E Oswege Preferred v. Roderick
656674/25 Herbert v. Hecht Lippman
655918/25 Odita v. Jack Shainman
652743/24 P.J. Restaurant Inc. D/b/a John's of 12th St. v. Judith Ellen Deuber
654923/16 Young Adult Institute, Inc. v. Corporate Source, Inc.

Part 57

Justice Sabrina Kraus
60 Centre Street
Phone 646-636-3195
Room 218

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950650/21 B. v. NYC
950732/21 D. v. NYC
950562/21 Daly v. Archdiocese of NY Et Al
950661/21 H. v. NYC
950728/20 John Doe - 18216 v. Young People's Church of New York
950749/20 Monk v. NYC Et Al
950706/21 Rivera v. Archdiocese of NY Et Al
101637/15 Sysco Metro NY v. NYC
950633/20 Wells v. NYC Admin.
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951473/21 Doe v. The Jewish Center Et Al
950666/21 G. v. NYC
950596/20 John Doe v. Syracuse Univ. Et Al
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950125/21 Amaris v. Archdiocese of NY Et Al
950052/19 Ark31 v. Archdiocese of NY
950067/19 Ark93 v. Archdiocese of NY
950082/20 Caldwell v. NYC
950165/20 Doe v. Archdiocese of NY Et Al
950291/20 Doe v. Archdiocese of NY
950292/20 Doe v. Archdiocese of NY
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950306/20 Doe v. Archdiocese of NY
950389/20 Doe v. Archdiocese of NY
950606/21 Doe v. Archdiocese of NY
950719/21 Doe v. Archdiocese of NY
950765/21 Doe v. Archdiocese of NY
951175/21 Doe v. Archdiocese of NY Et Al
950607/20 Doe v. Archdiocese of NY
950369/21 Doe v. Roman Catholic Archdiocese
950398/21 Doe v. Roman Catholic Archdiocese
950399/21 Doe v. Roman Catholic Archdiocese
950822/21 G. v. NYC
950221/19 Gordon v. The Roman Catholic Archdiocese of NY Et Al
950684/20 Kerins v. NYC
652162/26 Kucker Marino Winiarsky & Bittens v. 289 LLC
950537/21 M. v. Archdiocese of NY
950418/21 Medina v. Roman Catholic Archdiocese of NY Et Al
950283/21 O. v. NYC
951101/21 Regina Suarez v. NYC Et Al
950247/21 S. v. Archdiocese of NY
950530/20 Schmitt v. Archdiocese of NY Et Al
950057/20 T. v. Archdiocese of NY
152919/26 The Board of Mgrs. of Bridge Tower Pl. Condominium v. NYC Et Al
950084/20 Troy v. Archdiocese of NY Et Al
950583/21 V. v. NYC
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950247/21 S. v. Archdiocese of NY
950530/20 Schmitt v. Archdiocese of NY Et Al
950057/20 T. v. Archdiocese of NY
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950057/20 T. v. Archdiocese of NY
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951101/21 Regina Suarez v. NYC Et Al
950247/21 S. v. Archdiocese of NY
950530/20 Schmitt v. Archdiocese of NY Et Al
950057/20 T. v. Archdiocese of NY
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151865/22 Greater NY Mutual Ins. Co. v. Bentzys Const., Inc. Et Al
152121/24 Greater NY Mutual Ins. Co. v. I & G Group, Inc. Et Al
162109/25 Lika v. Farnese Et Al
159909/16 Pettinato v. Egr-Rivertower
161855/23 Samba v. Plaza Const. LLC Et Al
651414/22 Tessler v. Bklyn. Brokerage Inc. Et Al
153134/22 Weng v. Bentzys Const., Inc. Et Al

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654501/25 Aronson Mayefsky & Sloan v. Van Bakergem
151865/22 Greater NY Mutual Ins. Co. v. Bentzys Const., Inc. Et Al
161855/23 Samba v. Plaza Const. LLC Et Al

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651019/26 1253 Lexington Ave Retail LLC v. Nuell
156818/24 Conte v. Redeemer Presbyterian Church East Side Et Al
159325/23 Dejeus v. Forquignon Jr.
166033/25 Haf Owner LLC v. NYC Dept. of Finance Et Al
163660/25 Hajahmed v. NYC NYCH&HC Corp.

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650210/22 120-120 1/2 First LLC v. City Bv. NY LLC D/b/a Bubbleology
160183/25 324 E. 93 LLC v. Con Ed Co. of New York, Inc. Et Al
152043/25 Baez v. 515 West 151st St. Housing Dev. Fund Corp. Et Al
653085/24 Bishop v. Unitedhealthcare Ins. Co. of NY
151306/23 Canar v. NYCHA Et Al
650548/25 Cm And Associates Const. Mgt. Ltd. Liability Co. v. State Nat. Ins. Co.
159186/23 Darouvar v. M.R.E. Hldgs. Corp.
159696/24 Gager v. Mount Sinai Hosp. Groups
153270/24 Garner v. M&W Nail Inc.
158083/20 Gg Columbus Circle LLC v. Cc West Corp. D/b/a
159818/24 Good-Will Mechanical Corp. v. F & N Solutions Inc. Et Al

452454/24 Hayrapetyan v. Vornado Rly. LP, Et Al
151665/24 Jaegssar v. Well Done Rly. LLC Et Al
162505/23 Jaspse Munoz v. Secq Downtown LLC Et Al
154937/23 Johnson-Lucas v. 383 8th LLC
157952/25 Kush v. Wwp Office
158919/24 Martinez v. NYCHA Et Al
162742/23 Milling v. 168-42 Jamaica LLC Et Al
161216/24 Minaya v. 711 Madison Jser Member It
159056/24 Pamiias v. NYCHA
155034/24 Pepi Partners LLC v. The Copley Condominium And Club Et Al
154342/24 Saulnier v. Newport Partners
161877/23 Secaira v. NYC Et Al
162117/24 State Farm Mutual Automobile Ins. Co. v. Taylor
166231/24 Villarroel v. NYC School Const. Auth. Et Al
152867/24 Vinopal v. Aetrex Inc. Et Al
160789/24 Wilson v. NYC Et Al

Part 50
Justice J. Machelle Sweeting
80 Centre Street
Phone 646-386-5639
Room 279

Part 51
Matrimonial Part
Justice Lisa S. Headley
80 Centre Street
Phone 646-386-3846
Room 122

MONDAY, MAY 18
156853/24 Adams v. Harmon
159392/21 Arias v. NYCHA Et Al
153336/25 Cardone v. Amc Networks, Inc.
365472/22 Faruolo v. Faruolo
655002/23 Feldman v. Hasenpusch
322818/21 Joly v. Beltrao-Joly
150075/22 Moss v. Rakosi
300365/23 Ramos v. Ramos
159779/23 S&P Associates of NY LLC v. Dewald
151809/20 Sinechi v. NYC
156154/23 Synchrony Bank v. Taylor
152294/23 Unityntrn Safeguard Ins. Co. v. Paredes
151362/23 Wesco Ins. Co. v. Sean Coakley Plumbing & Heating Inc.

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365472/22 Faruolo v. Faruolo
322818/21 Joly v. Beltrao-Joly
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158297/19 Ansari v. Century Elevator Maint.
157944/21 Chubb Indemnity Ins. Co. A/s/o Gautam Chawla And Bahar Kural v. Oleg Rudister
450018/19 NYC v. Torkian Group
160962/17 Collado v. 701 Seventh Prop. Owner LLC
320116/25 Fogolin Fetissov v. Zakula
150019/25 Jacqueline I. Fulop Dmd Pc Et Al v. Walter & Samuels, Inc. Et Al
150351/24 Mayflower Business Group v. Poon
805133/17 Moyer v. NYU Langone Health System
453283/23 Ovalle Quezada v. 202-4 West 23 St. Corp. D/b/a Chelsea Savoy Hotel Et Al
157277/19 Rueda v. 20 West 40 Bryant Park Owner
158603/21 Sykes v. Ricardo LLC
D/b/a Ricardo Steakhouse Et Al
160760/24 Tesniere v. Cinnotti Lp Et Al

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156767/24 Brooks v. Broad Financial Center LLC Et Al
158842/21 Carroll v. Bop Greenpoint D LLC Et Al
952006/22 Carvello v. Warner Music Group Corp. Et Al
154135/23 Cayemitte v. Vincent
365743/23 Cesbron v. Terny
659349/25 De Bellay v. Blueground Us, Inc.
154702/24 Executive Indemnity Risk Inc. A/s/o 220 NYC Hldgs., Lp Et Al v. Almar Plumbing & Heating Corp.
365316/22 Gill v. Schmitt
365392/22 Goun v. Goldstein
165170/25 Lo v. The Motor Vehicle Accident Indemnification Corp.
152710/21 Tavarez v. B'way. Sugar Hill Housing
151014/24 Whole Foods Market Group Inc. v. Dutch Express Logistics

Part 65
Justice Denis M. Reo
80 Centre Street
Phone 646-386-3887
Room 307

Part 73R
Special Referee
Justice Diego Santiago
60 Centre Street
Room 354

Part 75R
Special Referee
Justice Stephen S. Burzio
60 Centre Street
Room 240

MONDAY, MAY 18
301341/23 Dukes v. Dukes
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365702/23 Epstein v. Pinner
365131/24 Srabian v. Nof

Part 81R
Special Referee
Justice Lancelot B. Hewitt
80 Centre Street
Phone 646-386-3680
Room 321

Part 84R
Special Referee
Justice Jeremy R. Feinberg
60 Centre Street
Phone 646-386-3207
Room 641

Part 87R
Special Referee
Justice Joseph P. Burke
80 Centre Street
Phone 646-386-5548
Room 338

MONDAY, MAY 18
321600/23 Ben Osman v. Pelofi

Part 88R
Special Referee
Justice Deborah E. Edelman
60 Centre Street
Room 158

Part 89R
Special Referee
Justice Sue Ann Hoahng
80 Centre Street
Phone 646-386-3676
Room 236

71 THOMAS STREET

Part 13
Justice Eric Schumacher
71 Thomas Street
Phone 646-386-3736
Courtroom 304

MONDAY, MAY 18
190242/24 Engler v. Aereo Int'l, Inc. Et Al
190218/22 Walker v. A.O. Smith Water Prods. Co., Et Al

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190005/25 Bowers v. Estee Lauder, Inc., Et Al
190009/26 Bryant v. Bayer Healthcare
190266/24 Lake v. Pfizer, Inc., Individually And As Successor-In-Interest To Coty Inc. And Coty Int'l, Inc., Et Al
190130/25 Pfingsstler v. Pfizer, Inc. Et Al
190101/22 Shade v. A.O. Smith Water Prods. Co Et Al
190068/26 Stiles v. Arkema, Inc. Et Al

Motion
190005/25 Bowers v. Estee Lauder, Inc., Et Al
190266/24 Lake v. Pfizer, Inc., Individually And As Successor-In-Interest To Coty Inc. And Coty Int'l, Inc., Et Al
154342/24 Saulnier v. Newport Partners
161877/23 Secaira v. NYC Et Al
162117/24 State Farm Mutual Automobile Ins. Co. v. Taylor
166231/24 Villarroel v. NYC School Const. Auth. Et Al
152867/24 Vinopal v. Aetrex Inc. Et Al
160789/24 Wilson v. NYC Et Al

Part 18
Justice Alexander M. Tisch
71 Thomas Street
Phone 646-386-3472
Room 104

MONDAY, MAY 18
951105/21 Kelly v. Roman Catholic Archdiocese of NY Et Al
451296/26 NYCHA v. Td Bank
950637/20 Plant v. NYC Admin.

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950637/20 Plant v. NYC Admin.
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951348/21 Benoit v. Roman Catholic Archdiocese of NY Et Al
951155/21 Colorundo v. Roman Catholic Archdiocese NY Et Al
453064/21 Crymes v. NYC Et Al
950194/19 Doe v. Roman Catholic Archdiocese
950298/21 Jefferson v. The Fresh Air Fund
951468/21 John Doe And Mary Doe v. Klar
951213/21 Kleiman v. Kleiman
950236/21 P. v. NYC
950407/21 S. v. NYC
950800/21 Santiago v. NYC
950870/21 Santiago v. Roman Catholic Archdiocese of NY Et Al
950244/20 Truesdell v. Roman Catholic Diocese
950111/19 Twersky v. Yeshiva Univ.
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950480/21 Doe v. Archdiocese of NY
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154537/26 Lynch v. Riverbend Housing Co.
950160/21 Morehead v. The Archdiocese of NY Et Al
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950480/21 Doe v. Archdiocese of NY
154537/26 Lynch v. Riverbend Housing Co.
Part 23
Justice Eric Schumacher
71 Thomas Street
Phone 646-386-3736
Courtroom 304

MONDAY, MAY 18
190242/24 Engler v. Aereo Int'l, Inc. Et Al
190218/22 Walker v. A.O. Smith Water Prods. Co., Et Al

WEDNESDAY, MAY 20
190005/25 Bowers v. Estee Lauder, Inc., Et Al
190009/26 Bryant v. Bayer Healthcare
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190130/25 Pfingsstler v. Pfizer, Inc. Et Al
190101/22 Shade v. A.O. Smith Water Prods. Co Et Al
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Part 29
Justice Leticia M. Ramirez
71 Thomas Street
Phone 646-386-3016
Room 311

Part 36
Justice Verma L. Saunders
71 Thomas Street
Phone 646-386-3733
Room 205

MONDAY, MAY 18
161828/24 Coley v. 1009 Park Owner LLC
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166754/25 140ny LLC v. Chiropactic Spinal Assessments
650739/25 1571-1573 Third Ave. LLC v. Taim Upper East LLC Et Al
156545/24 Crumiller P.C. Et Al v. Phillips
166724/25 F.A.B. Ltd. Liability Co. v. NYS Dept. of Health Et Al

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150750/19642 East 14th St. LLC v. 644 E 14th Rty. LLC
155029/26 Alternative Funding Group Corp. v. Wells Fargo Bank
452288/20 Comm'r's of The State v. Bklyn. Gc LLC
652665/26 Highland Hill Capital LLC v. Venamerica H & M Corp. Et Al
158299/18 Lane v. 880 Fifth Ave. Corp.
652171/23 Morankar v. Centurion Anesthesia
655609/20 New Pelham Pkwy. North LLC Et Al v. Prieto
160234/21 Ortiz v. NYCHA Et Al

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150750/19642 East 14th St. LLC v. 644 E 14th Rty. LLC
Part 46
Justice Richard Latin
71 Thomas Street
Phone 646-386-3279
Room 210

TUESDAY, MAY 19
805323/22 Balbuenas v. NYCH&HC Corp. Et Al
805289/20 Haynes v. NYC Et Al
805110/19 Judson v. NY Univ.
805065/23 Medeiros v. NYCH&HC Corp. Et Al
805383/19 Wimberly v. NYCH&HC And

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157446/23 Dejeus v. 1326-1333 Riverside Drive
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652254/2352 East End Condominium v. Fawer
155589/22 Armon v. B'way. 26 Waterview LLC Et Al
160039/22 Artiles v. Macklowe Properties Et Al
155514/24 Beczynski v. The Spring Lounge LLC Et Al
157383/23 Bertuzzi v. The Archdiocese of NY Et Al
153722/25 Bezoza v. Belnord Partners LLC Et Al
151363/25 Cabrera v. 736 Rly. LLC Et Al
154526/23 Con Ed Co. of New York, Inc. v. P & T I Contracting Corp. Et Al
161638/23 Cretella v. Migdal6 Mgt. 2010 LLC
159912/21 Durandisse-Pressley v. Johnson
653632/15 Economic Alchemy LLC v. Byrne Poh Lp
157861/23 Erie Ins. Co. of NY v. Ortega Davila
160793/22 Fireman's Fund Ins. Co. v. Aes-Nj Cogen Co., Inc. Et Al
151232/22 Hailegebriel v. Color Factory NYC Et Al
452376/25 Heartbeat Int'l Inc. Et Al v. James
155283/22 Hereford Ins. Co. v. Albert Graziosa Md
155758/22 Hereford Ins. Co. v. Dynamism Physical Therapy
155711/22 Hereford Ins. Co. v. Patterson
159674/22 Hereford Ins. Co. v. Valentin
160402/23 Hundred Horizons LLC v. Ppny LLC
156832/181.M. v. 2263
160366/21 Kim v. Live Nation Entertainment Inc. Et Al
159353/22 Lopez v. Scp Jv III Lender LLC Et Al
158027/22 Lopez v. 112 Madison LLC Et Al
160915/22 Marceline v. Village Kf2 Associates LLC Et Al
156371/20 Maury Rly. Co. v. Advantage Wholesale Supply
156886/23 Melendez v. NYCHA
150673/23 Melendez v. Aron Security, Inc. Dba Arrow Security Services
161103/22 Pumarejo v. NYCH&HC Et Al
155320/23 Rawl v. 323 West 4th St. Associates
101463/21 Robinson v. Access
100360/22 Robinson v. Reese Energy Storage System
100499/22 Robinson v. Rolnik
100501/22 Robinson v. Vel Belushi Pc
153074/23 Rodriguez v. 160/159 Rty. LLC Et Al
152745/22 Santos v. South St. Ltd. Partnership Et Al
156055/22 Sassouni v. Trader Joe's East D/b/a Trader Joe's Store 544
152389/23 Snt Apparel LLC v. Grun
159708/22 State Farm Fire And Casualty Co. v. 108 Pharmacy, Inc. Et Al
152814/23 Strathmore Ins. Co. As Subrogee of Harrington Rty. Co., LLC v. Mr. & Mrs. Uniforms
154872/23 Wilmot v. NY Presbyterian Weill Cornell Et Al

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160039/22 Artiles v. Macklowe Properties Et Al
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153722/25 Bezoza v. Belnord Partners LLC Et Al
151363/25 Cabrera v. 736 Rly. LLC Et Al
154526/23 Con Ed Co. of New York, Inc. v. P & T I Contracting Corp. Et Al
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151232/22 Hailegebriel v. Color Factory NYC Et Al
452376/25 Heartbeat Int'l Inc. Et Al v. James
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155711/22 Hereford Ins. Co. v. Patterson
159674/22 Hereford Ins. Co. v. Valentin
160402/23 Hundred Horizons LLC v. Ppny LLC
156832/181.M. v. 2263
160366/21 Kim v. Live Nation Entertainment Inc. Et Al
159353/22 Lopez v. Scp Jv III Lender LLC Et Al
158027/22 Lopez v. 112 Madison LLC Et Al
160915/22 Marceline v. Village Kf2 Associates LLC Et Al
156371/20 Maury Rly. Co. v. Advantage Wholesale Supply
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161103/22 Pumarejo v. NYCH&HC Et Al
155320/23 Rawl v. 323 West 4th St. Associates
101463/21 Robinson v. Access
100360/22 Robinson v. Reese Energy Storage System
100499/22 Robinson v. Rolnik
100501/22 Robinson v. Vel Belushi Pc
153074/23 Rodriguez v. 160/159 Rty. LLC Et Al
152745/22 Santos v. South St. Ltd. Partnership Et Al
156055/22 Sassouni v. Trader Joe's East D/b/a Trader Joe's Store 544
152389/23 Snt Apparel LLC v. Grun
159708/22 State Farm Fire And Casualty Co. v. 108 Pharmacy, Inc. Et Al
152814/23 Strathmore Ins. Co. As Subrogee of Harrington Rty. Co., LLC v. Mr. & Mrs. Uniforms
154872/23 Wilmot v. NY Presbyterian Weill Cornell Et Al

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155514/24 Beczynski v. The Spring Lounge LLC Et Al
157383/23 Bertuzzi v. The Archdiocese of NY Et Al
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154526/23 Con Ed Co. of New York, Inc. v. P & T I Contracting Corp. Et Al
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653632/15 Economic Alchemy LLC v. Byrne Poh Lp
157861/23 Erie Ins. Co. of NY v. Ortega Davila
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