

IN BRIEF

Meet the Historical Society Of New York Courts' New Executive Director

The Historical Society of the New York Courts' new executive director is Allison M. Morey, promoted for deputy director as of the Board of Trustees' unanimous vote on Sept. 24.

Morey had served eight years as the society's program director, and the past year as its deputy director, and she succeeds Marilyn Marcus in her new role, the organization said in a statement.

Morey is tasked with leading and managing the legal history organization's programs, staff, finances, membership, fundraising, and board liaisons and committees.

"I am deeply honored that the Board of Trustees selected me to be Executive Director of this great organization," Morey said. "The Society's mission is more critical than ever as our understanding of legal history, the constitution, and what they mean continues to rapidly evolve. I will use my wealth of experience both with my past eight years at the Society and more broadly in the non-profit field to further engage with our members, the legal profession, educators, and the general public about these important topics and bring our programming into a new era."

Retired Chief Judge Jonathan Lippman, the society's president, called her promotion "one of the easiest decisions we've ever made as an organization."

"Allison is a great choice to lead the Society into the future as a young and vibrant professional, having worked closely with all of our board members and stake holders for over eight years in her previous roles. We eagerly embrace this new chapter of the Society," added Lippman, who is of counsel at Latham & Watkins.

Robert J. Giuffra Jr., chair of the Board of Trustees, saluted

Morey's work and dedication to the society.

"We're confident Allison's multifaceted skills will help us further our mission and goals, especially when the rule of law and democracy in general are of such importance in today's world," said Giuffra, who is co-chair at Sullivan & Cromwell LLP.

—Brian Lee

Amid Sexual Assault Suit, New Netflix Series Focuses On WWE's Vince McMahon

Amid the pending sexual assault and trafficking lawsuit against Vince McMahon and World Wrestling Entertainment, a new Netflix documentary series shines a light on McMahon and his empire.

The federal lawsuit filed in January in Connecticut federal court by Janel Grant, a former WWE employee who alleges McMahon groomed, raped and trafficked her, has been stayed due to a pending federal investigation.

John Laurinaitis, former head of talent relations and general manager at WWE, was also accused of sexually assaulting Grant.

According to an article by Time, the docuseries starkly changed directions after allegations of sexual misconduct surfaced against McMahon in 2022.

The series was released on Wednesday. However, on Monday, McMahon took to X, formerly known as Twitter, and claimed the series conflated his public persona and character at the WWE with his "true self."

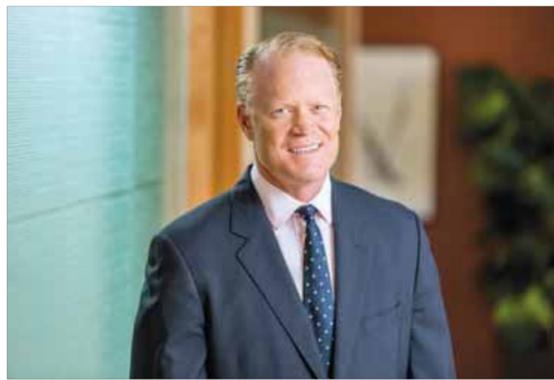
"The producers had an opportunity to tell an objective story about my life and the incredible business I built, which were equally filled with excitement, drama, fun, and a fair amount of controversy and life lessons," McMahon said in his statement posted on X. "Unfortunately, based on an early partial cut I've seen, this doc falls short and takes the predictable path."

The series does mention the Grant lawsuit, but one of her attorneys, Ann Callis of Holland Law Firm, said the docuseries "only scratches the surface of his criminal behavior and it fails to tell the full story of his abuse, sexual assault, and human trafficking of Ms. Grant." » Page 4



Allison M. Morey

The Legal Profession: Obligations of Constitutional Proportion »6



COURTESY PHOTO

"Our U.S. [profits per equity partner] would land us around No. 39. Our goal is to be playing in the top 25," said Colin Murray, the firm's North American CEO.

Baker McKenzie Sets Profitability Goals, Focusing on New York

BY MIMI LAMARRE

BAKER McKenzie has always been known as an international firm, but it's now undergoing a North American-focused growth strategy, particularly in New York, with a goal to recruit top lateral partners and increase U.S. profits per equity partner to be among the top in Big Law.

This year, the firm's average profits per equity partner (PEP) have grown to around \$3 million in the U.S., according to firm leadership. (The firmwide average PEP was around \$1.98 million in its last fiscal year, according to ALM data).

Colin Murray, the firm's North American CEO, said the firm has plans to grow its PEP and profits per lawyer (PPL) to the same range as the top Am Law 25 firms, around \$3.5 million to \$8 million, and \$700,000 to \$3 million, respectively.

"If you're going to go after the best talent, you have to pay market-level compensation. Our U.S. [PEP] would land us around No. 39. Our goal is to be playing in the top 25," Murray said.

Alan Zoccolillo, chair of the North American transactional practices at Baker McKenzie, said that the firm "would like to continue to grow, especially in New York," and that it plans on doing so by recruiting groups of » Page 4

Lawsuit Says Injured Court Officer's Reassignment Was Retaliatory

BY BRIAN LEE

A NEW YORK court officer alleges his bosses failed to accommodate his disabling line-of-duty injury, and that they even went so far as to relocate him to a distant courthouse, as a means of retaliation, according to a lawsuit filed on Friday.

James Tuttle of the Tuttle Law Firm in Clifton Park, Saratoga County, filed the disability, discrimination and retaliation claim in state Supreme Court of Warren County on behalf of New York State Court Officer Derrick Levac.

It alleges the defendant Unified Court System reassigned Levac from Warren County, which has two courthouses that are within 10 minutes from Levac's home, to a court jurisdiction 60 minutes away, in Schenectady County.

The UCS hadn't filed an appearance as of Monday. It doesn't comment on pending litigation.

Levac had already won a determination from the U.S. Equal Employment Opportunity Commission in March 2023, which had found the court system's reassignment violated the Americans with Disabilities Act.

Levac's lawsuit states that in October 2016, he was on duty in the Warren County Courthouse, where he was "obligated to pursue a suspect attempting to flee the courtroom."

Levac injured his right hamstring and sciatic nerve, preventing him from working for more than a year, the lawsuit states.

Upon his return to work in April 2018, he said his doctor advised him the condition would worsen from standing, walking and driving.

Meanwhile, court officials reassigned him to Schenectady County, an 88-mile roundtrip commute from his home, according to the complaint.

At the time of the reassignment, Levac said he advised the UCS he had a qualified disability and requested a reasonable accommodation under the ADA and New York's Human Rights Law, asking to be assigned to a court in Warren County.

The request was denied, and in June 2019, Levac claims he suffered a recurrence of his injury while walking up stairs in the Schenectady County Courthouse.

Levac claims his leg and nerve injuries are permanent; » Page 4

Trump, Harris Might Alter DOJ, FTC Enforcement in Counterintuitive Ways

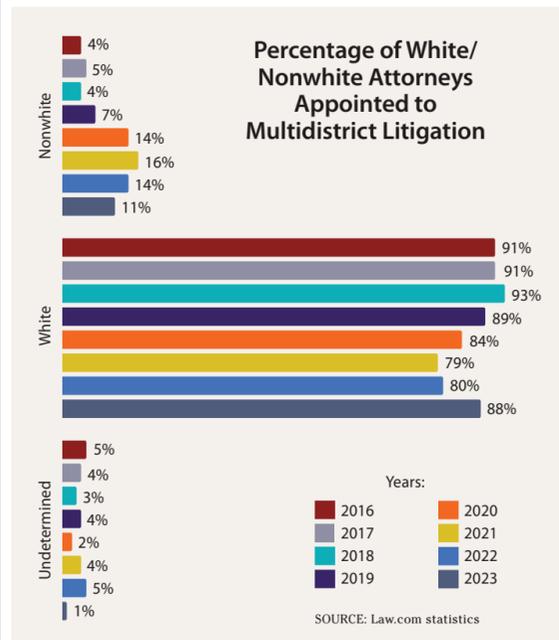
BY CHRIS O'MALLEY

THE BIDEN administration turned the Federal Trade Commission into the Tasmanian Devil of federal agencies, one quick to ravage corporate mergers and bare its fangs to intimidate corporate leaders into abandoning anticompetitive behaviors.

But ahead of the presidential election in November, a prominent antitrust attorney says, perhaps counterintuitively, that a Donald Trump administration wouldn't necessarily yank out all of the FTC's teeth—and that a Kamala Harris administration might even put a leash on it.

Trump's prior presidential administration was more aggressive on antitrust enforcement than most Republican administrations have been, said Robin Adelstein, global head of antitrust and competition at Norton Rose Fulbright. She spoke during a Norton Rose Fulbright roundtable last week on the possible regulatory implications of the presidential election.

"Trump's previous FTC and Department of Justice applied aggressive theories to mergers focused on vertical challenges and nascent competitors," Adelstein said. "His administration also sued Google in a suit that the DOJ recently won. And Trump's FTC sued Facebook." » Page 4



'That's Disappointing': Only 11% of MDL Appointments Went To Attorneys of Color in 2023

BY AMANDA BRONSTAD

IN THE multidistrict litigation over Juul electronic cigarettes, U.S. District Judge William Orrick asked the lawyers to provide a demographic breakdown of exactly which lawyers were doing what in the cases.

Nine months ago, he got the report: Of the 62 plaintiffs' firms involved in the case, there were no Black or Hispanic lawyers working on the litigation. He told lawyers at a hearing, "You have to do bet-

ter. The courts have to do better."

"I wanted to see who was taking the deposition, who was doing the hard work in the case," Orrick told Law.com. "Although women were doing a lot of the heavy lifting and in the trial, the lead lawyers were two extraordinarily talented women, there were no Blacks and very few Latinos that had done any work."

The Juul multidistrict litigation was created in 2019, when only 7% of leadership appointments went to nonwhite attorneys, » Page 6

New Law Makes 2nd Dept. Appellate Judge Whole From 2021 Budget Cut

BY BRIAN LEE

NEW YORK Gov. Kathy Hochul signed a bill on Friday allowing Appellate Division, Second Department Justice Joseph Mal-



Justice Joseph Maltese

tese to recoup 10 months' salary he would have earned in 2021 while sidelined from a short-lived, cost-cutting measure.

Maltese, an elected state Supreme Court jurist designated to the Brooklyn appellate court in 2014, had been one of 46 judges whom court officials declined to certify or re-certify as part of the effort to curtail spending.

However, by April 2021, then Chief Judge Janet DiFiore had said that those judges could apply for certification and re-certification, since the state budget and federal aid restored \$300 million that had been cut.

However, legislative efforts to award judicial compensation to affected justices had left out Maltese, according to the bill, which said Maltese wasn't compensated from Jan. 1, 2021, to » Page 4

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First Department

EMPLOYMENT LAW: Arbitration stayed, relief sought would have violation of public policy. *Supreme Court, New York.*

CONTRACTS: Summary judgment granted, defendant did not waive executed leasing commission. *Supreme Court, New York.*

REAL ESTATE: Documents, affidavits enough to establish plaintiff's right to summary judgment. *Matrix Fin. Servs. Corp. v. Chang Tae Seo, Supreme Court, New York.*

LITIGATION: Claim dismissed, claimant failed to show she was owner of dog nor it was sick. *Foster v. Lap of Luxury Pet Grooming, Civil Court, Bronx.*

Second Department

REAL ESTATE: Plaintiff sufficiently pleaded causes of action against defendant concerning property. *Levine v. Stellar 341 LLC, Supreme Court, Kings.*

INSURANCE: Questions of fact whether bus caused party's injury, summary judgment denied. *Krasner Chiropractic*

P.C. v. New York City Transit Authority, Civil Court, Queens.

U.S. Courts

CRIMINAL LAW: Search of SD memory card fell within warrant to search cell phone. *U.S. v. Tompkins, 2d Cir.*

INSURANCE LITIGATION: Dismissal of homeowners' claims against insurer, stemming from burst pipe explained. *Hartnett v. Liberty Ins. Corp., SDNY.*

ENVIRONMENTAL LAW: Wind farm opponent lacks standing to pursue claims against federal defendants. *Kinsella v. Bur. of Ocean Energy Mgmt., EDNY.*

EMPLOYMENT LITIGATION: Claims fail; remedies not exhausted; FMLA retaliation sufficiently alleged in FAC. *Carillo v. Wildlife Conservation Society, EDNY.*

PERSONAL INJURY: Negligence, wrongful death claims barred by intramilitary immunity, 'Feres' doctrine. *Ross v. U.S., NDNY.*

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Online

Court Calendars

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Today's Tip

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'Fire All the Bullets Now': EEOC Enforcements Surge

BY CHARLES TOUTANT

THE EQUAL Employment Opportunity Commission launched an especially large crop of enforcement actions Wednesday.

The agency filed at least nine cases nationwide, which is far more than its average of less than one case filed per day.

Most of the cases focused on gender discrimination, but two of the suits alleged pregnancy discrimination and two others alleged mistreatment of transgender employees.

The jump in volume of cases filed could be related to the upcoming election, said Douglas Diaz, a labor and employment lawyer at Archer & Greiner in Voorhees, New Jersey.

"There is a presidential election. Perhaps there's some concern of 'fire all the bullets now, in case someone else gets elected' that they may not want to get elected, and that person changes things," Diaz said. "If Trump was to win, and I don't think this will happen, but they would have to say to the court, 'we're going to withdraw if Trump was away,' and I don't think this will happen, but they would have to then say to the court, 'we're now going to withdraw the

claim.' I guess that could happen. I would doubt it," Diaz said.

The surge in cases could also be related to the arrival, in October 2023, of EEOC General Counsel Karla Gilbride, Diaz said.

President Joe Biden selected Gilbride after firing the agency's previous general counsel, Trump appointee Sharon Gustafson.

'Push Towards Affirming LGBTQ Rights'

The prevalence of cases brought by the EEOC claiming violations of transgender rights is also notable, said Diaz, since such cases were rare a few years ago.

The new emergence of transgender discrimination suits stems from the 2020 U.S. Supreme Court decision in *Bostock v. Clayton County*, which said Title VII of the Civil Rights Act protects employees based on sexual orientation and gender identity, Diaz said. The arrival of Gilbride is also a likely factor in an uptick in discrimination suits based on sexual orientation and gender identity, he said.

"I think the EEOC has had, at least in the past year, if not a couple years, more of a push towards affirming LGBTQ rights," Diaz said.

Diaz has noticed a similar uptick in LGBTQ employment discrimina-



Douglas Diaz of Archer & Greiner and Adam Chotiner of Shapiro, Blasi

tion suits by private attorneys, he said.

"We're seeing more of that in the workforce, especially with [claims that co-workers fail to address transgender people with their preferred] pronouns. It used to be bathrooms—there was a big issue for a while about gender-neutral bathrooms, but now we're seeing more and more cases with pronouns," Diaz said. "There have been some splits in the courts on the issue, but the EEOC has affirmatively come out and said that

if you refuse to use the pronoun the person wants to use, that's discriminatory."

Adam Chotiner, a labor and employment lawyer at Shapiro, Blasi, Wasserman & Hermann in Boca Raton, Florida, said the one-day uptick in filings might be a coincidence, or it might be related to the presidential election.

"It could be that they wanted to sort of get the ball rolling on these cases before the presidential election—you know, an indication that things might change," Chotiner said.

As for the filing of pregnancy-related suits, the EEOC has been eager to pursue claims under the Pregnant Workers Fairness Act, which was signed into law in 2022 and prohibits discrimination and ensures workplace accommodations for workers with known limitations related to pregnancy, childbirth, or a related medical condition, said Chotiner.

"They want to get the word out there—they want employers to know what's out there. They want individuals to know they have rights that they didn't previously have under that law. So the fact that there's pregnancy-related claims is not surprising at all," Chotiner said.

"I think the bigger takeaway is not so much the timing, but I think the subject matter is the takeaway, because those are definitely areas the EEOC has made it a point to focus on, particularly, the pregnancy discrimination claims under the new law has been undoubtedly a point of significant focus," Chotiner said.

Gender Discrimination

In the Western District of Texas, the agency brought gender-discrimination claims against Benson Enterprises, a holding company that owns car dealerships. The suit alleges that Rebecca Owen and Tammie Faulkner-Taylor, who worked as service advisers, were

subject to disparate treatment based on their gender.

According to the suit, Owen, who worked on commission, suffered a loss of income because her boss directed her clients to male service managers and allowed other service managers to say Owens no longer worked there, even while she was still employed, the suit claims.

The suit also alleges Owen and Faulkner-Taylor, the only women service advisers, were excluded from communications about monetary bonus competitions that circulated among other service advisers.

In the Middle District of North Carolina, the EEOC brought claims of gender discrimination in hiring against Battleground Restaurants Inc., the operator of 19 restaurants in North Carolina, Tennessee and Virginia under the name Kickback Jack's.

The suit alleges about 3% of servers at the restaurants are male, and some restaurants did not employ any male servers. The restaurant's unlawful practices have resulted in a pattern or practice of failing to hire male applicants, a protected class under Title VII, the suit said.

In the Northern District of Illinois, the agency sued Reggio's Pizza over its treatment of a transgender employee at a location at O'Hare Airport in Chicago.

The suit alleges that » Page 9

Suspect in Courthouse Bombing Was Targeting Judge, Deputies, Say Prosecutors

BY CHERYL MILLER

SANTA MARIA, Calif.

THE SUSPECT accused of lobbing a bomb inside the Santa Maria courthouse and injuring five people Wednesday was planning to kill sheriff's deputies and a judge before his scheduled arraignment on a weapons charge later that morning, authorities said.

In a criminal complaint and affidavit filed Thursday in Los Angeles federal court, prosecutors said Nathaniel James McGuire told law enforcement officers he wanted his homemade bomb to kill deputies staffing the Santa Barbara County Superior Court's security screening station so he could then retrieve guns and Molotov cocktails left inside his car and return to "kill a judge." McGuire "stated his laptop would contain a list of grievances and goodbyes to his family and friends," the affidavit stated.

McGuire, a 20-year-old Santa Maria resident, was scheduled to make his first court appearance in



A photograph submitted with the criminal complaint against Nathaniel McGuire shows damage that law enforcement described as caused by an improvised explosive device which detonated outside a courtroom in a Santa Maria courthouse last week.

the explosion case Friday at the Central District courthouse in downtown Los Angeles. He faces a federal charge of maliciously damaging a building by means of explosive, which carries a potential prison

sentence of seven to 40 years. In a statement, U.S. Attorney Martin Estrada called McGuire's alleged actions "chilling."

"Not only did he injure five people and traumatize many more, but

he possessed a cache of weapons that would have allowed him to wreak even greater destruction had he not been stopped," Estrada said.

Deputy Federal Public Defender Iboh Umodu was listed as McGuire's attorney on a court calendar. A message left with a spokesperson for the federal defender's office in Los Angeles was not immediately returned Friday.

The federal charge stems from events that occurred Wednesday, when McGuire had been scheduled for arraignment on a July weapons charge in Department 9 of the Santa Maria courthouse. Authorities say he arrived at the East Cook Street court complex around 8 a.m., "lunged" at the courthouse doors and tossed a bag containing the bomb toward the courtroom while yelling "liberty or death."

The resulting explosion sent five people—none of them a court employee—to the hospital with nonlife-threatening injuries. All were treated and released the same day.

After the blast, court security and law enforcement officers

detained McGuire outside the courthouse near his parked car.

McGuire "yelled that the government had taken his guns and that everyone needed to fight, rise up, and rebel," the affidavit stated, adding that a sheriff's deputy saw ammunition, a flare gun and a box of fireworks inside the Ford Mustang investigators say belonged to the suspect.

A search of McGuire's residence discovered a metal can with nails affixed, a duffel bag containing matches, black powder, used and unused fireworks, and papers "that appeared to be recipes for explosive/energetic material," the affidavit stated.

In a news conference Wednesday, Santa Barbara County Undersheriff Craig Bonner said the explosion appeared to be "a local incident committed by a local individual, with a local grievance stemming from his arrest," with no connection to organized terrorist activity.

The Santa Maria courthouse was scheduled to reopen Monday. Court executive officer Darrel Parker vowed this week to review the

incident and security procedures to "reduce the chance of this ever happening again in the court."

The courthouse where the explosion occurred is among a list of court facilities identified by the Judicial Council in 2019 as warranting replacement or renovation due to various types of deficiencies. The Santa Maria building renovation was deemed a low priority, however, in comparison to other buildings in more dire need of upgrades.

The courthouse was not flagged for serious security shortcomings.

McGuire had been booked into a Santa Barbara County jail on Wednesday on felony counts of attempted murder, manufacturing an explosive device and using an explosive device in an attempted murder. Cieran McEvoy, a spokesperson for the U.S. Attorney's Office, said the federal case against McGuire will proceed first, although local prosecutors could choose to pursue charges at a later date.

@ Cheryl Miller can be reached at cmiller@alm.com.

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

Judicial Ethics

Opinions From the Advisory Committee on Judicial Ethics

work as an attorney on a case that settled before the judge assumed the bench. The requested information, as described by the judge, "could require" the disclosure of confidential and privileged information about the prior attorney relationship (cf. CPLR 4503).

A judge must always avoid even the appearance of impropriety (see 22 NYCRR 100.2) and must always act in a manner that promotes public confidence in the judiciary's integrity and impartiality (see 22 NYCRR 100.2[A]). A judge must "respect and comply with the law" (id.) and "should cooperate with other judges and court officials in the administration of court business" (22 NYCRR 100.3[C][1]).

We have declined to address an inquiry "where the ethical issues raised within the inquiry are couched within larger legal issues which must first be determined by the inquiring judge" (Opinion 08-62). In particular, whether particular information or materials are protected by the attorney-client privilege "is a legal question, not an ethical one, and thus we cannot address it" (Opinion 20-72; see also Opin-

ions 19-79 ["We do not address any legal questions, including whether there is any legal obstacle to disclosing the requested materials"]; 07-192 [judge should not disclose information judge deems falls within attorney-client privilege]; 04-123 [issue of attorney-client confidentiality "presents a legal question, not a question of judicial ethics"]. Consistent with these precedents, we decline to answer the inquiry.

Opinion: 23-234

Digest: A judicial hearing officer may not voluntarily serve as a character reference or submit a letter attesting to the character of a judge undergoing a pending or impending disciplinary proceeding.

Rules: 22 NYCRR 100.2; 100.2(A); 100.2(C); 100.6(A); Opinions 16-41; 10-188; 05-34; 90-156; 89-73; 88-63.

Opinion: The inquiring judicial hearing officer (JHO) asks if it is ethically permissible to serve as a character reference for a sitting

judge who is the subject of a pending or impending disciplinary proceeding. The JHO knows the judge professionally.

As quasi-judicial officials, JHOs must comply with the Rules Governing Judicial Conduct in performing their judicial duties and otherwise use the Rules as a guide to their other conduct "so far as practical and appropriate" (22 NYCRR 100.6[A]). Thus, a JHO must always avoid even the appearance of impropriety (see 22 NYCRR 100.2) and must always act in a manner that promotes public confidence in the judiciary's integrity and impartiality (see 22 NYCRR 100.2[A]). In addition, a JHO must not lend the prestige of judicial office to advance any private interests nor "testify voluntarily as a character witness" (22 NYCRR 100.2[C]).

A judge may not provide a character reference letter or testimony on behalf of the subject of a disciplinary or criminal proceeding on the judge's own initiative, or at the request of the respondent or defendant, or at the request of their counsel (see e.g., Opinions 16-41; 10-188; 05-34; 90-156; 89-73; 88-63).

Rather, a judge may only do so in response to a subpoena or at the direct request of the disciplinary authority or other appropriate governmental agency (see id.).

Given that the judge may respond to a direct inquiry from a disciplinary authority about a respondent attorney, we have further advised that a judge "may authorize the attorney to tell the disciplinary committee that it may contact the judge concerning the matter" (Opinion 16-41). Should the judge be subpoenaed or contacted directly by the disciplinary committee, we cautioned the judge to refrain from offering an opinion regarding an appropriate sanction "unless specifically directed to by the disciplinary committee or by subpoena" (id.).

Here, too, the inquiring JHO may not voluntarily appear as a character reference or offer a letter in support of the respondent judge. Accordingly, the JHO must not submit a letter on the facts described. The JHO may, of course, appear in response to a subpoena. The JHO may also authorize the subject judge to advise the disciplinary authority it

may contact the inquirer regarding the matter; should the disciplinary authority choose to do so, the JHO may respond to the disciplinary authority's request.

Opinion: 23-233

Facts/Issue: A full-time judge asks if it is ethically permissible to serve as an adjunct professor at a law school.

Discussion: We have advised that a full-time judge may teach law-related classes for compensation at a college or university, provided that such teaching does not conflict with the proper performance of judicial duties.

Conclusion: A full-time judge may serve as an adjunct professor at a law school.

Authorities: Opinions 19-143; 09-73; 92-05.

DECISIONS DATABASE

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Opinion: A judge asks if it is ethically permissible to respond to an inquiry from the Commission on Judicial Conduct concerning the judge's prior legal

Expert Analysis

MEDICAL MALPRACTICE

Pre-Impact Terror

Damages for pre-impact terror are a species of emotional distress damages that may be awarded in personal injury actions in which victims, prior to sustaining severe or fatal physical injuries, are aware of the danger and that it will likely result in them being severely or fatally injured. Typically, pre-impact terror damages have been sought in cases in which the victims died from their injuries, although they are not necessarily limited to that circumstance.

Owing to the nature of these damages, which contemplates some form of "impact" that inflicts physical injuries on the victim, they are not typical in medical malpractice actions. That is not to say they can never apply in such actions, but they would have to involve factual scenarios in which the malpractice caused a physical injury, the danger of which the patient was aware prior to being injured. The Second Department recently addressed the viability of an award for pre-impact terror in a medical malpractice action in *Molina v. Goldberg*, ___ A.D.3d ___, 215 N.Y.S.3d 434 (2nd Dept. 2024), and determined that it was unavailable on the facts of that case. That decision is the subject of this column.

Before addressing *Molina*, some discussion of pre-impact terror damages is warranted. The elements required to recover such damages are set forth in New York Pattern Jury Instructions, 2:320, as part of the damages charge for actions involving wrongful death and conscious pain and suffering. The portion of the instruction addressing damages sustained by the decedent before he or she died includes the following paragraph to be given when there is evidence of pre-impact error:

"Plaintiff is also entitled to recover the amount you find that will fairly and justly compensate for the emotional pain and suffering actually endured by AB between the moment AB realized that (he, she) was going to be gravely injured or die and the moment AB



By Thomas A. Moore

And Matthew Gaier

sustained a physical injury. In order to find that plaintiff is entitled to recover for these damages, you must find that (a) AB was aware of the danger that caused (his, her) grave injury or death, (b) AB was aware of the likelihood of grave injury or death, and (c) AB suffered emotional distress as a result of (his, her) awareness of (his, her) impending grave injury or death." Notably, the above paragraph from PJI 2:320 follows the para-

Owing to the nature of these damages, which contemplates some form of 'impact' that inflicts physical injuries on the victim, they are not typical in medical malpractice actions.

graph addressing damages for the decedent's conscious pain and suffering "from the moment of injury to the moment of death." This implies that pre-impact terror is a separate item of damage, which would appear as a separate item on the verdict sheet. However, the charge is followed by several caveats, the third of which indicates that pre-impact terror is an element of the decedent's conscious pain and suffering, which implies that it is not a separate item. Nevertheless, the same caveat goes on to state:

"Care must be taken in preparing the charge to reflect the precise conscious pain and suffering damages that the evidence supports, as three possible scenarios exist: (1) the evidence supports an award only for pre-impact terror, (2) the evidence supports an award only for pain and suffering from the

moment of physical injury to the moment of death, or (3) the evidence supports awards for both species of damages."

Since precision is required in the jury charge to identify those three possible scenarios, it seems equally important that where there is evidence supporting the third scenario, the verdict sheet should itemize the award for each element.

This would provide assistance in appellate review of awards under CPLR 5501(c) to determine whether they materially deviate from reasonable compensation. The Court of Appeals rejected similar reasoning in holding in *McDougald v. Garber*, 73 N.Y.2d 246 (1989), that injured plaintiffs may recover for loss of enjoyment of life, but that it is not a separate category of damages and is instead a factor to be considered in awarding pain and suffering. However, there is an important distinction in that pain and suffering and loss of enjoyment of life are both consequences of the injuries sustained and apply only to the period after the injuries arise, while pre-impact terror applies only to the moments before the injuries are inflicted and contemplate only fear and terror. There are thus qualitative differences in what is being compensated, as well as different time periods. As a result, there is no overlap between pre-impact terror and post-injury pain and suffering and emotional distress, while there is significant overlap between post-impact pain and suffering, emotional distress and loss of enjoyment of life. This distinction justifies treating pre-impact terror separately from post-impact pain, suffering and distress.

For a long time, the decisions addressing awards for pre-impact terror involved verdicts that treated them as part of pain and suffering. See, e.g., *Santana v. De Jesus*, 110 A.D.3d 561 (1st Dept. 2013); *Lang v. Bouju*, 245 A.D.2d 1000 (3rd Dept. 1997); *Donofrio v. Montalbano*, 240 A.D.2d 617 (2nd Dept. 1997); *Pullman v. Pullman*, 216 A.D.2d 886 (4th Dept. 1995). However, more recent decisions involved separate awards for pre-impact terror and post-impact pain and suffering. See, e.g., *Williams v. New York City Transit Auth.*, 175 A.D.3d 581 (2nd Dept. 2019); *Simon v. Granite Bldg. 2*, » Page 7

THOMAS A. MOORE is senior partner and MATTHEW GAIER is a partner of Kramer, Dillof, Livingston & Moore.

COMMENTARY

Law Firm Leadership Stands At Artificial Intelligence And Litigation Data Crossroads

BY JARON LUTTICH AND MIKE FERRARA

In the rapidly evolving legal landscape, law firm leaders know that the intersection of litigation and artificial intelligence is becoming increasingly crucial. At the same time, litigation data remains flawed and insufficient for use with AI tools, because it often doesn't reflect what has actually happened, what is happening, or what may need to happen next within any given case.

Five years ago, there was a strong argument that litigation data would never have its Moneyball moment, or at least not until a core problem was fixed. That previous article (authored by Jaron Luttich and colleagues of his), detailed how the market "continues to layer new technologies on top of flawed data, to parse and repurpose it into marginally more useful constructs." These flaws remain today. Moreover, they are creating problems for AI developers in need of organized, useful case data, compounding the pressure on law firms to clean up what has been neglected for so long.

leadership with the insights they need to design and execute on a more resilient law firm economic model, one that is uniquely suited for their practices and clients.

Reaching that future "Moneyball" moment will require organized data across the litigation lifecycle and across the litigation practice group.

Today's junk drawers of case data aren't especially useful, and in an ironic twist, AI may now actually spur action that will drive and enable systems that actually capture, structure, and display litigation case data based upon what's happened, what's happening, and what needs to happen next.

So, how will law firm leadership actually take this next step?

Drawing inspiration from "Is Your Company's Data Ready for Generative AI?" in Harvard Business Review, it's time to delve into the specific challenges and opportunities that lie ahead on this issue. Such exploration aims at harnessing the future of AI's transformative potential in litigation practices while simultaneously delivering immediate productivity gains to case teams, effectively minimizing the cost of necessary data preparedness.

sive overhaul of historical data, a nuanced strategy is more effective: prioritize the management and organization of future data. This approach is grounded in the belief that better future data management not only solves current problems but also sets the stage for future gains. The argument here is twofold:

Immediate Payoff: By focusing on future data, legal practices can address current inefficiencies, improving productivity and streamlining operations today.

Long-term Readiness: Simultaneously, this strategy positions firms to seamlessly integrate AI technologies as they mature, without the daunting task and expense of retroactively organizing past data.

Practical Steps law firms can take to navigate this shift include:

Embrace Quality Over Quantity: The emphasis should be on the quality and organization of data being collected henceforth. This shift in focus promises not just an immediate enhancement in operational efficiency but also a smoother transition to AI-driven practices without the expense of recreating the past from existing, flawed data.

Develop Data Management Practices: Future data must be collected and managed with a clear map in mind, making it readily usable for AI applications. This involves standardizing data formats, ensuring accurate tagging and categorization, and adopting platforms that facilitate easy data retrieval.

A good rule of thumb when adopting any standard or platform: if any intervention is required between when an action is taken in the normal course of practice by a member of the case team and the capturing or quality assurance of that data, the solu-

Predicted Consequences Now a Catalyst for Change

Within the litigation industry, the disorganized state of case data is a persistent one, as the activities underlying these issues have not changed. These include litigation data being "gathered using an inconsistent set of instruments" and "measured using a shifting series of metrics."

Indeed, if the generative "AI-Pocalypse: The Shocking Impact on Law Firm Profitability" comes to pass, eroding law firm profits to a shocking degree, then law firms must be prepared to leverage a future organizational AI. One that can equip

The AI Revolution In Legal Practice

New iterations of AI offer the potential to redefine core functions such as legal research, fact discovery, and motions drafting. However, the foundation of future success in managing and measuring litigation hinges not on the volume but on the quality, usefulness, and governance of case data.

Despite a clear consensus on the necessity of data readiness, a significant gap persists. Many leaders acknowledge the need for action, yet few have achieved substantive progress.

A Unique Perspective: The Future of Data Management

Against the conventional wisdom advocating for a comprehen-

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Off the Front

Baker

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people from “all of the high-quality firms that we would consider our competitors and from whom we often sit across the table.”

“10 years ago, we were a smaller, more middle market player in M&A,” he said, but adding, “With our focus on internal growth, bringing on high-quality people, and focusing on key clients and key industries, we’ve substantially changed our profile and are now routinely advising on some of the world’s largest and most complicated transactions.”

The firm guided Johnson & Johnson last year on the spinoff of its consumer product business, Kenvue, which was valued at \$50 billion and spanned 65 jurisdictions. Deal lawyers also advised KKR in late 2023 on a \$1.4 billion acquisition of an interest in FGS Global, a public relations company, among others.

While the firm faces tough competition in New York to grow, Zoccolillo said compensation “plays a huge factor” in attracting talent, and “part of our success has been growing the profitability of our practice in the U.S.”

For top lateral talent, the firm offers two- to three-year guarantees in cash or shares to laterals, depending on the partner, according to Zoccolillo.

“Typically we offer multiyear cash guarantees in line with market compensation for laterals, but sometimes do combine that with shares. It really depends upon the specific situation,” Zoccolillo said. The firm has not adjusted compensation for other lawyers in order to pay top performers, he added.

Its move to become more profitable in the U.S. follows other steps, such as limiting the distribution of pay info to partners. The firm confirmed in 2019 that it no longer distributes pay information to partners “and instead makes it available upon request.”

Profits and International Spread

On the West Coast, the firm made waves in 2019 when it hired Silicon Valley dealmaker Leif King from Skadden, Arps, Slate, Meagher & Flom. The firm also hired 17 attorneys from Munger Tolles in Los Angeles, D.C. and Houston in April this year.

So far, Baker McKenzie has added just one lateral partner in New York since January 2024: Toby Knapp, the former head of O’Melveny & Myers’ M&A and private equity practice group, who joined in May. The firm said it has about 220 lawyers and business professionals in New York now.

Zoccolillo said last month that the firm is “close to landing” some talent. Still, Baker McKenzie is facing fierce competition to grow in New York, where every elite law firm seeks to retain and attract top

talent and where the cost of paying the most productive partners is reaching \$20 million or more at top firms.

Firms spread internationally might have more of an uphill battle in reaching profitability goals, some observers suggest.

About 86% of Baker McKenzie’s lawyers are outside the U.S., according to ALM data. In contrast, the top 10 firms in average profits per equity partner have at least three-quarters of their lawyers inside the U.S. Generally, more profitable firms have more lawyers inside the U.S.

But while some international firms have struggled to grow profitability, Baker McKenzie operates as a Swiss Verein, a structure that global firms have used to limit profit sharing among regions.



Jannan Crozier, global M&A chair



Alan Zoccolillo Jr., North American transactional practices chair



Arturo Carrillo, partner in transactional practice group

Tom Sharbaugh, a professor of practice at Penn State Law and a former managing partner of operations at Morgan Lewis & Bockius, said that Baker McKenzie should focus on their global reach and personal relationships to reach their profitability and revenue goals.

“I think one of the things that’s challenging when you’re as big as Baker McKenzie is to stand out everywhere—in every practice area and every market,” he said. “So, the firms that are really good and stand out in a particular practice area typically don’t do everything—there are very few exceptions to that, like Latham and Kirkland.”

Still, he said the firm’s global reach “is probably their value proposition, while there may be some firm that’s really well-known for M&A work based in New York that doesn’t have the global reach that Baker McKenzie does.” He added: “Baker could do very well focusing on relationships versus particular practice areas.”

Global Deals Approach

Focusing on its “differentiating factor,” Baker McKenzie is selling

its global reach to potential talent.

“You’re not going to bring in the very best talent just through compensation. There has to be a differentiating factor,” Murray said, adding those factors include the firm’s “strong and collegial culture” as well as its “global footprint.” Zoccolillo added the firm believes its “global footprint and practice depth is key.”

Part of the firm’s plan to grow its transactional practice lies in expanding its international teams, including adding a three-lawyer team in New York from Paul Hastings last year. One of those lawyers, Arturo Carrillo, said that part of the reason he came to Baker McKenzie was to keep his feet planted in New York while having a global reach in Latin and South America. Some of the most recent international deals include NSE listings in Mexico, M&A transactions in Peru and bank financings in Colombia, according to Carrillo.

“The global transactions we work on often involve 50, 60, 70, sometimes 100 jurisdictions. There really isn’t another firm that has the global reach and full-service transactional team and that does it as well as we do,” Zoccolillo said.

Jannan Crozier, the firm’s global M&A chair, agreed about the firm’s global selling points. “Our clients recognize that as a firm we have really created something special and particularly in the transactional space and how we approach complex transactions.”

Two of the firm’s jurisdictions are London and Germany, where Zoccolillo said the firm has plans for expansion, too.

Baker McKenzie has a ways to go, though, to get to the top of the global deal scene. According to LSEG league tables for the first six months of the year, while the firm is ranked in the top 10 for both number of announced deals and number of principal adviser announced deals, the firm is not within the top 20 for handling the largest deals by value.

Overall, Baker McKenzie was No. 23 in global completed M&A deals for the first half of 2024 by LSEG, up from No. 28 for the first half of 2023. The firm completed 129 deals totaling \$41.3 billion and owned about 3.5% of the market share, up by 0.4% from 2023.

Going forward, Baker McKenzie leaders are realistic that the investment to grow in New York will take buy-in from the partnership.

As Crozier, the M&A chair, put it, “Looking forward, it’s incredibly important that we have strong leadership and an aligned partnership that is forward-thinking and willing to support investment into the future. While no one has a crystal ball as to what exactly is going to happen in the future, we remain confident in our strategic growth.”

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Outside Counsel

Serious Injuries Update

In order to bring a lawsuit under Insurance Law §5102(d), a plaintiff must demonstrate they sustained a “serious injury,” meaning a personal injury which results in “death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a non-permanent nature which prevents the injured person from performing substantially all of the material acts which constitute such person’s usual and customary daily activities for not less than 90 days during the one hundred eighty days immediately following the occurrence of the injury or impairment.”



By Kenneth E. Pitcoff



And Andrea M. Alonso

the plaintiff’s surgical scar in terms of width, texture, density, or any other characteristic, other than noting the scar [located on the plaintiff’s neck] was three centimeters in length.

The defendants’ examining orthopedic surgeon additionally noted that although the plaintiff’s surgical scar was “well healed,” because the surgery that resulted

Significant Disfigurement

An injury becomes a significant disfigurement when a reasonable person viewing the person’s body in its altered state would regard the condition as objectionable or as the object of pity or scorn. N.Y. Pattern Jury Instr.-Civil 2:88B.

In *De Diaz v. Klausner*, 203 N.Y.S.3d 68 (1st Dept. 2024) the court found that the defendant failed to meet his summary judgment burden regarding plaintiff’s claim that her postsurgical scars on her right shoulder constituted significant disfigurement under §5102(d), since the defendant’s experts failed to note whether the scars were well-healed or otherwise “objectionable.”

In *Loring v. Fifth Ave. Provisions, Inc.*, No. 612530/19 (N.Y. Sup. Ct. 2021) the court ruled in favor of the defendant, dismissing the plaintiff’s claims of serious injury under the significant disfigurement category. The court found that the plaintiff’s claim lacked sufficient evidence, pointing to the absence of an adequate description of the scar in his medical records. The plaintiff’s own doctors failed to describe

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IN BRIEF

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“The ‘Mr. McMahon’ docuseries makes it clear there is no difference between Vince McMahon’s on-air persona and his true self, they are one and the same,” Callis claimed. “His ‘character,’ known for violent outbursts, sexual deviance, and manipulation, is the real Vince McMahon and exactly what Janel Grant experienced behind closed doors at WWE for years.”

In response to the lawsuit’s presence in the series, McMahon insisted that the producers used the allegations to mislead viewers, and referred to “an affair I ended” with Grant.

But opposing counsel had another characterization.

“Vince McMahon physically and emotionally abused, sexually assaulted and human trafficked Janel Grant for more than two years,” Callis claimed. “Calling his horrific and criminal behavior ‘an affair’ is delusional and nothing more than a sad attempt to save his shredded reputation.”

The stay on Grant’s action against the WWE is set to expire on Dec. 11. The U.S. Attorney’s Office for the Southern District of New York took the reigns on the investigation.

“Grant would like to see McMahon, Laurinaitis and WWE

In *Markiewicz v. Jones*, 171 N.Y.S.3d 669 (4th Dept. 2022) the plaintiff alleged serious injury to his left knee, under the fracture category, after the defendant ran over his left foot with a vehicle. The court found that plaintiff’s medical records supporting his serious injury claim under the fracture category were speculative and did not raise a triable issue of fact based on statements made by the plaintiff’s own orthopedic surgeon who opined that the x-ray revealed “[s]erpiginous curvilinear lucency traversing the anterior central aspect of the patella” that “could conceivably represent a nondisplaced fracture line” but that there was “[n]o additional evidence of fracture.” Often, the plaintiff’s own medical records provide the basis for a motion to dismiss. A careful review of hospital records and plaintiff’s physician’s medical report is crucial to a summary judgment motion.

Loss of Fetus

The “Loss of a Fetus” category was incorporated into the No-Fault Law in 1984, and the statute was amended “in recognition that a woman who is involved in an automobile accident that results in the termination of her pregnancy has suffered a serious injury.” In the case of *Leach v. Ocean Black Car*, 122 A.D.3d 587 (2d Dept. 2014) the plaintiff suffered a placental abruption that led to the premature birth of her son via Cesarean section. Initially, the Supreme Court of Nassau County interpreted “loss of a fetus” to include any pregnancy termination due to an accident, regardless of whether the fetus was born alive. However, the Second Department reversed this decision, clarifying that “loss of a fetus” applies to cases only where a viable pregnancy is terminated and the fetus does not survive.

In *Agbelusi v. Finney*, No. 24885/2017E (Sup. Ct. 2022) the court held that the plaintiff failed to establish a causal connection between the motor vehicle accident and her miscarriage, which she claimed to have suffered spontaneously one week following the accident.

The court reasoned that the defendant met the bur- » Page 8

DOJ, FTC

« Continued from page 1

The Trump administration’s antitrust enforcers filed both of those cases in the final weeks of his presidency. The first, filed in October 2020, alleged Google has an illegal monopoly on search, a case the DOJ won in August. The other, brought in December 2020, charged that Facebook, now Meta, has illegally monopolized the social media market. That remains pending, with the parties awaiting a ruling on Meta’s motion for summary judgment.

Adelstein noted that Trump was willing to challenge “traditional Republican notions” on a variety of fronts—taking actions, for instance, to lower the prices Medicare pays for drugs, and import drugs from Canada and other countries.

In contrast, “it’s not a given that a Harris presidency would mirror the Biden administration’s aggressive approach to antitrust, particularly when it comes to the technology sector, although it may not deviate too, too far,” she said.

Consistent with current FTC and DOJ themes, Harris has been promising to crack down on price-gouging, including intervening to rein in families’ grocery bills. She’s also promised support for smaller businesses in grocers’ supply chains, such as grocers, meat processors, farmers and ranchers.

The vice president also has criticized landlords, saying they’re using algorithmic pricing software to collude with one another to set rents too high and said she favors pharmaceutical price caps.

On the other hand, the former U.S. senator from Northern California still has close ties to many in the technology sector, “who have called for FTC Chair (Lina) Khan to be removed from the role,” Adelstein said.

“One big question is whether Harris would alter the ongoing tech antitrust cases at FTC and DOJ and whether Harris would remove” FTC Chair Lina Khan or DOJ antitrust chief Jonathan Kanter, Adelstein said.

“And while Harris would likely come under pressure from her party if she pulled support for the aggressive antitrust efforts of the Biden administration, the way we may see this play out in practice if Harris wins is more of a nuanced shift in focus rather than a radical change in that direction,” she said.

Adelstein noted that many Republicans believe the ,FTC and DOJ have gone too far in antitrust regulation. The two Republican commissioners on the FTC—Melissa Holyoak and Andrew Ferguson—have opposed the administration’s aggressive enforcement tactics.

“I am very concerned about the commission’s willingness to assert novel legal theories in settlements,” Holyoak recently told Law.com.

Ferguson has accused the Democratic majority of de facto lawmaking, by sliding untested legal theories into settlements it strikes with companies. Even though the theories haven’t received judicial scrutiny, their repeated use can lead courts to effectively view them as precedents, Ferguson has complained.

If Trump wins and appoints Holyoak and Ferguson as chair, “it might mean a retreat from the current administration’s aggressive enforcement,” Adelstein noted.

A wild card is how Trump’s VP pick, JD Vance, might influence regulatory policy. In February, Vance outraged some conservatives by declaring, “I guess I look at Lina Khan as one of the few people in the Biden administration that I think is doing a pretty good job.”

While Trump has said little about the FTC, Vance has struck

a populist tone, even claiming to be one of the few Republican supporters of antitrust reform, Adelstein said.

“According to Vance, the large technology companies are too big and he’s called for the breakup of Google over its monopolistic control of information, which sounds remarkably similar to the current administration’s rhetoric,” she added.

Therefore, it might well be that a Trump administration would maintain the Biden administration’s focus on large tech companies, “although it’s not clear that the remainder of the Biden administration’s aggressive enforcement agenda would remain intact,” Adelstein said. “A lot may depend on how much of a say Vance will have in setting a Trump administration antitrust agenda.”

Under Khan, the FTC has dramatically altered how it evaluates proposed mergers, factoring in such issues as how an acquisition might affect job prospects and wages for employees working in the industry.

It also has passed a noncompete ban in an effort to improve the job-hopping opportunities for workers. The ban currently is bogged down in court challenges.

The commission also has resurrected use of the long-dormant Robinson-Patman Act, Depression-era legislation aimed at protecting mom-and-pop grocery stores from price discrimination that put them at a disadvantage from large retailers that could seek volume discounts.

“The Biden administration’s FTC has created or at the very least attempted to create a revolutionary sea change in antitrust enforcement. The big question is whether these transformational changes will stick,” Adelstein said.

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2nd Dept.

« Continued from page 1

Nov. 7, 2021, as a result of delays in his return to service caused by administrative processes.

The bill, A10263/S9295, which was sponsored by Sen. Jessica Scarcella-Spanton and Assemblyman Charles Fall, both D-State Island, remedied “the injustice faced by Justice Maltese by providing him with the compensation he rightfully deserves.”

The legislation took effect immediately upon Hochul’s signing. It also authorized payment

to the state and Local Employees’ Retirement System for pension credit Maltese accrued during the 10 months.

State Supreme Court Justice Verna L. Saunders, president of the Association of Justices of the Supreme Court of the State of New York, said in a statement:

“We are pleased the Governor signed the bill to make Justice Maltese whole in the aftermath of the unfortunate incident in which the court system previously refused to give justices turning 70 years old the individual consideration to which they were entitled under the New York State Constitution.

We look forward to working with the Governor and legislators to underscore the importance of maintaining the independence of the Judiciary as a co-equal branch of government.”

Supreme Court Justice Carmen Velasquez, president of the State Supreme Court Justices’ Association of the City of New York, told the Law Journal she is happy for Maltese and thanked Hochul for her leadership.

Efforts to reach Maltese on Monday were unsuccessful.

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Reassignment

« Continued from page 1

he’s lost a third of the use of his right lower extremity, and his doctors advise him the condition continues to worsen from standing, walking and driving.

Levac returned to work from his second injury in September

2019, again requesting that he be returned to Warren County, to reduce his driving.

But he said the court system denied him again.

He then won the EEOC determination, resulting in his return to the Warren County Courthouse in August 2023.

The lawsuit seeks nearly \$50,000 for four years of accrued mileage

driving to Schenectady County, \$3,000 for what Levac said was extra chiropractic care he wouldn’t have needed had he not had to drive to Schenectady County, and damages for pain and suffering.

Tuttle declined to comment when contacted on Monday.

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E-DISCOVERY

Court Allocates Costs for Data Security in Discovery

In an era where data breaches and cyberattacks are increasingly prevalent, data security is often top of mind. During discovery, which can involve vast sets of confidential or protected information, it thus is hardly surprising that producing parties may expect recipients to implement data security protections to guard against data breaches. But such protections can be expensive, and parties may disagree on both the level and type of protections required and the allocation of related costs.

The recent decision in *United States v. Anthem, Inc.*, 2024 WL 2982908 (S.D.N.Y. June 12, 2024), marks a significant development in this area. Addressing the novel question of how to allocate data security costs, the court in *Anthem* highlights the importance of data security in discovery and establishes a new test to determine when and whether cost-shifting may be appropriate.

'United States v. Anthem'

In *Anthem*, the United States alleged that health insurance company Anthem submitted inaccurate information regarding Medicare-covered service costs and that this resulted in the government overpaying Anthem millions of dollars. As a key part of discovery in the matter, the government received protected health information—the medical records of Anthem's members. While the parties agreed that this electronically stored information ("ESI") should receive special security attention, they disputed

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"the level of security needed to protect the health data . . . and who should pay for the costs of that security." *Id.* at *1.

The government "proposed a robust set of protections" for the health information and was already incurring a cost of "about \$5,000/month" for such measures. *Id.* Anthem, though, sought additional security measures, including protections in case of future data breaches, that it described as "consistent with industry standards and with applicable regulatory guidance." *Id.* Such measures would add \$4,300 a month to the government's expenses. The government sought to shift those security costs to Anthem.

Protective Orders And Protecting ESI

The court began its analysis by observing that the "issue of data security in discovery and how costs should be allocated for same is one

that does not appear to have been addressed in any other court decision." *Id.* at *2. And while under the Federal Rules of Civil Procedure "there is a presumption that the responding party bears the expense

Addressing the novel question of how to allocate data security costs, the court in 'Anthem' highlights the importance of data security in discovery and establishes a new test to determine when and whether cost-shifting may be appropriate.

of complying with and responding to discovery requests, . . . who should bear the cost of maintaining the security of data turned over in litigation is a slightly different question." *Id.* (cleaned up).

Protective orders, noted the court, are typical in discovery but they usually focus on confidentiality rather than "secure storage of data or who bears the costs of protect-



By H. Christopher Boehning And Daniel J. Toal

ing electronically stored information produced in discovery." *Id.* The court pointed to its own model protective order, which, in relation to personal information, states, in part, "The producing party may specify the minimal level of protection expected in the storage and transfer of its information." *Id.* And while the protective order entered in this case contained the court's model language, it was silent on "cost-shifting in the event the receiving party disputes the level of protection specified by the producing party." *Id.*

Emphasizing the increased data security risks in litigations and for law firms, the court cited a 2022 report finding that 27% of law firms experienced a data breach and a 2023 report that data breaches have an average cost of \$4 million. *See Id.* And, given that "one of the government's vendors experienced a ransomware attack that compromised some of Anthem's data, . . . Anthem is rightfully concerned about the protection of its data in this case." *Id.* Moreover, the court observed that the U.S. Department of Health and

Human Services "has recognized that healthcare information is frequently a target of cyberattacks and care must be taken to protect health information." *Id.*

A Test for Cost-Shifting

Next, the court turned to the issue of cost-shifting and the factors to examine in determining

COMMENTARY

Behavioral Data Is Driving Revenue Roles in Law Firms

BY JENNIFER O'DONNELL, PETER JOHNSON, ELLE WALCH AND ADRIEN MAINES

IN THE dynamic landscape of modern law firms, the pursuit of growth is the constant driver. This was highlighted at the Legal Marketing Association Southeast Regional Conference, which was held on Sept. 11-13, in Charlotte, North Carolina. Traditional strategies, such as networking events and public relations initiatives, have long been staples of business development. However, the increasing complexity of the legal industry demands a more precise approach to stay competitive, refine training and coaching strategies, maximize time spent on business development, and meet clients' evolving needs.

While the goal is to create a firm where revenue generation is a collective effort, misaligning talent or neglecting proper coaching can significantly waste time and resources. To truly maximize potential, it's crucial to place individuals in roles that suit their strengths and provide them with the targeted support they need to excel. This strategic approach not only enhances individual performance but also drives overall firm growth and efficiency.

Assessing Attorney Strengths And Opportunities Quickly

When billable hours are your product, pulling attorneys away from client work can be challenging. However, firms see the need to make an investment in learning more about the roles lawyers are best suited to help feed the growth of a firm. Rapid behavioral assessments take little time and provide data used to make quick

JENNIFER O'DONNELL is the chief marketing and business development officer at Segal McCambridge. PETER JOHNSON is the president of Law Practice Consultants and a former managing partner of a mid-sized Boston law firm. He was inducted as a Fellow in the College of Law Practice Management. ELLE WALCH is a practice development manager at Holland & Knight and ADRIEN MAINES is a partner at Promova, an international PR and branding agency, and co-founder of Find a Rainmaker, an online behavioral assessment platform that helps companies generate revenue.

4 Considerations When Buying or Building Legal Technology

BY ELLA SHERMAN

WITH the legal technology market growing at a rapid pace, it's becoming more crucial for tech developers to figure out what legal professionals need and how law firms can proactively adopt these systems, particularly generative AI.

Monday's "Unlocking generative AI in legal technology: A roadmap to \$50 billion" webinar, moderated by Burford Capital vice chair David Perla, dug into Gartner's May report predicting that the legal tech market will hit \$50 billion by 2027.

It also discussed how legal roles could change with growing gen AI adoption, whether firms should build or buy software, and the importance of user design.

The Evolution of Legal Roles

As generative AI develops, a common concern across industries is how it will disrupt jobs. Last year, a Goldman Sachs report found that generative AI was capable of performing almost half of all legal tasks.

Knox Capital Holdings partner Mike Bryant said he predicts the consequences of more law firms adopting gen AI will look similar to the computer revolution in the 1990s, in that more jobs will evolve or be created.

"Even a few years from now in legal, there's going to be different roles and I think we need to change the narrative to more of our own collaborative intelligence, where machines and human beings are mashing up to create solutions," he said during the webinar.

The evolution of the legal role as a result of growing gen AI adoption might involve the addition of new skills in order to manage technology, while titles of certain positions could also change.

"I think AI displaces tasks, not jobs," Six Parsecs founder and executive director Jae Um said. "When I say displacement, I am talking about a smaller unit of measurement, I think AI is going to displace a lot of hours."

Clients Willing to Pay for Firm's Tech

Generative AI-powered tools have the potential to lighten a law firm's workload, but the cost of these tools are considerable depending on their use.

However, some clients have been willing to pay higher rates to firms that use technology to boost their productivity. Higher payments could help firms offset the cost of procuring such technology in the first place.

"Instead of building some sort of recurring revenue, monthly or annually, we're seeing a lot on a transaction basis, so every time you use something, you get charged for it," Zach Posner, the co-founder and managing director of The LegalTech Fund, explained. "It seems like clients

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FTC Fines DoNotPay \$193,000, Alleging False Claims Over 'Robot Lawyer' Service

BY RHYS DIPSHAN

DONOTPAY, a do-it-yourself legal and consumer services company that until recently advertised itself as a "Robot Lawyer," has agreed to a Federal Trade Commission order fining it \$193,000 and requiring it to warn consumers who used its service between 2021 and 2023 about the limitations of its legal products.

In addition, the order prohibits DoNotPay from "making claims about its ability to substitute for any professional service without evidence to back it up," according to the FTC.

The order followed an FTC complaint alleging that DoNotPay made false claims about its legal services to consumers, though according to the order, the company "neither admits nor denies any of the allegations" made by the federal agency. The FTC action is the latest chapter in an ongoing saga for DoNotPay over how it promoted its "Robot Lawyer" image.

In the complaint, the FTC argued that DoNotPay violated Section 5 of the FTC Act, specifically alleging counts of "False or Unsubstantiated Performance Claims" and "False Claims." The agency alleged that the company "represented, directly or indirectly, expressly or by implication, that the Service's artificial intelligence and other technology operates like a human lawyer," which it said were "false or misleading or were not substantiated at the time the representations were made."

In addition, the FTC alleged that DoNotPay's claims that it would "analyze a consumer's small business website for hundreds of federal and state law violations" and that its general membership subscription included "features that protect a copyright and generate a customized cease-and-desist letter for a defamation claim, non-compete agreement, and residential lease" were false or misleading.

In an email to Legaltech News, a DoNotPay spokesperson said: "DoNotPay is pleased to have worked constructively with the FTC to settle this case and fully resolve these issues, without admitting liability."

"The complaint relates to the usage of a few hundred customers some years ago (out of millions of people), with services that have long been discontinued. DoNotPay retained Maneesha Mithal, former associate director at the FTC, as outside counsel, who has been incredibly helpful in handling this matter," the spokesperson added.

Mithal is a partner at Wilson Sonsini Goodrich & Rosati in Washington, D.C.

DoNotPay has garnered notoriety over the past few years after CEO Joshua Browder made audacious claims regarding how autonomous and advanced the company's "Robot Lawyer" could be. Since generative artificial intelligence entered the mainstream in late 2022, Browder announced plans for a DoNotPay chatbot to represent a defendant in a

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MDL

« Continued from page 1

according to Law.com's statistics. That number rose to 16% in 2021 but has been falling over the past two years. In multidistrict litigation created in 2023, according to Law.com's exclusive data, only 11% of leadership appointments went to nonwhite attorneys, down from 13% in 2022. The ethnic makeup of 1% of lawyers in the 2023 data could not be determined.

"That's disappointing to me to hear that," Orrick said of the declining numbers. "If you think that diversity in all of its forms is important in determining excellence, equity, these MDLs are great opportunities for people to learn, have a practice."

'Not An Easy Task'

The 2023 statistics remain higher than the historic average when it comes to attorneys of color appointed in multidistrict litigation. From 2016 to 2019, white attorneys dominated with 95% of appointments, according to Law.com's statistics.

[falcon-embed src="embed_1"] But the figures remain stubbornly low. In fact, of the 19 multidistrict litigation dockets created in 2023 that had appointment orders, eight of them were headed by all-white men and women. Those eight dockets made up nearly 25% of the total number of lawyers appointed to leadership posts last year.

One glaring exception was the multidistrict litigation over hair straighteners, which lawsuits have linked to reproductive cancers. Of the 35 lawyers appointed, 12 were attorneys of color. That case alone, in which many of the plaintiffs are Black women, might have even caused a "spike" in the numbers, Diandra "Fu" Debrosse, who was appointed co-lead counsel of the hair relaxer multidistrict litigation, said.

"It's the only one I've known of with that many people of color, that many diverse lawyers," said Debrosse, of DiCello Levitt in Birmingham, Alabama. And that includes not just the position of lead counsel, which she shares with three other lawyers including Ben Crump, of Ben Crump Law in Tallahassee, Florida, but the plaintiffs' steering committee, plaintiffs' executive committee and the leadership development committee. "It's significantly people of color."

Larry Taylor, of the Cochran Firm in Houston, said 2021 and 2022 were "heavy years" for mass

torts. But he also noted that the attorneys of color with the most appointments in 2023 were managing partners or namesakes at their firms. Of the 30 lawyers who got two or more appointments in 2023, only three weren't white: Taylor, Crump and Gregory Cade, of the Environmental Litigation Group in Birmingham, Alabama. Taylor was appointed to plaintiffs' executive committees in the multidistrict litigation over hair relaxers and C.R. Bard Inc.'s implanted port catheter device. Crump, in addition to the hair relaxer lead counsel role, serves on the plaintiffs' executive committee in the antitrust multidistrict litigation over insulin pricing, and Cade is on the plaintiffs' steering committees of the same two dockets.

"When you take a look at that, part of the issue could be looking at the financing of these firms," Taylor said. "To be in leadership is not an easy task or a cheap task."

And judges have increasingly asked lawyers in their case management orders to provide information on whether they have accepted litigation financing in the cases, he said.

"I'm not saying orders are being handed down, but that is a way to keep the entry of women and minority firms from entering into the market or, better yet, what's the term I'm looking for, continuing to grow within the industry?" he said. "And it's lopsided. You don't ask someone about their shareholders. You don't ask someone about their corporate structure or where they're getting their financing from on the defense side when you're representing Johnson & Johnson. And so things like that could potentially weigh in on the number of minorities you see within the industry."

That means many of the lawyers getting the most appointments in 2023 remain at the same "legacy firms" as they've been for years: Hausfeld topped the list with seven appointments, including Washington D.C. partner Swathi Bojedla's lead counsel spot in the RealPage software antitrust multidistrict litigation. DiCello Levitt, including Debrosse's lead counsel role, came in No. 2 with six appointments.

'A Failure of Will and Priority'

Not all the lawyers who get appointed need to have the same level of financial resources, of course. But Orrick acknowledged that judges, who approve the leadership teams, play a big role in diversifying the plaintiffs' bar before them.

"The judge does the selection,

so the judge has the critical role in doing that," he said. "You have to analyze the needs of the case, the people who have applied, whether there are people who haven't applied who you know by reputation or otherwise who would be good to add."

"And if you have a big products case where people are going to be affected around the country that's going to hit a wide swath of the American public," Orrick added, "then you ought to care about the diversity, ethnicity, race, all those things to create a team that will be excellent and able to address the problems of the communities suffering from the alleged problem."

Having judges speak out helps, Debrosse said, because it motivates a firm's leaders to know they'll be held accountable.

But another factor, she said, is that many of the older and more experienced attorneys of color already have appointments on other multidistrict litigation cases. The key, she said, is to have more options.

"There's a higher number of white lawyers who've been in this space to get appointed," she said. "Part of what we're doing is have that pipeline so it's not the same lawyers of color being appointed over and over again."

Debrosse and Crump are the founders of Shades of Mass, which held its annual meeting last month in Houston. Shades of Mass, founded two years ago, aims to improve the number of attorneys of color in mass torts.

Orrick said the findings of his Juul demographic report, which he plans to make public, show that the plaintiffs' firms "didn't have much depth in their bench." "And to me that's a failure of will and priority," he said. "So, I think those firms ought to be thinking and prioritizing hiring lawyers who are not white to train them and raise them up."

That training also applies to lawyers of color already established in mass torts. Taylor said he often picks up the phone, calling prominent plaintiffs' firms to encourage them to put their non-white attorney up for leadership. Lawyers of color already in lead counsel positions, he said, should mentor younger attorneys. And with enough of those discussions, he hopes to boost the numbers back up in 2025.

"I don't think for the most part it's any ill will," he said. "We just need to have more discussions to move the needle forward, and diversity brings better results for everyone."

Amanda Bronstad can be reached at abronstad@alm.com.

Perspective

The Legal Profession: Obligations of Constitutional Proportion

BY SONDRA MENDELSON-TOSCANO

A few months ago, I started carrying around the U.S. Constitution, including the Bill of Rights. I carry it to remind myself of the struggles, the bravery, and the sacrifices of our forefathers and foremothers, and the vision that the Framers conceived for what has become this resilient, extraordinary country.

In September 1620, the Pilgrims set sail on the Mayflower for what was an exceedingly unpleasant journey; they were searching for a new life without, inter alia, religious persecution. The U.S. Constitution was the framework for the Founders' vision and has become the supreme law of our nation. The Constitution embodies their dream of a land with national policy but without tyranny, branches of government with none being more powerful than the rest, and basic citizens rights to be respected and protected. It was that promise of liberty, justice, security, and tranquility that brought my maternal grandfather and his sister here when they escaped from Austria,

where they had been faced with certain death at the hands of the Nazis during World War II. It is that promise that makes me proud to be a U.S. citizen and a public servant.

Creating fundamental principles for our land was a major undertaking and hard won. Even though the Pilgrims had fled British rule, the British were still able to control the American colonies. Some of the colonists were, shockingly, loyalists to England or neutral about Great Britain's dominance, but most were Patriots who opposed British governance.

April 19, 1775 marked the Patriots' rebellion with the commencement of the American Revolution. A little over a year later, on July 4, 1776, the Patriots announced their separation from Great Britain when the Continental Congress unanimously adopted the Declaration of Independence. Thereafter, on November 15, 1777, the Continental Congress adopted the Articles of Confederation, considered to be our first constitution, which named us the "United States of America." The Patriots' efforts toward freedom finally prevailed on September 3, 1783 when the Revolutionary War was brought to a close with Great Britain signing a peace treaty recognizing the United States.

In 1786, James Madison and Alexander Hamilton called upon Congress to summon a constitutional convention for the purposes of meeting and discussing a centralized government to provide for America's order and stability. At that constitutional convention, held in Philadelphia, the Articles of Confederation were revised with the drafting of the Constitution that exists today.

Nine of the then-thirteen states were required to ratify the document for it to take effect. Yet, many delegates failed to support the proposed Constitution since their primary concern was safeguarding citizens against a cruel and oppressive government such as the one from which they had fled. Madison, Hamilton, and John Jay penned the momentous Federalist Papers, a series of essays explaining the Constitution's provisions, and urging ratification.

The U.S. Constitution was signed on Sept. 17, 1787 (Sept. 17 has been designated as Constitution Day) with the necessary nine-state ratification by June 21, 1788. On March 4, 1789, the new U.S. Constitution government officially commenced. While serving as a representative in the nation's Congress after

ratification, Madison wrote and introduced twelve amendments to the Constitution, providing for state powers where not delegated to the Federal government, and delineating individuals' civil rights and liberties.

Those rights and liberties included entitlements to due process, a speedy and fair trial, express ideas, keep and bear arms, and freedom of religion, from unreasonable search and seizure, and cruel and unusual punishment. Congress adopted ten of those amendments on Dec. 15, 1791, which are known to us as the Bill of Rights. Since

The Constitution laid the groundwork for the American legal system and its practitioners. When the colonists arrived, having suffered from English common law being wielded as an instrument of subjugation, they were resistant to the idea of lawyers. After the Revolutionary War, with the colonies beginning to thrive financially, the idea of lawyers became attractive as necessary.

that time, an additional 17 amendments have been ratified for a total of twenty-seven amendments, the last of which was added in 1992.

The Constitution, our written charter for government, is arguably the most important and influential United States document. It has been interpreted by lawyers, academia, commentators, judges, and its final arbiter, the U.S. Supreme Court. Such is a laborious endeavor as our world constantly evolves with advances in science, medicine, and technology, and shifts in societal norms that the drafters could not possibly have envisioned.

Despite time and change, one thing remains the same—the core aim of the ratifiers to establish a foundational relationship between our government and its citizens free from abuse of power and brimming with fairness for all. To that end, the words "Equal Justice Under the Law" grace the facade of the U.S. Supreme Court building. Although that specific language is not found in the Constitution, the phrase is based on the Fourteenth Amendment and conveys the spirit of our founding documents—the Declaration of Independence, the Articles of Confederation, and the U.S. Constitution with its Bill of Rights.

Such premise has been the impetus for the creation and implementation of laws protecting citizens from unequal and discriminatory treatment and safeguarding personal freedoms. The Civil Rights Act of 1964 is an example of such legislation which, inter alia, ended segregation in public places and schools, banned employment discrimination, and provided protection of voting rights.

The Constitution laid the groundwork for the American legal system and its practitioners. When the colonists arrived, having suffered from English common law being wielded as an instrument of subjugation, they were resistant to the idea of lawyers. After the Revolutionary War, with the colonies beginning to thrive financially, the idea of lawyers became attractive as necessary. At the time, the legal practice was not a profession, but rather an undertaking by full-time businessmen with little legal training, who had a grasp of the law by watching court proceedings and preparing through an apprenticeship system.

Eventually, the law gained recognition as a respected profession. A move emerged to formal-

ize legal training, including critical thinking, practical skills, and legal knowledge, to ensure adherence to certain educational and ethical standards. Although the Litchfield Law School in Connecticut is recognized as the first independent law school, the first American law school attached to a college or university is the College of William & Mary in Virginia.

Following the appearance of formal American law schools, legal professional organizations emerged. Founded in 1802, the Philadelphia Bar Association is the first bar association in the United States. In 1876, the New York State Bar Association was established in Albany.

Two years later, the American Bar Association was formed in Saratoga Springs. Since that time, the U.S. legal profession has expanded and flourished. Thanks to the Constitution, even in my little corner of the world with my limited scope, I have a wondrous job that means something, in which I am able to help people.

We, as legal professionals, are all in this together. All of us, in this exciting, interesting, thought-provoking, challenging, yet difficult and frustrating profession, have legal and ethical obligations to clients, the courts, and the public. Judges are charged with maintaining professional competence, fairly and faithfully administering justice, assuring due process, treating all litigants courteously, and giving the law the respect it deserves. Legal professionals must provide effective assistance to clients, seek improvements in the law, and champion justice.

But we are defined by more than just our professions and have additional responsibilities. As Former President Abraham Lincoln stated during his iconic 1863 Gettysburg Address, ours is a "government of the people, by the people, for the people." We, as U.S. citizens, have obligations to our country and each other—to pledge our allegiance, support and defend the Constitution, follow laws, pay taxes, serve on juries when called to do so, serve in the armed forces when required, stay informed, vote, be considerate of the rights, beliefs and opinions of others, and appreciate each other for our unique differences that make us special.

Prior to attending Hofstra University School of Law, I had always appreciated the power, gravity, and impact of the Constitution's inspiring words. However, after taking a course with Professor David Diamond, a kind soul who was devoted to his students and loved the law, I became truly passionate about the document.

With its blueprint for democracy, the Constitution continues to be a beacon of hope for the people that call the United States home. Not too bad an achievement for a group of newcomers who made their way to a strange land and were forced to fight for their independence and advocate for a government that represents the people. I am grateful for their efforts.

Having just celebrated Constitution Day and on the heels of a major Presidential election, as always, I hold the Constitution dear and recognize the enormity of my duty to make sure that I—as an American citizen and a public servant—uphold the principles and ideals therein.

SONDRA MENDELSON-TOSCANO is a superior magistrate sitting in Nassau County.

Calendar

MONDAY, OCT. 21

CUNY School of Law

"The Role of Public Defenders": Burns Chair James Forman Jr. in Conversation With Paul Bulter, Raj Jayadev, and Heather Pinckney
6 p.m.-8:30 p.m.
CUNY School of Law
2 Court Square, Long Island City
Reception and book signing to follow.
www.law.cuny.edu/event/burns-chair-james-forman-jr-in-conversation-with-paul-bulter-raj-jayadev-and-heather-pinckney-the-role-of-public-defenders/

TUESDAY, OCT. 22 TUESDAY, NOV. 26

NY City Bar (CLE)

Contract Drafting - The Basics and Essentials: (Parts 1-3)

Day 1: 12:30 p.m. - 2:45 p.m.
Day 2: 12:30 p.m. - 2:45 p.m.
Three Days CLE credits: 4
Day 1 Webinar Registration
Link: https://services.nycbar.org/EventDetail?EventKey=_WEB102224&mcodes=NYLJ
Day 2 Webinar Registration
Link: https://services.nycbar.org/EventDetail?EventKey=_WEB112624&mcodes=NYLJ
Location: Zoom
Contact: Customer Relations Department, 212-382-6663 or customerrelations@nycbar.org

THURSDAY, OCT. 31

Federal Bar Council (CLE)

The China Initiative in Practice: A Fireside Chat on the Challenges

and Pitfalls of International Trade Secret and Economic Espionage Enforcement
12:30 pm - 1:30 pm
Live Webinar, 1 CLE credit
https://fbc.users.membersuite.com/events/a5720928-0078-cb8f-6484-0b474a84a658/details

THURSDAY, NOV. 21

CUNY School of Law

"Excessive Sentences and Second Chances": Burns Chair James Forman Jr. in Conversation
6 p.m.-8:30 p.m.
CUNY School of Law
2 Court Square, Long Island City
Reception and book signing to follow.
www.law.cuny.edu/event/burns-chair-james-forman-jr-in-conversation-excessive-sentences-and-second-chances/

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Terror

«Continued from page 3

LLC, 170 A.D.3d 1227 (2nd Dept. 2019); *Vatalaro v. Cnty. of Suffolk*, 163 A.D.3d 893 (2nd Dept. 2018); *In re 91st St. Crane Collapse Litig.*, 154 A.D.3d 139 (1st Dept. 2017). None of those decisions contained any discussion of whether pre-impact terror should be treated as a separate item of damage with a separate line on the verdict sheet, as opposed to simply being included in an award for conscious pain and suffering.

The circumstances in the First Department’s opinion in *In re 91st St. Crane Collapse Litig.*, represent a quintessential example of those warranting separate awards for pre-impact terror and post-injury pain, suffering and emotional distress. It involved an appeal from a judgment on behalf of the estates of two people who were injured and died as a result of a crane collapse. One of them was the crane operator, who was in the glass cab of the crane when it fell 200 feet to the ground, and who survived several minutes after the collapse. The other person was a worker on the ground who saw the crane collapsing, was hit by debris and survived for approximately four hours after the collapse. The Appellate Division found that awards of \$2,500,000 for pre-impact terror and \$5,500,000 for pain and suffering were reasonable compensation for the crane operator, while awards of \$2,000,000 for pre-impact terror and \$7,500,000 for pain and suffering were reasonable for the worker on the ground. For each decedent, the damages for pre-impact terror were distinct from post-impact pain, suffering and emotional distress.

Against this background, we turn to in *Molina*, where the Second Department addressed what it described as “an issue of first impression ... whether the plaintiff was properly awarded damages for the decedent’s ‘pre-impact terror,’ delineated on the verdict sheet as emotional pain and suffering,” and concluded that “the award of damages for pre-impact terror is inappropriate in this medical malpractice and wrongful death action and that this award was duplicative of the award of damages for pain and suffering and loss of enjoyment of life and should be set aside and vacated.”

The plaintiff’s decedent in that case was admitted to defendant Westchester Medical Center

(WMC) in January 2008 with complaints of coughing up blood, shortness of breath and mild burning in his chest. During the admission he suffered a heart attack, after which a cardiac catheterization was performed and revealed that one of the vessels in the decedent’s heart was completely obstructed. An effort to insert a stent was unsuccessful. The decedent was subsequently seen at different hospitals over the next three years for treatment of congestive heart failure, including placement of a left ventricular assist device in June 2011 at Yale-New Haven Hospital, which resulted in complications and he died on Oct. 27, 2011.

An action sounding in medical malpractice and wrongful death was commenced against the WMC and others, alleging that WMC’s internal medicine residents and cardiology fellow failed to timely diagnose and treat the decedent’s heart attack. The case went to trial, and the jury was instructed that it should consider damages both for the emotional pain and suffering the decedent endured between the moment he believed that he was going to die and the moment he died, and for the decedent’s pain and suffering and loss of enjoyment of life from the moment of the heart attack until the moment of death, with the former being characterized by the plaintiff as pre-impact terror. The verdict sheet provided separate interrogatories for each item of damage.

The jury found in favor of the plaintiff and awarded damages that included \$1,000,000 for the decedent’s emotional suffering regarded as pre-impact terror, and another \$1,000,000 for the decedent’s pain and suffering and loss of enjoyment of life from the time he had the heart attack until his death. There was also an award of wrongful death damages, and a judgment was entered in the total sum of \$3,872,163.

The Second Department set aside the award for pre-impact terror damages, finding that it “should not have been considered as a separate category of damages” from pain and suffering and loss of enjoyment of life. Quoting the opinion from *In re 91st St. Crane Collapse Litig.*, the court observed that pre-impact terror damages “are designed to compensate the decedent’s estate for the fear the decedent experienced during the interval between the moment the decedent appreciated the danger resulting in the decedent’s death

and the moment the decedent sustained a physical injury as a result of the danger.” This illustrates that the time period covered by pre-impact terror terminates when the decedent sustained physical injury. It also indicates that a literal “impact” is not necessary, but rather a “physical injury” that is anticipated by the injured person.

Under the facts of the subject case, the court recognized that the impact or physical injury “was the decedent’s heart attack.” If pre-impact terror damages were available, they would only cover the period from the moment the decedent perceived that his health was in danger until the moment he suffered the heart attack. Therefore, the jury instruction describing the time period for this item as from the moment the decedent

A decedent’s emotional distress from the fear of impending death is very much a compensable aspect of post-injury pain and suffering.

believed he was going to die until he died went beyond the time period for pre-impact terror and overlapped with the time period applicable to post-injury pain and suffering. Accordingly, the opinion in *Molina* explains:

“PJ 2.320 distinguishes the damages chronologically, by describing ‘emotional pain and suffering’ as that which the decedent actually endured between the moment he or she realized that he or she was going to be gravely injured or die and the moment the decedent sustained a physical injury, and describing pain and suffering as that which the decedent experienced during the subsequent time period from the moment of injury to the moment of death. In contrast, the damages awards here overlapped chronologically. ‘Emotional pain and suffering’ covered the time period between ‘the moment [the decedent] believed that he was going to die and the moment [he] died,’ and ‘[p]ain and suffering and loss of enjoyment of life’ covered the time period from ‘the moment of the heart attack to the moment of death.’ Thus, they were duplicative (see *McDougald v. Garber*, 73 N.Y.2d 246, 538 N.Y.S.2d 937, 536 N.E.2d 372).”

It is the temporal overlap between the pre-impact or “pre-injury” damages and the post-injury damages, as well as the fact that both items of damages included

emotional distress, that rendered them duplicative. The jury was being asked to award damages for the decedent’s emotional distress up until the time of his death as an aspect of two different items. In this context, the temporal overlap may result in substantive overlap and, hence, duplication.

A decedent’s emotional distress from the fear of impending death is very much a compensable aspect of post-injury pain and suffering. As the court in *Molina* went on to explain:

“The suffering that results from serious illness can include fear and anxiety that death may be likely or imminent, and that fear of death can affect an individual’s ability to enjoy life. Therefore, fear of death may be considered as a ‘permissible factor’ when assessing the pain and suffering and loss of enjoyment of life resulting from medical malpractice [citations omitted].”

This is actually a common aspect of pain and suffering in a broad array of medical malpractice actions involving fatal injuries. For example, in *Hyung Kee Lee v. New York Hosp. Queens*, 118 A.D.3d 750 (2nd Dept. 2014), where the malpractice was a failure to timely perform gallbladder surgery, the court found that an award of \$3,750,000 for pain and suffering was not excessive, commenting that “the decedent experienced intermittent bouts of agitation, sense of impending death, pain, respiratory distress, shivering, shaking, and chills.” Similarly, in *Mancuso v. Kaleida Health*, 172 A.D.3d 1931 (4th Dept. 2019), where the decedent’s condition deteriorated over the course of several weeks as a result of excessive medication, the court found that the jury’s award of “\$1,000,000 for the decedent’s pain and suffering, fear of death and/or pre-death terror,” was not excessive. Indeed, fear of impending death is a significant component of emotional pain and suffering in most cases involving failures to diagnose cancer.

However, the fear of impending death experienced after an injury has been sustained is different than the terror which may be perceived in anticipation of an injury. Medical

malpractice actions do not easily fit into the latter, although there may be factual scenarios which do. Accordingly, the court in *Molina* did not hold that pre-impact or pre-injury terror can never apply in a malpractice action. Instead, it held only that “pre-impact terror delineated as emotional pain and suffering as a separate item of damages is inappropriate in this medical malpractice and wrongful death action and would represent an inappropriate extension of the law with respect to this issue.” The court stated:

“Here, where the ‘impact’ was the decedent’s heart attack, the damages for emotional pain and suffering cannot accurately be characterized as damages for pre-impact terror, because they were intended to compensate for the fear the decedent experienced after the heart attack occurred in January 2008 at Westchester Medical Center until his death more than three years later on Oct. 27, 2011, at Yale-New Haven Hospital. Further, unlike a motor vehicle accident where the defendant driver causes the impact, the WMC defendants did not cause the decedent’s heart attack.”

The potential for pre-impact terror damages to be recoverable in a medical malpractice action depends upon the facts and evidence, as well as the ability to clearly differentiate between pre-injury fear and post-injury emotional distress. For instance, it is conceivable that if there had been evidence in *Molina* that the decedent became agitated and anxious based upon a sense that he was having a medical emergency for which nothing was being done, and then he suffered a severe and damaging heart attack, pre-impact terror as a separate item of damage may have been viable. In that circumstance, if timely treatment would have prevented the heart attack, the malpractice would be a proximate cause. However, it would also require the ability to clearly differentiate the pre-injury terror from the pain, suffering, and emotional distress, including fear of impending death, experienced subsequent to and a result of the heart attack.

It should be noted that the Second Department in *Molina* ended the opinion, stating that “[t]o the extent that the Appellate Division, First Department, determined otherwise in *Small v. City of New York*, 213 A.D.3d 475, 184 N.Y.S.3d 20, we decline to follow that decision.” A

review of *Small* and the briefs submitted on that appeal reveals that it was a medical malpractice action stemming from the failure to properly monitor the decedent, who was a prisoner, for toxicity caused by tuberculosis medication he was being administered. An autopsy indicated he died from liver and multi-organ failure caused by the medication. There was no claim of pre-impact or pre-injury terror, but the verdict sheet did include fear of impending death as an item of damage separate from pain and suffering, and the time period for both items continued until death. The First Department held, without discussion, that “this separate line item was properly included on the verdict sheet.”

Submitting fear of impending death and pain and suffering as separate should not be prejudicial to a defendant or result in duplicative awards, provided the jury instructions clearly delineate the difference in the nature of the damages contemplated by each. Nor is there any risk of prejudice to a plaintiff if the jury is submitted a single item for both, so long as the jury is instructed that fear of impending death is a component of pain and suffering.

The more pertinent issue involves pre-injury terror as a separate item from post-injury pain and suffering, where there is evidence to support awards for both. As demonstrated by *In re 91st St. Crane Collapse Litig.*, having separate items for such damages can be critical in assessing the reasonableness of the awards. However, to treat them as separate items, there must be a clear demarcation between the pre-injury fear, and that which is experienced as a result of, and after, the injury. In a medical malpractice action, this would require evidence that the patient was aware of an act or omission by a health care provider that would likely result in a grave injury, that it subsequently caused such an injury, and that the patient suffered emotional distress from that awareness prior to suffering the injury. Potential scenarios might include the administration of the wrong medication of which the patient becomes aware, a delay in treating anaphylaxis that results in cardio-respiratory arrest, or a delay in diagnosing and treating severe symptomology that ultimately results in a catastrophic event, like a ruptured aneurysm. The opinion in *Molina* should be instructive as to the viability of such claims.

Discovery

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when it would be appropriate. Under Federal Rule of Civil Procedure 26(c)(1)(B), courts have discretion to allocate discovery costs when there is a showing of “good cause.” The court referenced a leading case on the topic, the e-discovery landmark *Zubulake* opinion from 2003, which “set forth various factors to aid courts in analyzing which party should bear the cost of electronic discovery.” *Id.* at *3. But given that “[t]hese factors were developed over twenty years ago in the infancy of electronic discovery,” prior to even the 2006 amendments to the Federal Rules that addressed discovery of ESI, the court concluded that the factors “are informative, but are not all directly relevant to the question of whether a producing party who wishes a certain level of data security be provided for data produced in discovery can require the receiving party to bear the full cost of such data security protections for the duration of the litigation until the data is destroyed or returned.” *Id.*

The court acknowledged that the receiving party typically

shoulders “the costs of maintaining the security of data and the risk of a data breach, as each side will receive data and will need to protect that data pursuant to the terms of any protective order and the level of security and costs will be similar for both sides.” *Id.* Moreover, the financial and reputational risks associated with data breaches incentivize parties and attorneys in safeguarding productions received during discovery. Even so, the court also recognized that “there may be some instances when it is appropriate to shift certain costs of data security” and that “there may be different levels of security needed for different types of information produced in a litigation.” *Id.*

With this in mind, the court set forth a new test for cost-shifting for data security measures in discovery:

After careful consideration, the Court has identified the following, non-exclusive factors as relevant to determining whether there is good cause to shift all or a portion of costs of data security measures from the receiving party to the producing party: 1) the nature of the information to be protected and risks and costs associated with unauthorized disclosure of

such information; 2) the reasonableness of the security measures requested by the producing party (which can include an evaluation of the degree of risk mitigated by

In this latest decision, Judge Parker addressed a critical aspect of managing data in discovery, and in doing so raised important considerations for parties, the bench, and the bar.

the security requested relative to less costly security measures); 3) the cost of the data security requested relative to the overall costs of discovery and amount in controversy; and 4) relative ability of the parties to pay the costs of the security requested by the producing party. These factors are not necessarily entitled to the same weight in every case and should be balanced based on the particulars of each case.

Id. Applying these factors, the court determined that, as to factor one, since the nature of the information to be protected is “medical information and related personally identifying information” of non-parties and that such information carries a high risk of cyberattacks with costly conse-

quences – including already having been breached in this matter, “Anthem’s concern for the security of the data is reasonable and this factor weighs against shifting

the costs of that security to Anthem.” *Id.* On factor two relating to the reasonableness of the measures, the court stated that only Anthem provided a technical opinion as to the importance of the additional measures and, as such, it could “not rely on the representations of lawyers for the government to conclude that their proposed safeguards are sufficient.” *Id.* at *4. Thus, the court found that this factor also weighed against shifting the costs to Anthem. The court reached the same conclusion with factor three concerning the proportionality of costs, finding that the added annual cost to implement Anthem’s requested measures was minimal relative to the millions of dollars at stake. *See Id.*

And regarding factor four, the relative ability of the parties to pay the costs, the court found that after comparing the resources of the parties, this factor slightly weighed in favor of shifting the costs to Anthem. *See id.*

Having reviewed and analyzed the four factors, the court concluded “that the additional security measures requested by Anthem are proportionate to the nature of the information sought to be protected, reasonable in light of the only evidence provided on the level of security required, and proportionate to the total amount in controversy and the overall costs of litigation.” *Id.* Balancing the factors, it determined that “the government has not shown good cause to shift the burden to Anthem to pay for the additional security requested” and directed the government to implement Anthem’s added security measures and bear the additional costs. *Id.*

Moving the Law Forward on Data Security in Discovery

Magistrate Judge Katharine Parker has issued several key e-discovery decisions during her tenure, including a prior ruling in this matter (frequent readers may

recall our June 4, 2024 column, “Clone Discovery Must Meet Relevance, Proportionality, Particularity Requirements”). In this latest decision, Parker addressed a critical aspect of managing data in discovery, and in doing so raised important considerations for parties, the bench, and the bar.

First, Anthem underscores the importance of addressing data security as part of discovery practice, emphasizing the need for parties and judges to be guided by technology experts to protect sensitive data from potential breaches and other cyberattacks.

Second, the decision promotes the inclusion of data security provisions in protective orders between parties, highlighting this as a key issue alongside more traditional topics often covered in such agreements. Many practitioners and parties, particularly those who have experienced data breaches, may find this approach beneficial.

Third, by introducing a new test for cost-shifting of data security measures in discovery—grounded in the principles of reasonableness and proportionality—Judge Parker provides valuable precedent and guidance, advancing the law on this important and timely topic.

Leadership

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tion will not bear fruit or it will balloon in costs. There must be a process match between the actual practice activities and the data being collected so that the resulting data set is precise and does not require additional resources and spend to remedy qualitative failures.

Cultivate a Data-centric Culture: Encouraging a culture that values data management as a cornerstone of legal practice is essential. Training and resources should be allocated to ensure that every member of the team understands the importance of and contributes to this collective effort, and how it will not only benefit the law firm but their own productivity and sense of control over their tasks and work product.

Leverage Technology Strategically: Investing in the right technology solutions today can yield significant dividends if firms, as the saying goes, “skate to where the puck is headed.” While AI technology is developing at a rapid pace, investing in data solutions will pay dividends no matter how AI evolves because the quality of the data underpins AI effectiveness.

Redefining the Value of Data in Litigation

The proposal to focus on future data management is not merely a theoretical exercise; it’s a practical solution that aligns with the realities of the legal profession. By eschewing the conventional wisdom that calls for an exhaustive reorganization of past cases, law firms can achieve a dual objective: enhancing today’s productiv-

ity while preparing for tomorrow’s technological advances.

This strategy offers a path forward that is both cost-effective and less daunting than the perceived need to overhaul existing data repositories. It demystifies the process of preparing for AI, making it an achievable goal rather than an insurmountable challenge.

Conclusion: A Call To Action for Litigators

The integration of AI across the litigation lifecycle is not a distant future; it’s an imminent reality. Five years ago, the practice of litigation did not have such an ardent catalyst for change. But today, the litigation profession stands at a true crossroads, with the opportunity to lead in the digital transformation race by adopting a forward-looking data management strategy.

By focusing on the quality and structure of future data, law

firms can not only improve their current operations and benefit from increases in productivity today but also ensure they are poised to leverage the full potential of AI and capitalize on the Moneyball moment on the horizon.

Law firms shouldn’t view the preparation for AI as an expensive, daunting task. Instead, it’s an opportunity to revolutionize practices, enhance productivity, and future-proof the profession. The time to act is now, and the path forward is clear: prioritize future data management to unlock the transformative potential of AI in litigation.

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

DoNotPay

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New York traffic court case, and offered \$1 million to any lawyer who would repeat a DoNotPay chatbot’s outputs verbatim in arguing a case before the U.S. Supreme Court.

The offer was widely panned by the legal market, with many pointing to the high court’s policies on electronics and the well-documented limitations of generative AI chatbots.

By late January 2023, DoNotPay announced that it would discontinue the nonconsumer legal rights products it offers, including those that help users draft demand letters and certain agreements, and focus on nonlegal tasks such as helping consumers cancel subscriptions and handle bills.

The company’s troubles, however, did not end there. In March 2023, DoNotPay was hit with a class

action complaint under California’s Unfair Competition Law alleging that it engaged in the unauthorized practice of law. The company settled the case a few months later.

According to the FTC complaint, The State Bar of California also sent a cease-and-desist letter to DoNotPay in June 2023, arguing that its service was an unauthorized practice of law. In response, the company erased mentions to a “Robot Lawyer” and the phrase “sue anyone” from its websites and social media, and removed all products that generate legal documents.

However, the FTC complaint noted, “Notwithstanding these representations to the California Bar, the DoNotPay website and social media account continued to promote the Service as the ‘World’s First Robot Lawyer’ and advertise ‘sue anyone’ claims.”

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Outside Counsel / Technology Today

Injuries

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den of establishing that the plaintiff did not sustain a serious injury under the “loss of fetus” category by submitting the plaintiff’s medical records and deposition testimony, which provided extremely limited evidence and failed to prove any causation between the accident and the plaintiff’s miscarriage, especially in light of other health risk factors, such as her history and current condition of headache, hypertension and fatigue.

Plaintiff’s claim of atypical chest pain, benign hypertension and exacerbation of any and all pre-existing conditions as a result of the accident was never diagnosed by any doctor, specialist, medication or treatment plan, and her medical records included no mention whatsoever of any treatment recommendations of these claims. Moreover, there was no specific record of the plaintiff being treated for fatigue, depression or anxiety by a psychiatrist or psychologist as a result of the accident.

Permanent Loss of Use

Under §5102(d) of the New York State Insurance Law, to qualify as a serious injury the “permanent loss of use” must be total. Injuries that are partial, regardless of being permanent, do not qualify as “serious injuries” under the “permanent loss of use” category.

In *Ott v. Gonzalez*, No. 1:20-CV-497 (W.D.N.Y. 2022) plaintiff claimed she sustained serious injuries including “a twisted muscle in her left shoulder that affects her arm, a blood tumor on her spine, psychological injuries, including anxiety, and persisting substantial pain in her arm,” as a result of the accident.

Plaintiff further alleged a permanent and significant loss of the use of her left arm, claiming she was unable to lift her arm to a position that is above her head or higher than her shoulders since the accident; and that her left hand suffered a permanent loss of strength and ability to grasp items for any time longer than extremely short periods. As a result of these allegedly severe injuries, she was eventually “forced” to undergo carpal tunnel surgery, which proved ineffective, as her problems of weakness and loss of use of her left hand continued to persist.

The plaintiff’s own treating chiropractor concluded that plaintiff “should not be considered disabled at this time,” and stated plaintiff’s injuries would “not result in significant disfigurement or permanent disability.” Accordingly, the court found that because there was no evidence that plaintiff suffered a total loss of use of her left arm or hand or any other body part, defendants demonstrated plaintiff did not suffer a total loss of use of a body organ, member, function, or system. Again, plaintiff’s own physician report provided the basis for the defendant’s summary judgment motion on serious injury.

In *Diaby v. Rodriguez*, No. 609758/20 (Sup. Ct. 2023) plaintiff claimed he sustained serious injuries to his right knee, bilateral shoulders, right hip, neck, and back as a result of an incident where defendants, who owned and operated a truck, “caught” and “dragged” a shopping cart into plaintiff, and the impact “pushed”

or “squeezed” the plaintiff into his Minivan, as he was loading his groceries. The court found that the plaintiff failed to raise a triable issue of fact as to the permanent loss of use category, considering there was no evidence that plaintiff sustained a “total loss of use” of any affected body part.

The defendant’s expert witness, an orthopedic surgeon, opined in his affirmed report that there was no objective evidence of ongoing disability, impairment, permanency, or residuals related to the subject accident, noting that the plaintiff “exhibited full range of motion of the affected areas except for the right shoulder, which revealed a mild 6% restriction.”

Permanent Consequential Limitation of Use

In order to prove a claim of serious injury under the “permanent consequential limitation of use of a body organ or member” category, a plaintiff must present evidence that she suffered a permanent limitation that, though not total, is of sufficient severity to be deemed consequential in comparison to her prior non-injured condition. *Ruffin v. Rana*, No. 11 CV 5406 (MHD) (S.D.N.Y. 2013). A claimed limitation is “consequential,” if a plaintiff has demonstrated that it is “important or significant.” *Vega v. Gomez*, No. 11 CV 212 (VB) (S.D.N.Y. 2012).

In *Alim v. United States*, No. 21-cv-2234 (LJL) (S.D.N.Y. 2023) the taxicab driver plaintiff brought suit against the United States, alleging he sustained permanent consequential limitations to his cervical spine, lumbar spine, right knee, and left knee when he was rear-ended by a USPS truck. Though plaintiff’s own treating physician measured plaintiff’s ranges of motion of his cervical spine and noted irregularities within his flexion, extension, and rotation range(s) of motion, these measurements were conducted through visual inspection, rather than measured through a goniometer, which is a more accurate method of measuring ranges of motion.

In contrast to the plaintiff’s doctor’s findings, the government’s expert witness, an orthopedic surgeon, characterized the ranges of motion recorded by the plaintiff’s doctor as “slightly limited, not substantial.” “[N]ormal to near-normal range of motion [does] not qualify as serious injury.” See *Rose v. Tall*, 52 N.Y.S. 3d 339 (1st Dept. 2017). The government’s expert witness’ examination revealed that the plaintiff was neurologically intact, had full strength in his arms and legs, and could walk and get on and off of the exam table normally. The court thus disregarded the plaintiff’s doctor’s testimony as not credible or convincing, giving weight to the government’s expert witness and concluding there was no evidence plaintiff suffered any consequential limitation to his cervical spine.

The court found that the plaintiff did not sustain consequential limitation of his lumbar spine as a result of the subject accident, considering the plaintiff’s own treating physician diagnosed plaintiff with a sprain/strain to his lumbar spine and traumatic myofasciitis, neither of which qualify as a consequential or permanent limitation. “A spinal sprain/strain—which is identical to traumatic myofasciitis—is colloquially known as whiplash; it is not an injury to the structure of the spine.”

The government’s expert further testified credibly that there were no disc bulges on the lumbar spine and that plaintiff has “a very healthy, normal lumbar spine,” thus concluding that plaintiff did not suffer any limitations on his lumbar spine whatsoever. Although one of the medical experts found some minor limitations in the plaintiff’s spinal range of motion, the court held that those findings did not undermine the expert’s conclusion that the plaintiff suffered

Under §5102(d) of the New York State Insurance Law, to qualify as a serious injury the “permanent loss of use” must be total. Injuries that are partial, regardless of being permanent, do not qualify as “serious injuries” under the “permanent loss of use” category.

only resolved sprains and that his injuries did not amount to a permanent or significant limitation of use of his spine.

Lastly, the court found that the plaintiff suffered no consequential limitation to his right nor left knee. The court again disregarded the testimony of one of the plaintiff’s treating physicians, finding his opinion was not credible and deserving of no weight, considering he relied on visual inspection and “eyeballed it” when conducting range of motion testing on plaintiff’s right knee. In regards to examination of the knees, the only expert the court deemed both credible and deserving of significant weight, based his findings on a review of the MRI images, which showed “only chronic injury to the right knee and no clinically significant structural injuries, concluding there was no objective evidence that there were any structural injuries sustained” in plaintiff’s right knee as a result of the subject accident.

Significant Limitation

Where a plaintiff claims that they sustained a serious injury arising from “significant limitation of use of a body function or system,” the determination of whether the limitation is “significant” involves a determination of the degree of qualitative nature of an injury based on the normal function, purpose, and use of the body part.

In *Fils-Aime v. Hossan*, 172 N.Y.S.3d 718 (2d Dept. 2022) the plaintiff’s own doctor found plaintiff had decreased range of motion in his left knee and left shoulder as compared to the right knee and right shoulder, concluding that plaintiff had sustained significant limitations of several planes of his left knee and left shoulder motion, continuing from the date of the accident. The plaintiff’s doctor further classified these limitations as permanent and significant in their effect on plaintiff’s ability to perform any activities requiring any significant movement of his arm above his head, such as “reaching for an object on a high shelf or combing his hair, or significant bending or flexing of his left knee, such as tying his shoes or picking something up off the floor.”

However, plaintiff’s doctor did not provide plaintiff’s normal ranges of motion; and comparison to normal range of motion is required to establish whether decreased range is significant under the no-fault statute. The court held the plaintiff had not demonstrated the alleged decreased ranges of motion were more than “minor, mild or slight” so as to be consid-

ered significant within the meaning of a serious injury claim under §5102(d).

In *Wright v. Wilson*, 182 N.Y.S.3d 438 (4th Dept. 2022) the court found the plaintiff to have suffered merely “minor, mild or slight limitation[s] of use” with respect to her left shoulder and cervical and lumbar spine; concluding that the plaintiff failed to satisfy the significant limitation of use category of her serious injury claim when she suffered only temporary muscle

strains, rather than any significant injury to her nervous system, shoulder, or spine as a result of the subject accident.

In *Dinc v. Shalesi*, 172 N.Y.S.3d 713 (2d Dept. 2022) the defendant provided competent medical evidence establishing, prima facie, that the alleged injuries to the plaintiff’s cervical and lumbar spine and right knee did not constitute serious injuries under either the permanent consequential limitation of use or significant limitation of use categories. The report conducted by the plaintiff’s chiropractor was insufficient considering it failed to identify the method utilized to measure range of motion, as well as failed to provide the normal range of motion, which is necessary for the plaintiff to show in raising a triable issue of fact under the significant limitation category. The necessary key language in the plaintiff’s physician report is a comparison to the “normal range of motion.”

Gap in Treatment

The court of Appeals has held that dismissal is warranted when gaps in medical treatment interrupt the chain of causation between the accident and the claimed injury. *Pommells v. Perez*, 4 N.Y.3d 566 (2005). Under precedent, the plaintiff has the burden to explain these gaps in treatment. Following the establishment of the *Pommells* rule, the Court of Appeals has clarified that this burden is not a very difficult one to satisfy as a bare assertion of fact explaining the gap in treatment, even without evidentiary proof, is likely sufficient. See *Ramkumar v. Grand Style Transp. Enters.*, 21 N.Y.3d 923 (2013).

In *Osorio v. Punjab Enterprise Inc.*, 187 N.Y.S.3d 35 (1st Dept. 2023) the First Department held that an unexplained gap [over a year] “between completion of physical therapy and the time [plaintiff] next saw a doctor for her neck injury” was pertinent in establishing defendant’s prima facie case.

In *Biondo v. Ormoch*, 200 N.Y.S.3d 757 (2023) although the plaintiff submitted a medical report that supported her claim of serious injury to her lumbar spine, including an annular tear at L2-L3, L3-L4 and a disc herniation at L5-S1, the court found this report was rendered speculative due to plaintiff’s unexplained two-month delay in seeking treatment following the subject accident, and two significant several-year gaps between treatment.

The plaintiff’s second gap in treatment, though not supported through evidentiary proof, was successfully explained by the plaintiff

who stated she had to care for her terminally ill mother, which suffered under the *Pommells / Ramkumar* standard. The duration of the second gap in treatment was unaccounted for, as the exact date of plaintiff’s mother’s death was not provided but indicated in plaintiff’s Affidavit in Opposition, to have occurred “shortly after” plaintiff took on her caregiver role.

Plaintiff’s third gap in treatment, which began after her mother’s death, marking the end of her responsibility to care for her mother, was not adequately addressed. The plaintiff provided no explanation as to why she failed to resume treatment for her alleged persisting injuries following the termination of her caregiver responsibilities, thus amounting to a “cessation of treatment.”

In *Rodriguez v. Moss*, 204 N.Y.S.3d 95 (1st Dept. 2024) the defendant identified an eight-year gap in plaintiff’s treatment after ceasing all conservative treatment nine months post-accident, shifting the burden to the plaintiff to offer a reasonable explanation for the discontinuation of treatment.

The court held that the plaintiff failed to adequately explain her eight-year gap in treatment, starting nine months after her accident, and considered the gap to render the opinion of plaintiff’s medical expert, who examined plaintiff nearly eight years after the accident, to be speculative “as to the permanency, significance, and causation of the claimed injuries.” The court granted the defendant’s motion for summary judgment dismissing the complaint on the ground that plaintiff did not sustain a serious injury under Insurance Law §5102(d).

90/180 Days

Insurance Law §5102(d) also defines serious injury as an injury that prevents the injured person from performing substantially all of the material acts which constitute such person’s usual and customary daily activities for not less than 90 days during the 180 days immediately following the occurrence of the injury.

In *Burgess v. Avignon Taxi, LLC*, 181 N.Y.S.3d 39 (1st Dept. 2022) the court found the plaintiff motorist did not suffer serious injury to his cervical or lumbar spine with regard to his 90/180 day claim after the plaintiff indicated that he returned to work two weeks after the accident and was never confined to bed or home. The plaintiff lacked medical records that substantiated his claim that he was unable to perform activities of daily living during the relevant time period, as required under the 90/180 day category.

In *Flores v. Bergtraum*, No. 22-260-cv (2d Cir. 2023) the court found there was an absence of evidence supporting a 90/180 day injury or long-term serious injury as a result of the accident, the plaintiff alleged to have suffered serious injury to her neck, back and knees, after she was struck by the defendant’s vehicle as she was crossing the street.

On appeal, the court affirmed the judgment of the District Court, citing the lack of evidence supporting plaintiff’s claim of a 90/180 day injury when plaintiff testified that she returned to work one day after the accident and was able to continue some household tasks immediately following the accident. These facts indicated, at most, a “slight curtailment” of plaintiff’s

daily routine in the first six months following the accident, which is insufficient in satisfying a prima facie claim of a 90/180 day injury.

In *Howell v. Merced*, 168 N.Y.S.3d 678 (Sup. Ct. 2022) the plaintiff failed to meet the criteria required for the 90/180 day category, where she claimed to have allegedly suffered serious injury(s) to her left knee, right knee, left shoulder and right shoulder following a motor vehicle accident. The defendant made a prima facie showing by referencing plaintiff’s testimony that immediately following the subject accident she missed one week of work, where she was employed as a cashier; returning to work within the first 90 days following her accident. “[T]he ability to return to work may be said to support a legitimate inference that the plaintiff must have been able to perform at least most of [her] usual and customary daily activities.” *Correa v. Saifuddin*, 95 AD3d 407 (1st Dept. 2012).

A motion to dismiss for failure to establish a serious injury under Insurance Law §5102(d) requires a solid evidentiary basis. Often times the factual basis of the motion can be found in the plaintiff’s medical records and in their own expert physician’s reports. As in all summary judgment motions, a careful review of the plaintiff’s history, deposition, prior accidents and preexisting conditions is essential to the success of these motions.

Previous Accidents, Preexisting Conditions

Where defendants present evidence of preexisting degenerative conditions causing the same injuries alleged by the plaintiff, the plaintiff bears the burden of showing that the injuries were not caused by the preexisting condition. A serious injury is not proximately caused by an automobile accident where the injured plaintiff had been involved in a prior accident that was proven to cause the injuries claimed as a result of the subject accident.

The plaintiff in *Lemieux v. Horn*, 176 N.Y.S.3d 737 (3d Dept. 2022) failed to provide objective medical evidence distinguishing his preexisting back condition from its purported exacerbation as a result of the motor vehicle accident. The plaintiff failed to tie his diminished ranges of motion five years post-accident to the subject accident. The plaintiff’s prior degenerative back problems further evidenced the absence of a causal link between any exacerbation of his preexisting injuries and the self-reported limitations on his activities as documented in his 90/180 day claim.

The Third Department affirmed the Supreme Court’s ruling, finding that the plaintiff’s alleged diminished ranges of motion five years post-accident were not shown to be caused by the accident as opposed to plaintiff’s prior degenerative back problems, and thus he had not sustained a serious injury as required under §5102(d).

The court in *Iannillo v. Felberbaum*, 156 N.Y.S.3d 500 (3d Dept. 2021) found that the plaintiff motorist did not suffer serious injury caused by the subject motor vehicle accident after medical evidence indicated that the plaintiff had preexisting conditions in her cervical and lumbar spine, including disc herniation and bulging, resulting from her involvement in a prior automobile accident that caused injuries to her whole back.

Revenue

« Continued from page 5

decisions. Traditional personality and behavioral assessments, while long-standing tools in the business world, often fall short in delivering actionable insights. Modern organizations need more than just data; they require clear guidance on optimal role placement, targeted training and coaching strategies, and effective team compositions.

Leveraging Data to Maximize Your Training Investment

Behavioral assessments have gained traction recently as firms seek to identify individuals with the skills and attributes needed to generate revenue. These platforms can quickly give firms an informational leg up on placing attorneys in the right revenue-generating roles.

They can quickly identify strengths and opportunities that feed training and customized continuing education.

Analyzing Training and Coaching to Expose Gaps

Analyzing training and coaching programs is vital for exposing and addressing performance gaps within a firm. Research underscores that thoroughly evaluating these programs can reveal discrepancies between current skills and required competencies, leading to more effective coaching programs. As an example, an attorney may be an outstanding business developer and excellent in front of the media. However, a behavioral assessment tool may expose they are not ideal as a closer. This data helps firms decide to pair this person with someone who demonstrates traits of a closer, complimenting their natural skills

and making both people more efficient at bringing in business.

As another example, a firm may spend \$50,000 to send 20 people to a conference. But if their behavioral traits do not indicate they are a strong fit for lead generation and closing deals, chances are the ROI for the \$50,000 will fall markedly short.

In today’s competitive legal landscape, law firms are looking to maximize business development and growth while keeping attorneys engaged with client demands and billing hours. Firms must embrace data-driven technologies to fuel efficiency and remain competitive. By leveraging behavioral assessments and other data-driven tools, they can improve employee performance and enhance client satisfaction. As the legal industry continues to evolve, the firms that can effectively harness the power of data will be best positioned for long-term success.

Buying

« Continued from page 5

are glad to pick up the bill where historically, the law firm is picking up the bill.”

Focusing on User Design

The webinar speakers said they’ve seen law firms have the most success with, and are most interested in, legal technology that is highly specialized for a firm and designed specifically for lawyers.

“The companies that we’re seeing that are in-market, that are [doing successfully] right now is focusing on a spectacular user experience that’s very tailored to a specific role, to a specific project,” Posner said.

Um added that the best solutions she has seen are pointed at specific problems lawyers face and executed holistically. If other

companies take this process into account, she said, “we’re going to see experimentation with lots of different kinds of ways to plug in or layer AI onto human workflows.”

The Building Versus Buying Software Determination

When it comes to deciding whether to buy or build gen AI powered solutions, firms must consider the cost, the capabilities, and the time spent adopting and building, among other factors.

However, the different costs of building vs building software are hard to determine because metrics are limited. Still, LegalTech Hub COO Jeroen Plink is a firm believer that there is “very little competitive edge” law firms gain when they invest millions of dollars into building a product that hasn’t been used and tested among the masses.

Posner added that many firms do not realize that once they build their software, it requires regular upkeep and updates which can go unnoticed or add up in cost.

On the contrary, Um argued that in order for legal professionals to become “future-proof” and well-informed buyers, they should experiment first with building technology products if their firms can afford it.

“[Firms] need to build sandboxes, they need to build safe spaces for lawyer-adjacent teams and practicing lawyers to understand how to plug in technology to their work,” Um said.

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Off Page 2 / Disciplinary Proceeding

EEOC

Continued from page 2
the aggrieved individual complained to the company that a manager revealed to other employees that she is transgender. After she was outed, co-workers repeatedly referred to her as a male and used male pronouns. The suit claims that the co-workers' conduct by prompted a customer to comment about the aggrieved individual, who is also Black, with offense terms for Blacks and gays. She was fired after complaining to a manager about the harassment, the suit claims.

In the Western District of New York, the EEOC brought suit against hotel operators Boxwood Hotels, Sandalwood Hotels, Star Hotels, Bradford Hotel, Hamburg Hotel, Hamburg Lodging, Falls Hotel and Rosewood Hotels. The companies, which operate properties under names such as Holiday Inn Express, Hampton Inn & Suites and La Quinta Inn, subjected employee Dylan Bringuel to a hostile work environment because of Bringuel's transgender status.

Bringuel, who worked as a housekeeper, was subject to slurs, antitransgender statements and misgendering and Bringuel's manager laughed and terminated Bringuel after Bringuel reported the harassment, the suit claims.

In Minnesota federal court, the EEOC sued the St. Cloud-area YMCA over alleged sexual harassment of female employees. The suit says a manager repeatedly propositioned an employee for

sex, which was unwelcome, and subjected others, including teenagers, to offensive and inappropriate sexual comments about their bodies.

In Maryland federal court, the agency sued DR Horton over alleged disability discrimination against a worker with neuropathy that made it uncomfortable for her to drive a car. The employee, Afya Watkins, a sales representative for new homes, sought accommodation of her disability in the form of an assignment to a worksite close to her home. But the company assigned Watkins to a worksite that was a two-hour drive from her home, subjecting her to severe pain from the long commute, the suit claims.

In Oklahoma Northern District Court, the EEOC sued Urologic Specialists of Oklahoma on behalf of Juliann Walling over its failure to accommodate her pregnancy-related limitations. Walling, a medical assistant, had a job that required her to spend most of her time on her feet, but while pregnant she experienced swelling in her legs and feet, the suit claims.

On June 27, 2023, when the PFWA went into effect, Walling again asked her bosses for an accommodation but was placed on unpaid leave. Later, after she delivered her baby, Walling discussed returning to work but when she asked for lactation breaks every two hours, she was told she could not be guaranteed she would be provided breaks, the suit says.

In Alabama Northern District Court, the agency sued Polaris Industries over alleged preg-

nancy discrimination. The charging party worked on an electric vehicle assembly line and notified her employer that she was pregnant when she was hired, the EEOC said.

During the employee's 60-day probationary period, she was not allowed to take sick leave, but she missed time from work due to nausea, swelling feet, aching joints and gestational diabetes, the suit claimed. Anyone with more than two unexcused absences during the probationary period was subject to termination, the suit said.

She asked to have her work schedule limited to 40 hours per week, and a company occupational nurse approved the request, but the human resources manager refused to accommodate that request, the suit claimed.

In the Eastern District of Tennessee, the EEOC sued Shimmick Corp. over allegedly retaliating against an employee for participating in an investigation into gender bias. The company gave a woman employee, Lindsey Potts, fewer hours and ultimately terminated her for participating in an investigation that was prompted by complaints from another woman employee, the suit claims.

Shimmick is a construction company that is the prime contractor on the U.S. Army Corps of Engineers Chickamauga Lock Replacement Project in Chattanooga, Tennessee, the suit says. Potts was subject to gender-based slurs from male employees at the jobsite, the suit claims.

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Disciplinary Proceeding

Matter of Ethan Ruby, an attorney and counselor-at-law

Motion No. 2024-03093

Appellate Division, First Department

Kennedy, J.P., Shulman, Pitt-Burke, Higgitt, Levy, JJ.

Decided: September 19, 2024

Jorge Dopic, Chief Attorney, Attorney Grievance Committee, New York (Jun H. Lee, Esq., of counsel), for petitioner.

Michael S. Ross, Esq., for respondent.

Per curiam—Respondent Ethan Ruby was admitted to the practice of law in the State of New York by the First Judicial Department on March 28, 2022. At all times relevant to this proceeding, he maintained an office for the practice of law within the First Judicial Department.

In February 2024, petitioner Attorney Grievance Committee (the Committee) filed a notice of petition and petition of charges alleging that respondent was guilty of professional misconduct, in violation of the Rules of Professional Conduct (22 NYCRR 1200.0) rules 8.4(b) and 8.4(h), based on his conviction for assault in the third degree, a class A misdemeanor (see Penal Law §120.00[1]), and requesting that respondent be disciplined pursuant to Judiciary Law §90(2) and Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.8.

The Committee and respondent now jointly move under 22 NYCRR 1240.8(a)(5) for an order imposing discipline by consent. The parties request that respondent be suspended from the practice of law for nine months and participate in the New York Lawyer Assistance Program for one year.

The Rules for Attorney Disciplinary Matters provide that, at any time after the Committee files a petition alleging professional misconduct against an attorney, the parties may file a joint motion requesting the imposition of discipline by consent, which must include a stipulation of facts, the respondent's conditional admission of acts of professional misconduct and specific rules or standards of conduct violated, any relevant aggravating and mitigating factors, and an agreed-upon disciplinary sanction (see 22 NYCRR 1240.8[a][5][i]). If the motion is granted, the Court must issue a decision imposing discipline upon the respondent based on the stipulated facts and as agreed upon in the joint motion.

In support of the motion, the parties have submitted a joint affidavit containing a stipulation of facts and an affidavit from respondent in which he conditionally admits that he violated the above-mentioned Rules of Professional Conduct, and consents freely and voluntarily to the agreed-upon discipline, without coercion or duress and with his full awareness of the consequences of consenting to such discipline.

The parties have stipulated to the following facts. After a night out fueled by alcohol and cocaine, respondent repeatedly struck his then-girlfriend and threw a glass vase at her, causing injury.

Respondent pled guilty to assault in the third degree, and received a conditional discharge that included a full and final order of protection in favor of respondent's girlfriend for a period of five years and monitoring by the court for a minimum of 12 months. Respondent has complied with the conditions of his plea agreement, which included successful completion of a 26-week Abusive Partner Intervention Program; 12 months of individualized counseling, sexual behavior treatment,

and substance abuse treatment; and refraining from posting about or referring to the girlfriend on social media.

With respect to factors in mitigation, the parties agree that respondent was a young, newly-admitted attorney with no prior disciplinary history; that he has a history of attention deficit hyperactivity disorder; that he has completed a six-month Abusive Partner Intervention Program and has consistently seen a therapist; that he has expressed remorse and contrition; that he timely self-reported his conviction; and that he has cooperated with the Committee's investigation.

With respect to factors in aggravation, the parties agree that there were previous incidences of domestic violence involving injury and the threat of physical violence to the former girlfriend.

While this court has imposed far lengthier terms of suspension for assault convictions involving the domestic abuse of a romantic partner (see Matter of Zulantz, 93 AD3d 77 [1st Dept 2012]; Matter of Jacoby, 86 AD3d 330 [1st Dept 2011]), respondent's conduct here was not as egregious as and did not persist for as long as the conduct underlying those matters. Further, it cannot be said that respondent's conduct was truly aberrational, so as to warrant a sanction lesser than that proposed by the parties (see Matter of Cherkasky, 183 AD3d 42 [1st Dept 2020]; Matter of Walker, 181 AD3d 62 [1st Dept 2020]). We therefore find that the sanction proposed by the parties is acceptable, considering all facts and circumstances in aggravation and mitigation.

Accordingly, the parties' joint motion for discipline by consent should be granted and respondent is suspended for a period of nine months, and until further order of this Court, with supervision by the New York Lawyer Assistance Program for one year. The Committee's petition of charges should be denied as moot.

All concur.

Court Calendars

First Department

APPELLATE DIVISION CALENDAR FOR THE OCTOBER TERM

TUESDAY, OCT. 1

2 P.M.

- 19/5417 People v. Vincent Hanemann
24/2941 AIG Property v. MTS Power Systems
23/5645 H., Tyra v. Tariq M.
23/6793 Giuffre v. Oh
23/3425 Rodriguez v. Riverside Center
23/5024 Koretz v. 363 East 76th St
22/5792 People v. Jose Perez
23/172 State Farm v. Equinox Physical Therapy
23/968 Landa v. Friedman
24/640 Marshall v. City of NY
19/5058 People v. Angel Ramos
24/2623(2) Bapaz NYC v. Assa Properties
24/3704 Porter v. Bachner
24/570(2) U.S. Bank v. Mave Hotel
23/6055 609 Realty v. NYS Division of Housing
24/1878 Allen v. Allen
23/3967N Timonyan v. Zhongmeng (U.S.A.) Co.
24/408N Acosta-Romero v. Fong

WEDNESDAY, OCT. 2

2 P.M.

- 22/1872 People v. Domingo Rivera
24/1577 Mehmeti v. Karlin
24/820 A., Khaira
24/1853 Juman v. Cape Church
23/3690 Employers Insurance v. Dominion Insurance
22/2385 People v. Junior Colin
23/4487 Patterson Belknap v. HoganWillig, PLLC
23/5417 ACP Housing v. ABJ Milano
24/1110 Spicer v. Garda World
23/3854 De Souza v. Hudson Yard Construction
23/4475 People v. Deashae Calhoun
23/435 Espinal v. MPI Management
23/4912 Bertram v. Metropolitan Transportation
24/2812(2) Jones v. Jacobs
23/6521 Perez v. City of NY
23/2379N Dziura v. Human Development Association
23/6019(2)N Barons Media v. Shapiro Legal Group

THURSDAY, OCT. 3

2 P.M.

- 19/2561 People v. Harvey Zimmerman
23/2252 East 85th Garage v. NYC Dept. of Buildings
23/451(2) L., Tashawnda v. Ladarius P.
23/2724 Orenstein v. 301 E. 78 St.
23/2676 Krohn v. Reyes
19/5232 People v. Ibrahim Bah
24/550 French v. NYS Dept. of Labor
24/2787 Maceaulie v. New Line Structures
23/2742 Zhong Lun Law Firm LLC v. Zhong Lun Law Firm
23/4499 People v. Lockett Curtis
23/4867 Yarusso v. Sewell
24/1881 Noyack Medical v. Osk IX
24/2610 Rivera v. F & S Contracting
23/329 Tibbs v. De'Longhi America
23/5368N Parker v. Trustees of the Spence School
24/710N Bey v. City of NY
23/3953N Grgurev v. Licul

TUESDAY, OCT. 8

2 P.M.

- 22/5122 People v. John Curtis
23/3150 Anonymous v. Anonymous
23/6072 O., Olivia
24/1465 DeOleo v. 90 Fifth Owner
18/2149 People v. Jamie Guerrero
23/4115 Protetch v. Jocar Realty
23/4432 Starnella v. Ganti
23/448 People v. Miracle Wilkins
23/6390(2) Gilchrist v. Your First Home
24/2447 Innovative Securities v. OBEK Securities
22/2008 People v. Austin Johnson
24/169 Ocean Trails v. MLN TopCo
23/6456 Commissioners State Ins. v. Z Builders Assoc.
24/743 Pena v. Rhodes 2
23/2802 Wykstra v. 304-306 East 83rd
23/4084N Messer v. Hughes
24/1005N Orellana v. 115 Enterprises Group
24/869(2)N Antonello v. Santelmo

WEDNESDAY, OCT. 9

2 P.M.

- 23/1425 People v. Darren Cassanova
24/105 Good Gateway v. Thakkar
24/2782 C., Stephanie v. Ricardo E.
24/27 Adebajo v. Johnson
23/6237 Jera-Salazar v. 250 Park
23/163 People v. Jair Garcia
23/5694 Ganieva v. Black
23/6575 Williams v. Mount Sinai Health System
24/3079 OH 126th St. Housing v. Berkley Insurance
23/3946 Meikov v. 66 Overlook Terrace
18/2387 People v. Feliks Kayumov
23/2984 Ingram, Yuzek v. McCullar
23/5509 Davis v. YMCA
24/2729 Fouad v. Milton Hershey School
23/5010 ARCP E1 v. Public Service Mutual
23/4477 People v. Elik Johnson
23/5414N Aristocrat Plastic v. Silva
23/2865N Farrell Limousine v. Macro Consultants

THURSDAY, OCT. 10

2 P.M.

- 19/2962 People v. Marcos Cruceta Castillo
23/4935 Saquisiti v. Harlem Urban Dev.
23/1803 M., Denim
23/3728 H. W., by Guardian v. NYC Dept. of Housing
23/2172 Ortiz v. Country Beer
23/3771 People v. Eli Kirlaw
23/5190 Thorobird Grand v. M. Melnick & Co.
23/2419 Delcid v. Park Ave
24/3815 Ruiz v. BOP 245 Park
23/4857 People v. Christopher Hernandez
24/3740 International Business v. GlobalFoundries
23/4712 Celestine v. Bonte
23/5700 Adler Windows v. Freidheim
23/4022 Snazzi Reporting v. Veritext
23/6409 ARK644 Doe v. Archdiocese of NY
18/3135 People v. Hockeem Smith

23/3651N Vaccaro v. ESRT Empire State Building
24/3826N Wasserstein v. McCarthy

TUESDAY, OCT. 15

2 P.M.

- 17/3013(1) People v. Corey King
23/6470 Ramirez v. 34-10 Development
23/4902 D., Muhamed v. Shaniche M.
23/3450 Smith v. City of NY
23/3819 Arel Capital Partners v. HFZ RES Portfolio
21/4139 People v. Calvin Lili
23/5620 AL Infinity v. Innovative Concepts
23/5507 Bonilla v. Vaszer
24/290(3) A&A Management v. Khassidov
23/4037 Polymetcor Trading v. Taxis North America
19/4777 People v. Hamidou Diallo
23/6016 Chiarovano v. 237 Park Owner
23/4810 Cioppa v. ESRT 112 W 34th St
24/3 Legal Aid Society v. Records Access Officer
23/5559 Fatty v. City of NY
19/5397 People v. Kevin R.
24/259N Ogando v. 40 X Owner
23/3367N Marcus v. Marcus

WEDNESDAY, OCT. 16

2 P.M.

- 23/5178 People v. J. Ledesma
23/4630 Shanghai Pearls & Gems v. Paul
23/3982 M., Children
24/2438 Dali NYC v. Shay
24/261 Newson v. Vivaldi Real Estate
18/4545 People v. Jose Urena
24/1692(2) Regions Bank v. Vativorx LLC
23/4940 Rysiejko v. City of NY
23/6079 Pressley v. 535 Greenwich LLC
23/6225 Howard v. NYC Police Department
23/4055 People v. Laric Micheaux
23/5919 QTT, Inc. v. Quinn
24/2510 Cartagena v. Hansford
23/4006 Zaitzabali v. City of NY
23/25 People v. Manadou Diallo
23/5599(2) 333 Johnson v. Maple
333 Johnson
23/4145N Amcojor Realty Corp. v. Butter Management
23/5707N Bacon v. Nygard

THURSDAY, OCT. 17

2 P.M.

- 19/5568 People v. Shakim Pierce
23/6200 NYCTL 2019-A Trust v. Opulski
23/4301 D., Leyda v. Richard L.
24/164 A. M., S. Sconzo
23/2259 Lind v. Tishman Construction
23/3035 Antonio v. VS 125 LLC
23/4121(1) *PHC William v. 156 William St
23/5561(1) *PHC William St v. 156 William St
23/1262 Ymaj v. Empire State
22/2667 People v. Maurice Hill
23/3739 Onofre v. 243 Riverside Drive
24/2463 People v. Royce Corey
23/4957(2) CSN Realty Corp. v. 2252 Third Ave
20/1800 People v. Thurston Stewart
23/3585N HSBC Bank v. Proctor
23/4126(2)N 361 Broadway Assoc. v. Foundations Group
23/5581N Wilmington Savings v. Moretta
24/196N Chen v. 215 Chrystie
24/296

TUESDAY, OCT. 22

2 P.M.

- 22/5128 People v. Alexander Carno
24/2176 Clarke v. NYC Transit Authority
24/818 L., Jahir v. Sharon W.
23/4281 Kim v. Francis
23/3209 ROC-Le Triomphe v. Conter Salon
23/1747 Kalaf v. PSEG Long Island
23/1437(1) *People v. Malik Branch
23/4116(1) *People v. Malik Branch
23/4665 Martinez v. Partnership 92
23/2990 Stuyvesant Town v. NYS Division Housing
24/1605 Atlantic Center v. City of NY
23/5468 Lauren v. Hotel Pennsylvania
24/3(2) AC 31, LLC v. Fawer
24/4968(2) Gama v. 2001 Story Tower
23/3832 Doxiadis v. Triborough Bridge
21/2099 People v. Donald Davis
24/712(2)N Quik Park v. Bridgewater Operating
23/4333N Cadwalader v. Mod Champagne

WEDNESDAY, OCT. 23

2 P.M.

- 24/3974 People v. Antoine Galloway
24/410 Pierre, an Infant v. City of NY
23/4149 E., Ardes v. Stephane S.
23/5006 Belancourt v. ARC NYC123
23/3860(1) *Kosachuk v. 9197-5904 Quebec
23/3869(1) *Kosachuk v. 9197-5904 Quebec
23/716 People v. Abraham Hernandez
23/3788 Caminiti v. Estell West 57th St.
24/908 Largo 613 v. Stern
23/3814 Irvine v. City of NY
19/1453(1) People v. Robert Ortiz
23/4650(3) Pepen v. Lascano
23/5034 2497 Realty Corp. v. Franklin
23/6113 Jenkins v. Gina B.
20/2115 People v. Ross Campbell
23/3342N Robert Marson Testamentary v. 4 W. 16th St
24/2698(2)N Guerra v. Munoz Corporan
24/3621N Duncan v. United Capital

THURSDAY, OCT. 24

2 P.M.

- 18/2647 People v. Robert Hinton
24/4527 Hendricks v. Fennel
22/3611 People v. Jabon Walker
24/1101(2) Bayview Loan v. Dalal
23/3759 Escalastico v. Rigs Management
23/2886 Orr v. Vornado Realty
23/4633(2) People v. Kiron Ritchens
23/3571 Santana v. San Mateo Construction
23/6037 Doe v. Young People's Chorus
23/4148 Starr Indemnity v. Monte Carlo
24/488 People v. Terrance Graham
23/6520(2) HMC Assets v. Tsimmer

23/6265 Schmidt v. Board of Directors
23/4936 Fishman v. Isaales
23/6382 Travalja v. 135 West 52nd St.
23/3179 Yakte Properties v. Milner
23/6761(3)N Ray v. Ray
23/1831(2)N Cumma v. Menkes

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

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

TUESDAY, OCT. 1

10 A.M.

159627/22 Emmanuel Associates v. Cullinan

11:30 A.M.

150293/20 Gould v. OTG Management

1 P.M.

654796/23 Owens v. New Empire Corp.

WEDNESDAY, OCT. 2

10 A.M.

35469/18 Wells Fargo Bank v. Guzman

11:30 A.M.

157465/21 Wyper v. Irani

THURSDAY, OCT. 3

10 A.M.

653772/23 Barger v. Malkin

FRIDAY, OCT. 4

10 A.M.

650126/23 Penn Hotel v. JCMC W. 34 Mezz

MONDAY, OCT. 7

12 P.M.

652140/24 Lifshitz v. Brody

2 P.M.

653661/20 Simon Property v. Tahari

WEDNESDAY, OCT. 9

10 A.M.

653023/2021 Pavarini McGovern, LLC v. VBGO Collegiate

THURSDAY, OCT. 10

10 A.M.

655311/23 Arena Limited v. Chalets LLC

FRIDAY, OCT. 11

10 A.M.

657658/22 Triple 555 v. United Garment Group

TUESDAY, OCT. 15

10 A.M.

650698/22 CLSA Americas v. Mayak

THURSDAY, OCT. 17

10 A.M.

651076/23 Great Rock Capital v. Bannmiller

653906/18 American Infertility v. Kushnir

MONDAY, NOV. 4

10 A.M.

650693/21 Pardee v. Mercury Capital Advisors

APPELLATE TERM

60 Centre Street Room 401

10 A.M.

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

TUESDAY, OCT. 1

Tisch, J.P., James, JJ., Perez, JJ.

17/176 People v. Balla, Tounkara

18/275 People v. Doli, Isaac Longmore,

18/340 People v. Marlando

19/237 People v. Jimenez Vasquez, Wilhim

19/246 People v. Marte/Flores, Jefry

19/253 People v. Johnson, Willie

20/174 People v. Lopez, Placido

21/012 People v. Quist,Andrew

21/013 People v. Balmos, Jonathan

22/084 People v. Jacobs, Cleveland

23/036 People v. Encarnacion,

23/063 People v. Muller, Victoria

24/0(2) People v. Quiroz, Richard

24/081 Chew v. Mckenzie, Michael P. Eddie

24/093 1711 Boone Avenue

Ahudaies, Eisa Dba

24/094/096 Vno Lf 50 West 57th v. Mangia 57 Inc

24/097 Pentagram Design v. Change Of Heart

24/104/106 Aryeh Realty v. 18 E. 69th St Tenant Lc

24/107 Corp. v. T Mobile Wolt, Danna Gal

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

2 Sattler, J.: 212 (60 Centre)

3 Cohen, J.: 208 (60 Centre)

4 Kim: 308 (80 Centre)

5 King: 320 (60 Centre)

6 King: 351 (60 Centre)

7 Lebovits: 345 (60 Centre)

FINAL—Adjournment date is final

60 CENTRE STREET

Submissions Part TUESDAY, OCT. 1

Submission 1 100716/24 Knights v. City Univ. of NY

Paperless Judge Part TUESDAY, OCT. 1

850138/2357th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. Gilson 850345/2357th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. Tauscher 151041/24670 River Rly. Corp. Et Al v. NYS Div. of Housing And Community Renewal 850233/18938 St. Nicholas Ave. v. 936-938 Cliffcrest Housing 320665/23Aguiar v. Soares 154638/24Aharoni v. Kaymak 654286/24AKf Inc v. Sassy Engines Inc. Et Al 654289/24AKf Inc v. Wagers Trailer Sales, Inc. Et Al 653893/23AKf Inc v. Louisa Ridge Adult Day Services, Inc., Et Al 152580/24Alvi v. S.M.G. Supply Inc. Et Al 655226/20American Express Nat. Bank v. Puente Enterprises, Inc. D.B.A. Sky Canyon Love 656155/20American Express Nat. Bank v. Puente Enterprises, Inc. D/b/a Sky Canyon Love Et Al 653845/24American Transit Ins. Co. v. Margarita Taxi Inc 950051/19Ark59 v. Archdiocese of NY 65372/24Atlantic Specialty Ins. Co. v. Irvs 950499/21B. v. NYC 155493/22Baerga v. NYC Et Al 653655/19Baratov v. Trubitsky Esq 151637/21Barba v. F. J. Sciamme Const. 113795/11 Beverly Hotel Associates v. Ramos De Almeida 157377/23Bldg Mgt. Co., Inc. v. Sureka 152565/23Board of Mgrs. of Towers on The Park Condominium v. Williams 157149/22Brache-Moran v. Stf 247 Audubon Ave. Hldg. LLC 190328/23 Calabrese v. Pfizer, Inc., Et Al 152050/22 Calderoni v. 260 Park Ave. South Condominium Et Al 154986/24 Castagliola v. Safepan Scaffolding LLC Et Al 156065/22 Cianfrone v. 590 Madison Ave. 155983/24 Coburn v. NYC Dept. of Investigation 155441/22 Colon v. Chesapeake Owners Corp. Et Al 952052/23 Crawford v. Ratner 651485/24 Crews Vineyard v. Cp3 Hldgs. 950246/21 D. v. NYC 653231/24 Dist. Council 37 v. The Board of Education of The City School Dist. of NYC Et Al 652895/24 Dolgoplov v. Dronsky 654099/23 Empire State Diving Services LLC v. Endurance American Ins. Co. 805045/24 Estate of Judith Brook Et Al v. Ruotolo Esq 158777/22 Eusebio v. Figueroa 653563/24 Family Funding Group LLC v. The Chosen Vision Group LLC Et Al 152524/23 Fanas-Rojas v. Cylear 158166/24 Fecteau v. NYC Human Resources Admin. 653626/23 French v. NYS Dept. of Labor Et Al 150063/24 Garvin Const. Prods. v. Metro Brothers, Inc. Et Al 950759/21 Goldberg v. City of New York Et Al 153213/23 Gresseau v. NYCTA Et Al 157942/21 Guayara v. H.P.S.O.N.Y., Inc. 153181/18 Gumersell v. Port Auth. of NY 157326/22 Gutenbrunner v. Neue Galerie NY 190026/22 Hall v. Aerco Int'l, Inc. Et Al 153653/21 Hernandez Pena v. Metro. Transportation 850141/20 Hilton Resorts Corp. v. Mitchell 157677/24 In The Matter of The Application of Michael Mojtabehi v. Christopher Craddock 653274/24 In The Matter of The Petition of State Farm Mutual Automobile Ins. Co. v. Laycock 156313/24 Infinity Standard Ins. Co. v. Triborough Asc 653644/24 Itria Ventures LLC v. Westech Security And Investigation Inc Et Al 45323/23 J. v. NYC Et Al 65691/22 Jds Const. Group LLC v. Copper Services 155276/24 Kavastura 6th St. Inc. v. NYC Bd. of Ed. of Health Et Al 651885/24 Khea Funding LLC Et Al v. Versity Invest 652722/24 Knightsbridge Funding LLC v. Detroit Environmental Solutions 805428/17 Labby v. Cummings Md 652201/23 Liberty Mutual Ins. Co. Et Al v. Champagne 154575/17 Lissner v. Erenberg 152245/24 Lozada v. NY Developers & Mgt. LLC Et Al 160927/20 Martucci v. 500 W25th Owner LLC 159209/18 McCallum v. Westchester Ambulette 155370/20 Mejia-Devaldez v. NYC 400286/14 Moore v. NYC 151379/22 Napoli v. 50 Hymc Owner 152720/24 Nishida v. Energy Plus NY Inc. 158319/22 Ordinary Faces LLC v. David Turner Architect 651471/22 Owen v. Array Us, Inc. Et Al 100726/23 Partridge v. Authentic Brands Group LLC 153276/19 Perrone v. Suez Water Westchester, Inc. 850663/23 Popular Bank Fka Banco Popular North America v. Regan 652451/24 Prod. Spring LLC Et Al v. Baby Brezza Enterprises 805326/23 Rich v. Andrew Lo M.D. 160751/21 Ritorto v. 1350 150904/22 Robinson v. Fifth Ave. Sadc Inc. D/b/a/ 5th Ave. Social Adult Day Care 653022/24 Rossi Marketing Group, Inc. Et Al v. McGuigan 160347/15 Rubin v. NYC 951039/21 S. v. NYC 650582/24 Samson v. 91st St. Tenants Corp. Et Al 452136/18 Sanchez v. Con Ed Co 155544/19 Sanseverino v. Empire Outlet Builders 190225/21 Schwartz v. Aerco Int'l, Inc. Et Al 155231/23 Sentinel Ins. Co. Ltd. As Subrogee of Manhattan Institute, Inc. v. Cfp Real Estate 151950/23 Shaver Law Group v. Corinthian Partners 950096/20 Sirignano v. Archdiocese of NY 805279/19 Sragow v. Jaffin 150820/24 State Farm Fire And Casualty Co. v. Nazario 159073/23 State Farm Mutual Automobile Ins. Co. v. Ace Med Supplies, Inc. Et Al 159252/22 Sutton v. NYCH&HC Corp. 150582/22 Sylvan Hosp.ity Group, Inc. v. St. Giles Hotel 805169/22 Tapia v. Falguni Patel 653233/24 Trk First Ave. v. Diguissepe Architect 451094/24 NYC Et Al v. Big John's Roofing LLC Et Al 151815/23 U.S. Bank Trust Nat. Assoc. v. Hasegawa

850241/23 U.S. Bank Nat. Assoc. v. 440 B'way. Rlty. Associates 153241/24 Whga Garvey Housing Dev. Fund Co., Inc. v. 136 West 129 LLC

E-Filing Submission Part

Adjourned for Working Copies Part Part 2

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

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651345/23 118 St. Marks Rlty. Corp. v. 118 St Marks LLC Et Al 655329/21 12 East 46th LLC v. Nat. Medical Fellowships, Inc. 655580/21 Chung v. Abad Jr. 652010/23 Flagstar Bank v. Zebian Int'l Facades Solutions New York, Inc. Et Al 657512/19 Henick-Lane, Inc. v. American European Ins. 654503/22 Hml Ins Inc. v. Genworth Life Ins. Co. of NY 159084/22 Imm Zv v. Schwartz 452627/20 Int'l Business v. Nhk Cosmedia America, Inc. 653632/23 Kanari v. 246 East 77th St. Associates 651993/23 Kmr v. Pinson 654888/22 Marius Spada Living Trust v. Spada 153469/22 Ortiz v. Nerves Los Tres Preservation 656473/21 Rosemex, Inc. Et Al v. Srs Enterprises, Inc. 154705/23 Schoenkin v. Harbor House Owners Corp. 654291/23 Stonor Group, Inc. v. Eg Muney Const. LLC D/b/a Egm Builders Et Al 652670/16 Win Win Advisory Group LLC v. U Studios LLC

Part 3 Justice Joel M. Cohen 60 Centre Street Phone 646-386-3287 Room 208

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651815/24 H.L.G. Realty Financing II v. Kuperwasser 652271/23 Manhattan Beer Distributors LLC D/b/a NY Wine & Spirits v. Onebev USA Ltd Et Al 651471/22 Owen v. Array Us, Inc. Et Al 160665/18 Shagolov v. Paul Kasmin Gallery, Inc. 651743/23 Steinberg v. Tanico 652863/23 The Royal Promotion Group, Inc. v. Xytx Bio Inc. Et Al 650622/23 Zapfel v. Xerox Corp.

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Part 6 Justice Kathy J. King 60 Centre Street Phone 646-386-3312 Room 351

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805330/18 Funicello v. Stavropoulos 805018/18 Song v. Marn 805169/22 Tapia v. Falguni Patel

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Part 7 Justice Gerald Lebovits 60 Centre Street Phone 646-386-3746 Courtroom 345

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653626/23 French v. NYS Dept. of Labor Et Al 651011/23 Mezzatesta v. Pivar 650582/24 Samson v. 91st St. Tenants Corp. Et Al 151950/23 Shaver Law Group v. Corinthian Partners 159073/23 State Farm Mutual Automobile Ins. Co. v. Ace Med Supplies, Inc. Et Al 153241/24 Whga Garvey Housing Dev. Fund Co., Inc. v. 136 West 129 LLC

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Part 9 Justice Kathleen C. Waterman-Marshall 60 Centre Street Phone 646-386-3848 Room 355

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Part 11 Justice Lyle E. Frank 60 Centre Street Phone 646-386-3314 Room 412

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654968/23 1779 81st St. LLC v. Mohamed 654009/22 2386 Hempstead, Inc. v. Wig Nat. Title Ins. Co. Et Al 151041/24 670 River Rly. Corp. Et Al v. NYS Div. of Housing And Community Renewal 654286/24 AKf Inc v. Sassy Engines Inc. Et Al 656155/20 American Express Nat. Bank v. Puente Enterprises, Inc. D/b/a Sky Canyon Love Et Al 156217/22 Battery Park City Auth. D/b/a The Hugh L. Carey Battery Park City Auth. v. Pier A Battery Park Associates 656267/23 Bungalow Living v. 302 East 3rd St. Associates 155983/24 Coburn v. NYC Dept. of Investigation 952052/23 Crawford v. Ratner 651842/23 Dental Recycling North America, Inc. v. Mid-Atlantic Topco 654871/22 Ecosafety Consultants Inc. v. Stepping Stone Const. Mgt. Inc. 654099/23 Empire State Diving Services LLC v. Endurance American Ins. Co. 653793/22 Hutcher v. Madison Square Garden Entertainment Corp. Et Al 157677/24 In The Matter of The Application of Michael Mojtabehi v. Christopher Craddock 156313/24 Infinity Standard Ins. Co. v. Triborough Asc 654920/23 Monticello v. Cacace 656174/23 Olshan Frome Wolosky Lp v. Louis Kestenbaum Et Al 100726/23 Partridge v. Authentic Brands Group LLC 653233/24 Trk First Ave. v. Diguissepe Architect 451094/24 NYC Et Al v. Big John's Roofing LLC Et Al 151815/23 U.S. Bank Trust Nat. Assoc. v. Hasegawa

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Court Calendars

COURT NOTES

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

Applications Being Sought for Bankruptcy Judgeship Application Deadline is Oct. 11

The United States Court of Appeals for the Second Circuit invites applications from qualified candidates for a 14-year appointment as United States Bankruptcy Judge for the Eastern District of New York, with a duty station in Central Islip, New York. The selection process will be confidential and competitive. Applicants will be considered without regard to race, color, religion, sex, national origin, age, sexual orientation, or disability.

The current annual salary of a United States Bankruptcy Judge is \$223,836.

The Second Circuit uses an open and competitive selection process. All applications are screened by a Merit Selection Committee. The Committee will review applicants using the following criteria: legal competence evidenced by experience with complex legal issues; an aptitude for legal scholarship and writing; familiarity with the courts and court processes; commitment to equal justice under the law; characteristics indicative of a sound judicial temperament; a reputation for integrity, good character and ethical behavior; and physical and mental health sufficient to meet the demands and tenure of the position. The Merit Selection Committee will select a limited number of applicants for interview and will conduct appropriate due diligence inquiries into the candidates' backgrounds and qualifications. Upon a majority vote of the Second Circuit Judicial Council, the Council will forward the Merit Selection Committee's Report with any recommendations or comments to the active judges of the Court of Appeals. The selected nominee will be required to satisfy FBI and IRS background investigations prior to appointment.

Basic qualifications for consideration include:

- 1. Membership in good standing at least one state bar, the District of Columbia bar, or the Commonwealth of Puerto Rico bar, and never other than membership in good standing of every bar of which the applicant has been a member; and
2. A minimum of five years of legal practice experience.

Application forms are posted on the Court's website at http://www.ca2.uscourts.gov or may be obtained by calling (212) 857-8700.

Completed application packages must be in the format required by the Second Circuit and received no later than October 11, 2024

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL AND EXECUTIVE COMPENSATION

Hearing Notice: October 10

WHAT: The New York State Commission on Legislative, Judicial and Executive Compensation will hold a public hearing on Legislative and Executive compensation.
WHEN: Thursday, October 10, 2024 B Public Hearing
TIME: 12:00 Noon
WHERE: New York State Bar Association, 1 Elk Street, Albany, New York 12207. City View Room

This hearing will be viewable online via a live webcast. Information on remote reviewing will be posted

Part 13 Justice Adam Silvera 60 Centre Street Phone 646-386-3736 Room 422

TUESDAY, OCT. 1 190041/19 Alvarez Ubinas v. A.O. Smith Water Prods. Co. 190088/19 Bassier v. A.O. Smith Water Prods. Co. 190328/23 Calabrese v. Pfizer, Inc., Et Al 190296/20 Casaravilla v. Avon Prods. 150150/18 Cayias v. Port Auth. of NY 453187/23 NVS v. Joseph M Kaaid 155077/23 Cuelier v. Christie's Inc. Et Al 650773/24 Cummo v. Kerzner 160227/23 Dasse v. Wilmer Cutler Pickering Hale & Anderson A.O. Smith Water Prods. Co. Et Al 190181/21 Festa v. A.O. Smith Corp. Et Al 190093/16 Fogel v. American Int'l 653269/20 Frank Recruitment Group Inc. v. Titus Group, Inc. 190245/21 Gottlieb v. A.O. Smith Water Prods. Co., Et Al 190026/22 Hall v. Aerco Int'l, Inc. Et Al 650628/23 Huang v. NY Food And Drink Grapevines, Inc. D/ba Popeyes-Popeye Louisiana Kitchen Et Al 190063/17 Jackson v. 3m Co. 157179/23 Kenny v. Catholic Charities Community Services Et Al 190065/24 Kmotek v. A.O. Smith Water Prods. Co Et Al 151513/24 Mangone v. Brown Harris Stevens Dev. Marketing 190219/21 Mata v. Air & Liquid Systems Corp. 157316/12 Michael Zola v. Ek Triangle 190083/20 Munoz v. A.O. Smith Water Prods. Co 653128/22 Nanodx, Inc. v. Tdk Electronics, Inc. 157452/23 NY Communities For Change Et Al v. NYS Unified Court System/office of Court Admin. 151610/23 Papacosta v. Fiscardo, Inc. Et Al 109488/11 Perrone v. Metro. Transportation 154923/18 Perry v. Lighting Group 160903/23 Petersen v. Empire Hldgs. & Investments 190273/23 Prestia v. A.O. Smith Water Prods. Co., Et Al 190322/23 Rajcevic v. Mrc Hldgs., Inc. As Successor To Primera Corp. 190207/21 Ras v. A.O. Smith Water Prods. Co., Et Al 190037/23 Voitovich v. A.O. Smith Water Prods. Co Et Al

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Part 14 Justice Arlene P. Bluth 60 Centre Street Phone 646-386-3219 Room 432

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650580/23 Aicon Art LLC v. Aicon Contemporary LLC 651398/23 Definitions Private Training v. Lutke 153181/18 Gumersell v. Port Auth. of NY 652826/22 Pro Camps v. Public Services Mutual Ins. Co. Et Al 190245/21 Gottlieb v. A.O. Smith Water Prods. Co., Et Al 190037/23 Voitovich v. A.O. Smith Water Prods. Co Et Al

Motion 190245/21 Gottlieb v. A.O. Smith Water Prods. Co., Et Al 190037/23 Voitovich v. A.O. Smith Water Prods. Co Et Al

Part 15 Justice Ta-Tanisha D. James 60 Centre Street Phone 646-386-4462 Room 438

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320243/21 Baksh v. Baksh 322821/21 Foster v. Foster 321584/23 Pena v. Pichardo Dominguez

154550/23 Olar v. Hudson River Park Trust 153412/22 Oliver v. Leonard 158541/23 Paguy v. Schulman 158776/22 Pan v. Harlem Urban Dev. Corp. Et Al 159889/22 Pastuna v. F.G. Interior Renovation Corp. Et Al 150722/23 Perez Guzman v. 500 W 170 LLC Et Al 154525/22 Pine v. Motivate LLC Et Al 150049/22 Potts v. Hp 360 Preservation Housing Dev. Fund Co., Inc. Et Al 159723/23 Powers v. Empire City Subway Co. (Ltd.) Et Al 159596/22 Rawley v. Paramount Group Inc Et Al 151338/23 Reinoso v. Times Square Hotel Owner 152885/22 Rhodes v. Flower World Et Al 153744/23 Rivera v. 55th Clinton Associates 158844/22 Rosario v. 161 Hldg. Ltd 654219/22 Salas v. Equinox Hldgs. Inc. 152852/22 Sampson v. 203 Henry St. Rlty. Corp. Et Al 154907/16 Singh v. NYC 159910/22 Sledge v. Rochdale Village 160296/22 Soon-Osberger v. Wien 158968/22 Staley v. Marriott Int'l, Inc. D/b/a Marriott Marquis Et Al 150829/23 Tolchinsky v. Castaneda 150837/22 Tracey v. Verizon New York, Inc. Et Al 160960/18 Tucker v. NYC 153967/22 Velaj v. Elvanian 160620/21 Vij v. Mercedes-Benz Manhattan 157496/23 Wissa v. Rodriguez 653569/20 Zimmerman v. 410-57 Corp. 160398/22 Zumba Malan v. Petretti & Associates LLC Et Al

Motion 154001/23 Lewis v. 181st Washington Heights Associates

Part 37 IAS Part Justice Arthur F. Engoron 60 Centre Street Phone 646-386-3222 Room 418

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152177/24319 Bway LLC v. Finley Jr. 654289/24 Akf Inc v. Wagers Trailer Sales, Inc. Et Al 654341/23 Bldg Mgt. Co., Inc. v. Hen 653563/24 Family Funding Group LLC v. The Chosen Vision Group LLC Et Al 158046/24 In The Matter of Easy 342, Inc. v. NYC Et Al 805428/17 Labby v. Cummings Md 652201/23 Liberty Mutual Ins. Co. Et Al v. Champagne 654575/24 Riley v. McEvoy 653022/24 Rossi Marketing Group, Inc. Et Al v. McGuigan 150820/24 State Farm Fire And Casualty Co. v. Nazario

Motion 152177/24319 Bway LLC v. Finley Jr. 158046/24 In The Matter of Easy 342, Inc. v. NYC Et Al 654575/24 Riley v. McEvoy

Part 43 Justice Robert R. Reed 60 Centre Street Phone 646-386-3238 Room 222

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155123/20 Bagatelle Little West 12th LLC v. Jec II 650794/21 Eversale Bags Corp. v. NYU Langone Hosps. 652094/21 J.P. Morgan Ventures Energy v. Miami Wind I 650203/22 Miller v. 22 Ericsson Owner LLC Et Al 452353/18 People of The State of v. Fischman 651688/23 Reigo Securitization Sponsor 2021-1 v. Northwind Financial Corp. Et Al 451533/19 State of NY v. Austin

Motion 650203/22 Miller v. 22 Ericsson Owner LLC Et Al

Part 40TR Administrative Coordinating Part 60 Centre Street Phone 646-386-3722 Room 422

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

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653845/24 American Transit Ins. Co. v. Margarita Taxi Inc 320523/22 Georgiadis v. Georgiadis 365320/22 Liu v. Buckley 365421/20 Owen v. Johnson 365328/20 Summers v. Castelli

Part 45 Commercial Div. Justice Anar Rathod Patel 60 Centre Street Phone 646-386-3632 Room 428

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15571/242000 Cr Acquisitions v. Wcp Real Estate Fund Iv 652801/24 Acruise v. Woodruff-Sawyer & Co. 653931/24 Anoris Securities LLC Et Al v. Hardee Fresh LLC 651314/24 Oberon Securities v. Glaam Co., Ltd.

Part 48 Commercial Div. Justice Andrea Masley 60 Centre Street Phone 646-386-3265 Room 242

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652451/24 Prod. Spring LLC Et Al v. Baby Brezza Enterprises 657583/23 Ts Falcon I. Golden Mountain Financial Corp. Et Al

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

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652895/24 Dolgoplov v. Dronsky

Part 51 Matrimonial Part Justice Ariel D. Chesler 60 Centre Street Phone 646-386-3846 Room 543

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320665/23 Aguiar v. Soares 365629/23 Brooks v. Brooks 365743/23 Cesbron v. Tery 365523/22 Denham v. Hagie 365092/21 Laurie v. Laurie 365696/23 Neumann v. Crichton 365658/23 Pineiro v. Herrera 365518/23 Ramos v. Mills 365499/22 Saad v. Mishy 309892/15 Schechter v. Schechter 365400/22 Wang v. De Carvalho Wang

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Part 53 Commercial Div. Justice Andrew S. Borrok 60 Centre Street Phone 646-386-3304 Room 238

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651485/24 Crews Vineyard v. Cp3 Holdings 656912/20 Jds Const. Group LLC v. Copper Services

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

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655780/23 Chan v. Ho 653286/24 Eichner v. Rtw Retailwinds Acquisition LLC Et Al 652044/24 Korean American Physicians Ipa, Inc. v. Seoul Medical Group, Inc. Et Al 451637/20 NYCHA v. Cowi Consulting Inc.

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Part 57 Justice Sabrina Kraus 60 Centre Street Phone 646-636-3195 Room 218

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950039/19 Ark13 v. Archdiocese of NY 950079/19 Ark14 v. Archdiocese of NY 950040/19 Ark19 v. Archdiocese of NY 950036/19 Ark4 v. Archdiocese of NY 950051/19 Ark59 v. Archdiocese of NY 950839/21 Calandrino v. Manhattan Bible Church, Inc. Et Al 950090/21 Candace Ballard v. Archdiocese of NY Et Al 950017/19 Caramanno v. Archdiocese of NY 950821/21 Dietsch v. The Roman Catholic Archdiocese of NY Et Al 950721/20 Doe Xsv v. Archdiocese of NY 950431/20 Doe v. Archdiocese of NY Et Al 950433/20 Doe v. Archdiocese of NY Et Al 950158/21 Doe v. Archdiocese of NY Et Al 950260/19 Doe v. Archdiocese of NY 950256/19 Doe v. Archdiocese of NY 950066/20 Doe v. Archdiocese of NY 950065/20 Doe v. Archdiocese of NY 950178/19 Guerrero v. The Roman Catholic Archdiocese of NY Et Al 950054/20 Iasf1 Doe v. Brandeis School 950052/20K. v. Archdiocese of NY 950087/19 Mendoza v. The Roman Catholic Archdiocese of NY Et Al 950735/20S. v. NYC

Part 59 Justice Debra A. James 60 Centre Street Phone 646-386-3351 Room 331

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850011/13 938 St. Nicholas Ave. v. 936-938 Cliffcrest Housing 653565/19 Baratov v. Trubitsky Esq 651660/21 Gabriela v. Chrlesc Staffing Ltd D/b/a

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

155434/18 Gutierrez-Miranda v. NYCHA
154709/23 Kahn v. Warner Bros. Discovery, Inc. Et Al
451375/22 Mejia v. NYC Et Al
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151737/20 Mohammed v. NYC
400286/14 Moore v. NYC
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154169/20 Nolasco v. NYC
155623/12 Olmo v. NYC
153243/20 Power v. NYC Et Al
159311/21 Quinones v. NYC Et Al
161746/19 Razak v. Adams Harns
452684/22 Reginald Frazier v. NYC Et Al
150436/19 Romero v. NYC
452136/18 Sanchez v. Con Ed Co.
152298/19 Simon v. NYC
154257/20 Sok v. NYC
157264/19 Sosa v. NYC Et Al
157809/21 Tabas v. NYC Et Al
153553/14 Torres v. NYC
160351/21 Velez v. Con Ed Co. of New York, Inc.
151163/21 Worg v. NYC
154194/22 Wright v. NYC Et Al

Part 5 City Part

Justice Hasa A. Kingo
80 Centre Street
Phone 646-386-3374
Room 320

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150379/23 Abalos v. NYC Et Al
400228/14 Abdush-Shahid v. N.Y.P.D.
157751/20 Alicia Rodriguez v. NYC
158375/21 Alix v. NYC Et Al
451975/20 Almodovar v. NYC
155467/19 Anaestog v. NYC
155493/22 Anagnostis v. NYC Et Al
450502/21 Bhatti v. NYC
154470/19 Butts v. NYC Et Al
151865/21 Collins v. Bernstein
160793/20 Amico v. NYC
451199/23 Diarra v. NYC Et Al
153396/19 Diaz v. NYC
101643/19 El Bey v. Admin. For Children's
100248/20 El-Bey v. NYC Police
158301/17 Elkhezzani v. NYC
151448/21 Ferreira v. NYC Et Al
157807/21 Fluellen v. NYC Et Al
151536/23 Gonzalez v. NYC Et Al
161206/21 Gross v. NYC Et Al
155434/18 Gutierrez-Miranda v. NYCHA

154709/23 Kahn v. Warner Bros. Discovery, Inc. Et Al
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151737/20 Mohammed v. NYC
400286/14 Moore v. NYC
452096/21 Moreno Dejesus v. NYC
154169/20 Nolasco v. NYC
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153243/20 Power v. NYC Et Al
159311/21 Quinones v. NYC Et Al
161746/19 Razak v. Adams Harns
452684/22 Reginald Frazier v. NYC Et Al
150436/19 Romero v. NYC
452136/18 Sanchez v. Con Ed Co.
152298/19 Simon v. NYC
154257/20 Sok v. NYC
157264/19 Sosa v. NYC Et Al
157809/21 Tabas v. NYC Et Al
153553/14 Torres v. NYC
160351/21 Velez v. Con Ed Co. of New York, Inc.
151163/21 Worg v. NYC
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Part 8

Justice Lynn R. Kotler
80 Centre Street
Phone 646-386-3572
Room 278

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653549/24 Const. Rlty. Safety Group Inc. v. The Hyland Group
653231/24 Dist. Council 37 v. The Board of Education of The City School Dist. of NYC Et Al
158166/24 Fecteau v. NYC Human Resources Admin.
161320/19 Gonzalez v. 58 East Partners LLC Et Al
157942/21 Guayara v. H.P.S.O.N.Y., Inc.
160418/18 Harlem Rlty. Associates v. 108 Lexington Operating LLC
157735/24 In The Matter of The Application of Imaan Corp. v. NYC Et Al
1007162/4 Knights v. City Univ. of NY
156598/24 Law Offices of Michael S. Lamonoff v. Michelstein & Ashman
159209/18 McCallum v. Westchester Ambulette
159135/21 Ortiz v. 7 Hanover Fee Owner Co. LLC Et Al
100399/24 Pennant v. Mta NYCTA
150572/21 Schottenstein v. Levine
158516/16 Torres v. NYC
100463/24 Zavgorodnaya v. NYS Div. of Human Rights

Part 12

Justice Leslie A. Stroth
80 Centre Street
Phone 646-386-3273
Room 328

TUESDAY, OCT. 1

158295/21 Abraham v. NYC Et Al
155086/20 Altay v. Liman Restaurant, Inc.
159279/21 Blackmore v. Fossner Timepieces Clock Shop, Inc. Et Al
155832/21 Brager v. Quality Bldg. Services Corp Et Al
100801/22 Bruce v. NYC Dept. of Education And United Federation of Teachers (uft)
152590/20 Clark v. Bpp Kips Bay Hldg. LLC Et Al
656221/18 Colazzo v. Diehard Exterminating Inc.
159636/23 Dandridge v. Imperial
160172/20 Davis v. Esplanade Gardens Inc Et Al
151781/23 Erath v. Lendlease (us) Const. Lmb Et Al
159330/20 G. v. NYCHA
158178/21 Lebron v. College Morris Ave. Associates LLC Et Al
155709/19 Maldonado v. Concord Hosp.ity
160927/20 Martucci v. 500 W25th Owner LLC
153276/19 Perrone v. Suez Water Westchester, Inc.
157958/19 Plaza v. Clune Const. Co. Lp
160412/20 Pooler v. 550 Madison Fifth LLC Et Al
160782/21 Quezada v. Ls-14 Ave
151296/22 Quincy Mutual Fire Ins. Co. As/0 Rth Rlty. Corp. v. Pve LLC Et Al
156979/21 S.R. v. NYCHA
155402/21 Tipan v. Amazon.Com Services LLC Et Al
157811/20 Turan v. Kmo-361 Rlty. Associates
153538/24 Voorhees v. NYC Dept. of Mental Health And Hygiene
153869/20 W. v. Pozernick
157786/19 Wang v. Xiong
155926/21 Waterman v. Msg Arena

Part 21 City Part

Justice Richard A. Tsai
80 Centre Street
Phone 646-386-3738
Room 280

TUESDAY, OCT. 1

153213/23 Hernandez v. NYCTA Et Al
153653/21 Gersandeau Pena v. Metro. Transportation
154837/24 Maldari v. Metro. Transportation Auth.
Motion
154837/24 Maldari v. Metro. Transportation Auth.

Part 22 Motor Vehicle

Justice James G. Clynes
80 Centre Street
Phone 646-386-3271
Room 136

TUESDAY, OCT. 1

152580/24 Alvi v. S.M.G. Supply Inc. Et Al
152524/23 Fanas-Rojas v. Cylear
155636/21 Ortiz v. Kasson

Part MED-2

Justice Samuel E. Wilkenfeld
80 Centre Street
646-386-3689
Room 106

Early Settlement Part 1

Justice Miles J. Vigilante
80 Centre Street
Room 106

TUESDAY, OCT. 1

151105/19 Barrado Alonso v. Cabgram Developer LLC
160214/19 Byrnes v. Rp1185 LLC
159354/19 Compeau v. Metro. Museum of Art
160270/21 Cruz v. Msmc Residential Rlty. LLC Et Al
153064/22 Epstein v. Key Food Stores Co-Operative, Inc. Et Al
152080/21 Flores v. R.G. Ortiz Funeral Home Inc. Et Al
151179/16 Greater Ny Mutual v. Harleysville Worcester
159102/15 Jones v. Vornado NY Rr One L.L.C.
154007/13 Jones v. Tda Const., Inc.
150612/18 Konstantinidis v. NYC
160104/16 Marquez v. NYCHA
151220/21 McKinley v. Wesbuilt Const. Mgrs.
150488/20 Merino v. Larstrand Corp.
152167/20 Mills v. Polanco
158160/20 Muller v. Rasheed
152756/13 Norman v. Olive Branch
150800/20 Sanchez-Mateo v. Antonio's Tratoria Corp.
152638/20 Shyti v. 9 Peridom Inc.
150868/18 Szymczyk v. Hudson 36 LLC
151680/17 T & T 130 Pizza Corp. v. Walsam 130 Mad LLC
151221/20 Weeden v. Lukeziec
151777/20 Wesco Ins. Co. v. Atomix NY Inc.
151824/20 Wright v. 1229-1273 Rlty. LLC

Early Settlement Part 2

Justice Samuel E. Wilkenfeld
80 Centre Street
Room 106

TUESDAY, OCT. 1

451708/22 Bond v. NYC Et Al
160120/20 Brodsky v. NYC Et Al
160793/20 D'Amico v. NYC
158032/23 Suazo v. NYC Et Al

Part 28

Justice Lisa S. Headley
80 Centre Street
Phone 646-386-3696
Room 122

TUESDAY, OCT. 1

155441/22 Colon v. Chesapeake Owners Corp. Et Al

Part 35

Justice Denise M Dominguez
80 Centre Street
Phone 646-386-4299
Courtroom 289

Part 41

Justice Nicholas W. Moyné
80 Centre Street
Phone 646-386-3984
Room 327

TUESDAY, OCT. 1

655226/20 American Express Nat. Bank v. Puente Enterprises, Inc. D.B.A. Sky Canyon Love
150063/24 Garvin Const. Prods. v. Mastro Brothers, Inc. Et Al

Part 52 City Part

Justice Jeanine R. Johnson
80 Centre Street
Phone 646-386-3742
Room 307

TUESDAY, OCT. 1

160120/20 Brodsky v. NYC Et Al
160347/15 Rubin v. NYC
158032/23 Suazo v. NYC Et Al

Part 62 City Part

Justice J. Machelie Sweeting
80 Centre Street
Phone 646-386-3274
Room 279

TUESDAY, OCT. 1

451708/22 Bond v. NYC Et Al
159253/22 Sutton v. NYCH&HC Corp.

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

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 646-386-6107

Part 87R Special Referee

Justice Joseph P. Burke
80 Centre Street
Phone 646-386-5541
Room 238

Part 88R Special Referee

Justice Sue Ann Hoahng
80 Centre Street
Phone 646-386-3676
Room 236

71 THOMAS STREET

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

TUESDAY, OCT. 1

950499/21 B. v. NYC
950255/19 Bizzarro v. Archdiocese of NY
157290/22 Cannady v. Sintec Media Inc. Et Al
950246/21 D. v. NYC
950211/19 Doe v. Archdiocese of NY
950208/19 Doe v. Archdiocese of NY
950213/19 Doe v. Archdiocese of NY
950212/19 Doe v. Archdiocese of NY

COURT NOTES

Within one hundred and fifty (150) days from its appointment on July 24, 2024, the Panel must report to the Court its recommended slate of candidates for consideration for the magistrate judge vacancies. See the vacancy notice below:

Three Full-Time Federal Magistrate Judge Vacancies

There are three (3) upcoming full-time United States Magistrate Judge vacancies at the Brooklyn Courthouse of the Eastern District of New York at 225 Cadman Plaza, Brooklyn, New York, effective on a date to be determined in December 2024, on May 17, 2025, and August 1, 2025, respectively. The duties of the position are demanding and wide-ranging, and will include: (1) conduct of preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; (4) trial and disposition of civil cases upon consent of the litigants; and (5) assignment of additional duties not inconsistent with the Constitution and laws of the United States.

The jurisdiction of a United States Magistrate Judge is specified in 28 U.S.C. § 636. To be qualified for appointment, an applicant must: (a) be a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, or the U.S. Foreign Islands for at least five years; (b) have been engaged in the active practice of law for a period of at least five years (with some substitutions authorized); (c) be competent to perform all the duties of the office, of good moral character, emotionally stable and mature, committed to equal justice under the law, in good health, patient and courteous, and capable of deliberation and decisiveness; (d) be less than 70 years old; and (e) not be related to a judge of the district court. An applicant should have federal court experience and be knowledgeable in federal civil and criminal practices and procedures.

A Merit Selection Panel (appointed by Administrative Order 2024-14) composed of attorneys and residents of the district will review all applications and recommend in confidence to the judges of the district court the five persons whom it considers best qualified for each vacancy. The Court will make the appointments following FBI and IRS investigations of the appointees. An affirmative effort will be made to give due consideration to all qualified candidates, including women and members of minority groups. The salary of the position is, as of this notice, \$223,836.00 per annum. The term of office is eight years.

Please note that the application form can be accessed online at the district's website: <https://www.nyed.uscourts.gov/forms/application-us-magistrate-judge-vacancy-docx>. Applications must be personally prepared by the applicant and must be received no later than October 23, 2024. Applications should be electronically submitted at <https://edny.app.box.com/f/894572dd44ab64979ed53683c7005545>. Instructions are available on the district's website.

The district is an equal opportunity employer.

U.S. DISTRICT COURTS Eastern and Southern Districts

Court Invites Public Comment on Proposed Changes to Local Rules Deadline is Oct. 6

In accordance with Rule 83(a) of the Federal Rules of Civil Procedure and Rule 57(a) of the Federal Rules of Criminal Procedure, the Boards of Judges of the Eastern and Southern Districts of New York invite the public to comment on proposed changes to their Joint Local Rules.

The proposed amendments, which resulted from the work of a committee of representatives from both courts and the bar in both districts, are made in reference to the Joint Local Rules in effect as of July 1, 2024, which are available at:

<https://www.nyed.uscourts.gov/local-rules-documents-and-administrative-orders>

<https://nysd.uscourts.gov/rules>

950759/21 Goldberg v. City of New York Et Al
450432/23 J. v. NYC Et Al
950328/21 Perez v. NYC Et Al
951039/21 S. v. NYC
950096/20 Sirignano v. Archdiocese of NY

Part 58

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

TUESDAY, OCT. 1

158261/19 Rector v. Bdg Gotham Residential

Part 56

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

TUESDAY, OCT. 1

805379/22 Akin v. Nat. Ave LLC Et Al
805373/22 Butler v. Toujier M.D.
805050/24 Crisafulli v. Rogova
805045/24 Estate of Judith Brook Et Al v. Ruotolo Esq
805066/19 G.B. v. Quaegebeur
805169/19 Houston Carver v. Dewitt Rehabilitation
805380/23 Javakian v. The New Jewish Home - Sarah Neuman Center
805402/18 Lluberres v. Engel
805038/24 Lutter v. Sethi M.D.
805464/23 Morgenstern v. The Mount Sinai Hosp. Et Al
805340/20 Raphan v. 150 Riverside Op
805326/23 Rich v. Andrew Lo M.D.
805279/19 Sragow v. Jaffin

Part 23

Justice Eric Schumacher
71 Thomas Street
Phone 646-386-3754
Room 304

TUESDAY, OCT. 1

152050/22 Calderoni v. 260 Park Ave. South Condominium Unit A1
155276/24 Kavassuta 6th St. Inc. v. NYC Bd. of Ed. of Health Et Al
155544/19 Sanseverino v. Empire Outlet Builders

Part 29

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

Part 36

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

TUESDAY, OCT. 1

651940/21 Babe You v. Wgst Prod. ion, Inc., A Florida Corp. Et Al
150582/22 Sylvan Hospitality Group, Inc. v. St. Giles Hotel

Part 46

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

TUESDAY, OCT. 1

157149/22 Brache-Moran v. Sif 24 Audubon Ave. Hldg. LLC
153850/23 Diaz Paredes v. Vema Group LLC Et Al
158837/22 Guberman v. NYC Dept. of Education Et Al
151379/22 Napoli v. 50 Hymc Owner
158319/22 Ordinary Faces LLC v. David Turner Architect
152531/23 Sentinel Ins. Co. Ltd. As Subrogee of Manhattan Institute, Inc. v. Gfp Real Estate
153708/22 White v. Sp 41 Park LLC Et Al—10-30 A.M.

Part 25

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

TUESDAY, OCT. 1

654804/22 Domus Design Centers, Inc. v. Moving Stairs, Inc.

The proposed amendments include:

(1) a provision authorizing limited-scope representation for pro se litigants in civil cases (**amended Local Civil Rule 1.4**);

(2) the replacement of page limits with word limits for all briefs filed in civil cases (**amended Local Civil Rules 6.3, 7.1, & 11.1**);

(3) a provision permitting both districts to adopt policies governing the possession and use of electronic equipment (**amended Local Civil Rule 1.8**);

(4) a new criminal rule establishing default deadlines for expert witness disclosures (**new Local Criminal Rule 16.2**);

(5) a new criminal rule governing pro se submissions by represented defendants in criminal cases (**new Local Criminal Rule 49.2**); and

(6) new local social security rules, to codify existing administrative and standing orders in both districts addressed to such cases (**new Local Supplemental Social Security Rules**).

Each proposal is followed by a committee note providing relevant context for the change. (As in the current Joint Local Rules, notes for all rules will be consolidated in an Appendix.)

The proposed changes are available at <https://nysd.uscourts.gov/rules/proposed-amendments>. Where a proposed change contemplates amending an existing rule, the proposal is followed immediately by a redline reflecting the changes from the existing rule(s). Otherwise, a redline is not supplied.

There is a 90-day period during which comments may be provided, which closes on **October 6, 2024**. Comments should be submitted only once. A comment submitted through either court's website or in letter form will be considered by both courts.

Comments submitted electronically are preferred, and may be submitted through a form available on either court's website at the following links:

<https://www.nyed.uscourts.gov/proposed-amendments>

<https://nysd.uscourts.gov/rules/proposed-amendments>

Alternatively, written comments may be submitted in letter form to:

Robert Rogers
Counsel to the Clerk of Court
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007-1312

FIRST DEPARTMENT Appellate Term

Filing Dates for the November Term

The November 2024 Term of the Court will commence on Nov 4, 2024.

The last dates for filing for that term are as follows:

The Clerk's Return, Record on Appeal, Appendices, Notice of Argument and Appellant's Briefs must be filed on or before Sept. 9, 2024.

Respondent's Briefs must filed on or before Oct. 1, 2024.

Reply Briefs, if any, must be filed on or before Oct. 10, 2024.

32 Mortgage Foreclosure Part

Justice Francis A. Kahn, III
111 Centre Street
Phone 646-386-5607
Room 1127B

TUESDAY, OCT. 1

850138/23 57th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. Gilson
850345/23 57th St. Vacation Owners Assoc., Inc., By And Through Its Board of Directors v. Tauscher
850233/18 938 St. Nicholas Ave. v. 936-938 Clifcrest Housing
850102/20 Argentic Real Estate v. Nuvo Ciao-Di LLC
152565/23 Board of Mgrs. of Towers on The Park Condominium v. Williams
850218/15 Bosco Credit V Trust Series v. Johnson
850141/20 Hilton Resorts Corp. v. Mitchell
850158/19 Home Loan Investment Bank v. Padilha
150975/18 Jennifer Fishbein v. Jane Goldman Et Al
850663/23 Popular Bank Fka Banco Popular North America v. Regan
850164/23 U.S. Bank Na v. Simpson
850241/23 U.S. Bank Nat. Assoc. v. 440 B'way. Rlty. Associates

Part 42

27430/18 Raskina v. Circle Lodge And Kinder Ring
 25953/20 Rodriguez v. P.A. Cab Corp.
 27316/19 Rowley v. Jerome Jsd Hlids.
 35003/19 Ruiz De Tarazona v. Checo Mendez
 801792/22 Sanchez v. Sanchez Peralta
 23257/20 Stokes v. Ebanks
 303828/14 Tejada v. 2856 Rty. LLC
 35123/19 Thompson v. Everest Scaffolding Inc.
 300322/17 Vasquez Carranza v. Memorial Hosp.
 801196/21 Webster v. Beth Abraham Health Services A.K.A. Beth Abraham Services Et Al
 23666/19 White v. Kim

ADR Part

Phone 718-618-3081
 Rooms 701M-701A

Part 2

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

TUESDAY, OCT. 1

812465/21 Monsanto v. Simpson
WEDNESDAY, OCT. 2
 32839/20 Ramos v. Escobiza

Part 3/33

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

TUESDAY, OCT. 1

803623/24 Abbott v. NYCHA Et Al
 816581/21 Abreu v. Knic LLC Et Al
 802312/23 Adames v. Galaxy General Contracting Corp. Et Al
 810920/22 Adams v. NYCA Et Al
 803802/23 Amanda Van Stry As Ltd. Administrator of The Estate of Javier Velasco v. NYCA Et Al
 805792/23 Amanze v. NYCTA Et Al
 801854/24 Arias v. NYC Et Al
 808900/24 Armstrong v. NYC Et Al
 802740/21 Arroyo v. NYC
 813109/23 Asantewaa v. Perez
 801297/23 Atkins v. NYC Et Al
 807291/24 Austion v. The NYCTA Et Al

807353/23 Barbosa v. NYC Et Al
 802201/21 Bent v. NYC
 808505/24 Bido v. NYC
 803443/24 Boothe v. NYC Et Al
 806972/23 Bridgett v. NYC Et Al
 814340/22 Brown v. The NYCTA Et Al
 817248/23 Cabral v. Kirvens
 819623/23 Cabrera v. NYCTA Et Al
 34918/20 Calo v. NYC
 820450/23 Campbell v. NYC Et Al
 802287/24 Candelaria v. Scg 320
 81118/21 Cannon v. NY NYCTA Et Al

811168/22 Chiber v. Jij Enterprises Inc Et Al
 802695/24 Cise Morillo v. Johnson
 819120/22 Colbourne v. NYC Et Al
 803266/23 Conde v. NYC Et Al
 809373/23 Cooper v. NYC Et Al
 81973/23 Costello v. NYC Et Al
 805195/23 Coulibaly v. NYC Et Al
 818592/22 De La Nueces v. Valerio
 816122/23 Delgado-Viera v. NYC Et Al

803256/24 Diakite v. Peace
 301016/10 Diaz v. NYC
 800447/21 Dixon v. NYC
 800524/21 Dixon v. NYC Et Al
 803769/24 Edmurs v. NYC Et Al
 802727/21 Edmurs v. NYC
 27311/18 Estrada-Valentin v. NYC
 808400/23 Fabian v. NYC Et Al
 801563/24 Ferrer v. NYC Et Al
 802698/23 Figueroa v. Jones
 26343/19 Font v. NYC
 808231/24 Franca v. NYCTA Et Al
 818344/23 Furei Jonny Ramirez Sena v. NYC Et Al

815362/23 Gallardo v. NYC Et Al
 809770/24 Garrick v. NYC Et Al
 818352/23 Garcia v. NYC Et Al
 80645/20 Gomez v. NYC
 813567/23 Gonzalez v. NYC Et Al
 805780/24 Graham v. NYC
 21486/20 Gray v. NYC
 804644/24 Guaba Morillo v. Giardini
 815871/23 Guenava v. NYC Et Al
 806471/23 Gumaneh v. NYC Et Al
 814747/23 Happy v. The NYCTA Et Al

80349/24 Harris v. NYC Et Al
 813041/23 Jeffery v. NYC Dept. of Education Et Al
 804539/24 Jimenez Papote v. NYC
 801231/24 Jones v. NYC Et Al
 302295/15 Jone v. NYC Et Al
 807209/24 Kabir v. NYC Et Al
 811881/23 Keller v. NYC Et Al
 806228/22 King v. The NYC; Et Al
 34166/20 Knight v. NYC
 810019/23 Knight v. NYC Et Al
 805412/22 Lamb v. Kaufman 8th Ave. Owners
 817055/21 Cajamarca v. 6 East 43rd St. Corp. Et Al

802320/23 Campoverde Robles v. 2150c LLC Et Al
 818247/22 Cardenas Travieso v. 1245 Elgg LLC Et Al
 3209/19 Chacha v. Pride Lodging LLC
 2750/219 Connolly v. Civic 411 Wales Corp.
 818806/22 Delgado Hoyos v. Terminal Fee Owner Lp Et Al
 816110/22 Diaz Murrillo v. E 135 And 3rd Ave. Owner LLC Et Al
 81447/23 Estevez Erazo v. Hip Walling Ave. Housing Dev. Fund Co., Inc. Et Al
 817466/22 Estrada v. Rashid
 814914/21 Francisco Munoz v. Khe Bldg. Corp. Et Al
 817175/22 Garcia v. 3190 Webster Ave. Associates LLC Et Al
 817524/22 Gomez Garcia v. Third And Thirty Four LLC Et Al
 815553/22 Grullon Garcia v. Redeemer Evangelical Lutheran Church Et Al
 819427/23 Gutierrez v. on Star Mgt. LLC Et Al

815660/22 Guzman v. The Manly Dev. Group, Inc. Et Al
 814097/23 Guzman v. L & A Developers Group Inc Et Al
 817266/22 Hernandez v. NY Foundation For Senior Citizens, Inc. Et Al
 809694/21 Herrera v. M.N.C. General Contractors Corp. Et Al
 2009/19 Howell v. 380 Madison Ave.
 807791/21 Howell v. Comref 380
 24589/17 Jaquez v. 515 West 29th St. Owner LLC
 31720/17 Kelly v. Pergament Mall of Staten

29117/20 Kovachuk v. 1560 Gc LLC
 818514/22 Lala v. Roman Catholic Church of Saint Anselm And Saint Roch
 817612/23 Lopez Castelan v. 1546 Wpr LLC Et Al
 802814/23 Lopez v. 287 Henry St. LLC Et Al
 813729/21 Luis Ortiz v. Pratt Const. And Restoration Inc. Et Al
 817245/22 Maria Ochog v. Riverdale Park Corp. Et Al
 815996/21 Martinez v. 26 Sherman Residence LLC Et Al
 817920/22 Miranda v. Delja Air Lines, Inc. Et Al
 8161755/22 Montalez-Rojas v. Integrity Contracting, Inc. Et Al
 805730/22 Morales v. Vno 225 West 58th St. LLC Et Al
 818579/22 Ortega Yambay v. Gordon Way Mgt. Group LLC
 809827/21 Ortiz v. Lendlease (us) Const. Inc. Et Al
 801337/24 Owusu-Agyemang v. Storage Post/3350 Park Ave
 30013/18 Pinto v. 708 Third Ave. Associates

814786/21 Rendon Palamino v. 1010 Pacific Owner LLC Et Al
 813214/22 Reynario Rojas Fuentes v. Be Bronx Builders
 35472/19 Robinson v. Imbriaale
 804855/23 Tamaquiza Ichapanta v. 101 Lincoln Associates Prop. LLC Et Al
 807221/23 Vasquez v. 1407 B'way. LLC Et Al
 816100/22 Vega-Fajardo v. Simcha Giles Dev. Corp.
 812879/21 Zapata Ballester v. Siegel Family Associates LLC Et Al

809701/24 Scipio v. NYC
 809784/21 Serrano v. NYC Et Al
 33556/20 Serrano v. NYC
 820592/23 Service Jr. v. NYCTA Et Al
 814206/22 Sherwood v. NYC Et Al
 802129/24 Simon v. NYC Et Al
 25183/18 Simpson v. NYC
 28400/19 Smith v. NYC
 801897/23 Summers v. Manhattan And Bronx Surface NYCTA Et Al
 807199/21 Tavarez v. NYC
 24635/15 Taveras v. NYC
 22740/19 Taylor v. NYC
 808524/24 Techeira v. NYC

Court Calendars

810505/21 Estupinan v. 1516 Park Ave. Partners LLC Et Al
 816204/21 Flores v. Prop Q LLC
 806288/22 Fuentes Ayala v. 3240 Riverdale Ave. Corp.
 816918/22 Jimenez Camano v. Mentore
 305810/14 Lopez v. Ceylon Leasing Ltd
 816210/22 Martin v. Poe Affiliates
 817034/22 Martinez Carranza v. 280 Meeke LLC Et Al
 803161/22 Munoz v. NY Univ. Et Al
 814905/21 Narvaez Reinoso v. 1726 Davidson LLC
 802389/24 Rivera v. 166 Archer Ave. Co. LLC Et Al
 812375/22 Rojas v. Southern Blvd Hotel LLC Et Al
 815536/21 Sillah v. Bop Ne LLC Et Al
 25589/18 Vlad v. Tj 104 Restaurant Corp.

Part 13 (MV)

Justice Patsy Gouldborne
 Phone 718-618-1236
 Room 706, 9:30 A.M.

TUESDAY, OCT. 1
 21090/18 Alvarez v. 3220 Perry LLC
WEDNESDAY, OCT. 2
 300817/16 Lee v. Gjusthi Rty. LLC

Part 4

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

TUESDAY, OCT. 1

800298/22 Arias v. Trivino Chavez
 825660/18 Berry v. NYCTA
 24121/20 D. v. A&T Transit Inc.
 813435/23 Del Carmen Maggi Perez v. Recio
 25770/18 Del Rosario v. NYCTA
 22756/18 Hendricks v. NYCTA
 805340/22 Hinjosa v. Carr
 808221/23 Hossan v. Quail
 813863/22 Jackson v. Furcal
 812337/22 Johnson v. Stone
 816424/22 Kone v. Martinez Hilario
 25328/18 Latimore v. NYCTA
 30146/18 Lopez v. Cb Livery Leasing LLC

Part 5

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

TUESDAY, OCT. 1

805438/24 Gonzales v. Rolex Rty. Co. LLC Et Al
 42048/23 Pinkshaus v. Zherka

Part 6

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

WEDNESDAY, OCT. 2

27757/20 Dunn v. 416 East 187th St. LLC

Part 7

Justice Wilma Guzman
 Phone 718-618-1288
 Room 624, 9:30 A.M.

TUESDAY, OCT. 1

34254/19 Rivera v. NYC
 809244/22 Rodriguez v. Schindler Elevator Corp. Et Al
WEDNESDAY, OCT. 2
 805909/21 Malave v. Wagner Associates LLC

Part 8

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

TUESDAY, OCT. 1

809324/21 Disla-Santos v. Martinez
WEDNESDAY, OCT. 2
 802075/23 Baron v. Cohen
 814713/22 Jackson v. Friendly Motor Inn Et Al
 23647/19 K. v. NYCHA
 34255/20 Green v. American United College Prep Charter School
 20055/17 Wallace v. Dee-Gree Mgt. Corp.

Part 9 (LPM)

Justice Myrna Socorro
 Phone 718-618-1625
 Room 402, 9:30 A.M.

TUESDAY, OCT. 1

32964/20 Aranda Lopez v. 430 Dean LLC
 810219/22 Arias Pinales v. 249 W 28th St. Properties
 302556/15 Broughton v. 553 Marcy Ave. Owners
 817055/21 Cajamarca v. 6 East 43rd St. Corp. Et Al
 802320/23 Campoverde Robles v. 2150c LLC Et Al
 818247/22 Cardenas Travieso v. 1245 Elgg LLC Et Al
 3209/19 Chacha v. Pride Lodging LLC

2750/219 Connolly v. Civic 411 Wales Corp.
 818806/22 Delgado Hoyos v. Terminal Fee Owner Lp Et Al
 816110/22 Diaz Murrillo v. E 135 And 3rd Ave. Owner LLC Et Al
 81447/23 Estevez Erazo v. Hip Walling Ave. Housing Dev. Fund Co., Inc. Et Al
 817466/22 Estrada v. Rashid
 814914/21 Francisco Munoz v. Khe Bldg. Corp. Et Al
 817175/22 Garcia v. 3190 Webster Ave. Associates LLC Et Al
 817524/22 Gomez Garcia v. Third And Thirty Four LLC Et Al
 815553/22 Grullon Garcia v. Redeemer Evangelical Lutheran Church Et Al
 819427/23 Gutierrez v. on Star Mgt. LLC Et Al

815660/22 Guzman v. The Manly Dev. Group, Inc. Et Al
 814097/23 Guzman v. L & A Developers Group Inc Et Al
 817266/22 Hernandez v. NY Foundation For Senior Citizens, Inc. Et Al
 809694/21 Herrera v. M.N.C. General Contractors Corp. Et Al
 2009/19 Howell v. 380 Madison Ave.
 807791/21 Howell v. Comref 380
 24589/17 Jaquez v. 515 West 29th St. Owner LLC
 31720/17 Kelly v. Pergament Mall of Staten

29117/20 Kovachuk v. 1560 Gc LLC
 818514/22 Lala v. Roman Catholic Church of Saint Anselm And Saint Roch
 817612/23 Lopez Castelan v. 1546 Wpr LLC Et Al
 802814/23 Lopez v. 287 Henry St. LLC Et Al
 813729/21 Luis Ortiz v. Pratt Const. And Restoration Inc. Et Al
 817245/22 Maria Ochog v. Riverdale Park Corp. Et Al
 815996/21 Martinez v. 26 Sherman Residence LLC Et Al
 817920/22 Miranda v. Delja Air Lines, Inc. Et Al
 8161755/22 Montalez-Rojas v. Integrity Contracting, Inc. Et Al
 805730/22 Morales v. Vno 225 West 58th St. LLC Et Al
 818579/22 Ortega Yambay v. Gordon Way Mgt. Group LLC
 809827/21 Ortiz v. Lendlease (us) Const. Inc. Et Al
 801337/24 Owusu-Agyemang v. Storage Post/3350 Park Ave
 30013/18 Pinto v. 708 Third Ave. Associates

814786/21 Rendon Palamino v. 1010 Pacific Owner LLC Et Al
 813214/22 Reynario Rojas Fuentes v. Be Bronx Builders
 35472/19 Robinson v. Imbriaale
 804855/23 Tamaquiza Ichapanta v. 101 Lincoln Associates Prop. LLC Et Al
 807221/23 Vasquez v. 1407 B'way. LLC Et Al
 816100/22 Vega-Fajardo v. Simcha Giles Dev. Corp.
 812879/21 Zapata Ballester v. Siegel Family Associates LLC Et Al

809701/24 Scipio v. NYC
 809784/21 Serrano v. NYC Et Al
 33556/20 Serrano v. NYC
 820592/23 Service Jr. v. NYCTA Et Al
 814206/22 Sherwood v. NYC Et Al
 802129/24 Simon v. NYC Et Al
 25183/18 Simpson v. NYC
 28400/19 Smith v. NYC
 801897/23 Summers v. Manhattan And Bronx Surface NYCTA Et Al
 807199/21 Tavarez v. NYC
 24635/15 Taveras v. NYC
 22740/19 Taylor v. NYC
 808524/24 Techeira v. NYC

810505/21 Estupinan v. 1516 Park Ave. Partners LLC Et Al
 816204/21 Flores v. Prop Q LLC
 806288/22 Fuentes Ayala v. 3240 Riverdale Ave. Corp.
 816918/22 Jimenez Camano v. Mentore
 305810/14 Lopez v. Ceylon Leasing Ltd
 816210/22 Martin v. Poe Affiliates
 817034/22 Martinez Carranza v. 280 Meeke LLC Et Al
 803161/22 Munoz v. NY Univ. Et Al
 814905/21 Narvaez Reinoso v. 1726 Davidson LLC
 802389/24 Rivera v. 166 Archer Ave. Co. LLC Et Al
 812375/22 Rojas v. Southern Blvd Hotel LLC Et Al
 815536/21 Sillah v. Bop Ne LLC Et Al
 25589/18 Vlad v. Tj 104 Restaurant Corp.

Part 13 (MV)
 Justice Ben R. Barbato
 Phone 718-618-1395
 Room 702, 9:30 A.M.

TUESDAY, OCT. 1
 800298/22 Arias v. Trivino Chavez
 825660/18 Berry v. NYCTA
 24121/20 D. v. A&T Transit Inc.
 813435/23 Del Carmen Maggi Perez v. Recio
 25770/18 Del Rosario v. NYCTA
 22756/18 Hendricks v. NYCTA
 805340/22 Hinjosa v. Carr
 808221/23 Hossan v. Quail
 813863/22 Jackson v. Furcal
 812337/22 Johnson v. Stone
 816424/22 Kone v. Martinez Hilario
 25328/18 Latimore v. NYCTA
 30146/18 Lopez v. Cb Livery Leasing LLC

22840/20 Mansour v. Uber Technologies, Inc.
 30837/17 Markus v. Ean Hlids. LLC
 816319/22 Montoya v. Shack Transit Inc. Et Al
 813007/21 Quarshie v. Kalga
 30155/20 Ramirez v. Morales-Gallego
 21039/18 Rivera v. NYCTA
 25538/18 Sarh v. NYCTA
 23564/20 Simmons Young v. Tunkara
 25474/18 Timberlake v. NYC
 21355/18 Torres v. Lont
 813053/22 Velev v. Can Trucking Inc. Et Al
 42212/19 Walker v. Manhattan And Bronx Surface
 28103/18 Wright v. Metro. NYCTA
 25538/18 Sarh v. NYCTA
 23564/20 Simmons Young v. Tunkara
 25474/18 Timberlake v. NYC
 21355/18 Torres v. Lont
 813053/22 Velev v. Can Trucking Inc. Et Al

807980/23 Acevedo v. Villa
 814351/23 Almonte v. Dawes
 35324/19 Berger v. Jem Leasing LLC
 22620/20 Brown v. Valdez
 808512/22 Cabrera v. Jackson
 80273/22 Camacho v. Davitt
 817389/22 Canara v. Pv Hldg. Corp Et Al
 802305/23 Cameron v. Mta Et Al
 801771/23 Cestino-Riveras v. Vinazanca-Pomaquiza
 819526/23 Cruz v. Cabinit NY LLC Et Al
 814200/23 Doctor v. Blocker
 817188/23 Dunlap v. Stanley Ruth Co., LLC Et Al
 33210/19 Eichner v. Op Hosp LLC
 813332/23 Garcia v. Martinez Baez
 813107/23 Gomez v. Hendricks
 80329/23 Gomez v. Singh
 803111/22 Gonzalez v. Doe
 804725/23 Gunter v. Ramsey
 801055/22 Hernandez v. Tangbi
 80065/23 Jackson Melendez v. Quality Transportation Corp Et Al
 812432/22 Martinez-Pujols v. Prestige Towing & Recovery, Inc. Et Al

25542/19 Mauro-Rodriguez v. Soto
 802963/23 Medina v. Chaiya Sosa, Inc. Et Al
 820397/23 Mercado v. Milea Leasing Corp. Et Al
 30863/19 Middleton v. Petterson
 26593/19 Miller v. Nutakor
 804385/23 Montes v. Maynard
 810275/23 Moore v. Pinto
 809760/22 Moran v. White
 800959/24 Oates v. Wallace
 803356/23 Paige v. Aleph Logistics
 303578/16 Pena-Lluch v. Curet
 807342/21 Perez v. Clark
 812371/21 Peterson v. Yadav
 21683/20 Ramirez v. Vasquez
 803582/24 Reddick v. Buggy Et Al
 813628/21 Richards v. Walls
 814123/23 Robinson v. Autorama Enterprises Inc. Et Al
 808257/23 Rose v. Ari Fleet Lt Et Al
 28478/20 Royster v. Torres
 21920/20 Sherpa v. Ferreras
 29638/20 Smalls v. Jackson
 813725/23 Tesedesco v. Amazon Logistics, Inc. Et Al
 815640/22 Tifas v. De Jesus
 816106/22 Timmons v. Uber Technologies, Inc. Et Al
 804720/23 Torres v. Williams
 33095/19 Torres v. Al Hajeh
 803822/22 Touray - Trawalleh v. Pralleau
 28619/20 Vallejo v. Cova Concrete Corp. Et Al
 801961/23 Vallejo v. Windy Farm Inc. Et Al
 811594/21 Viloria-Cruz v. Nuriyev
 21889/17 Youngblood v. Qtr Four Inc
 29823/20 Zuniga Paguay v. Orthman

Part 16
 Justice Robert T. Johnson

Part 18
 Justice Wanda Y. Negron
 Phone 718-618-1203
 Room 622, 9:30 A.M.

TUESDAY, OCT. 1
 4611/19 Alvarado v. Almonte
 3645/19 Alvarayo v. Gaitan
 812075/21 Arroyo v. Harry
 809438/21 Brown v. Kelly Jr.
 2588/21 Carson v. Santana
 13/21 Cordero v. Nunez Hernandez
 34775/20 Dabrowska v. Wacławik
 5049/17 Dejesus v. Dejesus
 810209/22 Deleon v. Vargas
 3977/21 Fall v. Williams
 3648/19 Ledigster v. Campbell-Ledigster
 808002/22 Maunday v. Salgado Puentes
 809361/21 Maunday v. Hunte
 809854/22 Munoz v. Serrano
 811644/21 Oberthner v. Rabhani
 6972/19 Odiase v. Odiase
 808526/22 Orellana v. Panora
 7531/20 Poteau v. Poteau
 800921/24 Rexhepi Leci v. Leci
 3837/20 Rivera v. Cabassa-Rivera
 3960/23 Rivers v. Rivers
 2434/22 Rodriguez v. Y
 3436/20 Stella v. Stella
 803935/22 Vega v. Vega
 4460/18 Walters v. Kelly
 5894/22 Wilson v. Moore
 5989/19 Wong-Gonzalez v. Gonzalez Et Al

Part 19A
 Justice Alicia Gerez
 Phone 718-618-1377
 Room 600, 9:30 A.M.

TUESDAY, OCT. 1
 24225/19 A. v. Nathan Littauer Hosp. Et Al
 33681/20 Baez v. NYCH&HC And
 21634/16 Diaz v. Katz
 27312/19 Francisco v. NYU Langone Health System
 34798/19 Francois v. Motivala M.D.
 806820/24 Garcia v. NYCH&HC Corp.
 30281/18 Goldsmith v. Mount Sinai Hosp.

806348/23 Lewis v. Lewis
 4431/22 Njoh v. Simo

Part 19A
 Justice Alicia Gerez
 Phone 718-618-1377
 Room 600, 9:30 A.M.

TUESDAY, OCT. 1
 24225/19 A. v. Nathan Littauer Hosp. Et Al
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 806820/24 Garcia v. NYCH&HC Corp.
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 4431/22 Njoh v. Simo

Part 19A
 Justice Alicia Gerez
 Phone 718-618-1377
 Room 600, 9:30 A.M.

TUESDAY, OCT. 1
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 33681/20 Baez v. NYCH&HC And
 21634/16 Diaz v. Katz
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 34798/19 Francois v. Motivala M.D.
 806820/24 Garcia v. NYCH&HC Corp.
 30281/18 Goldsmith v. Mount Sinai Hosp.

806348/23 Lewis v. Lewis
 4431/22 Njoh v. Simo

Part 15 Justice Tba 265 East 161st Street 9:30 A.M.
Part 16 Justice Bruce Phone 718-618-1043 265 East 161st Street Room 540, 9:30 A.M.
Part 17 Justice Tbd Phone 718-618-1106 265 East 161st Street Room 350, 9:30 A.M.
Part 18 Justice Yearwood Phone 718-618-3629 265 East 161st Street 9:30 A.M.
Part 19 Justice Collins Phone 718-618-1058 265 East 161st Street Room 550, 9:30 A.M.
Part 21 Justice Powell Phone 718-618-1133 265 East 161st Street Room 690, 9:30 A.M.
Part 22 Justice McCormack Phone 718-618-1001 265 East 161st Street Room 600, 9:30 A.M.
Part 23 Justice Villegas Phone 718-618-1046 265 East 161st Street Room 380, 9:30 A.M.
Part 24 Justice Hornstein Phone 718-618-1073 265 East 161st Street Room 440, 9:30 A.M.
Part 27 (DV) Justice Stone Phone 718-618-1031 265 East 161st Street Room 590, 9:30 A.M.
Part 28 Justice Clancy Phone 718-618-3638 265 East 161st Street Room 560, 9:30 A.M.
Part 29 Justice Rodriguez-Morick Phone 718-618-1118 265 East 161st Street Room 430, 9:30 A.M.

Part 31 Justice Zimmerman Phone 718-618-1022 265 East 161st Street Room 670, 9:30 A.M.
Part 32 Justice Rosenblueth Phone 718-618-1019 265 East 161st Street Room 500, 9:30 A.M.
Part 60 Justice Barrett Phone 718-618-1007 265 East 161st Street Room 620, 9:30 A.M.
Part 70 Justice Lewis Phone 718-618-1103 265 East 161st Street Room 340, 9:30 A.M.
Part 71 Justice Steed Phone 718-618-1004 265 East 161st Street Room 610, 9:30 A.M.
Part 73 Justice Tba Phone 718-618-1085 265 East 161st Street Room 510, 9:30 A.M.
Part 75 Justice Bruce Phone 718-618-1043 265 East 161st Street Room 540, 9:30 A.M.
Part 77 Justice Parker Phone 718-618-1025 265 East 161st Street Room 680, 9:30 A.M.
Part 78 Justice Marcus Phone 718-618-1001 265 East 161st Street Room 600, 9:30 A.M.
Part 96 Justice Morales Phone 718-618-1082 265 East 161st Street Room 460, 9:30 A.M.

SURROGATE'S COURT

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

19/05041 People v. Dickerson, Rahiem (N) 22/02616 People v. Gumbs, Erwin T. (W) 24/07766 Coads v. Nassau County (N) 24/07814 Coads v. Nassau County (N) 24/08410 Coads v. Nassau County (N) 22/05509 Nurhan v. Harley (N) 21/08831 Heller v. NYC School Support Services, Inc. (Q) 21/05980 Federal National Mortgage Association v. Davis (Q) 23/02602 Nationstar Mortgage LLC v. Davis (Q) 23/06114 Lara v. S & J Operational, LLC (S) 23/01533 Lana LLC v. Cofie (K) 22/06373 Hooker 11, L.L.C. v. Gean (D) 23/11415 Lori Joseph Builders, Inc. v. Torres (D) 23/06222 Ghiari v. Yakubov (Q) 23/03644 Jackson v. Schindler Elevator Corp. (K) 23/09689 Scott v. 797 Quincy St, LLC (K) 21/09066 Cardillo v. 3707 LLC (Q) 23/00801 Dibble v. Schrodel (W)
FRIDAY, OCT. 1 10 A.M. Court To Be Held in Brooklyn, NY Brathwaite Nelson, J.P., Chambers, Dowling and Ventura, J.J. 19/12933 People v. Wright, William (K) 23/02922 People v. Martinez, Miguel (W) 19/08357 People v. Gordon, Winston (W) 20/07201 People v. Gordon, Winston (W) 19/07761 People v. G. (Anonymous), Victor (K) 23/05540 Matter of D. (Anonymous), Daniel R. (O) 23/05947 Matter of Mattis v. Walcott-Graham (K) 23/07249 Matter of L. (Anonymous), Francesca; Nassau County Department of Socia (N) 23/10606 Matter of V. (Anonymous), Sapphire; Administration for Children's Serv (K) 22/02172 Strong v. State of New York (NYS) 22/02173 Strong v. State of New York (NYS) 23/02845 Matter of Grabko v. Rye Neck Union Free School District (W) 23/06417 Libertas Funding, LLC v. Palmos Property Group LLC (K) 21/02103 M & R Real Estate LLC v. Islip Apartment Corp. (S) 23/07838 Wilmington Trust, National Association v. Kamal (S) 22/09385 Nationstar Mortgage LLC v. Kahana (RO) 23/04708 Matter of Village of Walden v. Teamsters Local Union No. 445 (O) 22/09143 Fox Capital Group, Inc. v. SFUS LLC (N) 23/09864 Ravello v. Long Island Railroad (N) 23/11144 H & R Realty of New York LLC v. Spirited Dragon Real Estate Developmen (Q) 21/03839 Robles v. City of New York (K) 22/07316 Matter of Lane v. County of Suffolk (S)
TUESDAY, OCT. 15 10 A.M. Court To Be Held in Brooklyn, NY Barros, J.P., Ford, Love and Hom, J.J. 23/09580 Matter of G. (Anonymous), Natalie J.; G. (Anonymous), Kimberly Jean; (W) 23/05402 Matter of K. (Anonymous), Ester; Administration for Children's Service (K) 23/02422 Matter of Miller v. Perez (W) 24/00838 Matter of Miller v. Perez (W) 20/09984 Brandford v. Brandford (K) 23/02122 Brandford v. Brandford (K) 23/11157 Brandford v. Brandford (K) 20/01528 Barnes v. Wartburg Receiver, LLC (K) 20/07854 Elbhagdadi v. Silverman (K) 22/08271 Herry v. City of New York (Q) 23/02670 Matter of Herry v. New York City Housing Authority (Q) 21/08372 Loancaire, A Division of FNF Servicing, Inc. v. Munoz (Q) 21/05138 Montes-Vidal v. New York State Thruway Authority 23/00988 B&M Zhou LLC v. CA Plaza LLC (Q) 21/07326 Baxter v. Jada Construction & Development, Inc. (D) 22/05367 Drive New Jersey Insurance Company v. RT Hospitality Group, LLC (Q) 23/01019 Bender v. East End Bus Lines, Inc (S) 23/09108 Villota v. Hua Mei Lin (K) 23/09887 B. v. Town of Oyster Bay (N) 23/10741 Wells Fargo Bank, N.A. v. Gray (K) 23/00680 People v. Elijah Walls (K) 23/00525 Aaron Scaturro, Arthur Purvis, and Shadrack Lindo v. E.J.H. Realty, Inc., DHPD of NYC, DOB of NYC, and NYC Loft Board 23/00671 Queens Fresh Meadows, LLC v. Jermaine Beckford and Gillian Beckford; "John Doe" and/or "Jane Doe" 23/00961 Burke 2 Physical Therapy, P.C., A/A/O Lewis, Destiny v. State Farm Mutual Automobile Ins. Co. 23/01083 Burke Physical Therapy, P.C., A/A/O Townsend, Peter v. State Farm Mutual Automobile Ins. Co. 23/00273 Central Pharmacy, Inc., A/A/O Roger Darbasie v. Nationwide Mutual Ins. Co. *** 9TH and 10TH JUDICIAL DISTRICT *** WHITE PLAINS, NY Day Calendar THURSDAY, OCT. 10 9:30 A.M. Driscoll, Walsh, Goldberg-Velazquez, J.J. 19/01041 People v. Vincent Dibenedetto 23/00088 People v. Sarah Salem 23/00672 People v. Rafael Camacho 23/00821 People v. Kiefer Zoghby 23/00928 People v. Daniel Stamm 24/00202 People v. Ricardo D. Torres 24/00218 People v. Lennon J. Scott 23/01137 Tesco, J. L. v. Maura T. Madden and Joe Madden; "John Doe" and "Jane Doe" 23/01341 Sam Cheng v. New Honey Art Center, Inc. 24/00111 Cynthia McMullen v. Carlos Morochio

THURSDAY, OCT. 17

10 A.M. Court To Be Held in Brooklyn, NY Miller, J.P., Christopher, Voutsinas and Ventura, J.J. 22/01251 People v. Ponce, Raul (N) 22/09256 People v. Ponce, Raul (N) 22/10323 People v. Dixon, Teysean M. (D) 20/08675 People v. Zolorsano, Alfredo (Q) 20/08677 People v. Zolorsano, Alfredo (Q) 21/08265 People v. Granger, Elie (Q) 23/12253 People of State of New York v. Johnson (Q) 23/10181 Matter of D. (Anonymous), Brandon (Q) 23/05956 Aideyan v. Mount Vernon City School District (W) 23/07498 Matter of Camarda v. Ubert (S) 23/09446 Onewest Bank, N.A. v. Jacobs (O) 22/08300 Deutsche Bank National Trust Company v. Medford (Q) 21/01503 HSBC Bank USA, National Association v. Gallo (Q) 23/01062 Matter of Gramble v. Putnam County Housing Corporation (P) 22/10397 Brower v. Staten Island University Hospital (RI) 20/06022 Mohammad v. Rehman (RO) 20/04995 Weekes v. Tishman Technologies Corporation (K) 20/09349 Weekes v. Tishman Technologies Corporation (K) 20/07494 Garcia v. Hollander (RO) 21/02467 Sanderson-Burgess v. City of New York (Q) 24/02541 Kim v. Jetro Cash & Carry Enterprises, LLC (Q) 21/05800 Ballato v. Suffolk County Traffic and Parking Violations Agency (S)
FRIDAY, OCT. 18 10 A.M. Court To Be Held in Brooklyn, NY Dillon, J.P., Wooten, Taylor and McCormack, J.J. 19/11472 People v. Gobin, Kevin (Q) 19/11782 People v. Gobin, Kevin (Q) 23/01199 People v. Mayorga, Norbin (N) 23/12055 Matter of Boutin v. Boutin (Q) 23/09949 Matter of Fortune v. Jasmim (O) 21/01714 Langton v. Sussman & Watkins (O) 20/03781 Williams v. Levine (N) 20/09761 Hervey v. Northern Westchester Hospital (W) 19/04133 CV XXVII, LLC v. Williams (K) 23/05944 Rodriguez v. Kvatchadze (K) 21/09499 Cho v. Marcario (S) 21/08601 Matter of Town of Ramapo (RO) 22/04045 Matter of Doran Construction Corp. v. New York State Insurance Fund (W) 23/04781 Deutsche Bank National Trust Company v. Bruno (S) 23/06735 Deutsche Bank National Trust Company v. Bruno (S) 23/03054 Burtis v. Town of Hempstead (N) 23/09996 Parra v. K2 Herkimer, LLC (Q) 22/04045 Matter of Doran Construction Corp. v. New York State Insurance Fund (W) 23/04781 Deutsche Bank National Trust Company v. 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CITATIONS NY

PROBATE CITATION — File No. 2021-2110 — CITATION TO THE PEOPLE OF THE STATE OF NEW YORK, By the Grace of God Free and Independent — THE UNKNOWN HEIRS AT LAW, NEXT OF KIN AND DISTRIBUTIBLES OF ISRAEL E. CHOMSKY A.K.A. ISRAEL CHOMSKY DECEASED, IF LIVING OR IF DEAD, TO THEIR RESPECTIVE HEIRS, LEGATEES, BENEFICIARIES, FIDUCIARIES, ASSIGNEES, SUCCESSORS AND CREDITORS IN INTEREST WHOSE NAMES ARE UNKNOWN AND CANNOT BE ASCERTAINED AFTER DUE DILIGENCE. A petition having been duly filed by Marjorie A. Varrichio who is domiciled at 153 Jackson Avenue, Pelham, NY 10803. THIS RETURN DATE IS A VIRTUAL COURT DATE. IN-PERSON COURT APPEARANCES WILL NOT BE PERMITTED ON THE RETURN DATE UNLESS A PARTY NOTIFIES THE COURT THAT IT WISHES TO APPEAR IN PERSON AT LEAST THREE (3) BUSINESS DAYS BEFORE THE SCHEDULED COURT DATE. YOU ARE HEREBY CITED TO SHOW CAUSE by making a virtual appearance before the Surrogate's Court, Bronx County, located at 851 Grand Concourse, Bronx, New York, on November 19, 2024, at 9:30 a.m., why a decree should not be made in the estate of Israel E. Chomsky a.k.a. Israel Chomsky lately domiciled 2102 Holland Avenue, Apt. 5H, Bronx, NY 10462 admitting to Probate a Will dated, September 21, 2017, a copy of which is attached, as the Will of Israel E. Chomsky, deceased, relating to real and personal property, and directing that [X] Letters Testamentary issue to: Marjorie A. Varrichio. PLEASE CONTACT THE COURT AT (718) 618-2373 OR VIRTUALBRONXSURROGATECOURT@NYCOURTS.GOV FOR INFORMATION ON HOW TO APPEAR ON THE COURTS VIRTUAL PLATFORM. Dated, Attested, and Sealed, SEPTEMBER 13, 2024 (Seal) HON. NELIDA MALAVE-GONZALEZ, Surrogate. ELIX R. MADERA-FLIEGELMAN Chief Clerk Attorney for Petitioner: Marjorie A. Varrichio, Esq. Tel. No. (718) 963-2897 Address of Attorney: 2817 Harrington Avenue, Bronx, NY 10461 [Note: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you.] 0000710231 s24-Tu o15

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF KEH ARNOW HOME LLC. Arts of Org filed with Secy of State of NY (SSNY) on 9/18/24. Office location: Bronx County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to: 1227 Arnow Ave., Bronx, NY 10469. Purpose: any lawful act. 0000710357 s24-Tu o29

NOTICE OF FORMATION OF 3D Care Solutions LLC. Arts of Org filed with Secy of State of NY (SSNY) on 7/23/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to: 75 Montgomery St, Apt 11F, New York, NY 10002. Purpose: any lawful act. 0000708339 s24-Tu o29

NOTICE OF FORMATION OF SNP REAL ESTATE HOLDINGS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/17/24. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000710502 oct1 tu nov5

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LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF PAYMENT PROGRESS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/19/24. Office location: NY County. LLC formed in Delaware (DE) on 07/16/24. Princ. office of LLC: 53 Beach St., 2nd Fl., NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000709667 sep10 tu oct15

NOTICE OF FORMATION OF BrunsonCline LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/29/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to: 510 Main St, Apt 1308, New York, NY 10044. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11223. Purpose: any lawful act. 0000709701 S10 T O15

NOTICE OF QUALIFICATION OF AMERICAN SHENGSHENG SUPPLY CHAIN LLC. Authority filed with the Secy of State of NY (SSNY) on 07/30/24. Office in Nassau County. Formed in WA on 09/09/20. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: C/O The PLLC, 57 Alta Drive, Mount Vernon, NY 10552. Purpose: To Practice The Profession Of Medicine. 0000709409 au27-Tu o1

NORTH CITY MEDICAL, PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 07/17/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: 10552. Purpose: To Practice The Profession Of Medicine. 0000709409 au27-Tu o1

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File No.: 2016-943/B — CITATION — THE PEOPLE OF THE STATE OF NEW YORK By the Grace of God Free and Independent — TO: Juan Basilio Montilla, if living and if dead to their heirs at law, next of kin and distributees whose names and places of residence are unknown and if they died subsequent to the decedent herein, to their executors, administrators, legatees, devisees, assignees and successors in interest whose names and places of residence are unknown and to all other heirs at law, next of kin and distributees...

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Notice is hereby given that license# NA-0340-24-136927 for liquor has been applied for by the undersigned to sell liquor at retail in a restaurant under the ABC law at 218 E 9th St, NY 10003, NY County for on-premises consumption.

LIQUOR LICENSES

Notice is hereby given that license# NA-0340-24-130215 for liquor has been applied for by the undersigned to sell liquor at retail in a restaurant under the ABC law at 50 9th Ave NY, NY 10011, NY County for on-premises consumption.

LIQUOR LICENSES

Notice is hereby given that license# NA-0415-24-133059 for liquor has been applied for by the undersigned to sell liquor at retail in a bottle club under the ABC law at 99 Wooster St NY, NY 10012, NY County for on-premises consumption.

SUMMONS

BRONX - INDEX NO.: 3568 2/2018E - SUPPLEMENTAL SUMMONS, Plaintiff designates BRONX COUNTY as the place of trial based upon the location of the premises herein described having tax map Block 5562, Lot 10, BRONX, NY, County of BRONX - WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST I, PLAINTIFF, against JANE POWELL, A/K/A JANE S. RICHARDSON, as HEIR TO THE ESTATE OF CHERYL J. RICHARDSON; and all other persons unknown to plaintiff, claiming or who may claim to have an interest in, or generally or specific lien upon the real property described in this action; such unknown persons being herein generally described and not named to be included in the following designation...

SUMMONS

NOTICE OF QUALIFICATION OF ARBOR BG FLDORIG, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/09/24. Office location: NY County, LLC formed in Delaware (DE) on 07/16/24. Princ. office of LLC: 725 Fifth Ave., Fl. 14, NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served.

SUMMONS

NOTICE OF QUALIFICATION OF ARBOR BG FLDORIG, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 07/31/24. Office location: Nassau County, LLC formed in Delaware (DE) on 07/22/24. Princ. office of LLC: 333 Earle Wilmington Blvd., Wilmington, DE 19808. SSNY designated as agent of LLC upon whom process against it may be served.

SUMMONS

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX INDEX #811676/22E SUPPLEMENTAL SUMMONS AND AMENDED NOTICE, Plaintiffs designated Bronx County as the place of trial. Venue is based upon the County in which the lien premises is situated. Tax Lien Foreclosure of: 922 East 215th Street, Bronx, NY 10469 (Block: 4685, Lot: 0044) NYCLT 2021-A TRUST and The Bank of New York Mellon as Collateral Agent and Custodian, Plaintiffs, against Unknown Heirs of the Estate of Norman D. Clarke, et al. and individual defendants are living, and if any or all of said individual defendants be dead, their heirs at law, next of kin, distributees, executors, administrators, trustees, committees, devisees, legatees, and the assignees, lienors, creditors and successors in interest of them, and generally all persons having or claiming under, by, through, or against the said defendant named as a class, of any right, title, or interest in or lien upon the premises described in the verified complaint herein; Unknown Heirs of the Estate of Joyce Mark Abraham, the aforesaid individual defendants are living, and if any or all of said individual defendants be dead, their heirs at law, next of kin, distributees, executors, administrators, trustees, committees, devisees, legatees, and the assignees, lienors, creditors and successors in interest of them, and generally all persons having or claiming under, by, through, or against the said defendant named as a class, of any right, title, or interest in or lien upon the premises described in the verified complaint herein; The Gramatan Home Investors Co., Inc. and Abraham Health Services; New York State Department of Taxation and Finance; United States of America; and "JOHN DOE #1" through "JOHN DOE #100" including the last 100 names being fictitious and unknown to the Plaintiffs, it being intended to designate fee owners, tenants or occupants of the lien premises and/or persons or parties claiming an interest in or lien upon the lien premises described in the complaint, if the aforesaid individual defendants are living, and if any or all of said individual defendants be dead, their heirs at law, next of kin, distributees, executors, administrators, trustees, committees, devisees, legatees, and the assignees, lienors, creditors and successors in interest of them, and generally all persons having or claiming under, by, through, or against the said defendants named as a class, of any right, title, or interest in or lien upon the premises described in the complaint herein. Defendants, TO THE ABOVE NAMED DEFENDANTS: YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, exclusive of the day of service or within thirty (30) days after completion of service where is made in any other manner than personal delivery within the State, The United States of America, if designated as a defendant in this action, may appear within sixty (60) days of service hereof. In case of any failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. NOTICE OF NATURE OF ACTION AND RELIEF SOUGHT: To the above captioned action is to foreclose on a Tax Lien pursuant to a Certificate recorded in the Office of the Register of the City of New York on March 10, 2022. Enclosed herewith are 2022-2023 tax liens covering premises known as 922 East 215th Street, Bronx, NY 10469 (Block: 4685, Lot: 0044). The relief sought in the within action is a final judgment directing the sale of the premises described above to satisfy the tax lien described above. NOTICE YOU ARE IN DANGER OF LOSING YOUR HOME IF YOU DO NOT RESPOND TO THIS SUMMONS AND COMPLAINT BY SERVING A COPY OF THE ANSWER ON THE ATTORNEYS FOR THE PLAINTIFFS WHO FILED THIS FORECLOSURE PROCEEDING AGAINST YOU AND FILING THE ANSWER WITH THE COURT, A DEFAULT JUDGMENT MAY BE ENTERED AND YOU CAN LOSE YOUR HOME. SPEAK TO AN ATTORNEY OR GO TO THE COURT WHERE YOUR CASE IS PENDING FOR FURTHER INFORMATION ON HOW TO ANSWER THE SUMMONS AND PROTECT YOUR PROPERTY. SENDING A COPY OF THE ANSWER TO THE REGISTER WILL NOT STOP THIS FORECLOSURE ACTION. YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEYS FOR THE PLAINTIFFS AND FILING THE ANSWER WITH THE COURT TO the above named defendants: The foregoing Summons is served upon you by publication pursuant to an Order of the Hon. NAITA A. SEMA, a Justice of the Supreme Court, State of New York, dated September 3, 2024 and filed with the BRONX County Clerk together with the supporting papers thereon. This is an action to foreclose a mortgage held by Plaintiff on the premises described in Block 5562, Lot 10, BRONX, NY, County of BRONX as described in the complaint on file and commonly known as 2882 RANDALL AVENUE, BRONX, NY, 10465-8280. 0000710516 o1-Tu o22

SUMMONS

NOTICE OF QUALIFICATION OF SUNFLOWER LANE MANAGEMENT LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/09/24. Office location: NY County, LLC formed in Delaware (DE) on 07/16/24. Princ. office of LLC: 725 Fifth Ave., Fl. 14, NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served.

SUMMONS

NOTICE OF QUALIFICATION OF ARBOR BG FLDORIG, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 07/31/24. Office location: Nassau County, LLC formed in Delaware (DE) on 07/22/24. Princ. office of LLC: 333 Earle Wilmington Blvd., Wilmington, DE 19808. SSNY designated as agent of LLC upon whom process against it may be served.

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF FOX SHORE PRESERVATION, L.P. Cert. of LP filed with Secy. of State of NY (SSNY) on 09/13/24. Office location: NY County, Princ. office of LP: 6 Greene St., Ste. 500, NY, NY 10013. Latest date on which the LP may dissolve is 12/31/2123. SSNY designated as agent of LP upon whom process against it may be served.

NOTICE OF QUALIFICATION OF LEP/CI STRUCTURED CAPITAL III, L.P. Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/05/24. Office location: NY County, LP formed in Delaware (DE) on 06/30/24. Princ. office of LP: 140 E. 45th St., NY, NY 10020. Duration of LP is Perpetual. SSNY designated as agent of LP upon whom process against it may be served.

NOTICE OF QUALIFICATION OF APOLLA CO-INVESTORS ACIF II (DE), L.P. Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/05/24. Office location: NY County, LP formed in Delaware (DE) on 07/25/24. Princ. office of LP: 9 West 43rd St., NY, NY 10019. Duration of LP is Perpetual. SSNY designated as agent of LP upon whom process against it may be served.

NOTICE OF QUALIFICATION OF BCP IX S.E.M. NY L.P. Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/28/24. Office location: NY County, LP formed in Delaware (DE) on 06/10/24. Princ. office of LP: 345 Park Ave., NY 10154. Duration of LP is Perpetual. SSNY designated as agent of LP upon whom process against it may be served.

NOTICE OF FORMATION OF HIGHLAND SQUARE PRESERVATION, L.P. Cert. of LP filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, Princ. office of LP: 30 Hudson Yards, 72nd Fl., NY, NY 10001. Latest date on which the LP may dissolve is 12/31/23. SSNY designated as agent of LP upon whom process against it may be served.

LIMITED LIABILITY ENTITIES

1009-15 CENTRAL AVE UC LLC, filed 09/20/19, Office: Nassau Co. SSNY designated as agent for process & shall mail to: 135 ROCKAWAY TURNPIKE, LAWRENCE, NY 11559. Purpose: General. 0000710507 ocl1 tu nov5

125 Restaurant LLC filed w/ SSNY 9/13/24. Off. in NY Co. Process served to SSNY - desig. as agt. of LLC & mailed to Christopher Wang, 125 W. 26th St, NY, NY 10001. The reg. agt. is Christopher Wang at same address. Any lawful purpose. 0000710489 ocl1 tu nov5

102 CLAYTON LLC, Arts. of Org. filed with the SSNY on 05/31/24. NY Nassau County, SSNY designated as agent of the LLC upon whom process against it may be served.

323 MERRICK AVENUE LLC, Arts. of Org. filed with the SSNY on 08/16/24. Office: Nassau County, SSNY designated as agent of the LLC upon whom process against it may be served.

1916 EDWARDS AVENUE LLC, Arts. of Org. filed with the SSNY on 06/27/24. Office: Bronx County, SSNY designated as agent of the LLC upon whom process against it may be served.

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF HIGHLAND SQUARE DEVELOPER, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF QUALIFICATION OF WEST 57TH STREET LEASEHOLD LLC, filed with SSNY on 08/29/2024. Office location: Corp. York, LLC formed in DE on 08/13/2024. SSNY desig. as agent of LLC upon whom process against it may be served.

NOTICE OF FORMATION OF MACK VENTURES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF FORMATION OF FOX SHORE GP, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/11/24. Office location: NY County, Princ. office of LLC: 6 Greens St., Ste. 500, NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF QUALIFICATION OF ZIPPER LINE CAPITAL LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, LLC formed in Delaware (DE) on 08/16/24. Princ. office of LLC: 115 E. 89th St., Apt. 2A, NY, NY 10128. SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF FORMATION OF HIGHLAND SQUARE CLASS B, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, Princ. office of LLC: 30 Hudson Yards, 72nd Fl., NY, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF FORMATION OF DD KINGSBORO I PARTICIPANTS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/12/24. Office location: NY County, Princ. office of LLC: 7 Penn Plaza, Ste. 600, NY, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF QUALIFICATION OF MINISTRY OF DESIGN LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, LLC formed in Delaware (DE) on 08/22/24. SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF FORMATION OF GLADIATOR HOLDINGS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County, SSNY designated as agent of LLC upon whom process against it may be served.

NOTICE OF QUALIFICATION OF NORTHPOINT CONSTRUCTION MANAGEMENT, LLC. App. for Authority filed with Secy. of State of NY (SSNY) on 7/8/2024. LLC formed in New Hampshire (NH) on 4/25/2005. Office location: New York County, SSNY desig. as agent of LLC upon whom process against it may be served.

NOTICE OF FORMATION OF VAN DER WOLK AND COMPANY LLC, Arts. of Org. filed with Secy. of State of NY (SSNY) on 8/27/24. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 300 E 51st St, APT 2H, New York, NY 10022. Purpose: Any lawful purpose. 0000710111 S17 T O22

Neighborhood Client Wins LLC filed w/ SSNY 9/5/24. NY County, SSNY desig. as served to SSNY - desig. as agt. of LLC & mailed to the LLC, 34 Quaker Ln, Levittown, NY 11756. Any lawful purpose. 0000711012 sep17 tu oct22

LIMITED LIABILITY ENTITIES

Notice of Formation of Anaphrodite LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 7/4/24. Ofc loc: NY County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S #797848, NY, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 0000709453 S17 T O22

NOTICE OF FORMATION OF WILLIAMS CPA, PLLC, Arts of Org filed with Secy. of State of NY (SSNY) on 7/11/24. Office location: BX County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 900 East 218 Street, Bronx, NY 10469. Purpose: any lawful act. 0000710105 S17 T O22

NOTICE OF FORMATION OF Steven Schall LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 6/26/24. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 99 Reade Street, 2W, New York, NY 10013. Purpose: any lawful act. 0000710081 S17 T O22

NOTICE OF FORMATION OF Gio T. Kores, LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 8/17/2022. Office location: Nassau County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 724 Jeffrey Dr, Baldwin, NY 11510. Purpose: any lawful act. 0000710076 S17 T O22

NOTICE OF FORMATION OF BUCK ORG PRINTING LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 6/5/24. Office location: Nassau County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 21 W 38th St, Fl 10, New York, NY 10018. Purpose: any lawful act. 0000710017 S17 T O22

NOTICE OF QUALIFICATION OF LUMINA CARE LLC, Authority filed with the SSNY on 08/30/2024. Office loc: NY County, LLC formed in DE on 11/14/2023. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 885 Third Avenue, 28th Fl, NY, NY 10028. Address required to be mailed to: DE: C/O SCSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Formation filed with DE Div. of Corps, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000710180 s17-Tu o22

NOTICE OF FORMATION OF JOSEPH N. MARINO, PLLC, Arts of Org filed with Secy. of State of NY (SSNY) on 5/29/2024. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 612 Clock Tower Commons Drive, Brewster, NY 10509. Purpose: any lawful act. 0000710167 S17 T O22

NOTICE OF FORMATION OF PETER UNGER CREATIVE LLC, Arts of Org. filed with Secy. of State of NY (SSNY) on 08/28/24. Office loc: Westchester County, SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 2 CANFIELD AVE #432 WHITE PLAINS, NY, 10601. Purpose: Any lawful purpose. 0000710101 sep17 tu oct22

NOTICE OF QUALIFICATION OF ABONINE WEST, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/06/24. Office location: NY County, LLC formed in Delaware (DE) on 05/22/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 18 E. 16th St., #307, NY, NY 10003, principal business address. Purpose: all lawful purposes. 0000710071 sep17 tu oct22

NOTICE OF QUALIFICATION OF ABONINE WEST, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/06/24. Office location: NY County, LLC formed in Delaware (DE) on 05/22/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 18 E. 16th St., #307, NY, NY 10003, principal business address. Purpose: all lawful purposes. 0000710069 sep17 tu oct22

NOTICE OF FORMATION OF AURORA BLISS COMPANY, LLC Arts of Org filed with Secy. of State of NY (SSNY) on 7/24/24. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 500 West 18th St, Unit 20E, New York, NY 10011. Purpose: any lawful act. 0000709941 S10 T O15

NOTICE OF FORMATION OF FILLET EDGE LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 5/6/24. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail process to: 18 E. 16th St., #307, NY, NY 10003, principal business address. Purpose: all lawful purposes. 0000710069 sep17 tu oct22

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF UPTIME VENTURES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/03/24. Office location: NY County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Manufacturing and related services for electronic devices. 0000710094 sep17 tu oct22

NOTICE OF QUALIFICATION OF LEVEL STRUCTURED CAPITAL ASSOCIATES III, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/04/24. Office location: NY County, LLC formed in Delaware (DE) on 08/30/24. Princ. office of LLC: 140 E. 45th St., NY, NY 10020. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State of the State of DE, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Investments. 0000710093 sep17 tu oct22

NOTICE OF QUALIFICATION OF W27 EXHIBITIONS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/04/24. Office location: NY County, LLC formed in Delaware (DE) on 01/19/24. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543, regd. agent upon whom and at which process may be served. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, 401 Federal St., #4, Dover, DE 19901. Purpose: Any lawful activity. 0000710092 sep17 tu oct22

NOTICE OF QUALIFICATION OF SH-77 TRANSFER CO., LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/04/24. Office location: NY County, LLC formed in Delaware (DE) on 02/26/24. Princ. office of LLC: 600 Third Ave., 21st Fl., NY, NY 10016. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Engaging in and exercising all powers permitted to a limited liability company formed under the DE Limited Liability Company Act. 0000710089 sep17 tu oct22

NOTICE OF QUALIFICATION OF A L T E R N A T I V E BEVERAGES, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/03/24. Office location: NY County, LLC formed in Delaware (DE) on 08/20/24. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Engaging in and exercising all powers permitted to a limited liability company formed under the DE Limited Liability Company Act. 0000710089 sep17 tu oct22

NOTICE OF QUALIFICATION OF A L T E R N A T I V E BEVERAGES, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/03/24. Office location: NY County, LLC formed in Delaware (DE) on 08/20/24. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Engaging in and exercising all powers permitted to a limited liability company formed under the DE Limited Liability Company Act. 0000710089 sep17 tu oct22

NOTICE OF QUALIFICATION OF DKR VISION SERVICES, LLC Arts of Org filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: Nassau County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State of DE, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 000710087 sep17 tu oct22

NOTICE OF FORMATION OF BUREKA LLC, Arts. of Org. filed with NY Dept. of State: 8/7/24. Office location: NY County, Secy. of State designated agent of LLC upon whom process against it may be served and shall mail process to: 18 E. 16th St., #307, NY, NY 10003, principal business address. Purpose: all lawful purposes. 0000710071 sep17 tu oct22

NOTICE OF FORMATION OF BUREKA BLECKER LLC, Arts. of Org. filed with NY Dept. of State: 8/7/24. Office location: NY County, Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: 18 E. 16th St., #307, NY, NY 10003, principal business address. Purpose: all lawful purposes. 0000710069 sep17 tu oct22

NOTICE OF FORMATION OF AURORA BLISS COMPANY, LLC Arts of Org filed with Secy. of State of NY (SSNY) on 7/24/24. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 500 West 18th St, Unit 20E, New York, NY 10011. Purpose: any lawful act. 0000709941 S10 T O15

NOTICE OF FORMATION OF FILLET EDGE LLC, Arts of Org filed with Secy. of State of NY (SSNY) on 5/6/24. Office location: NY County, SSNY designated as agent upon whom process may be served and shall mail process to: 18 E. 16th St., #307, NY, NY 10003, principal business address. Purpose: all lawful purposes. 0000710069 sep17 tu oct22

NOTICE OF QUALIFICATION OF NCL Vista Holdings LLC, App. for Authority filed with Secy. of State of NY (SSNY) on 8/2/24. Office location: NY County, LLC formed in Delaware (DE) on 08/30/24. Princ. office of LLC: 140 E. 45th St., NY, NY 10020. SSNY designated as agent of LLC upon whom process against it may be served and shall mail process to: 1293 Broadway, New York, NY 10001. Arts of Org. filed with Secy. of State of FL, The Centre of Tallahassee, 2415 N Monroe St, Ste 810, Tallahassee, FL 32303. Purpose: any lawful purpose. 0000709384 Au27 T O01

NOTICE OF FORMATION OF JELLY JAR, LLC, Arts. of Org. filed with SSNY on 08/13/2024. Office location: New York SSNY desig. as agent of LLC upon whom process may be served. SSNY shall mail process to 180 RIVERSIDE BLVD., APT. 7S, NEW YORK, NY, 10069. Any lawful purpose. 0000709295 au27 tu oct1

LIMITED LIABILITY ENTITIES

1914 EDISON AVENUE LLC. Arts. of Org. filed with the SSNY on 06/27/24. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 1261 Stadium Avenue, Bronx, NY 10465. Purpose: Any lawful purpose. 0000709861 s10-Tu o15

214 9TH LLC. Arts. of Org. filed with the SSNY on 09/13/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 26 High Street, Syosset, NY 11791. Purpose: Any lawful purpose. 0000710270 s24-Tu o29

2332 2ND AVENUE LLC. Arts. of Org. filed with the SSNY on 09/06/2024. Office: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Abraham S. Djebiyan, 4 Academy Lane, Demarest, NJ 07627. Purpose: Any Lawful Purpose. 0000710179 s17-Tu o22

350 AUDUBON REALTY LLC. Arts. of Org. filed with the SSNY on 08/07/24. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 11 Edward M. Morgan Place, New York, NY 10032. Purpose: Any lawful purpose. 0000709156 au27-Tu o1

9 VENUS LLC. Arts. of Org. filed with the SSNY on 08/29/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2 Fairbanks Court, Woodbury, NY 11797. Purpose: Any lawful purpose. 0000709707 s10-Tu o15

AVRAH HEALTHCARE CONSULTING LLC Arts of Org. filed SSNY 9/19/2024 New York Co. SSNY design agent for process & shall mail to 12 E 86TH STREET, # 329 NEW YORK, NY 10028 General Purpose

AETHERMIND LLC Arts of Org. filed SSNY 9/16/2024 New York Co. SSNY design agent for process & shall mail to 41 STATE STREET, SUITE 112, NEW YORK, NY, UNITED STATES, 12207 General Purpose 0000710509 oct1 tu nov5

Anuaku LLC filed w/ SSNY 9/12/24. Off. in Nassau Co. Process served to SSNY - desig. as agt. of LLC & mailed to the LLC, 4 Lawrence St, New Hyde Park, NY 11040. Any lawful purpose. 0000710485 oct1 tu nov5

ACA PSYCHOLOGY PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 08/09/2024. Office loc: NY County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: The PLLC, 3812 Avenue C, Apt 117, New York, NY 10001. Purpose: To Practice The Profession Of Psychology. 0000709893 s10-Tu o15

ARM PROPERTY HOLDINGS LLC. Arts. of Org. filed with the SSNY on 08/29/2024. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 422 Conklin Street, Farmingdale, NY 11735. Reg Agent: Christopher Hein, 422 Conklin Street, Farmingdale, NY 11735. Purpose: Any Lawful Purpose. 0000709651 s3-Tu o8

ACT TECH LLC. Arts. of Org. filed with the SSNY on 08/23/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2767 Boundary Road, Baltimore, NY 11710. Purpose: Any lawful purpose. 0000709452 s3-Tu o8

BYALEEN LLC. Arts. of Org. filed with the SSNY on 08/26/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 510 Broadhollow Road, Suite 300, Melville, NY 11747. Purpose: Any lawful purpose s3-Tu o8

BOBBY BEACH LLC. Arts. of Org. filed with the SSNY on 08/12/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 753 West Merrick Road, Valley Stream, NY 11580. Purpose: Any lawful purpose. 0000709456 s3-Tu o8

CADOOGA LLC Arts. of Org. filed with SSNY on 09/19/24. Off. Loc: NASSAU Co. SSNY desig. as agt. upon whom process may be served. SSNY shall mail process to: The LLC, 780 Long Beach Blvd, Long Beach, NY 11561. General Purposes. 0000710334 s24-Tu o29

CONSERVATIVERAP LLC Arts of Org. filed with the SSNY on 07/15/2024. Office, New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to: C. LEGALCORP SOLUTIONS, 11 BROADWAY, SUITE 615, NEW YORK, NY 10004. Purpose: Any lawful purpose. 0000709142 S03 T O08

NOTICE OF QUALIFICATION OF JEROME CAPITAL LLC Appl. for Arts. of Org. filed with the State of NY (SSNY) on 06/11/24. Office location: NY County. LLC formed in Ohio (OH) on 03/27/24. Princ. office of LLC: 4300 E Fifth Ave., Columbus, OH 43215. Purpose: Any lawful purpose. 0000709471 s3-Tu o8

NOTICE OF FORMATION OF TICKET IDOL LLC. Arts. of Org. filed with the SSNY on 08/05/2024. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Cert. of Form. filed with Secy. of State, 180 S. Civic Center Dr., Columbus, OH 43215. Purpose: Any lawful activity. 0000710465 oct1 tu nov5

LIMITED LIABILITY ENTITIES

CARINO PROPERTIES GROUP, LLC. Arts. of Org. filed with the SSNY on 08/08/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 570 Harvard Avenue, North Baldwin, NY 11510. Purpose: Any lawful purpose. 0000709157 au27-Tu o1

D & B WINDOW CLEANING LLC. Arts. of Org. filed with the SSNY on 09/06/2024. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 691 S. Bayview Avenue, Freeport, NY 11520. Reg Agent: David Riemer, 691 S. Bayview Avenue, Freeport, NY 11520. Purpose: Any Lawful Purpose. 0000709905 s10-Tu o15

ENC 95 HOLDING LLC. Arts. of Org. filed with the SSNY on 09/11/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 2677 Deer Street, Mohegan Lake, NY 10547. Purpose: Any Lawful Purpose. 0000710161 s17-Tu o22

EVOKE PSYCHOLOGY, PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 07/24/2024. Office loc: NY County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: C/O The PLLC, 185 Madison Avenue, Ste 1406, NY, NY 10028. Purpose: To Practice The Profession Of Psychology. 0000709422 au27-Tu o1

F&L Dental 215 PLLC filed 7/23/24. Cty: New York Co. SSNY desig. for process & shall mail to 215 72nd St, Office W, NY, NY 10021. Purpose: Dentistry. 0000709349 au27-Tu o1

GODWIN TERRACE GARDENS LLC Art. Of Org. Filed Sec. of State of NY 8/13/2024. Off. Loc.: Bronx Co. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to: The LLC, 3152 Albany Crescent, Bronx, NY 10463. USA. Purpose: Any lawful act or activity. 0000709912 s10-Tu o15

Game Speed Training LLC filed Arts. of Org. with the Sec'y of State of NY (SSNY) on 7/12/2024. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 860 Maple Ln, East Meadow, NY 11554. Purpose: Any lawful act. 0000709647 s3-Tu o8

HEIDI FISHER TUTORING LLC. Arts. of Org. filed with the SSNY on 08/26/2024. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Heidi Fisher, 20 Dunes Lane, Port Washington, NY 11050. Purpose: Any Lawful Purpose. 0000709449 au27-Tu o1

INNER CHILD PRODUCTIONS, LLC. Arts. of Org. filed with the SSNY on 09/27/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 77 Seminary Ave, Yonkers, NY 10704. Reg. Agent: Olivia Anitran, 162 Warburton Ave, Hastings-On-Hudson, NY 10706. Purpose: Any Lawful Purpose. 0000710655 o1-Tu n5

IFPAT CAB LLC. Arts. of Org. filed with the SSNY on 08/26/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 622 Duke Street, Westbury, NY 11590. Purpose: Any lawful purpose. 0000709519 s3-Tu o8

KINGSBRIDGE MEZZ LLC. Arts. of Org. filed with the SSNY on 07/29/2024. Office loc: Bronx County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 3400 Cannon Place, Bronx, NY 10463. Purpose: Any Lawful Purpose. 0000709439 au27-Tu o1

LOAPCM LLC Articles of Org. filed NY Sec. of State (SSNY) 9/9/24. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to c/o Kaplan Fox & Kilsheimer LLP, attn: Jason Reska, 800 3rd Ave., 38th Fl., NY, NY 10022, which is also the principal business location. Purpose: Any lawful purpose. 0000710649 o1-Tu n5

LUCKY 52 GROUP LLC Art. Of Org. Filed Sec. of State of NY 8/12/2024. Off. Loc.: Nassau Co. SSNY designated as agent upon whom process may be served & shall mail proc.: 129 Verbera Ave., Floral Park, NY, USA. Purpose: Any lawful purpose. 0000709533 s3-Tu o8

MJW Design LLC filed Arts. of Org. with the Sect'y of State of NY (SSNY) on 2/1/2024. Office: New York County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 134 Elmwood Street, Westbury, NY 11590. Purpose: Any lawful purpose. 0000709471 s3-Tu o8

NOTICE OF FORMATION OF TICKET IDOL LLC. Arts. of Org. filed with the SSNY on 08/05/2024. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to 52 FOREST ROW, GREAT NECK, NY 11024. Any lawful purpose. 0000710514 oct1 tu nov5

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF XPS EXPRESS WESTCHESTER COUNTY, LLC. Arts. of Org. filed w/ Secy. of State of NY (SSNY) on 8/20/2024. Office in Westchester County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Offit Kurman, P.A., Attn: Louisa J. Tambanti, Esq., 590 Madison Ave., 6th Fl., NY, NY 10022, registered agent upon whom process may be served. Purpose: Any lawful act/activity. 0000710652 o1-Tu n5

NOTICE OF QUALIFICATION OF NEMG AND CONCUSION SPECIALISTS OF NJ LLC. Arts. of Org. filed with the SSNY on 09/25/2024. Office loc: Nassau County. LLC formed in NJ on 03/07/2023. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 255-01 Northern Blvd., Little Neck, NY 11362. Address required to be maintained in NJ: 9 Hospital Drive, Ste B4, Toms River, NJ 08755. Cert. of Formation filed with NJ Dept. of Treasury, PO Box 628, Trenton, NJ 08625. Purpose: Any Lawful Purpose. 0000710648 o1-Tu n5

NOTICE OF FORMATION OF C ENGINEERING NY, PLLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/20/24. Office location: Nassau County. SSNY designated as agent of PLLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Professional engineering. 0000710513 oct1 tu nov5

NOTICE OF FORMATION OF SERRA HOLDINGS, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/18/24. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000710511 oct1 tu nov5

NOTICE OF FORMATION OF EXCELSIOR ESCAPES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/12/24. Office location: Nassau County. Princ. office of LLC: 1431 Forest Lake Blvd., Wantagh, NY 11793. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity. 0000710506 oct1 tu nov5

NOTICE OF FORMATION OF SERRA 42, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/18/24. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000710505 oct1 tu nov5

NOTICE OF FORMATION OF LOUMOR, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/17/24. Office location: Nassau County. Princ. office of LLC: 3 Dakota Dr., Ste. 300, Lake Success, NY, NY 11042. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, Attn: Howard Fensterman, Esq. at the princ. office of the LLC. Purpose: Any lawful activity. 0000710503 oct1 tu nov5

NOTICE OF FORMATION OF 343 4 AVENUE LLC. Arts. of Org. filed with SSNY on 08/08/2024. Office location: Nassau County. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY shall mail process to: EARLE OVINGTON BLVD, SUITE 601, UNIONDALE, NY 11553. Any lawful purpose. 0000710493 oct1 tu nov5

NOTICE OF FORMATION OF VERDURA FOODS, LLC. Arts. of Org. filed with SSNY on 07/11/2024. Office location: Nassau County. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 444 MADISON AVENUE, 6TH FLOOR, NEW YORK, NY 10022. Purpose: Any lawful purpose. 0000710491 oct1 tu nov5

Notice of Formation of Elvin's Wood Work LLC. Art. Of Org. filed with SSNY on 10/28/2022. Off. Loc: Westchester Cty. SSNY design. as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 39 Ferris Avenue, Apt 2, White Plains, NY 10603. Purpose: Any lawful purpose. 0000709436 S03 T O08

CHASE PROPERTY VENTURES LLC. Arts. of Org. filed with the SSNY on 07/11/24. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 55 Dogwood Road, Seawingtown, NY 11507. Purpose: Any lawful purpose. 0000709216 au27-Tu o1

NOTICE OF FORMATION OF LATRENE MILLO Mental Health Counselor, PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 5/24/24. Office location: NY County. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to 1107 Broadway, Apt 3G, New York, NY 10010. Purpose: Any lawful act. 0000707324 S03 T O08

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF CCP FORMA Communications, LLC. Arts. of Org. filed with NY Dept. of State; 4/11/24. Office location: Nassau County. Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: all lawful purposes. 0000710476 oct1 tu nov5

NOTICE OF QUALIFICATION OF RECOVERIES R US LIMITED LIABILITY COMPANY Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/09/24. Office location: NY County. LLC formed in New Jersey (NJ) on 09/20/23. Princ. office of LLC: 127 E. 105th St., NY, NY 10029. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, Attn: The LLC, Cert. of Form. filed with State Treasurer, 33 W. State St., Fifth Fl., Trenton, NJ 08646. Purpose: Any lawful activity. 0000710464 oct1 tu nov5

NOTICE OF FORMATION OF 200 E 69TH STREET APT. 25B LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County. Princ. office of LLC: c/o Melissa E. Sydney, Esq., Tarlow, Breed, Hart & Rodgers, P.C., 101 Huntington Ave., Ste. 500, Boston, MA 02199. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000710463 oct1 tu nov5

NOTICE OF FORMATION OF 60 E 8TH STREET LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/10/24. Office location: NY County. Princ. office of LLC: c/o Melissa E. Sydney, Esq., Tarlow, Breed, Hart & Rodgers, P.C., 101 Huntington Ave., Ste. 500, Boston, MA 02199. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000710461 oct1 tu nov5

NOTICE OF QUALIFICATION OF 945 MADISON AVENUE, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 09/12/24. Office location: NY County. LLC formed in Delaware (DE) on 09/04/24. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State of State of DE, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000710460 oct1 tu nov5

NOTICE OF FORMATION OF CVE US NY HAMMOND 435 LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 09/12/24. Office location: NY County. Princ. office of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. 0000709286 aug27 tu oct1

NOTICE OF FORMATION OF GLADYS R FERNANDEZ - 74, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 6/19/24. Office location: BX County. SSNY designated as agent of LLC upon whom process may be served and shall mail copy of process against LLC to 112 Calhoun Ave, Bronx, NY 10465. Purpose: any lawful act. 0000710339 S24 T O29

NOTICE OF FORMATION OF ALEXANDRA OSIPOVA MAKEUP LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 9/8/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 444 Park Ave S, #331229, NY, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 0000710338 S24 T O29

Notice of Qualification of Sean K. Claggett & Associates, LLC. 1st assumed name: Claggett & Sykes Law Firm, 2nd assumed name: Claggett & Sykes Trial Lawyers. Application for authority filed with Secy. of State of NY (SSNY) on 7/18/2024. Office location: Nassau County. LLC formed in Nevada (NV) on 2/5/2004. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to 125 Michael Dr, Ste 26, Syosset, NY 11791. LLC address in NY: 4101 Meadows Ln, Ste 100, Las Vegas, NV 89107. Arts of Org. filed with the Secy. of State of NV, 202 N Carson St, Carson City, NV 89701. Purpose: any lawful activities. 0000710385 S24 T O29

NOTICE OF QUALIFICATION OF NEAST 77 PROPERTY OWNER LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/26/24. Office location: New York County. LLC formed in DE on 05/22/2024. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, PO Box 94, Garden City, NY 11530. Purpose: Any Lawful Purpose. 0000709892 s10-Tu o15

NOTICE OF QUALIFICATION OF HEFFERNAN EARBANK INSURANCE SERVICES LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/14/24. Office location: NY County. LLC formed in California (CA) on 02/27/23. Princ. office of LLC at CA addr. of LLC: 436 14th St., #150, Oakland, CA 94612. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Cert. of Form. filed with Secy. of State, 1500 11th St., Sacramento, CA 95814. Purpose: Any lawful activity. 0000709674 sep10 tu oct15

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Camille Gallo, LLC. Arts of Org filed with Secy of State of NY (SSNY) on 2/29/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 66 Madison Ave, Ste 8C, New York, NY 10016. Purpose: any lawful act. 0000707089 S24 T O29

NOTICE OF FORMATION OF NAGLE QIU & SHI LLC. Art. Of Org. filed with Sec. of State of NY (SSNY) on 08/26/2024. Office Loc.: New York County. SSNY designated as agent of LLC upon whom process against it may be served and shall mail process to: 82 Nagle Ave, New York, NY 10040. Purpose: Any lawful activity. 0000709916 S10 T O15

NOTICE OF FORMATION OF Macdale Anesthesia, PLLC. Arts of Org filed with Secy. of State of NY (SSNY) on 09/26/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against PLLC to 312 W 119th St, #3L New York, NY 10026. Purpose: Any lawful act. 0000709791 S10 T O15

NOTICE OF FORMATION OF Rainbow Kitchen LLC. Arts of Org. filed with Secy. of State of NY (SSNY) on 6/7/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 49 West 38th St, New York, NY 10018. Purpose: Any lawful act. 0000709366 Au27 T O01

NOTICE OF QUALIFICATION OF THE GRISHAM COMMODITY INDICATOR FUND, LLC. Appl. for Auth. filed with Secy. of State of NY (SSNY) on 07/11/24. Office location: NY County. LLC formed in Delaware (DE) on 06/12/24. Princ. office of LLC: 275 Park Ave. South, #700, NY, NY 10010. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the princ. office of LLC: c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. 0000709286 aug27 tu oct1

NOTICE OF QUALIFICATION OF ARBOR BG FUNDING SPE 2, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 07/31/24. Office location: Nassau County. LLC formed in Delaware (DE) on 07/22/24. Princ. office of LLC: 333 Earle Ovington Blvd., Ste. 900, Uniondale, NY 11553. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Dover, DE 19901. Purpose: To originate, acquire, and/or gain financing for mortgage loans. 0000709233 aug27 tu oct1

NOTICE OF QUALIFICATION OF ARBOR BG FUNDING SPE 3, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 07/31/24. Office location: Nassau County. LLC formed in Delaware (DE) on 07/22/24. Princ. office of LLC: 333 Earle Ovington Blvd., Ste. 900, Uniondale, NY 11553. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Dover, DE 19901. Purpose: To originate, acquire, and/or gain financing for mortgage loans. 0000709232 aug27 tu oct1

VINCI MOZZARELLA LLC. Arts. of Org. filed with the SSNY on 09/05/2024. Office loc: Nassau County. SSNY has been designated as agent of the LLC upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, PO Box 94, Garden City, NY 11530. Purpose: Any Lawful Purpose. 0000709892 s10-Tu o15

NOTICE OF QUALIFICATION OF HEFFERNAN EARBANK INSURANCE SERVICES LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/14/24. Office location: NY County. LLC formed in California (CA) on 02/27/23. Princ. office of LLC at CA addr. of LLC: 436 14th St., #150, Oakland, CA 94612. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Cert. of Form. filed with Secy. of State, 1500 11th St., Sacramento, CA 95814. Purpose: Any lawful activity. 0000709275 Aug27 tu oct1

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF AGAPE SOLUTIONS LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/14/24. Office location: NY County. Princ. office of LLC: 5 Penn Plaza, NY, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000709669 sep10 tu oct15

NOTICE OF FORMATION OF Between Two Points LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 7/8/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 100 Maiden Ln Apt 1705, New York, NY 10038. Purpose: any lawful act. 0000708428 S03 T O08

NOTICE OF FORMATION OF Wandernest LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 1/10/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail process to: 733 3rd Ave 12th Fl., NY, NY 10017, principal business address. Purpose: any lawful activity. 0000709520 sep3 tu oct8

NOTICE OF FORMATION OF MOOOXY LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 5/7/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 228 Park Ave S, #435526, New York, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 0000709119 Au27 T O01

NOTICE OF FORMATION OF IADM INNOVATIONS LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 7/1/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 43 Madison St, Apt #3, New York, NY 10038. Purpose: Any lawful act. 0000709254 Au27 T O01

NOTICE OF FORMATION OF Pagado 2.0, LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/8/24. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 312 E Pine Street, Long Beach, NY 11561. Purpose: any lawful act. 0000709657 S10 T O15

N RAIDER CONSULTING LLC. Arts. of Org. filed with the SSNY on 09/05/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 145 Brush Hollow Crescent, Rye Brook, NY 10573. Purpose: Any Lawful Purpose. 0000709691 s10-Tu o15

NOTICE OF FORMATION OF CEDAR STREET CONSULTING LLC. Arts. of Org. filed with SSNY on 06/15/2024. Office location: New York County. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 11 BEACH STREET, APT. 7A, NEW YORK, NY, 10013. Any lawful purpose. 0000709245 aug27 tu oct1

NOTICE OF QUALIFICATION OF 200 LINDEN PROPERTY LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/07/24. Office location: NY County. LLC formed in Delaware (DE) on 08/06/24. Princ. office of LLC: 152 W. 60th St., Apt 100, NY 10019. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Dover, DE 19901. Purpose: To originate, acquire, and/or gain financing for mortgage loans. 0000709234 aug27 tu oct1