

## IN BRIEF

### Deal Watch: Are Only 'A Handful' of Law Firms Positioned Well After Citi-Apollo Partnership?

Apollo and Citi's deal last week to create a \$25 billion private credit direct lending program in North America may spur further deals between traditional big banks and private credit entities—which may put many Big Law firms on notice about where business is shifting.

Steve Boyko, co-chair of Proskauer Rose's corporate department and former co-chair of private credit, said he expects bank joint ventures to increase and has personally fielded several inquiries recently for partnerships similar to the one Citi and Apollo formed. That should interest large law firms, many of whom play on one side or the other but don't have full capability in both institutional and private credit work.

"Syndicated option or private credit, you need a firm that can handle either in every iteration," he said. "I see a handful of firms positioning themselves in that work. We are one of them, but we have a 20-year head start."

According to the announced details of the Apollo-Citi deal release, the joint venture will "combine Citi's expansive banking client reach, origination and capital markets expertise with Apollo's scaled, extensive capital base." The partnership will include participation from Mubadala Investment Co., acting as Apollo's strategic partner, and Apollo's subsidiary Athene, according to a release.

Cravath, Swaine & Moore (Citi) and Paul, Weiss, Rifkind, Wharton & Garrison (Apollo) guided the deal. Both firms declined to be interviewed.

Proskauer's Boyko, who was not involved in the deal, has been working on bank joint ventures for over a decade. He says the last several months have produced more inquiries than he had seen in previous cycles, and for good reason.

"The banks are getting more and more regulated as we get to the Basel III endgame," he said in an interview, referring to the plan enacted after the financial crisis to increase confidence and stability at large banks. "There will be more capital

requirements on banks, and they will need to de-risk. They are thinking ahead and thinking they have these relationships with all these entities, how do they stay in front? They don't want to cede their position to the direct lenders. But once you get past the top 10 for private credit, the next layer of folks in that arena are looking for more sourcing."

"These two partners (banks and private credit and direct lender entities) are being pushed together between the regulatory landscape and the increased need for fundraising."

In a statement, Ana Arsov, the global head of private credit at Moody's Ratings, said the partnership was indicative of the growing influence and appeal of private credit "into mainstream finance."

"This collaboration combines Citigroup's extensive client relationships with Apollo's access to private market capital. This arrangement benefits both entities: Citigroup retains its fees and clients while moving the responsibility for managing non-investment grade credit and capital requirements to Apollo and its partners," Arsov said.

Boyko said that the topic is of great interest to the banks, and thus it will likely be of great interest to their law firms.

"I have spoken to more than 30 banks over the last year (on this subject), so I can tell you this is a hot topic for the banks," Boyko said. "The banks are all feeling the pressure. They are worried about their client base and about making sure they can generate fees off of this work. The banks are taking this very seriously."

### Deals on the Radar

Verizon Communications Inc. and Vertical Bridge have entered into a definitive agreement for Vertical Bridge to obtain the exclusive rights to lease, operate and manage 6,339 wireless communications towers across all 50 states and Washington, D.C., from subsidiaries of Verizon for approximately \$3.3 billion. » Page 4

### Rulings From NYC's Administrative Law Court To Be Published in the Law Journal »6



Allison Stoddart, named as new City Hall Chief Counsel and Muriel Goode-Trufant, nominated to be New York City's corporation counsel.



## Eric Adams Announces Choices For New York City's Top Attorneys

BY EMILY SAUL

NEW YORK City Mayor Eric Adams on Tuesday announced that he has made his choices to fill the top two legal posts in his administration.

Allison Stoddart has been tapped to serve as his new City Hall chief counsel, and Adams said he plans to appoint longtime public servant Muriel Goode-Trufant as New York City's corporation counsel.

Stoddart's new role is effective immediately, City Hall said. She previously served as chief of staff in the Office of the Chief Counsel, where she has been since Adams entered office in 2022.

In her prior role, Stoddart helmed the New York City Legal Fellows Program, an Adams' initiative that allows junior attorneys in private practice to work for a year in a city agency.

Before joining the Adams administration, Stoddart was at Wilmer Cutler Pickering Hale and Dorr. There she represented individuals and entities in white-collar criminal

defense, regulatory enforcement proceedings, internal investigations, and complex commercial litigation.

"Allison has been part of our administration since day one, and during this time, has become an integral part of the legal team at City Hall," Adams' said in a statement announcing her appointment.

Stoddart assumes her new role less than a month after the mayor's former chief counsel, Lisa Zornberg, abruptly resigned amid federal investigations engulfing the mayor and his allies. Adams last week pleaded not guilty to a federal indictment alleging corruption.

Goode-Trufant is currently serving as interim corporation counsel following the departure of Sylvia Hinds-Radix in May.

"I am humbled and honored by the intention to be nominated by Mayor Adams to serve as the city's next corporation counsel," Goode-Trufant said in a statement.

"Through my more than three decades as an attorney at the New York City Law Department, I am keenly aware of the vital

## Adams Defense Team Seeks Evidentiary Hearing, Alleging Leaks

BY EMILY SAUL

COUNSEL for Eric Adams are arguing that federal prosecutors have spent nearly a year leaking sensitive and sometimes confidential information about their criminal investigation into the New York City mayor, imperiling both his chances at a fair trial and reelection.

"For nearly a year, the government has leaked grand jury material and other sensitive information to the media to aggrandize itself, further its investigation, and unfairly prejudice the defendant, Mayor Eric Adams," lead defense attorney Alex Spiro wrote in a new court filing.

Spiro, of Quinn Emanuel Urquhart & Sullivan, is asking U.S. District Judge Dale Ho to hold a public evidentiary hearing on the matter.

A spokesperson for the U.S. attorney for the Southern District of New York, which is prosecuting the case, declined to comment.

The filing claims the disclosures, largely to the New York Times, were part of a coordinated and strategic



Alex Spiro, a partner at Quinn Emanuel Urquhart & Sullivan

effort by prosecutors in order to compel cooperation as they built their case against Adams.

"The most obvious motivation for the government to leak details of its investigation is to strengthen its case (and the public perception of its case) by coalescing support among prospective government witnesses or motivat-

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## Bristol Myers Wins Dismissal of \$6.4 Billion Lawsuit Alleging Intentional Delay of Cancer Drug

BY EMILY SAUL

A NEW YORK federal judge has dismissed a \$6.4 billion lawsuit against Bristol Myers Squibb, agreeing with counsel for the pharmaceutical company that plaintiffs lacked subject matter jurisdiction.

UMB Bank NA filed suit against Bristol Myers in 2021, alleging the company intentionally slow-rolled the approval process for a cancer drug in order to dodge paying the more than \$6 billion owed to former Celgene shareholders under

a contingent value rights (CVR) agreement.

U.S. District Court Judge Jesse Furman of the Southern District of New York on Monday threw out the action, finding that UMB Bank was never appropriately appointed trustee for the CVR shareholders.

Under the CVR, shareholders were unable to sue themselves and must rely on a trustee. But Furman found UMB was never properly appointed trustee because, under the CVR, UMB's

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Matthew Cantor, Kellie Lerner and Jeffrey Shinder of Shinder Cantor Lerner

## Top Antitrust Litigators Form New Boutique, With 10 Leaving Constantine Cannon, Robins Kaplan

BY MIMI LAMARRE

AT A TIME when antitrust legal practices are in high demand, several top partners from Constantine Cannon and Robins Kaplan have left their firms to form a 10-attorney antitrust boutique in New York and Washington, D.C. The new firm, Shinder Cantor Lerner, will be led by Jeffrey Shinder, Matthew Cantor and Kellie Lerner.

Leaders of the new firm said they anticipate all of their clients joining them, such as auto part provider LKQ Corporation, the Interchange group (dozens of corporations with antitrust claims against Visa and Mastercard), and several Fortune 100 companies.

They declined to comment on starting firm revenue and operating budget.

Shinder was formerly the New York managing partner of Constantine Cannon, Cantor a partner at Constantine Cannon, and Lerner a partner and co-chair of the antitrust practice at Robins Kaplan. The three partners have a 20-year history of working together and said in an interview that the new firm has been planned "for months and years."

Lerner will serve as the managing partner of the new firm, while Cantor and Shinder will serve as members of the managing committee. Lerner said that the firm "would like to bring on five associates and to double its

### Online

➤ The Southern District decision is posted at [nylj.com](http://nylj.com).

## Is Big Law's Nonequity Tier A 'Parking Lot' or a 'Ladder'?

BY MIMI LAMARRE

AS MORE law firms create and expand nonequity partnership tiers, some lawyers are raising alarm bells over the impact on women and diverse lawyers' careers.

It's no secret that Big Law partnerships tend to be much less diverse than the ranks of associates. But the split within the partnership tiers also shows a divide. About a third (32%) of Am Law 200 nonequity partners last year were women, while that number drops to less than a quarter (24%) in the equity tier, according to ALM data. And when it comes to racial and ethnic diversity, Am Law 200 firms, on average, have even fewer diverse equity partners (12%).

Some firm leaders say nonequity

tiers can provide women and diverse lawyers earlier opportunities for career advancement and crucial training to ultimately succeed in the equity ranks. Still, partners at some of the few remaining single-tier partnership firms and some observers say they've seen a lack of transparency for promotion and "moving goalposts" at two-tier firms to enter the equity ranks, which they say can disproportionately affect women and diverse lawyers.

As Laura Hoey, a partner at Ropes & Gray, put it, "Women attorneys can often get stuck in that parking lot of nonequity partnership, because the partnership run of eight to 12 years is when it's hard to put it in overdrive and make that last sprint up the mountain, whether because you're starting a family, or you

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Submit a legal notice for publication on [nylj.com](http://nylj.com).

## 'Meet and Confer': Judge Seeks Speedy Resolution In Maryland Key Bridge Litigation

BY SULAIMAN ABDUR-RAHMAN  
BALTIMORE, Md.

THE MARYLAND federal judge overseeing the "complex" Baltimore bridge collapse litigation has established a road map "to ensure that this case is resolved efficiently and expeditiously."

U.S. District Senior Judge James K. Bredar ordered all parties to "meet and confer in advance" and file a joint status report ahead of an Oct. 29 status and scheduling conference.

The trial court "plans to proceed in stages" starting with early "resolution of the questions of exoneration and limitation of liability," Bredar

wrote in a memorandum filed this past Friday.

A cargo ship struck the Francis Scott Key Bridge on March 26 and destroyed it, killing six highway maintenance workers. Six days after the bridge collapsed into the Patapsco River, Duane Morris and Blank Rome—on behalf of the owner and manager of the Singapore-flagged Dali—filed a petition in Maryland federal court seeking exoneration or limited liability for any losses or damage caused by the deadly incident.

Because a "large number" of parties have filed claims, Bredar "plans to appoint lead or liaison counsel" to speak for all claimants, he wrote in his memorandum.

At least 45 parties have filed timely claims against Grace Ocean Private Ltd. and Synergy Marine Group, including the U.S. Department of Justice and Maryland Attorney General's Office, according to Bredar's memorandum.

"Counsel for the United States and for the State of Maryland will be directed to convene and facilitate discussions among the Claimants," Bredar wrote. "Counsel for the United States, for the State of Maryland, and for the Petitioners will be directed to facilitate discussions between the Claimants and Petitioners."

Bredar directed the parties to produce a joint status report addressing a number of top-

ics, including any pre-discovery motions or pleadings the parties anticipate filing.

"The Status Report shall be filed jointly to the extent possible, and the parties should clearly and briefly note any disagreements," Bredar wrote in his memorandum. "The Status Report will not be binding upon any party, and it will not waive any claims or defenses."

Anyone who wished to file claims in the Key Bridge litigation generally needed to meet a Sept. 24 deadline, but Bredar in a separate memo filed Sept. 27 granted a motion allowing Schwartzman Law to file a late claim on behalf of R.M. Metals.



Nearly 50 parties have filed claims in the Baltimore Key Bridge collapse. Above, wreck of the DALI intertwined with the bridge in the Fort McHenry Channel.

"However," Bredar wrote, "all parties are on notice that the Court has little patience for late filings and will not be favorably inclined to granting future untimely

requests for relief absent compelling circumstances."

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## 3 Lawyers Mount Defense Against Ethics Charges Over 2020 Election Fraud Lawsuits

BY AVALON ZOPPO  
WASHINGTON, D.C.

THREE lawyers fighting professional ethics charges over 2020 voter fraud lawsuits argued Monday that they had minimal involvement in the complaints that sought to overturn the presidential election results.

The District of Columbia Bar's Office of Disciplinary Counsel brought charges against attorneys Juli Haller, Lawrence Joseph and Brandon Johnson, accusing them of seriously interfering with the administration of justice by helping bring lawsuits in several states that lacked evidence of voter fraud in Vice President Joe Biden's victory over President Donald Trump.

During their disciplinary hearing, the lawyers downplayed their roles in the suits while appearing before a D.C. bar hearing committee.

Haller and Johnson were part of a team of attorneys, with Trump ally Sidney Powell, who brought lawsuits in Michigan, Georgia, Arizona and Wisconsin claiming there was massive voter fraud—including with the states' voting machines—and asked the courts



A voter casts her ballot using electronic voting machines at a polling location for the 2020 presidential election in Atlanta, Ga. The latest charges are part of a series of disciplinary actions against lawyers who supported Donald Trump's efforts to undermine the 2020 election.

to declare Trump the winner. All of the suits were dismissed.

Virginia attorney Richard Driscoll said his client Haller was a subordinate on a larger team and took no part in deciding the contents of the complaints or legal strategy.

"She had no responsibility for deciding what claims would be placed in the complaints [or]

what relief would be asked for," said Driscoll of Driscoll & Seltzer. "She was an independent contractor, given the title of 'of counsel,' which she understood to mean was a moniker for an attorney who was part of the team."

After tossing the Michigan suit, U.S. District Judge Linda Parker sanctioned the lawyers involved, calling the lawsuit "a historic and

profound abuse of the judicial process." The U.S. Court of Appeals for the Sixth Circuit upheld most of Parker's order, but reversed the sanctions against two attorneys on the team who the panel said had less responsibility, Emily Newman and Stefanie Junttila.

On Monday, Christopher Byrne of Byrne Law, representing Johnson, said his client was in charge of only minor tasks and believed the lawyers who directly drafted the complaints had vetted facts. He added that Johnson was listed as "of counsel" and not "counsel of record" in the filings, indicating he played a lesser role.

"All this caused Brandon to believe and provided a substantial basis for him to believe that the cases, the strategy, the claims and the facts were thoroughly thought out, researched, supported and properly vetted by people who knew about election law, which, importantly, [Johnson] did not," Byrne said. "He never intended or agreed to enter an appearance. He never applied for admission *pro hac vice*."

Byrne also argued throughout his hourlong opening statement that the charges undermined the right to challenge election results.

Meanwhile, Assistant Disciplinary Counsel Jason R. Horrell told the three-member committee that the complaints at issue relied on documents and affidavits that were "simply not credible," in violation of D.C. professional conduct rules as well as rules of the Arizona, Georgia, Michigan, Wisconsin and Texas bars.

"[W]hen you plead fraud in federal court, you have to do it with specificity," Horrell said. "And if you're going to federal court to ask that the results of the presidential election be overturned, one would think that you'd go to the courthouse doors with rock solid evidence, and you'll see that that's not what the respondents did here."

Joseph is facing ethics charges in connection with his involvement in a complaint filed in the U.S. District Court for the Eastern District of Texas in December 2020, which claimed an unofficial, alternative slate of Republican electors in Arizona had cast their votes for Trump instead of Biden ahead of the Jan. 6 election certification in Washington, D.C.

The specification of charges alleges that the attorneys knew the lawsuit "had no factual basis and was false" and falsely claimed that

the Arizona state legislature had passed a joint resolution endorsing the competing slate of Republican electors.

Then-U.S. Rep. Louie Gohmert, R-Texas, and the Republican slate of electors in Arizona were plaintiffs in the suit, which was dismissed. Haller and Johnson were also part of the filing, and Johnson's lawyer Byrne on Monday disputed disciplinary counsel's assertion that the complaint stated that the Arizona state legislature passed a joint resolution.

Joseph said the joint resolution exhibit was attached to the complaint in order to establish standing, and he told the committee he, too, played a small role in the complaint.

"I didn't have the authority to change anything without permission from someone else," he said. "I would say [I] vehemently disagreed with some of the decisions about what was included."

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## Joint Marvel, DC Trademark of 'Super Hero' Canceled Amid Challenge by Creator of 'Superbabies'

BY MICHELLE MORGANTE  
ALEXANDRIA, Va.

IT'S BEEN said that superpowers aren't required to be a superhero. Now, a trademark challenge brought on behalf of a children's book author means that permission from Marvel or DC Comics is no longer required, either.

The U.S. Patent and Trademark Office's Trademark Trial and Appeal Board in Alexandria, Virginia, last week canceled Marvel Characters and DC Comics' joint registrations on the terms "super hero" and "super heroes." The board issued a default judgment after the respondents failed to file an answer to the petitioner's motion.

Adam Adler, an intellectual property attorney with Reichman Jorgensen Lehman & Feldberg in Washington and a longtime comics fan, successfully challenged the trademark registrations on behalf of Scott Richold, an author and artist whose book series featuring characters called "the Superbabies" prompted the clash.

Jonathan Reichman of Hunton Andrews Kurth in New York, who represented Marvel and DC in the dispute, did not respond to a message seeking comment. Messages sent to the two Burbank, California-based entertainment companies were not answered.

Adler filed a petition of cancellation on behalf of Richold's London-based company Superbabies Limited.

Richold, who lives in Australia, did not immediately respond to

messages seeking his comment.

DC and Marvel's co-ownership of the marks dates back decades, when they bought the "super hero" term from a costume manufacturer, Adler told The Recorder. After Richold attempted to register his Superbabies books in the U.S., he received a cease-and-desist let-



Attorney Adam Adler, who petitioned for cancellation, noted DC and Marvel's co-ownership of the marks dates back decades, when they bought the "super hero" term from a costume manufacturer.

ter in July 2021 asserting Marvel and DC's rights to the terms.

"To most people, including myself, this is crazy talk," Adler said. "You don't own the idea of super heroes. The idea of super-powered people is a trope in comic books. If you look around the comic space, you see 'super' everywhere."

Adler said he joined the case in early 2022 after Richold spotted an article he'd written about Marvel and DC's unusual arrangement to share trademark registrations despite being competitors. In a 2018 column for Escapist Magazine, Adler noted a "powerful challenger" was needed to free superheroes "from their (registered trademark symbol) shackles."

The joint ownership of the trademarks was "very peculiar," Adler said in an interview Friday, "because DC and Marvel are the biggest competitors in the space." By co-owning a mark "they are claiming that Marvel and DC can use 'superheroes' and nobody else can, which is baffling when you consider that the purpose of a trademark is to be a sole source identifier."

The petition contended that, as competitors, the two could not jointly own a trademark.

"The fact that Marvel and DC both use and claim ownership over SUPER HEROES confirms that neither company uses the term as a trademark, but rather as a generic description for a category of goods offered by both companies," it said.

In his petition, Adler also argued that "super hero" is a generic term describing a character archetype and a genre of stories.

"Consumers do not associate 'super heroes' with any single brand, company or character," it said. "Instead, consumers understand that the term refers to a broad category of stories and characters tied together by common themes and conventions."

The petition pointed to multiple examples of works by creators unrelated to Marvel or DC. It also contended that, by failing to use the terms as trademarks, the companies had abandoned the registrations.

Over the years, the companies had pushed back on multiple creators who wished to use a variation of the superhero terms, Adler said. But, he noted, such opposition was not consistent. Marvel and DC were selectively enforcing their trademarks against independent creators and small operations that were unlikely to have the resources needed to engage in a legal fight—"only against the people who they had good reason to think wouldn't fight back," he said. By doing so, the disputes ended in default judgments.

Richold had the "tenacity and courage" to push back on Marvel and DC because he saw it as something bigger than just standing up for his own work, Adler said. Among the creator community, he added, many artists felt pressured to use euphemisms such as "supers" or "capes" to describe the heroes or risk legal problems or even being blacklisted in the industry.

"He saw the impact it was having, not just on him, but on other creators," Adler said of Richold, "and it's like, enough is enough."

A related matter is still pending: DC claims to have the exclusive right to use the word "super" as a prefix, such as in "Superman" and "Supergirl." DC is using this purported "super family" of marks to block Richold's efforts to promote



London-based Superbabies Ltd. challenged Marvel's and DC Comics' "super hero" trademark.

"Superbabies." Adler believes cancellation of the "super hero" marks strengthens his client's position.

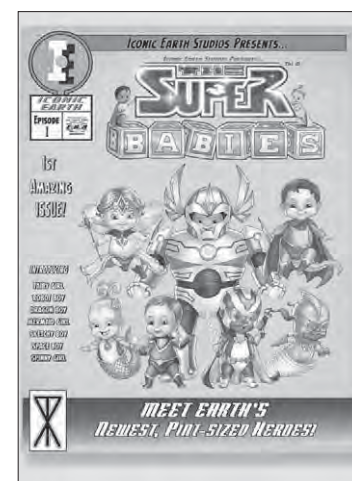
"We're confident about our chances for this one. I'll say that," he said.

As a longtime fan of comic super heroes, Adler said he was excited the case gave him the opportunity to stand up for a fight that he believes would align him with the Marvel and DC heroes, pointing to several comic book plotlines where villains attempted to claim ownership of "super hero" language and likenesses, such as an issue where the villain Kingpin told Peter Parker he could no longer be a superhero because he'd secured ownership of Spider-Man's likeness.

"What Marvel and DC were doing is really just the opposite and contrary to the values of their own heroes," Adler said.

Cancellation of the trademark, he said, could encourage artists to create the works they wish to create.

"Hopefully other people will see it and say, 'Yeah, you've got



a big bark and they're a big corporation with a lot of machinery behind them. But if you're right, you can still compete," he said. "You don't have to be a billion-dollar multinational conglomerate to tell a superhero story, right? You just need a pencil, some ink, a spark of creativity, and then you can go out there and do it."

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Expert Analysis

COPYRIGHT LAW

# 'Thaler v. Perlmutter': AI Output Is Not Copyrightable

On Aug. 18, 2023, D.C. District Court Judge Beryl A. Howell upheld a final refusal by the U.S. Copyright Office (USCO) to register a visual work entitled "A Recent Entrance to Paradise." According to the application filed with the USCO by plaintiff Stephen Thaler, the image was not the product of human authorship but was instead "autonomously created by a computer algorithm running on a machine," which plaintiff called the "Creativity Machine" and which plaintiff identified as the "author" of the work. Plaintiff named himself as the copyright claimant, however, on the basis that he was the "owner of the machine."

The USCO refused to register the work in August 2019 because it "lack[ed] the human authorship necessary to support a copyright claim," and this refusal was affirmed, on the same reasoning, through the internal appeals process within USCO. A final refusal by the Copyright Review Board on Feb. 14, 2022 led plaintiff to file an action in D.C. District Court under the Administrative Procedure



By Robert W. Clarida



And Thomas Kjellberg

Act, 5 U.S.C. 706(2) (APA), claiming that the USCO's actions were "arbitrary, capricious, an abuse of discretion and not in accordance with the law, unsupported by substantial evidence and in excess of [USCO's] statutory authority." On cross-motions for summary judgment, the Court upheld the refusal to register in *Thaler v. Perlmutter*, 1:22-cv-01564-BAH (ECF #24), D.D.C.

The courts have also recognized that "human creativity is the sine qua non at the core of copyrightability."

(Aug. 18, 2023). Under black-letter APA law, the District Court's ruling was limited to the administrative record that was before the Copyright Office, and the court thus rejected Plaintiff's belated efforts to introduce evidence of his own human involvement in the creative process. Such evidence was not present in the record, and in fact contradicted plaintiff's own claims that the work was "autonomously created" by the Creativity Machine.

**The Requirement Of Human Authorship**

The court began by noting that the parties agreed on the "key facts," and therefore the "sole legal issue is whether a work autonomously generated by an AI system is copyrightable." *Id.* at \*4. The court found that USCO's reasoning for refusing registration—i.e. the lack of any claim to human

authorship—was consistent with the statute and with Supreme Court precedent regarding the definition of the term "authors" as set forth in Article I, Section 8, clause 8 of the U.S. Constitution (authorizing Congress to create copyright laws to protect the writings of "authors"): "The [USCO] did not err in denying the copyright application presented by plaintiff. United States copyright law protects only works of human creation."

The term "author" is not defined in the Copyright Act, nor in the Constitution, but the court found support in dictionary definitions and in the Constitutional purpose of "incentivizing individuals to create and invent." It continued, "non-human actors need no incentivization with the promise of exclusive rights under United States law, and copyright was therefore not designed to reach them." The 1909 Copyright Act provided explicitly that only a "person" could "secure copyright for his work," noted the court, and the legislative history of the 1976 Copyright Act indicates that Congress intended to incorporate the "original work of authorship" standard "without change" from the 1909 Act.

Since at least the Supreme Court's 1884 decision in *Burrow-Giles Lithographic v. Sarony*, 111 U.S. 53 (1884), the courts have also recognized that "human creativity is the sine qua non at the core of copyrightability, even as that human creativity is channeled through new tools or into new media." *Thaler* at \*8. *Burrow-Giles* established that photographs could be considered original works of authorship and were thus eligible for copyright protection, similar to other forms of creative expression. The case affirmed the importance of recognizing and protecting the intellectual property rights of photographers and their works.

After *Burrow-Giles*, other Supreme Court rulings consistently spoke in terms of the "author's tangible expression of his ideas," *Mazer v. Stein*, 347 U.S. 201 (1954), and defined an author as "he to whom anything owes" » Page 8

ROBERT W. CLARIDA is a partner in the New York law firm of Reitler, Kailas & Rosenblatt and the author of the treatise *Copyright Law Deskbook (BNA)*. He is co-presenter, with Thomas Kjellberg, of "Recent Developments in Copyright," a review of copyright decisions delivered each year at the annual meeting of the Copyright Society of the USA, and is a past Trustee of the Copyright Society, a past Board member of the American Intellectual Property Law Association and former chair of the Copyright and Literary Property Committee of the Association of the Bar of the City of New York. THOMAS KJELLBERG is of counsel to the New York law firm of Cowan, Liebowitz & Latman. He is a past Trustee of the Copyright Society and former chair of the ABA Copyright Office Affairs Committee, and is the chief author of the annual review of copyright decisions published each year in the *Journal of the Copyright Society of the USA* and delivered, with Mr. Clarida, at the Copyright Society's annual meeting.

CRIMINAL LAW AND PROCEDURE

# Annual Review of New Criminal Justice Legislation

This column reviews new legislation amending the Penal Law, Criminal Procedure Law and related statutes. The discussion that follows will highlight key provisions of the new laws, which the reader should review for specific details. Where indicated, legislation enacted by both houses is awaiting the governor's signature; the reader should check to determine whether the governor has signed or vetoed a bill.

In the past legislative session, there were three areas in which substantive legislation was enacted: added security for judges and juries; curtailment of organized retail theft; and the criminalization of deed theft to protect homeowners.

The Legislature enacted two measures to increase security for judges and their families. First, it passed the New York State Judicial Security Act, which permits judges or former judges to request that personal information about themselves or family members be removed from the internet and other medium. Such information includes home addresses, unlisted telephone numbers, cell phone numbers, email addresses, license plate numbers, identity of children under the age of 18, etc. The act would also restrict businesses and other entities in possession of such information from sharing it (L. 2024, Ch. 55, eff. July 19, 2024).

This provision was in response to an increase in the number of judges around the country being threatened, stalked and even assaulted. In July 2020, in New Jersey, a federal judge watched as her son was murdered and her husband shot by an angry litigant in her home.

A second part of the legislation increases protection for judges by enacting new crimes to protect the judiciary and by amending the cur-



By Barry Kamins

rent statute. The current crime of Assault on a Judge (a class C felony) was amended by removing the requirement that the crime be committed with the intent "to cause serious physical injury." Thus, a prosecutor will now only need to prove that a person caused serious physical injury with the intent to "prevent a judge from performing official duties."

Two new crimes were enacted: Aggravated Assault on a Judge (P.L. Section 120.09-a, a class B felony) and Aggravated Harassment of a Judge (P.L. Section 240.33, a class E Felony). Aggravated Assault on

The Legislature enacted two measures to increase security for judges and their families.

A Judge will be committed when a person causes serious physical injury, with both the intent to cause that injury and an intent to prevent the judge from performing his or her official judicial duties.

Aggravated Harassment of a Judge will be committed when a person engages in various acts, as specified in the statute, with the intent to harass either a judge or a member of the judge's "immediate family" and the person knows or should know that such act will cause the judge (or his family member) to reasonably fear harm to his or her physical safety or property. The acts can consist of various forms of threatening communications or physical contact (striking, shoving, kicking) which can cause physical injury. The statute adopts the definition of "immediate family" currently utilized in the crime of Stalking (P.L. Section 120.40).

Members of juries were also provided more security by the Legislature. This was a reaction to certain

high profile cases where the names of jurors were not made public out of a concern that the welfare of the jury was at risk. Under an amendment to the Criminal Procedure Law, upon motion of the prosecutor, defense counsel, or "any affected person," or upon the court's own initiative, a court can issue a protective order preventing the names of any prospective juror from being made public (A 7495, awaiting the governor's signature).

The protective order must be based upon "good cause." In determining good cause, a court can consider: (1) whether a juror or prospective juror has been tampered with, bribed, harassed or injured; (2) the seriousness of the charges against the defendant; or (3) the extent of pretrial publicity. If a court determines that a protective order should be issued, it must instruct the jury that the fact that the jury was selected on an anonymous basis is not a factor from which it may draw any unfavorable inference against the defendant.

A second initiative by the Legislature in the last session was an effort to reduce an increase in organized retail theft. Among the several laws that were enacted, the most notable bill permits felony charges to be filed against individuals who steal merchandise from more than one store. Currently, if a person steals merchandise worth \$500 at one store, and then merchandise worth \$501 at a second store, that person can only be charged twice with petit larceny.

Under the new law, if a person steals property from more than one location "pursuant to a common scheme of a plan," and the value of the property exceeds one thousand dollars, the person can now be charged with Grand Larceny in the Fourth Degree, a class E felony (L. 2024, Ch. 55, eff. July 19, 2024). If the aggregate amount is greater, a person can be charged with Grand Larceny in the Third Degree (\$3,000); Second Degree (\$50,000) or First Degree (\$1,000,000). It should be noted that a conviction for these crimes is excluded under the persistent felony offender statute" » Page 7

BARRY KAMINS, a partner at Aidala, Bertuna & Kamins and author of "New York Search and Seizure" (Lexis/Nexis 2024), is a former New York Supreme Court Judge.



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## Off the Front

## Nonequity

«Continued from page 1

have young children. After entering a nonequity partnership, it's very difficult to get that momentum again to make that sprint to [equity] partner."

Hoey argued that single-tier partnerships like Ropes & Gray's are more transparent and clearer for diverse candidates.

Kalpana Srinivasan, the managing partner of Susman Godfrey, another single-tier firm, agreed.

"I felt very much that having a defined partnership consideration date was very important for me," she said. "I felt the same way about having an equity-only partnership, because, again it was clarity about what I would be doing and how I would get there—and not having an in-between period where it might be more discretionary on where you move in and out of that."

Some recruiters say they've noticed discrepancies when speaking with partners at single- and two-tier firms.

Merle Vaughn, national law firm diversity practice leader of Major, Lindsey & Africa, said she's heard complaints of firms "moving the goalposts" for women and diverse lawyers, and what's required for them to move into the equity tier.

"A lot of time, a leader will say to an associate, 'You'll be a non-equity partner, and we'll reassess again in a year or 18 months. If you have \$1.5 million in business at that time, you'll be up for equity partner,'" Vaughn said. "But I've talked to women and diverse partners who have said that, by the time that comes around, the number that is required in their firm to become equity partners goes up and becomes 3, 4 or 5 million."

Justine Donahue, the managing director of the recruiting firm Macrae, said she hears complaints from diverse candidates that they are being de-equitized at a disproportionate rate. Still, Donahue said that de-equitization and lack of promotion from nonequity to equity status could have more to do with increased pressure on the bottom line for firms, and less to do with the diversity of an individual candidate.

## More Opportunities In Nonequity?

Despite the criticisms, many other sources said that the nonequity partnership tiers offer more advantages for women and diverse lawyers.

Ira Coleman, the global chair of McDermott Will & Emery, said that nonequity tiers can provide a great training ground for those lawyers who may have come to the firm as laterals and haven't been steeped in the business of law.

"I do think that having a nonequity tier is much better for diverse candidates, because carrying the badge partner allows someone a better opportunity to develop relationships and hopefully business, which certainly would increase their chances of becoming a successful equity partner," Coleman said.

He added that sometimes lawyers may need help developing their networks and business development skills. "For instance, if, like me, you didn't grow up surrounded by people who used or needed sophisticated legal services, then you might need some more time and training to become a world-class business developer," he said.

Echoing this, Liz Washko, the managing shareholder of Ogletree

Deakins, said the nonequity tier serves as a "training ground" and a "ladder" to equity partnership at her firm. Washko said that the firm also has affinity groups, which help mentor its diverse nonequity shareholders into the equity ranks.

Jennifer Selendy, the founding partner of Selendy Gay, said that the nonequity tier was crucial in her success when she was coming up as a star litigator at Kirkland & Ellis, where she worked from 1999 to 2016.

"The nonequity tier gave me the title of partner, which gave me the ability to build the business in order to make the case that I needed to make to become an equity partner," she said. "I had both of my children during those nonequity partner years, and I had a lot more support on my cases from senior associates and counsel to ensure that I could have control over my schedule, which every young mother needs."

Selendy was on the nonequity track for four years, and became an equity partner after her 10th year at Kirkland, she said.

Still, she noted that a long nonequity track could be "detrimental," and that it can be easy for lawyers to get stuck in the nonequity tier because it is "comfortable," without the stress of book-of-business requirements that equity partners may have.

"Is it harder for women and people of color to keep their visibility, and to do the networking within the firm to keep you on track? One hundred percent," she said. "But that honestly is probably no different from those firms that have a straight track to equity partnership."

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## Outside Counsel

## Ensuring That Trusts Created During A Marriage Survive a Divorce

Trusts are a cornerstone of estate planning, offering a versatile means of managing and transferring wealth across generations. For married couples, trusts provide a way to gift assets to their children and grandchildren without the financial and logistical challenges that might arise from direct transfers. However, the treatment of trusts in divorce proceedings can complicate what might otherwise seem like straightforward estate planning.

When trusts are funded with "marital property," i.e., property titled in joint names or acquired by a couple during the marriage, that marital property may be subject to distribution. The New York divorce statute gives courts extremely broad discretion in dividing marital property, and this discretion extends to marital property held in trust. *See, e.g., Markowitz v. Markowitz*, 45 N.Y.S.3d 203, at 205 (App. Div. 2d Dep't 2017) (holding that "marital assets placed in a trust may be subject to equitable distribution"); *Riechers v. Riechers*, 701 N.Y.S.2d 113, at 115 (App. Div. 2d Dep't 1999) ("whatever property the parties have, wherever in the world located, it may be subject to equitable distribution upon divorce").

In practice, however, the division of trusts funded with marital property is the exception rather than the norm. New York courts have held that trusts which are set up as legitimate vehicles for gifting marital property to a third (i.e., non-spousal) party should not be subject to a division in a divorce. *See, e.g., Oppenheim v. Oppenheim*, 93 N.Y.S.3d 92 (App. Div. 2d Dep't 2019). Trusts are usually considered a means of gifting marital property, and



By  
Alyssa  
Rower



And  
Karina  
VanHouten

gifted marital property is almost always considered outside the "marital estate." *See Villi v. O'Caing-Villi*, 2005 WL 3442966, at \*5 (N.Y. Sup. Ct. Westchester Cnty. 2005).

In effect, then, a trust will survive a divorce if it is set up properly. What follows are tips on how to make sure this happens.

Just as we recommend working with trust and estates attorneys who fully understand matrimonial issues, we would likewise recommend working with matrimonial attorneys who understand these trust and estates issues.

## Inequitable Conduct and Sham Trusts

Courts will usually only seek to disrupt a trust if they conclude that it was intended to defraud the other spouse or smuggle marital property out of the estate.

*Surasi v. Surasi* presents an archetypal example of a "sham trust." 2001 WL 1607927 (N.Y. Sup. Ct. Richmond Cnty. 2001). Everything about the *Surasi* trust was suspect: it had been created three years after filing for divorce without the wife's consent or knowledge, was covertly funded with property acquired during the marriage, and was sited in another state in a brazen attempt to escape the court's jurisdiction. The court labelled this trust a "a sham and a fraud," and consequently ordered its dissolution.

ALYSSA ROWER is the founding partner of Rower LLC, a New York law firm started in 2017 dedicated to matrimonial and family law. KARINA VANHOUTEN is an associate with the firm and focuses her practice on prenuptial agreements and the intersection of divorce and estate planning.

## Litigators

«Continued from page 1

number of partners by the end of the year."

Shinder Cantor Lerner will represent both plaintiff-side and defense matters across multiple industries, including health care and pharmaceuticals, payments and financial services, media and telecommunications, and technology, in antitrust matters, according to a statement.

The leaders said they started the firm out of a desire to create the preeminent antitrust boutique, particularly, as Shinder said, "in an era of increased market concentration amongst corporations and cartels."

The launch comes after a series of sharpened FTC-enforcement actions under Lina Khan, while the government, whether the Justice Department or the FTC, has brought claims against Visa, Google, Apple and Amazon, among others. As a result, many Big Law firms have added antitrust talent this year, including Skadden, Arps, Slate, Meagher & Flom; Foley & Lardner; Quinn Emanuel Urquhart & Sullivan; and Paul, Weiss, Rifkind, Wharton & Garrison.

Shinder Cantor Lerner's leaders said antitrust is "incredibly busy" right now and that they have four trials in the next 12 months.

"This is a moment of importance to antitrust that's been built for decades. We believe in it and believe a firm dedicated to an antitrust mission can make a positive contribution in this moment," said Shinder.

For her part, Lerner said, "Life is short, sometimes too short. I lost my best friend and partner of 20 years a few years ago, and this felt like the right time to do a big, challenging, fun, new venture. Not to mention that antitrust itself is having a moment."

Joining Shinder, Cantor and Lerner as partners are Meegan Hollywood and Ben Steinberg from Robins Kaplan, and J. Wyatt Fore, James Kovacs, Ethan Litwin, Harrison McAvoy and David Scupp from Constantine Cannon, according to a statement on the hires. Eight attorneys will work in the firm's New York office, while two will work in D.C., according to the leaders.

## Co-Counsel on Matters

After the departures, Constantine Cannon will have 38 attorneys across its three offices in Washington, D.C., San Francisco and New York, according to the firm's website. "We wish our colleagues all the best. We continue to work together on client matters, and we are sure there will be opportunities to continue our collaboration on new matters in the months and years to come," said a firm statement.

Lloyd Constantine, counsel and founding partner of Constantine Cannon, said in an interview that his firm and Shinder Cantor Lerner will co-counsel a number of matters together. He said that "roughly two-thirds of the resources being devoted" to the Interchange case will be from Constantine Cannon. Other cases that the two firms will work

on together include Sidibe v. Suter Health (a suit filed against a Northern Californian healthcare provider) and a generic drug price-fixing case.

"It's a combination of cases which will be fully co-counseled, some cases that will be more us than them, and some cases where there are more than us," Constantine said.

The leader added that he is saddened to see his friends and colleagues go, but that the departures may make way for the next generation of leaders and partners at Constantine Cannon. "In terms of the overall health of the firm, I think it's pretty much the same, except we will have new people saying we really ought to do this or we really ought to do that," he said.

For their part, Shinder and Cantor added that they "love Constantine Cannon" and will indeed "continue to co-counsel on a number of matters."

Robins Kaplan, meanwhile, has about 220 lawyers in its seven offices after the three attorney departures. The firm wished the departing lawyers well and said it has a "deep bench of experienced lawyers."

"Our commitment to delivering exceptional legal services remains unwavering, and our antitrust team in New York and nationally continues to be one of the strongest in the industry," said Anthony Froio, the managing partner and executive board chair of Robins Kaplan, in a statement.

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## Matter of Jose X. Orochena, an attorney and counselor-at-law

Motion No. 2024-03288

## Appellate Division, First Department

Gesmer, J.P., Scarpulla, Rodriguez III, Rosado, Michael, JJ.

Decided: September 26, 2024

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

Respondent, pro se.

*Per curiam*—Respondent Jose X. Orochena was admitted to the practice of law in the State of New York by the First Judicial Department on February 9, 2015, under the name Jose Xavier Orochena. Respondent maintains a registered business address in the First Judicial Department.

By motion dated July 8, 2024, the Attorney Grievance Committee (the AGC or Committee) seeks an order under Rules for Attorney

Disciplinary Matters (22 NYCRR) §1240.9(a)(3) immediately suspending respondent from the practice of law until further order of this Court, based on respondent's failure to produce two client files as repeatedly requested by the AGC and directed by judicial subpoena. Respondent opposes. The motion should be granted.

During the Committee's investigation into two complaints filed by respondent's former clients, respondent refused to produce the relevant client files upon request. Following respondent's refusal in response to multiple Committee requests, respondent was served on March 21, 2024, with a judicial subpoena directing him to appear before the Committee on April 17, 2024, for a deposition and to produce the relevant client files. Respondent, pro se, appeared for the deposition as directed and claimed to have both client files with him. However, respondent refused to produce the files unless authorizations for their release were procured from the clients. Respondent was instructed to return for further testimony and to produce the clients' files.

By April 19, 2024 letter, the AGC directed respondent to appear on April 29, 2024, for his continued

## Disciplinary Proceeding

deposition at which he was to produce the relevant client files as directed by judicial subpoena. Further, respondent was warned that if he failed to produce the files the Committee would move for his interim suspension under 22 NYCRR 1240.9(a)(3). By email that same date, respondent refused to comply and maintained that the files were privileged.

Respondent appeared on April 29, 2024, for his continued deposition, but he again refused to produce the subpoenaed files. To date, respondent has not produced the files.

In the present motion, the AGC argues that respondent's interim suspension is warranted because he has willfully failed to cooperate with its investigation. Specifically, respondent has failed to produce client files related to the two complaints against him notwithstanding his receipt of numerous letters, emails, and a judicial subpoena ordering such production. The AGC thus contends that respondent has engaged in conduct that threatens the public interest, warranting an interim suspension.

## IN BRIEF

«Continued from page 1

billion, including certain commercial benefits. JPMorgan acted as financial advisor to Verizon and Jones Day acted as legal counsel. Centerview Partners LLC served as financial adviser to Vertical Bridge and Greenberg Traurig acted as legal counsel. Simpson Thacher & Bartlett acted as legal counsel to DigitalBridge. Mayer Brown acted as legal counsel to CDPQ.

## IPOs

Apimeds Pharmaceuticals US, a biotech company focused on developing bee venom-based treatment for inflammation, registered with the SEC on Sept. 25 for a \$12 million IPO. The Hopewell Junction, New Jersey-based company, which has applied to list its shares on the New York Stock Exchange, is advised by Nelson Mullins Riley & Scarborough partner David Mannheim. The underwriters, led by EF Hutton,

are represented by Blank Rome partner Brad Shiffman.

## Debt Issuances

Hartree Partners LP, a merchant commodities firm, was counseled by Hogan Lovells in a debt offering valued at \$4.1 billion. Underwriters for the offering, including MFG Bank Ltd., were counseled by Cadwalader, Wickersham & Taft.

Snowflake was counseled by Cooley in a debt offering valued at an aggregate \$2 billion. The Cooley team was led by partners Jon Avina, Mischi Marca, Kate Nichols, Jason Savich and Milson Yu.

Berry Global Group, a plastic packaging products manufacturer, was counseled by Bryan Cave Leighton Paisner in a debt offering valued at an aggregate \$1.6 billion. The Bryan Cave team included partners Tyler Mark and Eliot Robinson. Davis Polk & Wardwell has

advised the joint lead arrangers in connection with the underwriting of a debt offering valued at \$650 million. The issuance was announced Sept. 23 by Chanhassen, Minnesota-based athletic country club operator Life Time Group Holdings. The Davis Polk team included partner Sanders Witkow.

Kosmos Energy Ltd. was counseled by Davis Polk & Wardwell in a debt offering valued at an aggregate \$500 million. The Davis Polk team included partners Byron Rooney and Aliza Slansky. The notes come due 2031.

—Patrick Smith

## DECISIONS WANTED!

The editors of the New York Law Journal are eager to publish court rulings of interest to the bench and bar. Submissions must include a sentence or two on why the decision would be of significance to our readers. Also include contact information for each party's attorneys. E-mail decisions to decisions@alm.com.

to the underlying allegations in the complaints, to support its contention that respondent's conduct threatens the public interest, thereby warranting his interim suspension.

As an initial matter, respondent's requests for affirmative relief are not properly before the Court.

As to the AGC's motion, 22 NYCRR 1240.9(a) provides for an interim suspension:

"upon a finding by the Court that the respondent has engaged in conduct immediately threatening the public interest. Such a finding may be based upon: . . . (3) the respondent's failure to comply with a lawful demand of the Court or a Committee in an investigation . . . under these Rules. . . ."

The AGC has met its burden, and respondent should be immediately suspended until further order of this Court. The record shows that the Committee repeatedly requested the two client files at issue, which requests were lawful under 22 NYCRR 1240.7(b)(1), and respondent was further directed to produce them by judicial subpoena. To the extent respondent had a good faith basis to question the subpoena's legal

propriety (but see 22 NYCRR 1240.7(b)[3] ["Subpoenas shall be issued by the Clerk in the name of the Presiding Justice and may be made returnable at a time and place specified therein"]), he should have moved to quash the subpoena (see *Matter of Brunswick Hosp. Ctr. v. Hynes*, 52 NY2d 333, 339 [1981] ["A motion to quash or vacate, of course, is the proper and exclusive vehicle to challenge the validity of a subpoena or the jurisdiction of the issuing authority"], citing *Matter of Santangelo v. People*, 38 NY2d 536, 539 [1976]; *Ayubo v. Eastman Kodak Co., Inc.*, 158 AD2d 641, 641 [2d Dept 1990]). Flatly refusing to comply, however, was improper, as is alleging the subpoena was invalid at this late juncture (see *Brunswick*, 52 NY2d at 339 [motion to quash "must be made promptly, generally before the return date of the subpoena"]).

In addition, rules 1.6(b)(5)(i) and 1.6(b)(6) provide for disclosure of confidential information contained in the files at issue, and failure to comply with judicial process during the investigation of attorney complaints can, as here, support an interim suspension (*Matter of Hooker*, — AD3d —, 2024 NY Slip Op 02871 [1st Dept 2024] [interim suspension under 1240.9(a)(3) for failure to produce

» Page 6



# Real Estate Trends

**REALTY LAW DIGEST**

By  
**Scott E. Mollen**



**FHA—ADA—Punitive Damages—Town Violated Fair Housing Act and Americans With Disabilities Act—Compensatory and Punitive Damages Awarded—Municipalities Not Exempt From Vicarious Liability Under the FHA—Punitive Damage Award Was Unconstitutionally Excessive—Disparity Between Punitive and Compensatory Damages Was Too High—Civil Fine Amounts Also Show That Punitive Damage Award Violated Due Process—FHA Permits Punitive Damages—No Exception for Municipal Defendants—Town Engaged In a “Campaign of Discriminatory Conduct Meant To Keep a Group Home for Individuals With Mental Health Disabilities From Opening”—Jury Awarded \$181,000 In Compensatory Damages and \$5 Million In Punitive Damages—Town Liable for Actions of Its Officials—Vicarious Liability—Punitive Damages Ratio Of 27.6 to 1 “Unconstitutionally Excessive”—Maximum Sustainable Punitive Damages Is \$2 Million—New Trial On Punitive Damages Unless Plaintiff Agrees To Reduction to \$2 Million**

This decision involved an appeal by a town from a judgment from a U.S. District Court. A jury verdict found the town liable for violations of the Fair Housing Act (FHA), and Americans with Disabilities Act (ADA) and awarded compensatory and punitive damages.

The town argued that the trial court improperly applied a “motivating-factor” requirement, rather than a “but-for” requirement with respect to the FHA claim and the trial court erred in subjecting “a municipality to vicarious liability and punitive damages under the (FHA).” The town also contended that the amount of punitive damages was “unconstitutionally excessive.”

The US Court of Appeals (2nd Circuit) (court) rejected the town’s arguments as to the FHA, but agreed that the punitive damages award “was unconstitutionally excessive.”

The court explained that the town’s causation argument was barred by “binding circuit precedent, which no intervening Supreme Court decision has effectively overruled.” Additionally, the town failed to establish that the FHA vicarious liability provisions exempt municipalities. The FHA “unambiguously allows for punitive damages with no exemption for municipal defendants.” The » Page 7

SCOTT E. MOLLEN is a partner at Herrick, Feinstein.

## Q2 Rents Post Second Steepest Drop In Five Years

BY PHILIPPA MAISTER

A NEW analysis from Redfin reports more of the same: multifamily rents are falling—this time by the second steepest drop in five years. The steepest drop was in the first quarter of this year.

The culprit is also the same: a flood of new apartments coming onto a market that is unable to absorb so many.

In 2Q 2024, the median rent for newly constructed apartments plunged 6.2% to \$1,746 from the previous year, below their peak of \$1,889 in 1Q 2022. The number of apartments completed rose 18.7% in 1Q 2024 to reach 98,260, the highest number in over a decade, Redfin said. Its analysis is based on Census Bureau data for newly constructed, unfurnished, unsubsidized, privately financed rental apartments in buildings with five or more units that were completed in the first quarter.

The influx of new construction is likely to push rents down even further this year, Redfin said. The result is that landlords are engaged in a fierce competition with reduced rents and other concessions as lures for new tenants. “If you’re a renter in a market like Dallas or Nashville, where » Page 8

## Multifamily Momentum Trends Up on Lower Debt Costs, Higher Cap Rates

BY KRISTEN SMITHBERG

MOMENTUM in the multifamily market is trending up and is likely to continue thanks to lower debt costs and higher cap rates. Many buyers have been on the sidelines waiting out financing hurdles and softer fundamentals, and positive trends should start to loosen that backlog, said Marcus & Millichap in its third-quarter multifamily national report.

The average multifamily cap rate for trades between July 2023 and June 2024 rose to 5.8%, a 110 basis point increase from 2022’s all-time low. That is the highest cap rate recording since 2014. At the same time, sale prices are stabilizing as reduced financing uncertainty is helping buyers and sellers agree to terms.

Vacancy remained flat across the country for the first half of 2024 after increasing by 90 bps last year. Primary markets have had the most stable vacancy over the past year, particularly in downtown areas. Institutional-level activity also appears to be returning, with dollar volume rising in this segment in July and August. » Page 8

**APPELLATE PRACTICE**

## To Appeal or Not To Appeal: That Is the Question



By  
**Gary M. Rosenberg**



And  
**Bradley Silverbush**

To appeal or not to appeal, that is a question faced eventually by every litigator. But questions relating to the facts of a case or the applicable law aside (for the moment), what do the statistics demonstrate for the appellate practitioner?

One of the many responsibilities of the Chief Administrative Judge for the New York State Unified Court System (UCS) is compliance with Judiciary Law Section 212 (requiring that an annual report be filed compiling and publishing the statistics of every court in the state). A review of the 2023 Annual Report (<https://www.nycourts.gov/legacyPDFS/23-Annual-Report.pdf>) reveals statistics which underscore the UCS’s commitment to justice and fairness, innovation and progress, and a staggering budget.

Some facts: in 2023, the UCS collected nearly \$52 million from attorney registration revenues, and over \$472 million by the Criminal History Search Unit, for criminal history search records. For the current fiscal year (April 1, 2024 through March 31, 2025), the New York State Legislature approved appropriations of \$3.4 billion for the state judiciary. As Chief Administrative Judge Joseph A. Zayas stated in his opening message to the Report, “Our past is illustrious, and our future has never looked brighter, despite the challenges we all face in the elusive effort to fulfill the constitutional promise of equal justice for all. And that’s what it’s all about—equal justice for all. Everything else—legislative goals, budget, personnel—is merely a means to that end.”

GARY M. ROSENBERG is the founding member and the chairman of Rosenberg & Estis. BRADLEY SILVERBUSH is a senior litigation member of the firm.

This is a commendable and admirable point that everyone should embrace; not just the judiciary, but attorneys and litigants as well. With this goal at the forefront of legal profession’s collective mind, let’s look at the statistics to see how that actually played out last year. While the number of filings at the trial court level throughout the State demonstrate a fourth consecutive year of increased filings, the actual total number for 2023 (2,472,802) is down from the pre-COVID number of filings (3,021,016).

Most attorneys, especially trial and appellate practitioners, will want to jump to look at the caseload activity at the Appellate Division and the Court of Appeals. Statewide (including all four Departments in both civil and criminal cases), the Report indicates that there were a total of 14,935 cases that were disposed of after argument or submission of an appeal. Of these, over half (8,007) were disposed of before argument or submission of the appeal (e.g., they were dismissed, withdrawn, or settled). Of the remaining 6,928 cases that were disposed of after argument or submission of the appeal, 4,138 were affirmed, 1,022 were reversed, 849 were modified, and 760 were dismissed (with 159 appeals falling into a category defined as “other”).

It gets even more interesting if one focuses on the caseload activity at the Court of Appeals. Table 1 of the Report reveals the caseload activity for 2023 (the year commencing April 1, 2023 and ending March 31, 2024); the Court decided a total of 93 appeals. How did those cases go from the Appellate Division to the Court of Appeals? The statistics show that in 50 cases, the Court of Appeals granted permission, while there were 15 cases where permission was granted by the Appellate

Division (there were also three cases that involved a constitutional question, and 13 in the “other” category). Of those 93 appeals, 57 involved civil cases, while 36 involved criminal cases.

What was the result of those 93 appeals? 36 affirmances and 40 reversals (with five resulting in modifications, two dismissals, and ten in the “other” category). A footnote to the table indicates that “other” category includes anomalies which did not result in an affirmance, reversal, modification or dismissal (e.g., judicial suspensions, acceptance of a case for review pursuant to Court Rule 500.27).

Put another way, one could fairly conclude that overall, state-wide decisions of the Appellate Division are more often reversed than they are affirmed. While in civil cases, it is almost an even split (with 22 affirmances and 20 reversals), in criminal

of a jury charge; admission/exclusion of evidence; pre-trial motions relating to discovery, or dispositive motion practice). So, what does an attorney tell a client when discussing the inevitable question, whether to appeal, or not?

Naturally, the first question is what is to be gained or lost if an immediate appeal is taken. In this regard, there are three major considerations to discuss.

First, whether time will be saved or lost if an appeal is taken immediately (noting that CPLR 5501 specifically states that an appeal from a final judgment brings up for review “any nonfinal judgment or order which necessarily affects the final judgment”). In fact, there may be no compelling need to take an immediate appeal (for example, from an interlocutory order that can be raised if an appeal from the final judgment is even necessary).

An appellate practitioner who understands the case and knows what they are doing can turn a losing determination into a winner on appeal. And who doesn’t want to be a winner?

cases there is a significant difference (with 14 affirmances and 20 reversals). But what does this information mean to the practitioner, and more importantly, to one’s clients (aside from the obvious statistical conclusions one might infer from the foregoing)?

It certainly suggests that reasonable minds can differ on the assessment of the strength of case, the applicability of the law to one’s facts, the admissibility or interpretation of evidence, or any one of dozens of legal issues that are frequently raised on appeal (e.g., the denial or granting of a motion in limine or a CPLR 4404 motion; the propriety

This is more often a major consideration when representing a plaintiff who seeks to move the case forward quickly, especially if the determination is adverse to one’s client.

Of course, if an attorney is representing a client who is the defendant, then that attorney may be seeking to delay a final determination of the case and what better way is there than to seek a stay pending appeal of an interlocutory order, as provided by CPLR 5519?

Another question most clients will ask is what the financial cost of the appeal is weighed against the likelihood of gaining an economic benefit (i.e., a » Page 8



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## 2024 Election Impact On CRE

BY BRIAN A. LEE

ELECTIONS have consequences, and this year’s vote will be no exception for the CRE industry. Voting outcomes will shape important policy matters that impact this high-stakes sector beyond 2024. Brokers at Kidder Mathews, the largest fully independent commercial real estate firm in the Western US, weigh in on some of the issues that are on future ballots.

### Housing on the Ballot

Most agree that housing affordability is a major concern, with the nation facing an estimated shortage of 4.5 million homes. This election, several jurisdictions will put forward measures aimed at addressing this issue. » Page 8



An architectural rendering of Bridge Rockaway in Brownsville. Gov. Kathy Hochul’s \$25 billion plan aims to preserve and create 100,000 affordable homes throughout New York.

## \$118M Multifamily Project Debuts in Brooklyn

BY ANTHONY RUSSO

BROWNSVILLE, Brooklyn debuted a new affordable multifamily community last week after completing a \$118 million project.

In May 2022, Gov. Kathy Hochul first announced the plans for Bridge Rockaway in Brownsville, an initiative to build 174 affordable apartments, with 87 getting reserved for veterans and seniors experiencing homelessness. It was a part of the Democrat’s five-year \$25 billion plan.

Bridge Rockaway is a part of the Brownsville Industrial Center development, which features 39,000 square feet of light industrial space on the ground floor, and 2,000 SF of commu- » Page 8



# New York Law Journal

Serving the Bench and Bar Since 1888



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## Leaks

«Continued from page 1»

ing new potential witnesses to  
come forward with information,”  
the document states.

Depending on the outcome  
of the hearing, Spiro urged the  
judge to either dismiss the case  
or bar the use of any grand jury  
material or other evidence  
“improperly procured through  
leaks.”

Spiro also made clear the  
defense team would be seeking  
sanctions, the scope of which  
would be clearer following a  
hearing.

“While an evidentiary hearing  
will help the Court assess the  
scope of the Rule 6(e) violation,  
identify the responsible parties,  
and determine the appropriate  
remedies, it is already clear that  
some sanctions are necessary  
to plug the leaks prospectively,”  
the filing reads. “Otherwise, the  
government will continue to use  
strategic disclosures in the media  
to gain a tactical advantage in this  
case, including by tainting the  
jury pool, and to tarnish Mayor  
Adams’s reputation.”

The filing comes just a day after  
Adams’ defense team moved to  
dismiss a bribery count against  
their client, a mere four days  
after the corruption indictment  
was unsealed.

U.S. Attorney Damien Williams  
on Thursday announced that  
Adams had been charged with  
bribery, receiving campaign con-  
tributions from foreign nationals,  
wire fraud, solicitation of contribu-  
tions from foreign nationals and  
bribery. Adams on Friday pleaded  
not guilty to all counts.

The mayor is due back in court  
on Wednesday before Ho. Spiro  
has said he plans to file a full  
motion to dismiss before that  
hearing.

Monday’s submission attacks  
the “extraordinary vague” bribery  
claims against Adams as deficient  
under the U.S. Supreme Court’s  
ruling in Snyder v. United States.

Prosecutors have claimed that  
Adams offered up his influence  
in exchange for gifts and perks,  
including discounted luxury travel  
and accommodations worth tens  
of thousands of dollars from Turk-  
ish Airlines.

In exchange, Adams allegedly  
pushed through the opening of a

Turkish consular building in New  
York City despite it failing a fire  
inspection.

The defense filing claims  
prosecutors have nothing to  
support this allegation except  
“three innocuous text messages”  
Adams purportedly sent a New  
York City Fire Department com-  
missioner.

These messages “fall far short  
of the kind of ‘official act’ neces-  
sary for bribery,” the filing claims.

Prosecutors have also charged  
Adams with engaging in a straw-  
donor scheme to steal matching  
campaign funds from the city.

The defense calls those allega-  
tions “equally meritless because  
they rest on a host of false claims  
evidently attributable to a self-  
interested staffer with an axe to  
grind.”

In addition to Spiro, Adams is  
represented by partners William  
Burck, Avi Perry and John F. Bash  
of Quinn Emanuel.

Court records show that his  
criminal legal bills are being paid  
by a legal defense fund set up last  
year.

Emily Saul can be reached at esaul@  
alm.com. X: @emily\_saul\_

Her appointment must be con-  
firmed by the City Council.

Adams’ last nominee, Randy  
Mastro of King & Spalding, with-  
drew his nomination last month  
following a bruising confirmation  
hearing.

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## Top Attorneys

«Continued from page 1»

role the corporation counsel plays  
in New York City government.”

Goode-Trufant began in the  
Law Department in 1991 as an  
attorney in the General Litiga-  
tion Division. She subsequently

served as chief of the Special Fed-  
eral Litigation Division, the Law  
Department’s managing attorney,  
and first assistant corp. counsel  
in 2023.

Before joining the Law Depart-  
ment, Goode-Trufant was an  
associate at Philadelphia-based  
Cohen, Shapiro, Polisher, Shiek-  
man & Cohen.

## Cancer Drug

«Continued from page 1»

appointment must be backed by  
a majority of registered holders.

But it was not. UMB Bank’s  
appointment was only ever sup-  
ported by beneficial holders.

Bristol Myers based their  
motion to dismiss the suit on this  
issue, and Furman agreed.

“The CVR Agreement plainly  
required the support of a major-  
ity of registered Holders to  
effect UMB’s appointment, and  
UMB and those that sought its  
appointment—sophisticated  
parties all—failed to secure that  
support,” the judge wrote. “That  
inexplicable failure means that,  
when this lawsuit was filed, UMB  
was not the properly appointed  
Trustee.”

“That, in turn, means that UMB  
lacked constitutional standing to

bring this lawsuit and that this  
Court lacks subject-matter juris-  
diction,” he added.

Furman dismissed the action  
without prejudice, thereby allow-  
ing a properly appointed trustee  
to re-bring the claims.

Bristol Myers acquired Celgene  
for \$80.3 billion in 2019. Equiniti  
Trust Company was subsequently  
appointed successor trustee but  
was never properly removed.

Therefore, defendant’s counsel  
at DLA Piper argued that UMB  
Bank was never properly autho-  
rized.

Furman called UMB Bank’s  
inability to properly instate itself  
an “explicable failure.”

“UMB has no one to blame for  
that result but itself,” the judge  
wrote.

UMB Bank was represented by  
a team from Selendy Gay,

“The Court’s ruling is expressly  
without prejudice and states that

the case will pick up where it left  
off if refiled by the Trustee in the  
District Court for the Southern  
District of New York,” a spokes-  
person for the bank said in a state-  
ment. “The rights of CVR holders  
will be addressed.”

Counsel for DLA Piper did  
not immediately return messages.

The case stems from Bristol  
Myers’ agreement to pay Celgene  
shareholders with contingent  
value rights \$9 more a share in  
the event the pharmaceutical  
company won governmental  
approval by certain deadlines for  
various Celgene drugs, including  
Breyanzi.

The company did not meet  
the required deadlines. The FDA  
approved Breyanzi in 2021 as a  
treatment for non-Hodgkin’s lym-  
phoma.

Emily Saul can be reached at esaul@  
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## Disciplinary

«Continued from page 4»

records concerning representation  
of client as directed by judicial sub-  
poena]; *Matter of Amankwa*, 221  
AD3d 107 [1st Dept 2023] [interim  
suspension under 1240.9(a)(3) for  
failure to produce client files as

repeatedly requested by the AGC  
and directed by judicial subpoena];  
*Matter of Espinoza*, 200 AD3d 21  
[1st Dept 2021] [interim suspen-  
sion under 1240.9(a)(3) for failure  
to produce documents and infor-  
mation as repeatedly requested by  
the AGC and directed by judicial  
subpoena].

Accordingly, the AGC’s motion

should be granted, and respon-  
dent suspended from the practice  
of law, effective immediately and  
until further order of this Court.  
All concur.

1. Respondent also contends that the  
AGC’s Staff Counsel was discourteous and  
threatening towards him during his deposi-  
tion. The record fails to support this claim.

## Perspective

# Rulings From NYC’s Administrative Law Court To Be Published In the Law Journal

BY ASIM REHMAN

With recent developments  
in the U.S. Supreme Court  
bringing increased atten-  
tion to the area of admin-  
istrative law, questions may emerge  
regarding how administrative law  
disputes are handled in New York  
City. The answer is the NYC Office  
of Administrative Trials and Hear-  
ings, and we are happy to announce  
that the New York Law Journal will  
now include OATH administrative  
law cases in the “Decisions of Inter-  
est” section.

OATH is New York  
City’s central, indepen-  
dent administrative law  
tribunal. Our mission is  
to ensure that everyone  
who appears before  
us receives both a fair  
opportunity to be heard  
and a timely resolution  
of their case. The deci-  
sions issued by OATH’s  
adjudicators affect  
many aspects of every-  
day life in New York  
City, from those involv-  
ing individuals and  
businesses challenging  
civil summonses issued  
by city enforcement  
agencies (Health, Sanita-  
tion, Environmental  
Protection, Buildings,  
etc.), to city workers  
contesting disciplinary  
charges filed by their  
employer agencies,  
to complaints alleg-  
ing violations of the  
New York City Human  
Rights Law or Conflicts of Interest  
Law, to matters concerning a wide  
variety of license revocations, to  
owners seeking the return of vehi-  
cles seized by the New York City  
Police Department via civil forfeit-  
ure actions, to parents challenging  
Department of Education decisions  
regarding special-education serv-  
ices for their children, and more.  
OATH also houses the city’s Center  
for Creative Conflict Resolution,  
which facilitates mediation and  
other alternative dispute resolution  
services. Administrative  
law cases falling outside  
of OATH’s jurisdiction are  
handled by tribunals such  
as the Office of Administra-  
tive Tax Appeals (for tax  
disputes), the Department  
of Finance (for parking  
violations), and the NYPD  
Deputy Commissioner for  
Trials (for police officer  
disciplinary matters).

Furthermore, while OATH  
remains part of the executive  
branch (as all administrative law  
tribunals do), we are separate  
and independent from the  
agencies that file cases with OATH.  
As documented in 1989 by the 1988  
Charter Revision Commission and  
reaffirmed by the 2003 commission,  
OATH was established to be “an  
independent adjudicative body  
that can be a resource to agencies  
in conducting their adjudications,  
while at the same time establishing  
an independent structure outside  
of the agency to provide an unbi-  
ased assessment of the matters  
to be adjudicated.” (NYC Charter  
Revision Comm’n Final Report  
at 118 (Sept. 4, 2003), quoted in

*Matter of Victor v. N.Y.C. Off. of  
Administrative Trials & Hearings*,  
Index No. 100890/15 at 6 (N.Y. Co.  
Sup. Ct. 2018)). This independence  
helps ensure that matters heard at  
OATH are fair, impartial and with-  
out influence from other arms of  
government.

OATH is also a high-volume tri-  
bunal. In 2023 alone we processed  
almost 590,000 summonses, held  
more than 220,000 hearings, issued  
close to 2,500 appeals decisions

of unlicensed cannabis shops  
in New York City.

Cases at OATH are handled by  
several divisions: the Hearings  
Division, the Appeals Division,  
the Special Education Hearings  
Division, and the Trials Division.  
In the Trials Division, OATH’s expe-  
rienced, trained and independent  
cadre of professional administra-  
tive law judges are subject to the  
Code of Judicial Conduct, the same  
rules of ethics that apply to state  
court judges. The Trials Division  
ALJs are selected after a rigorous  
merit selection process, includ-  
ing a writing competition, and they  
are appointed to five-year terms  
pursuant to the city charter. Those  
terms provide insulation from  
changes in administrations and  
political influence.

For every case tried  
at OATH’s Trials Divi-  
sion, the presiding ALJ  
writes a decision that  
explains outcomes  
and provides guidance  
for future proceed-  
ings. Like the docket  
of many executive  
branch administrative  
courts, OATH’s work  
is governed by statu-  
te, rules and regula-  
tions, case law from  
city, state and federal  
courts, and OATH’s own  
precedents. These deci-



COURTESY PHOTO

Given the broad scope and the impact of its decisions, the  
work of the Office of Administrative Trials and Hearings has  
great relevance to the New York legal community, the court’s  
Chief Administrative Law Judge **Asim Rehman** writes.

related to those hearings, and  
conducted more than 625 trials in  
our Trials Division. This is a tre-  
mendous volume of work, and it is  
a testament to the amazing public  
servants who are part of the OATH  
team. In each of these thousands  
of cases, the tireless and commit-  
ted staff at OATH take great care  
to ensure that every party who  
appears before us is treated impar-  
tially and is accorded due process.

The agency was created in 1979  
by Mayoral Executive Order No. 32

What began as a small group of admin-  
istrative law judges handling primarily  
disciplinary cases has now grown to an  
agency of notable size whose jurisdic-  
tion has expanded in various ways over the past  
four decades.

and became a city charter agency  
in 1988 pursuant to a public ballot  
initiative. That year also saw the  
adoption of the City Administrative  
Procedure Act, which sets forth the  
bedrock principles of due process  
of law that OATH judges uphold,  
including notice and a full and fair  
opportunity to be heard in adminis-  
trative adjudications (see New York  
City Charter §1046). What began  
as a small group of administrative  
law judges handling primarily disci-  
plinary cases has now grown to an  
agency of notable size whose jurisdic-  
tion has expanded in various  
ways over the past four decades.  
Most recently, in 2024 the state  
tasked OATH with hearing cases  
relating to the closure and seal-

sions, made openly and publicly,  
explicate the law, and contain valu-  
able information about the rights  
and obligations of the parties. Deci-  
sions are posted on a website with  
full disclosure, naming the parties  
and detailing the facts and recom-  
mended findings. The majority  
of decisions from OATH’s Trials  
Division are recommendations to  
agency heads, who may then adopt  
or reject decisions.

Given our broad scope and the  
impact of our decisions, OATH’s  
work has great relevance to the  
New York legal commu-  
nity. We see housing court  
lawyers in loft law cases, the  
criminal defense bar in  
vehicle forfeiture and TLC  
license suspension cases, and  
commercial litigators in Contract  
Dispute Resolution Board cases  
and any number of cases involving  
economic or individual

rights. Accordingly, we are excited  
that the New York Law Journal will  
now start publishing select deci-  
sions from the OATH Trials Divi-  
sion. You can read these and more  
by visiting OATH’s website, where  
you can also subscribe to our  
monthly BenchNOTES newsletter.

We hope that these highlights  
of OATH’s work are both useful  
and informative and that they will  
build a greater understanding of  
the mechanisms by which rights  
are protected in our city.

ASIM REHMAN is the commissioner and  
chief administrative law judge of New  
York’s Office of Administrative Trials and  
Hearings.

## Calendar

### FRIDAY, OCT. 4

#### Practising Law Institute

Sports Law 2024  
12 p.m. – 5 p.m.  
www.pli.edu/programs/sports-  
law-4ceb915a

www.pli.edu/programs/  
understanding-the-intellectual-  
property-license

Link: [https://services.nycbar.org/EventDetail?EventKey=\\_WEB101524&mcode=NYLJ](https://services.nycbar.org/EventDetail?EventKey=_WEB101524&mcode=NYLJ)  
Location: Zoom  
Contact: Customer Relations  
Department, 212-382-6663 or  
customerrelations@nycbar.org

### TUESDAY, OCT. 8

#### Practising Law Institute

Lawyering From a Trauma-  
Informed Perspective 2024:  
Best Practices for Nonprofit and  
Pro Bono Legal Service Providers  
1 p.m. – 4:45 p.m.  
www.pli.edu/programs/lawyer-  
ing-from-a-trauma-informed-  
perspective

### TUESDAY, OCT. 8 TUESDAY, OCT. 15

#### NY City Bar (CLE)

16-Hour Bridge-the-Gap: Practical  
Skills, Ethics & More...  
Time Day 1: 9 am – 4 p.m.  
Time Day 2: 8:45 am – 5:45 p.m.  
16 CLE credits for both days  
Both Days Webinar Registration  
Link: [https://services.nycbar.org/EventDetail?EventKey=\\_WEB10824B&mcode=NYLJ](https://services.nycbar.org/EventDetail?EventKey=_WEB10824B&mcode=NYLJ)  
Day 1 Webinar Registration  
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Day 2 Webinar Registration

### WEDNESDAY, OCT. 9

#### NY City Bar (CLE)

Hot Topics in Advertising &  
Marketing Law  
9 am - 1 p.m.; 4 CLE credits  
Webinar Registration Link:  
[https://services.nycbar.org/EventDetail?EventKey=\\_WEB100924&mcode=NYLJ](https://services.nycbar.org/EventDetail?EventKey=_WEB100924&mcode=NYLJ)  
Location: Zoom  
Contact: Customer Relations  
Department, 212-382-6663 or  
customerrelations@nycbar.org

#### NY City Bar (Non CLE)

Virtual Networking & Interviewing  
12:30 p.m. - 2 p.m.  
Webinar Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=NL1100924&mcode=NYLJ>  
Location: Zoom  
Contact: Customer Relations  
Department, 212-382-6663 or  
customerrelations@nycbar.org

### MONDAY, OCT. 7 TUESDAY, OCT. 8

#### Practising Law Institute

Understanding the Intellectual  
Property License 2024  
9 a.m. – 4:45 p.m. (Day 1)  
9 a.m. – 4:30 p.m. (Day 2)



## Expert Analysis / Real Estate Trends

### Legislation

« Continued from page 3  
for purposes of sentencing (P.L. Section 70.10 (1)(b)(iv)).

Another related bill enacted a new crime, Assault on a Retail Worker (P.L. Section 120.19), a class E felony (L. 2024, Ch. 55, eff. Oct. 17, 2024). This crime will now be committed when a person causes physical injury to either an employee or owner of a retail establishment with the intent to “prevent a retail worker from performing an act within the scope of such worker’s employment.”

Finally, the Legislature created a new class A misdemeanor, Fostering the Sale of Stolen Goods (P.L. Section 165.66) (L. 2024, Ch. 55, eff. Nov. 1, 2024). This crime will now be committed when a person uses any digital platform or any venue to offer for sale stolen merchandise which the person knows or should have known was stolen or unlawfully obtained.

A third substantive initiative by the Legislature criminalizes deed theft. This form of real property theft is committed by individuals who fraudulently obtain the deed to someone’s home, either through falsifying signatures or persuading the homeowner to sign away the deed under false pretenses. Perpetrators of this type of crime target older victims and homeowners in minority communities.

The new law amends the definition of larceny by adding “deed theft” as a method of unlawfully obtaining another person’s property, and it now constitutes Grand Larceny; the degree of Grand Larceny will depend upon the value of

the property. Finally, the new law authorizes the attorney general to prosecute deed theft as well as “any crime that affects the title to, encumbrance of, or the possession of real property,” (L. 2024, Ch. 56, eff. July 19, 2024).

Each year the Legislature enacts new crimes and expands the definition of others, and this year was no exception. In response to an increase in the number of hate crimes in New York and around the country, the Legislature added 22 “hate crimes” to the already existing list of 62 such crimes. State Comptroller Thomas Napoli issued a report which found that hate crimes increased 12.7%, statewide, in 2023 and that anti-semitic bias incidents comprised 44% of the total amount. Designating a particular crime as a “hate crime” raises its severity by one level, thus increasing the severity of the potential sentence (L. 2024, Ch. 55, eff. June 19, 2024).

In an effort to curtail identity theft (the fastest growing crime in this country), the Legislature added “medical information” and “health insurance information” to the type of information which, if obtained fraudulently, will now constitute the crime of Identity Theft (A 4737, awaiting the governor’s signature).

Two bills were enacted to protect specific classes of individuals. First, in response to an increase in anti-Muslim incidents in New York, the crime of Aggravated Harassment in the Second Degree (a class A misdemeanor) has been amended to include the removal of a “religious clothing article or headdress” from a person with the intent to harass, annoy, threaten

or alarm. This will address the increase in incidents in which individuals have pulled or ripped off a hijab or a skullcap or yarmulke from individuals (A 8849, awaiting the governor’s signature).

A second bill amends the above harassment statute to provide more security for employees who work on trains, buses and ferries. A person can now be convicted of a class A misdemeanor by shoving, spitting, striking or otherwise sub-

jecting these employees to physical contact (L. 2024, Ch. 55, eff. July 19, 2024).

The Legislature has enacted three new laws related to the possession of weapons. First, a bill was passed to amend the term “Kung Fu Star” as a per se weapon. As noted in the sponsor’s memo, “Kung Fu Star” is an outdated term; the weapon does not originate in China as the term implies. The term “throwing stars” or “shuriken” has been substituted in its place.

The term “pistol converter” has been added to the definitional section of Article 265 of the Penal Law. A pistol converter can transform an ordinary pistol into an automatic weapon by allowing it to fire as many as 15 rounds in under two seconds. The General Business Law was also amended to require firearm dealers in New York State to take reasonable steps to prevent

the use or installation of pistol converters (A 10053, awaiting the governor’s signature). Finally, the licensing section of the Penal Law was amended to require firearms dealers to post warnings, specifically informing buyers, or potential buyers of weapons, about the inherent dangers of weapons possession. A failure to post such a warning will now constitute a violation under the Penal Law (A 2882, awaiting the governor’s signature).

Finally, the Legislature repealed the crime of Adultery which was

a class B misdemeanor. This was an antiquated but seldom enforced law that has been repealed in the vast majority of states. Only 13 people have been charged with adultery in New York over the past 52 years. The Legislature took this step because it was felt that the state should not be regulating the consensual sexual behavior between adults (A 4714, awaiting the governor’s signature).

A number of procedural changes were enacted in the last legislative session. One bill would expand e-filing to all “courts of New York having criminal jurisdiction”; this would allow e-filing to be used in the New York City Criminal Court and in the criminal term of Supreme Court (S 7524, awaiting the governor’s signature).

The Legislature has expanded the ability of judges to issue orders of protection in family offense matters. Judges can now provide an order of protection to an individual who is not a minor and who is neither a family member of the perpetrator nor someone having an intimate relationship with him or her (S 6288, awaiting the governor’s signature).

In *People v. Slade*, 37 N.Y.3d 127 (2021), the Court of Appeals held that an information is not subject to dismissal when, on the face of the instrument, there is no indication that the complainant’s allegations have been translated from a non-English language. In response to that decision, the Legislature enacted a new law that requires a certificate of translation to accompany accusatory instruments and supporting depositions in cases where deponents are not fully proficient in the English language

(A 9122, awaiting the governor’s signature).

Finally, the term “poor person relief” has been removed from the Criminal Procedure Law; it is a highly outdated and pejorative term (A 10351, awaiting the governor’s signature). And five additional counties have been given the authority to conduct electronic court appearance in criminal cases, aside from a hearing or trial (Monroe, Delaware, Oswego, Otsego and Schoharie) (L. 2024, Chs. 232, 279, and 285, eff. Aug. 28, 2024).

Finally, the Legislature has amended the Judiciary Law to allow a convicted felon to serve on a jury (A 1432, awaiting the governor’s signature). Approximately one-third of black males in New York State have been excluded from the jury pool because of this exclusion and it has created racial disparity in some juries across the state; this in turn has had an impact on the quality and fairness of the jury system.

The Vehicle and Traffic Law has been amended to address the increase in “ghost” license plates that have been used by motorists to avoid payment of tolls. More than 100,000 license plate images passing through Department of Transportation cameras alone are unreadable every month. The Police Department has also been concerned about this phenomenon because it has a direct impact on crime detection. Fines under the new law range from \$100 to \$500. Repeat offenders who are convicted three times within five years may have their registration suspended for 90 days or longer (L. 2024, Ch. 56, eff. Sept. 1, 2024).

### Realty Law

« Continued from page 5  
Court refused to “create a judicial carveout from the statute where Congress had not created one.”

The court reasoned that notwithstanding the town’s “reprehensible conduct, the ratio of punitive to compensatory damages is too high, and the disparity between the punitive damages and the civil fines available for similar conduct is too great, for the award to comport with due process.” Thus, the court affirmed in part, vacated in part and remanded for further proceedings.

The jury found that the town was “liable for a campaign of discriminatory conduct meant to keep a group home for individuals with mental health disabilities from opening in the town, in violation of the (FHA) and (ADA).”

Although the Second Circuit had established that “motivating-factor, rather than but-for causation applies to disparate treatment and retaliation claims under the FHA,” the town contended that those precedents “have been abrogated by intervening Supreme Court decisions interpreting other civil rights statutes.” The Court found that such other Supreme Court decisions did not abrogate the law within the Circuit regarding the FHA.

The court noted that the FHA “generally incorporates the traditional principle of vicarious liability.” The town failed to provide a “persuasive reason for exempting municipalities from that form of liability.” The FHA text “unambiguously permits private plaintiffs to recover punitive damages.” The court would not carve out “an exception for municipal defendants.”

The plaintiff had purchased home to be used as a “group home for people with mental health disabilities” in 2015. Thereafter, town residents “created a Facebook group in which they voiced their opposition to the group home.” A “boisterous forum did little to calm the growing opposition among town residents and, as became apparent, town officials.” A town manager spoke at the public forum, suggesting that the number of group homes should be limited “like liquor stores.” A resident compared the prospective group home residents to “mass shooters.”

The mayor thereafter “issued a press release requesting that (plaintiff) abandon their plans for the group home, expressly citing the concerns raised up in forum.” The mayor and the town manager demanded information about “the mental health diagnosis of the group of home’s prospective residents, while admitting that they would not typically require this sensitive information from any other individuals who happen to be moving to (the town).”

The town thereafter obstructed

the opening of the group home by rejecting certain license and permit applications. The town had withdrawn a cease and desist letter on condition that the plaintiff would “move only two residents into the home, fewer than (plaintiff) needed for the home to operate successfully.” A town assessor advised the plaintiff that its tax exemption application required additional documentation. The plaintiff had never before been requested to provide such documentation with respect to its other homes. Although the plaintiff provided such documents, its tax exemption application was denied. Thereafter, the local police had “leaked sensitive health information” about a missing resident and had failed to properly investigate an incident involving the subject group home being vandalized.

Based on, *inter alia*, the foregoing, the plaintiff lost the group home in 2015.

Town officials issued a celebratory press release, noting that plaintiff had listened to the “concerns of Town Officials.” The town manager thereafter warned plaintiff’s CEO that “continuing to fight over the group home could endanger (plaintiff’s) tax exemption on a separate property” in the town. The town had denied the other property’s tax exemption application. After the plaintiff brought a legal action, the town eventually granted that tax exemption.

The jury found the town liable on the FHA and ADA claims and assessed \$181,000 in compensatory damages and \$5 million in punitive damages.

The court analyzed the town’s causation argument with respect to the “motivating-factor” test used to determine liability under the FHA. The town asserted that “but-for causation should apply to claims under the FHA....” However, the claims in this case “arise under three distinct statutory provisions of the FHA, each with its own text and governing precedent.”

FHA §804(c) is “violated even absent any discriminatory transactions or conduct.” Rather, a defendant must simply “make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on ...handicap, whether or not the defendant proceeds to carry out that discriminatory preference.” The issue is whether public statements indicated that “a particular protected status or identity is preferred or disfavored.”

The court cited judicial precedent involving §804(f) and §817 of the FHA.

The court also explained that “[n]one that the Supreme Court decisions on which (town) relies address the FHA.” Rather, “they all counsel that we must interpret individual statutes on the basis of their particular text, structure, and history, and caution against

the unreflective application of rules from one statute to another.” The court concluded that “[n]either their holdings nor their reasoning, then, directly conflict with our precedent on the FHA.” Thus, the court held that the trial court had not erred by “applying a motivating-factor causation” to plaintiff’s “disparate treatment and retaliation claims under the FHA consistent with our precedent.”

The court also held that the jury was allowed to find the town “liable for the actions of its officials through vicarious liability.”

The court viewed the FHA language to be “broad but clear: Private plaintiffs suing under the FHA may obtain ‘actual and punitive damage’ with no textually specified exceptions.” Moreover, the Supreme Court had reached a similar conclusion with respect to a “similar statutory structure,” i.e. the Fair Credit Reporting Act.

Citing cases under 42 U.S.C. §1983 (1983), the town contended that it should “only be liable for official policies or customs and not merely on account of actions taken by town officials in the scope of their employment.” It explained that §1983 embodied “unique text and history of that law,” for which there was “no analogue in the FHA” and the FHA “generally allows for vicarious liability.”

The court refused to “create a judicial carve-out from the liability for local governments when Congress itself has declined to do so.” The U.S. Supreme Court previously held that the FHA “provides for vicarious liability.” Moreover, “municipalities are generally liable under the FHA.” Moreover, the FHA “makes no special rules for municipal liability.”

The town had argued that case law under §1983 should apply to “all anti-discrimination statutes.” However, the court reasoned that the “town offers no persuasive reason to apply the law of Section 1983, which is based on the particular text and history of that statute, to the FHA.” Vicarious liability under §1983 “remains the exception to the general rule of vicarious liability.” There was no indication that “Congress intended the FHA to be one more exception to the general rule.”

The court further observed that the FHA “explicitly allows for ‘actual and punitive damages’ in suits brought by private plaintiffs.” It found that precedents cited by the town were inapplicable and “irrelevant.”

Although the FHA did not “specifically say that punitive damages are available against municipalities,” the court explained that “Congress does not need to speak with such granular detail on the issue.” The court viewed the FHA language to be “broad but clear: Private plaintiffs suing under the FHA may obtain ‘actual and punitive damage’ with no textually specified exceptions.”

Moreover, the Supreme Court had reached a similar conclusion with respect to a “similar statutory structure,” i.e. the Fair Credit Reporting Act.

The court stated that since the town’s arguments lack “basis in the text or history of the FHA,” the town had resorted to “policy arguments.” The town cited “the risk that blameless taxpayers will end up bearing the brunt of these damages.” The court observed that there are also “policy arguments on the other side ...such as the need to adequately deter towns

from discriminatory conduct that might be cost-efficient because it leads to relatively small compensatory damages.” Congress had made a “policy judgment when it enacted and amended the FHA.” That judgment was to “impose punitive damages on municipalities that discriminate in the area of housing.” Thus, the court affirmed the town’s liability for punitive damages.

However, the court held that the subject punitive damages award “does not comport with due practice.” The Supreme Court had established “three guideposts for evaluating when the amount of punitive damages become so excessive that it crosses the line into arbitrariness, violating due process.” The first factor is the “reprehensibility of the defendant’s conduct.” The second factor is the “ratio between harm, or potential harm, to the plaintiff and the punitive damages award, often captured as the ratio of punitive to compensatory damages.” The third factor is the “disparity between the punitive damages award and the civil penalties authorized or imposed in any comparable cases....”

The court found that there was “ample evidence of highly reprehensible conduct by the (town).” It noted that the town had “engaged in a deliberate and sustained campaign of discrimination and retaliation” and cited “repeated actions,” as opposed to an “isolated incident.” The evidence established “intentional malice” rather than “mere accident.” Moreover, the town “evinced an indifference to or reckless disregard of the health or safety of others, when its police officers leaked sensitive medical information about a (plaintiff) resident to the public and failed to investigate an episode of vandalism of (plaintiff’s) group home.”

The court further stated that the “ultimate target of the town’s conduct, the residents with disabilities who relied on (plaintiff’s) housing,

“had financial vulnerability.” The town officials not only violated the FHA, but they had “publicly celebrated when their discriminatory efforts succeeded keeping (plaintiff’s) residents out of town.” The court concluded that “this is a case where ‘further sanctions’ beyond compensatory damages are warranted ‘to achieve punishment and deterrent.’”

Thus, the court believed that the first factor weighed “in favor of a substantial award of punitive damages.” It was also concerned about the “ratio between punitive and compensatory damages in this case, i.e. approximately 27.6 to 1.” The Supreme Court had “eschewed mathematical formulae or any bright-line rule about constitutionally permissible ratios....” However, the Supreme Court had “cautioned that ‘few awards exceeding a single - digit ratio between punitive and compensatory damages, to a significant degree, will satisfy due process.’” The court acknowledged that the “propriety of the ratio can vary enormously with the particular facts of the case.” It was “not persuaded that the facts of this case can justify the facially excessive ratio here.”

The plaintiff argued that “higher ratios may be permissible when ‘the monetary value of non-economic claim might have been difficult to determine.’” The court acknowledged that in this case, it is “difficult to measure the harm of (plaintiff) being unable to provide housing to its intended residents and the intangible harms of the unabashed discrimination that (town) engaged in and openly celebrated.” It also noted that all “violations of civil rights are often particularly egregious acts that result in ...injuries whose monetary value is difficult to detect.”

However, the court opined that the “difficult-to-measure harms of (town’s) discrimination do support a relatively high ratio, but could not support one as high as this.”

The town had also argued that the court should consider “not only the harms it actually suffered as quantified by the jury’s compensatory damages award, but also the potential of the town’s conduct.” The court explained that the “proper inquiry is whether there is a reasonable relationship between the damages awarded and the harm likely to result from the defendant’s conduct, as well as the harm that actually has occurred.” The plaintiff argued that it had to “forfeit a contract with a state agency worth \$866,152 in yearly funding to the organization.” The total loss of funding was estimated to be \$4.7 million and the plaintiff suggested that could be considered as the potential harm.

The court explained that the “relevant potential harm is harm to the victim that would have ensued if defendant’s tortious plan had succeeded.” It stated that the forfeited contract “is harm that did ensue,” which plaintiff had asserted as an actual loss. However, the

jury refused to include that in its award of compensatory damages. The court held that ratio of 27.6 to 1 was “far beyond the range most likely to survive constitutional scrutiny.”

The court noted that civil fines of \$50,000 for a first violation and \$100,000 for subsequent violations in proceedings brought by attorney general, were an instructive benchmark for what Congress has thought would be appropriate punishment for violations of the FHA. The court also considered penalties imposed by HUD. Here, the “benchmark is significantly lower than the punitive damages award in this case” and that “further suggests that the award crossed the boundaries of due process.”

The court reasoned that the “high degree of reprehensibility” of the town’s conduct supports a “significant award of punitive damages” and that the town’s “discrimination inflicted non-economic harms that may not be easily quantifiable likewise suggest that even a relatively high ratio of punitive damages to compensatory damages can survive constitutional scrutiny in this case.” However, the court found that the 27.6 to 1 ratio here “is simply too high, as confirmed by the much lower civil penalties available for comparable conduct.” Accordingly, it held that the punitive damage award was unconstitutionally excessive and the “maximum sustainable amount of punitive damages is \$2 million.”

Thus, the court held that the trial court did not err in applying the “motivating-factor” standard with respect to the town’s “disparate treatment and retaliation claims under the FHA, in subjecting (the town) to vicarious liability, and in allowing the jury to assess punitive damages....” However, since the amount of punitive damages was “so grossly excessive as to violate the process,” the court remanded the case to the trial court for a “new trial on the issue of punitive damages, unless (the plaintiff) agrees to a remittitur reducing the punitive damages to \$2 million.”

**Comment:** This decision is of interest because it analyzes, *inter alia*, when punitive damages are available, when the amount of punitive damages may exceed the limits of constitutional due process and when a municipality may be subject to punitive damages based on the conduct of its officials.

Additionally, this decision illustrates how parties may prove actionable misconduct of public officials by citing statements made by such officials at public meetings and in local media. Many public meetings are recorded, transcripts of meetings may be available and eyewitness testimony may also be available.

**Gilead Cmty. Servs. Inc. v. Town of Cromwell, U.S. Court of Appeals, 2nd Cir., Case No. 22-1209, decided Aug. 12, 2024. Parker, Lynch and Nathan, Circuit Judges. Decision by Nathan, J.**

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## Expert Analysis / Outside Counsel / Real Estate Trends

## Output

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its origin,” *Goldstein v. California* 412 U.S. 546 (1973).

The lower courts have followed suit in cases involving works allegedly authored by spiritual beings, *Urantia Fdn. v. Maaherra*, 114 F.3d 955 (9th Cir. 1997); *Penguin Books USA v. New Christian Church of Full Endeavor*, 2000 WL 1028634 (S.D.N.Y. 2000); *Oliver v. St. Germain Fdn.*, 41 F. Supp. 296 (S.D. Cal. 1941); a work consisting of a garden of wildflowers, *Kelley v. Chicago Park Distr.*, 635 F.3d 290 (7th Cir. 2011); and most recently, a photographic “selfie” allegedly taken by a crested macaque monkey, *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018). The plaintiff in *Thaler*, by contrast, “can point to no case in which a court has recognized copyright in a work originating with a non-human.”

The *Thaler* court recognized that A.I. poses many “challenging questions” such as “how much human input is necessary to qualify the user of an AI system as an ‘author’ of a generated work,” and how to “assess the originality of AI-generated works when the systems may have been trained on unknown

pre-existing works,” but “this case, however, is not nearly so complex.” The court also declined to address plaintiff’s “myriad theories” about how he was vested with ownership of the alleged copyright, whether under common-law or the work-made-for-hire provisions of the Copyright Act. Here, the AI-generated image “was never eligible for copyright, so none of the doctrines invoked by plaintiff conjure up a copyright over which ownership may be claimed.”

## Conclusion

Plaintiff’s counsel has indicated that plaintiff will appeal the District Court’s ruling, and if past is prologue, that is probably true: In a previous similar action against the U.S. Patent and Trademark Office—challenging the PTO’s refusal of plaintiff’s patent application for an AI-created invention—the same plaintiff took his appeal all the way to the Supreme Court, which denied certiorari on April 24, 2023 (*Thaler v. Vidal*, No. 22-919). The result here is likely to be the same, but it must be noted that even a modicum of human involvement in the creative process could be enough to clear the very low bar for copyrightability established

by *Feist v. Rural Telephone*, 499 U.S. 340 (1991).

Any applicant who genuinely wishes to register copyright in a work, rather than simply to create a pretext for a test case, can still presumably do so quite easily under the ruling in *Thaler*, even if significant aspects of the work may be AI-created. In March 2023, the Copyright Office issued guidance in the Federal Register which instructed applicants seeking to register works containing more than de minimis AI-generated material to disclose that the work contains such material and provide a brief explanation of the human author’s contributions. Any application to register this column, for example, should disclose that the description of *Burrow-Giles* in the sixth paragraph was written by ChatGPT, and the remaining verbiage was the work of the named human authors.

On Aug. 30, 2023, the Copyright Office issued a notice of inquiry and request for comments, addressing a range of issues at the intersection of AI and copyright law. See <https://www.federalregister.gov/documents/2023/08/30/2023-18624/artificial-intelligence-and-copyright>. Comments must be submitted no later than 11:59 p.m. Eastern Time on Wednesday, Oct. 18, 2023.

## Trusts

« Continued from page 4  
legal argument but also will be less likely to challenge the trust in the first instance.

## Revocability and Control of Trust Assets

If a party retains control over a trust funded with marital property, then the trust assets will be readily accessible and are likely to be considered as part of the marital estate. The most important factor for determining whether the grantor retains control is whether the trust is “irrevocable” or “revocable.” With a revocable trust, the grantor will have the ability to “revoke” the trust and regain title to its assets.

Even if a trust is legitimate and not a “sham trust,” courts will equate the power to revoke trust assets with outright ownership and will treat marital property in a revocable trust as part of the marital estate. See, e.g., *Galachuk v. Galachuk*, 691 N.Y.S.2d 828 (App. Div. 4th Dep’t 1999). The opposite is true with respect to irrevocable trusts, which are generally *de facto* excluded from the marital estate absent inequitable conduct. In *Markowitz v. Markowitz*, even though both parties agreed that the trust had been funded with marital property, the court declined to divide the trust assets, because the trust was irrevocable and both parties had consented to the trust’s creation. 45 N.Y.S.3d 203.

At the same time, irrevocability is not dispositive, because courts will look holistically at the terms of the trust to consider whether one

of the spouses retains control. In *Wortman v. Wortman*, defendant-husband claimed that the cash surrender values of life insurance should have been excluded from the distributive award because they were held in an irrevocable trust and were unavailable to him. 783 N.Y.S.2d 631 (App. Div. 2d Dep’t 2004). The court rejected this argument, holding that the value of the policies were correctly included in the distributive award because the plaintiff-wife served as trustee and had control of the trust assets in that capacity.

## Grantor Status

A related consideration is whether the trust is a “grantor trust.” Grantor trusts are trusts in which the grantor retains certain powers or benefits that cause the trust’s income or assets to be attributed to the grantor for income tax purposes. In contrast, a non-grantor trust is treated as a separate entity for income tax purposes, and the grantor does not retain significant control or benefits. There are various “triggers” that will cause a trust to be deemed a grantor trust, including powers of substitution, permitting income to be distributed to the grantor’s spouse, and retaining the power to add beneficiaries.

When engaging in estate planning, parties should consider whether they want to retain grantor status. On one hand, retaining grantor status allows trust assets to grow tax-free and ensures greater flexibility. On the other hand, this heightened control may make a trust more vulnerable to division. Accordingly, if a trust is funded with marital property, the safest

approach may involve “turning off” grantor status.

## Conclusion

Despite the risks posed to trusts in a divorce, there are numerous preventative steps to ensure that trusts created during marriage are legally protected.

First, because both parties are entitled to a share of marital property, any trust that is funded with marital property should be established with the documented and informed consent of both parties.

Second, it is important to retain records showing the source of trust assets and tracking any substitutions. This will not only reduce the costs of discovery but can also protect the grantor’s separate property in the event of a dispute.

Third, if a trust is funded with marital property, it may be best practice to relinquish control of the trust assets so that they are not included in the marital estate. Typically, this would involve setting up an irrevocable, non-grantor trust.

Finally, because the default law around marital property trusts is largely undefined and discretionary, prenuptial and postnuptial agreements can provide certainty. These agreements can also be used to explicitly remove trusts from equitable distribution.

Estate plans should be undertaken with experienced trust and estates counsel who understand the treatment of trusts in a divorce. And, just as we recommend working with trust and estates attorneys who fully understand matrimonial issues, we would likewise recommend working with matrimonial attorneys who understand these trust and estates issues.

## Brooklyn

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city space. The location at Rockaway Avenue and Newport Street reimagines the U-Bet Chocolate Syrup factory.

The 174 apartments will be available to those earning 70 percent of the median area income or less.

The Bridge, Mega Development, and Greenpoint Manufacturing and Design Center were a part of the development team for Brownsville

Industrial Center. “The project is expected to become a citywide and national model for increasing affordable housing on underutilized property while maintaining manufacturing use,” Greenpoint and Design said in a statement.

Hochul’s \$25 billion plan aims to preserve and create 100,000 affordable homes throughout New York. The Governor announced earlier this year that more than 40,000 homes had been built since revealing her Fiscal Year 2023 budget. However, the state

may need to pick up the pace. The Regional Plan Association projects New York City alone will need 473,000 more housing units by 2032 to meet the demand, according to Forbes.

For July, New York was the top multifamily market for starts, with 30,618 units permitted, an analysis by RealPage of the U.S. Census Bureau and Department of Housing and Urban Development shows. That was up about 20% from the same month a year ago, and up more than 5% from June.

## CRE

« Continued from page 5

California’s Proposition 33 (the “Justice for Renters” act) would allow local governments to expand rent control, giving cities the right to undo vacancy decontrol. Many property owners and investors have long argued that rent control inhibits new supply and hinders property upgrades. “This would significantly impact property values, as landlords would be unable to raise rents on vacant units to market rate,” according to David Evans, Kidder Mathews’ senior associate in Los Angeles.

“If I were president for a day,” Evans adds, “I would require any state or local municipality receiving federal funds for housing to remove rent caps for owners who renovate or otherwise improve their existing multifamily units.”

In Los Angeles, Executive Directive 1, which expedites approvals of affordable housing projects, has boosted much-needed volume. Yet, project scale and other building concerns have led to stricter limits from the mayor’s office, prompting familiar objection from commercial real estate professionals.

“The proposed changes to ED1 that would lower the max buildable units and potentially require developers to pay builders prevailing wage would disincentivize new residential development,” Evans says.

In Seattle, Initiative 137 would fund affordable “social” housing development through a 5% marginal tax on employers paying workers more than \$1 million annually. If passed in February 2025, this could generate over \$50 million annually for Seattle’s Social Housing Public Development Authority. “Seattle should not

discourage large employers with high compensation packages from locating/remaining here,” says Jeff Huntington, first VP and shareholder at Kidder Mathews. “The city needs to do more to attract/retain those companies, not push them away.”

In 2023, high housing costs spurred Oregon to the country’s third most expensive place to live. “There need to be incentives for developers to build more affordable housing, not minimums and in-lieu fees that never make it back to helping low-income individuals efficiently or effectively,” says Kevyn Joshi, Kidder Mathews SVP and shareholder in Portland.

## California Commercial Concerns

There are several ballot measures in California that will impact the commercial real estate landscape—AB98, SB1103, and AB2904. Viewed by many in the CRE industry as an anti-warehousing bill, California AB 98 would place more restrictions on new and expanded logistics development, including replacing any homes removed for development at a 2:1 ratio, not allowing trucks to drive on any streets that would be considered residential, and requiring a buffer of 300 to 500 feet of any “sensitive receptors”. The bill has been sent to Governor Gavin Newsom’s desk for an end of September decision.

“In my opinion, AB 98 could have the most significant negative impact on industrial CRE,” says Eric Paulsen, regional president for Kidder Mathews. He also sees the California Supreme Court’s removal of the “Taxpayer Protection and Government Accountability” Act from the November 2024 statewide ballot as a “major

blow” to the industry and efforts to restore the limits on state and local taxation through Proposition 13. “The added financial burdens on the supply chain could ultimately hurt consumers—the very group these policies aim to help.”

SB 1103, if signed into law, could disrupt commercial leasing, impacting both landlords and tenants. Property owners would be required to translate leases or letters of intent into the tenant’s primary language, such as Spanish, Chinese, or Tagalog. This could increase costs and create risks, as tenants may cancel agreements due to translation disputes, as well as make it difficult to recoup unforeseen expenses such as emergency repairs and insurance premium increases. Paulsen also highlights the benefits of AB 2904, which would extend the notice period for zoning changes from 10 to at least 60 days, allowing property owners more time to prepare for pending revisions.

## Rents

« Continued from page 5

construction has been booming, there are likely deals to be found,” said Redfin Senior Economist Sheharyar Bokhari. In Austin, rents for new and existing apartments plummeted 17.6% in August year-over-year.

By apartment size, rents for one-bedrooms fell 9% in the second quarter compared to the prior year to \$1,566. Two bedrooms fell 4.5% to \$1,934 and three bedrooms 3% to \$2,309. The only size to show rent growth was for studios, which rose 0.9% to \$1,617, likely because fewer are being built, the report said.

## Multifamily

« Continued from page 5

Many locations are facing mild supply pressure, especially outside Sun Belt markets, the report said. Rent growth in markets including Chicago, Cincinnati, Cleveland, Milwaukee, Pittsburgh and St. Louis benefitted from inventory expansion below 2%.

The multifamily sector has experienced net absorption of nearly 260,000 apartments during the first two quarters of this year, exceeding the entire prior year’s absorption by 35,000 units. Rising household creation and cooling inflationary pressure held national vacancy at 5.8% to start the second half of 2024, according

to the report. However, the overall midyear rate stayed 40 bps above the long-term second-quarter average, as historic construction has counterbalanced strong demand.

With about 1 million units underway across the country, supply pressure is expected to remain a near-term headwind for vacancy. However, multifamily project starts fell by more than 18 percent year over year in July and permits decreased by 15 percent, signaling development has likely peaked.

Operators have increasingly offered discounts to combat competition, pushing the share of apartments offering concessions to 14.1 percent in August 2024, up more than 500 bps year over

year. Concession activity has leveled out among Class A properties after peaking in March, but Class B and C apartments continue to offer discounts, said the report.

Momentum in the market pushed annual rents 4% higher among lease extensions, compared with a 0.8% drop for new tenants. Renters are choosing to stay put as first-time homeownership remains difficult. The share of US households that can qualify for a median-priced home loan from Freddie Mac fell to just 26 percent in the second quarter of 2024, compared with a trailing-decade average of roughly 46 percent, said the report. The apartment renewal conversion rate hit 54.9 percent in August 2024, increasing by 150 bps year over year.

## Appeal

« Continued from page 5

cost/benefit analysis). Invariably, all clients want to know about the likelihood of success. This is where an attorney may want to instill the client with a sense of confidence.

Some might say that it is better to under promise and over deliver than to over promise and under deliver. But then again, under promising might send a false signal; it may suggest to the client that perhaps the attorney lacks confidence in his or her ability, or the necessary experience, to win the appeal. And yet again, if the attorney over-promises, then the attorney may be held accountable by the client who doesn’t achieve the expected result (presenting a situation where a client might assert this as an

excuse not to make full payment).

Regardless, no responsible attorney should offer an assessment of the viability of an appeal without a thorough understanding of the facts and applicable law. As any experienced lawyer may tell a potential client (because it is a statistical fact, you can look it up), throughout history, lawyers have won cases that they should have lost, and lost cases that they should have won, and the one thing that all lawyers know for certain is that without a thorough examination of the record (and understanding of the applicable law), who can tell a client that anything about an appeal is certain?

Clients want to believe in their attorneys, so, perhaps an attorney should not take a case unless a satisfactory result is achievable. But consistent with that philosophy, it is impossible

to determine whether an appeal is supportable and viable until the lawyer has completed their thorough review and analysis of the record and answered all of the client’s questions. Only then can an attorney share and discuss their assessment with the client, including cost, time, and likelihood of success.

Review of the 2023 Report provides some comfort in the knowledge provided by those statistics. Mindful that statewide at the Division there were only 4,138 affirmance/out of 6,928 post submission/argument appeals, and the affirmance/reversal statistics are even tighter at the Court of Appeals, this seems to suggest that an appellate practitioner who understands the case and knows what they are doing can turn a losing determination into a winner on appeal. And who doesn’t want to be a winner?

## Calendar

« Continued from page 6

## Practising Law Institute

Developments in Decentralized Finance 2024  
9 a.m. – 1:30 p.m.  
[www.pli.edu/programs/blockchain-2.0](http://www.pli.edu/programs/blockchain-2.0)

## THURSDAY, OCT. 10

**NY City Bar**  
Guidelines for Users and Developers of AI Powered Technologies  
11 a.m. - 1 p.m.  
Webinar Registration Link:  
[https://services.nycbar.org/EventDetail?EventKey=\\_WEB101024&mcode=NYLJ](https://services.nycbar.org/EventDetail?EventKey=_WEB101024&mcode=NYLJ)  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Lawyers Connect Fall Reception: Oktoberfest**  
6:30 p.m. - 8:30 p.m.  
In-Person Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=LCOT101024&mcode=NYLJ>  
42 West 44th Street, New York  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**By the Book: A Conversation with Professor Angela Fernandez, Author of Pierson v Post, The Hunt for the Fox: Law and Professionalization in American Legal Culture**  
6:30 p.m. - 7:30 p.m.  
Webinar Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=ANI041024&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314&mcode=NYLJ>  
Location: Zoom  
Contact: 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Practising Law Institute**  
Antitrust Counseling & Compliance 2024  
9 a.m. – 5:30 p.m.  
[www.pli.edu/programs/antitrust-counseling-compliance](http://www.pli.edu/programs/antitrust-counseling-compliance)

**Insider Trading Law 2024**  
1:30 p.m. – 5 p.m.  
[www.pli.edu/programs/insider-trading-law](http://www.pli.edu/programs/insider-trading-law)

## FRIDAY, OCT. 11

**NY City Bar**  
Mindfulness Break

1:15 p.m. - 1:35 p.m.  
Webinar Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=MWBL101124&mcode=NYLJ>  
Location: Zoom  
Contact: Customer Relations  
Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

## TUESDAY, OCT. 15

**NY City Bar**  
Securing Democracy for Tomorrow - Join the City Bar’s Civics Corps!  
6 p.m. - 7 p.m.  
In-Person Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=CVED101524&mcode=NYLJ>  
42 West 44th Street, New York  
Contact: Customer Relations  
Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Practising Law Institute**  
Employment Law Institute 2024  
9 a.m. – 5 p.m. (Day 1)

9 a.m. – 5:15 p.m. (Day 2)  
[www.pli.edu/programs/employment-law-institute](http://www.pli.edu/programs/employment-law-institute)

Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**WEDNESDAY, OCT. 16**

**NY City Bar (CLE)**  
Hot Topics in Nonprofit Law: Nonprofit Speech and Conduct in a Polarized World  
2 p.m. – 5 p.m.  
3 CLE credits  
Webinar Registration Link:  
[https://services.nycbar.org/EventDetail?EventKey=\\_WEB101624&mcode=NYLJ](https://services.nycbar.org/EventDetail?EventKey=_WEB101624&mcode=NYLJ)  
Location: Zoom  
Contact: Customer Relations  
Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**NY City Bar (Non CLE)**  
Book Launch: Navigating Maritime Arbitration: The Experts Speak (2d Ed.)  
6 p.m. - 8 p.m.  
In-Person Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=ADM101624&mcode=NYLJ>  
42 West 44th Street, New York  
Contact: Customer Relations

Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Exploring Restorative Processes as a Means of Building Community and Addressing Conflict**  
6 p.m. - 8 p.m.  
In-Person Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=ADR101624&mcode=NYLJ>  
42 West 44th Street, New York  
Contact: Customer Relations  
Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**Practising Law Institute**  
Trial by Jury 2024  
9 a.m. – 5 p.m.  
[www.pli.edu/programs/trial-by-jury](http://www.pli.edu/programs/trial-by-jury)

**Practising Law Institute**  
Think Like a Lawyer, Talk Like a Geek 2024: Get Fluent in Technology  
9 a.m. – 5 p.m.  
[www.pli.edu/programs/think-like-a-lawyer-talk-like-a-geek-get-fluent-in-technology](http://www.pli.edu/programs/think-like-a-lawyer-talk-like-a-geek-get-fluent-in-technology)

**Housing Law for Low-Income Communities in New York City 2024**  
12:30 p.m. – 5:05 p.m.  
[www.pli.edu/programs/new-york-housing-law-for-the-low-income-client](http://www.pli.edu/programs/new-york-housing-law-for-the-low-income-client)

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Location: Zoom  
Contact: Customer Relations  
Department, 212-382-6663 or [customerrelations@nycbar.org](mailto:customerrelations@nycbar.org)

**NY City Bar (Non CLE)**  
Program and Reception  
For International LL.M.  
Candidates  
6:30 p.m. - 7:30 p.m.  
In-Person Registration Link:  
<https://services.nycbar.org/EventDetail?EventKey=INT103124&mcode=NYLJ>  
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# Court Calendars

## First Department

### APPELLATE DIVISION CALENDAR FOR THE OCTOBER TERM

**WEDNESDAY, OCT. 2**  
2 P.M.  
22/1872 People v. Domingo Rivera  
24/1577 Mehmeti v. Karlin  
24/920 A., Khiaara  
24/1853 Juman v. Cape Church  
23/699 Employers Insurance v. Dominion Insurance  
22/3365 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. Deasha Calhoun  
24/35 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  
23/6012(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  
23/4511(2) L., Tashawnda v. Ladarius P.  
23/2721 Orenstein v. 301 E. 78 St.  
23/5676 Krohn v. Reyes  
19/2232 People v. Ibrahim Bah  
24/505 French v. NYS Dept. of Labor  
24/2787 Macauley v. New Line Structures  
23/5274 Zhong Lun Law Firm LLC v. Zhong Lun Law Firm  
23/4499 People v. Lockett Curtis  
23/4864 Yarusso v. Sewell  
24/1881 Noyack Medical v. Osk IX  
24/2610 Rivera v. F & S Contracting  
23/5329 Tibbs v. De'Longhi America  
23/5368N Parker v. Trustees of the Spence School  
24/710N Bey v. City of NY  
23/3953N Rgrurev 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  
23/2149 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. OBEX Securities  
22/2008 People v. Austin Johnson  
24/169 Ocean Trails v. MLN TopCo  
23/6450 Commissioners State Ins. v. Z. Builders Assoc.  
24/743 Pena v. Rhodes 2  
23/2802 Wykstra v. 304-306 East 83rd  
23/4804N Messer v. Hughes  
24/1005N Orellana v. 115 Enterprises Group  
24/869(2)NAntonello 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 Adebano v. Johnson  
23/623 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 Melikov 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  
23/5019 ARCP/E1 v. Public Service Mutual  
23/4477 People v. Elik Johnson  
23/5414N Aristocrat Plastic v. Silva  
23/2856N Farrell Limousine v. Macro Consultants

### THURSDAY, OCT. 10

2 P.M.  
19/9962 People v. Marcus Cruceta  
23/2610  
23/4935 Saquisili v. Harlem Urban Dev.  
23/1803 M., Denim  
23/27611 H., by Guardian v. NYC Dept. of Housing  
23/2172 Ortiz v. Country Beer  
23/3771 People v. Eli Kirtew  
23/519 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.  
17/2013(1) People v. Corey King  
23/4740 Ramirez v. 34-10 Development  
23/4902 D., Muhamed v. Shanice M.  
23/3450 Smith v. City of NY  
23/4819 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. Traxys North America  
19/4777 People v. Hamidou Diallo  
23/6016 Chiarovano v. 237 Park Owner  
23/48110 Cioppa v. ESRT 112 W 34th St  
24/34 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. Larick Micheaux  
23/5919 GIF, Inc. v. Quinn  
24/2510 Cartagena v. Hansford  
23/4006 Zatzabal v. City of NY  
23/25 People v. Mamadou Diallo  
23/5599(2) 333 Johnson v. Maple 333 Johnson  
23/4145N Amcojor Realty Corp. v. Butler 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. v. Sconzo  
23/2259 Lind v. Tishman Construction  
23/3035 Antonio v. VS 125 LLC  
23/5421(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  
22/4563 People v. Royce Corey  
23/4957(2) CSN Realty Corp v. 2252 Third Ave  
20/1800 People v. Thurston Stewart  
23/5585N HSBC Bank v. Proctor  
24/1126(2)N 361 Broadway Assoc. v. Foundations Group  
23/5581N Wilmington Savings v. Moretta  
24/1966 Chen v. 215 Christie Venture

### 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. Concept Salon  
23/3177 Kalaf v. PSEG Long Island  
23/1437(1) \*People v. Malik Branch  
23/4114(1) \*People v. Malik Branch  
23/4605 Martinez v. Partnership 912  
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  
23/4968(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.  
23/4974 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. Extell 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) Peppen v. Lascano  
23/5034 2497 Realty Corp. v. Fuentes  
23/6113 Jenkins v. Gina B.  
20/2115 People v. Ross Campbell  
23/3342N Robert Marsden  
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  
23/23611 People v. Jabon Walker  
24/1101(2) Bayview Loan v. Dalal  
23/3759 Escalocito 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  
24/148 Starr Indemnity v. Monte Carlo  
24/488 People v. Terrace Graham  
23/6520(2) HMC Assets v. Tsimmer  
23/6265 Schmidt v. Board of Directors  
23/4936 Fishman v. Isaales  
23/6382 Travajla 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.**

**WEDNESDAY, OCT. 2**  
10 A.M.  
35/69/18 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  
**TUESDAY, OCT. 8**  
12 P.M.  
65366/20 Simon Property v. Tahari

## 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 of 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 8 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 at: <http://www.nyscommissiononcompensation.org> on the day of the meeting.

If you would like to testify, please contact the Commission in advance by email, at: [nyscompensation@gmail.com](mailto:nyscompensation@gmail.com) or by regular mail, at: NYS Commission on Legislative, Judicial and Executive Compensation, 64 Beaver Street, Box 454, New York, NY 10004. Interested parties and members of the public may also submit written submissions to [nyscompensation@gmail.com](mailto:nyscompensation@gmail.com) or by regular mail (address above). Written submissions will be posted on the Commission's website.

In March of 2015, Part E of chapter 60 of the Laws of 2015 was enacted, providing for a quadrennial commission to Aexamine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges, members of the Legislature and certain Statewide elected officials and Executive Branch officers named in Executive Law 169. The Commission was charged, first, with issuing findings, conclusions, determinations and recommendations to the Governor, the Legislature and the Chief Judge with regard to judicial compensation. That report was released on December 4, 2023. A separate report, relating to legislative and executive compensation, is due by November 15, 2024. Any recommendations would take effect on January 1, 2025.

**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.  
656758/22 Triple 555 v. United Garment Group  
**MONDAY, OCT. 14**  
10 A.M.  
650335/23 NY Tower Capital v. Freund  
**TUESDAY, OCT. 15**  
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  
**TUESDAY, OCT. 8**  
12 P.M.  
65366/20 Simon Property v. Tahari

Chapter 60 sets forth a number of factors to guide the Commission's work of determining appropriate salary levels, including, but not limited to, the overall economic climate in New York; rates of inflation; changes in public sector spending; levels of compensation and non-salary benefits received by professionals in government, academia and private and nonprofit enterprise; and the state's ability to fund increases in compensation.

As prescribed in chapter 60, the Commission consists of seven members appointed by the leaders of all three branches of New York State government. Three members are appointed by the Governor; two (including the Chair) by the Chief Judge; and one each by the President Pro Tem of the Senate and the Speaker of the Assembly. The findings and recommendations require a majority vote but they must also be supported by at least one member appointed by each appointing authority. The Commission's Chair shall preside but not vote on matters relating to legislative and executive compensation.

The Commission may recommend up to two adjustments in legislative and executive salary levels, each commencing on January first, following a November general election of members of the Legislature. The Commission is deemed dissolved following issuance of the report due no later than November 15, 2024.

### U.S. DISTRICT COURT Eastern District

#### Applications Being Accepted for Magistrate Judge Positions in Brooklyn Deadline is Oct. 23

Chief Judge Margo K. Brodie announced today that the Judges of the United States District Court for the Eastern District of New York have appointed a Merit Selection Panel composed of attorneys and residents of the district. (See Administrative Order No. 2024-14 on the district's website.) The Panel will consider candidates for three United States Magistrate Judge vacancies in Brooklyn, New York, for eight (8)-year terms, to be created by the retirement of U.S. Magistrate Judges Lois Bloom and Cheryl L. Pollak, effective May 17, 2025 and August 1, 2025, respectively, and by the appointment of U.S. Magistrate Judge Sanket J. Bulsara as United States District Judge, effective on the date of the signing of the Presidential Commission in December of 2024.

All applications for the magistrate judge vacancies must be received by **October 23, 2024**. The application form can be accessed online at the district's website: <https://www.nyed.uscourts.gov/forms/application-us-magistrate-judge-vacancy-docx>. Please see the attached public notice for instructions on how to submit applications for the magistrate judge vacancies.

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. Virgin 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

Continued on page 10

27 Sharpe: 1045 (111 Centre)  
28 Headley: 122 (80 Centre)  
29 Ramirez: 311 (71 Thomas)  
30 McMahon: Virtual (60 Centre)  
32 Kahn: 1127B (111 Centre)  
33 Rosado: 442 (60 Centre)  
34 Rameur: 341 (60 Centre)  
35 Dominguez: 289 (80 Centre)  
36 Saunders: 205 (71 Thomas)  
37 Engoron: 418 (60 Centre)  
38 Nock: 1166 (111 Centre)  
39 Adams: 623 (111 Centre)  
41 Moyné: 327 (80 Centre)  
42 Morales-Minera: 574 (111 Centre)  
43 Reed: 222 (60 Centre)  
44 Pearlman: 321 (60 Centre)  
45 Patel: 428 (60 Centre)  
46 Latini: 210 (71 Thomas)  
47 Goetz: 1021 (111 Centre)  
48 Masley: 242 (60 Centre)  
49 Chan: 252 (60 Centre)  
51 Chesler: 543 (60 Centre)  
52 Johnson: 307 (80 Centre)  
53 Borrok: 238 (60 Centre)  
54 Schechter: 228 (60 Centre)  
55 d'Auguste: 103 (71 Thomas)  
56 Kelly: 204 (71 Thomas)  
57 Kraus: 218 (60 Centre)  
58 Crane, D.: 305 (71 Thomas)  
60 Crane: 248 (60 Centre)  
61 Bamron: 232 (60 Centre)  
59 James, D.: 331 (60 Centre)  
62 Sweeting: 279 (60 Centre)

MFP/Kahn: 1127B (111 Centre)  
MSP-1: 1127B (111 Centre)  
IDV Dawson: 1604 (100 Centre)

**PART 40TR**  
**JUDICIAL MEDIATION**  
**On Rotating Schedule:**  
Kaplan 1227 (111 Centre)  
Silvera 422 (60 Centre)

**EARLY SETTLEMENT**  
ESC 1 Vigilante 106(80 Centre)  
ESC 2 Wilkenfeld 106 (80 Centre)

**SPECIAL REFEREES**  
**60 Centre Street**  
73R Santiago: Room 354  
75R Burzio: Room 240  
80R Edelman: Room 562  
82R Wohl: Room 501B  
83R Sambucci: Room 528  
84R Feinberg: Room 641  
85R Shamash: Room 324  
88R Lewis-Reisen: Room 324

**JHO/SPECIAL REFEREES**  
**80 Centre Street**  
81R Hewitt: Room 321  
87R Burke: Room 238  
89R Hoahng: Room 236

**SPECIAL REFEREE**  
**71 Thomas Street**  
77R Bahr: Room 300

**Judicial Hearing Officers**  
Part 91 Hon. C. Ramos  
Part 93 Hon. Marín  
Part 95 Hon. Edmead

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

**SUPREME COURT Motion Dispositions from Room 130 60 Centre Street**

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

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

### 60 CENTRE STREET

**Submissions Part WEDNESDAY, OCT. 2**

**Submission**  
1 100513/24 Battistotti v. City of New York  
2 100748/24 Florez v. Related Mgt.  
3 100957/24 Perveez v. Jii Williamsburg LLC  
4 101012/24 Yohannon v. George Sopasakis

**THURSDAY, OCT. 3**

**Submission**  
1 100963/24 Cruz-Padilla v. NYC Dept. of Health And Mental Hygiene  
2 100933/24 Leiva v. NYS Dhs / Oti  
**Paperless Judge Part WEDNESDAY, OCT. 2**  
653999/24 Advanced Micro Lites, Inc. v. Specialty Bulb Co., Inc.  
162316/19 Ambrose v. City Univ. Const.  
157415/24 America First Legal Foundation v. Bragg  
656467/23 American Transit Ins. Co. v. Andrea Fiorentino Et Al  
656470/23 American Transit Ins. Co. v. Shashi Wilfred Et Al  
155557/21 Anyanwu v. 9 East 75th LLC Et Al  
652275/24 Avison Young-New York v. Delshah 60 Ninth LLC

**Submission**  
157850/24 Villardi Tusrone v. Comm'r. Ashwin Vasani Et Al  
151546/24 Watt v. Bp Prods. North America Inc. Et Al  
152779/20 Wolfe v. Orsids Rlty. Corp.  
654156/24 Xiong v. Yin  
153670/23 Yang v. Laporte

**THURSDAY, OCT. 3**  
652794/23 30 Fifth Ave. Owners Inc. v. Lane Engineering Consulting  
652300/24 Svrp Florida LLC v. Timilon Corp.  
160960/23 60a LLC v. U.S. Bank Trust Nat. Assoc. As Trustee of The Cabana Series IV Trust  
153194/24 Abreu v. Farkas  
654263/24 Adp, Inc. v. Simple Consulting Inc. Et Al  
654149/24 Alf, Inc. v. Feinstein Iron Works, Inc. Et Al  
651143/23 Alberto v. Gpb Capital Hlths.  
152597/24 American Express Nat. Bank v. Macpherson  
160966/21 Amoruso v. Lm Fairview Park Drive  
651801/24 Arena Special Opportunities Partners I v. Alfonsi

## 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 (80 Centre)  
6 King: 351 (60 Centre)  
7 Lebovits: 345 (60 Centre)  
8 Kotler: 278 (80 Centre)  
9 Waterman-Marshall: 355 (60 Centre)  
11 Frank: 412 (60 Centre)  
12 Stroth: 328 (80 Centre)  
13 Silvera: 422 (60 Centre)  
14 Bluth: 432 (60 Centre)  
15 James, T.: 438 (60 Centre)  
17 Hagler: 335 (60 Centre)  
18 Tisch: 104 (71 Thomas)  
19 Sokoloff: 540 (60 Centre)  
20 Kaplan: 1227 (111 Centre)  
21 Tsai: 280 (80 Centre)  
22 Clynes: 136 (80 Centre)  
23 Schumacher 304 (71 Thomas)  
24 Katz: 325 (60 Centre)  
25 Tingling: 1254 (111 Centre)  
26 Perry, P.: 684 (111 Centre)



654393/24 Barton Llp v. Arena Investors  
 155832/21 Brager v. Quality Bldg. Services Corp Et Al  
 153463/23 Bustamante Bueno v. 520 Foe Owner 2 LLC Et Al  
 160905/21 Cabrera 2 Hilton Worldwide Hldgs. Inc. Et Al  
 160947/23 Castillo v. 404 Condo 805050/21 Chang Hwa Commercial Bank v. Waterscape Resort II  
 151315/24 Chen v. Wilder  
 152115/22 Chen v. Fifth Ave. Men's Spa Inc.  
 159580/21 Cocozza v. Popkin  
 452359/23 Comm'rs. of The State Ins. Fund v. Evergreen Builders & Const. Services, Inc.  
 153882/17 Desena v. Gilbane Bldg. Co.  
 153886/21 Espinoza v. Land & Sea Dev. Corp. Et Al  
 157730/21 Excelsior 57th Corp. v. Aikaterini Kotogianni A/k/a/ Korina Kotogianni Et Al  
 158963/23 Fattorusso v. At&T Mobility Services  
 153452/24 Feldman v. Mount 654404/24 Freshlink Prod. Dev. v. Special Delivery Subscription Box LLC  
 653825/23 G2 Venture Partners v. The Pre-Ipo Marketpl.  
 156254/20 Garcia v. Nunez  
 150514/21 Garcia v. Casillo  
 150036/23 Garcia v. Blvd Bistro 116th St. LLC Et Al  
 653314/22 Garzon v. Omar's Les LLC Et Al  
 652688/22 Gobena v. Nikolae  
 161034/23 Gomez v. El Ad Us Hldg., Inc. Et Al  
 152516/23 Guzman v. Sherman Rlty. LLC  
 850285/14 Howera v. Wwp Office 157881/24 In Re Application of Leigh Eron v. Village East Towers, Inc. Et Al  
 158408/24 In The Matter of Gersh Kuntzman Et Al v. NYC Dept. of Transportation  
 158189/24 In The Matter of Suzanne Benz's Freedom of Information Law Request v. NYC Et Al  
 158382/24 In The Matter of The Application of Andrea Silva-Paulino v. NYC  
 158261/24 In The Matter of The Application of Jason Kurek v. For Leave To Serve And File Late Notice of Claim Against NYC  
 157445/24 In The Matter of The Application of Police Officer Diego Acosta-Torero v. Caban As Police Comm'r. of NYC  
 651296/24 Incomm Summits LLC v. Optimize Media LLC  
 155157/20 Joachim v. Riverton Square LLC  
 653053/24 John Boone, Inc. v. D&D Bldg. Co. LLC.  
 156787/24 John Quealy Irrevocable Life Ins. Trust v. Grayson  
 153316/22 Johnson v. Soler  
 653667/19 Kaptus Servicing, Inc. F/v/a v. Butler  
 161322/18 Kassai v. Trump Mgt. Inc.  
 653194/24 L&E Brokerage, Inc. v. 8th Convenience Corp. Et Al  
 651439/24 Lampkin v. Class 5, Inc. A/v/a Class 5 Films Et Al  
 158439/24 Law Offices of Michael S. Lamonsoff v. Rubenstein Law Personal Injury Lawyers  
 653156/24 Lendlease (us) Public Partnerships LLC Et Al v. Aig Specialty Ins. Co.  
 653367/23 Liberty Mutual Ins. Co. Et Al v. McGeary Jr.  
 156612/24 Lobosco v. Smarsh  
 159606/21 Lowell v. Joseph Van Os Photo Safaris, Inc. D/b/a Travelwid Expeditions  
 653540/23 Lugo v. Venture Leasing LLC Et Al  
 156808/24 Maresca v. Kavanagh  
 153846/23 McClain v. Key Foods Co.-Op., Inc. Et Al  
 155652/24 Melgarejo v. Simon  
 190189/24 Mohammed v. Avon Prods., Inc. Et Al  
 157956/22 Nbr Investment Properties v. Avista Capital Hldgs.  
 805029/24 Nechama Muchnik v. Nisha Garga  
 652051/24 Omnibuild Const. Inc. v. Cummings Corp. A/v/a Cumming Group A/v/a Lehrer Cumming Et Al  
 451123/24 People of The State of NY v. Hy & Wong LLC  
 158753/24 Proof Prods, Inc. v. 159960/23 Rangel Suarez v. NY Univ.  
 154886/22 Rodriguez v. NYCHA  
 656283/23 Ruham v. Hodak  
 159969/19 Sanchez v. 181st St. Medical  
 652359/23 Sharon Rlty. Corp. Et Al v. Kookmin Best Ins. Co., Ltd  
 154763/16 Simeone v. 678 Ninth Ave.  
 152478/23 Simmons v. NYCTA Et Al  
 650859/23 Structures Tone, Inc. v. Scottsdale Ins. Co. Et Al  
 450069/24 NYC v. Zurich American Ins. Co.  
 450686/24 Torres-Cedeno v. J & G Const. Services Inc. Et Al  
 159620/20 Traina v. Macarthur  
 850053/23 U. S. Bank Nat. Assoc. As Trustee For Cmlt Remic 2007-A2 - Remic Pass-Through Certificates. Series 2007-A2 v. Scott  
 805271/23 W. v. NY Columbia Presbyterian Hosp.  
 157939/24 Willner v. NYC Et Al  
 152779/20 Wolf v. Orsid Rlty. Corp.  
 654099/21 Yeldmo, Inc. v. Dirty Lemon Beverages LLC  
 151762/24 Zaitoon v. Tishman Real Estate Services  
 651243/24 Zepsa Industries, Inc. v. 401 West Prop. Owners  
 654214/24 Zoey Paint Corp. v. Boston Ship Repair

**THURSDAY, OCT. 3**  
 651801/24 Arena Special Opportunities Partners I. v. Alfonsi  
 652051/24 Omnibuild Const. Inc. v. Cummings Corp. A/v/a Cumming Group A/v/a Lehrer Cumming Et Al  
 451123/24 People of The State of NY v. Hy & Wong LLC  
 652676/24 Ramirez v. Issa  
 655074/21 Reveam, Inc. v. Taylor Feres Capital Markets

**Motion**  
 652676/24 Ramirez v. Issa  
 655074/21 Reveam, Inc. v. Taylor Feres Capital Markets

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

**THURSDAY, OCT. 3**  
 805376/21 Adler v. Troy M.D.  
 805348/22 Baez v. Fishoff  
 805418/21 Beatrice Frankard Little v. Cole M.D.  
 805395/21 Benitez Fernandez v. Lopez F.N.P.  
 805392/22 Brown-Simmons v. Crooms M.D.  
 805248/23 Cervoni v. Advanced Fertility Services  
 805030/21 Conti Battaglia v. Bigelow M.D.  
 651610/20 Ecorise Dev. LLC v. Anastos  
 805194/15 Endriss v. Barbara  
 805497/23 Fahey v. Mount Sinai West Et Al  
 805161/19 Gagliotto v. Dronsky  
 100963/22 George v. Mount Sinai  
 805343/19 Gonzalez v. New York Presbyterian  
 805332/23 Hatziantoniou v. Lenox Hill Hosp. Et Al  
 805436/23 Kilstein v. Driza  
 805342/20 Ledbetter v. Macaulay M.D.  
 805184/24 Marks v. The NY And Presbyterian Hosp. Et Al  
 805229/21 Martinez v. Lau M.D.  
 805390/21 Mills v. Rocco M.D.  
 805029/24 Nechama Muchnik v. Nisha Garga  
 805211/20 Renfroe v. Warschauer  
 805240/21 S. v. McManus Au.D.  
 651683/17 Saric v. Gfi Breslin  
 805385/22 Sayegh v. Fruchter D.O.  
 805021/21 Siddhartha Rana And Maya v. Kim  
 805307/22 Skeeter v. Shanewise  
 805275/23 Stith v. Upper East Side Rehabilitation And Nursing Center  
 805110/24 Sukhov v. Naqvi Mbbs  
 805277/18 Walker v. Roach  
 805410/21 Walton v. Bassetti  
 101234/22 Wang v. Deutch

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

**WEDNESDAY, OCT. 2**  
 652275/24 Avison Young-New York v. Delshah 60 Ninth LLC  
 451599/19 Board of Education of The City School Dist. of NYC Also Known As NYC Dept. of Education v. London  
 652861/23 Breitting v. Boneau Design, Inc. Et Al  
 654433/21 Kaptus Servicing, Inc. v. Harris Scott

**THURSDAY, OCT. 3**  
 452359/23 Comm'rs. of The State Ins. Fund v. Evergreen Builders & Const. Services, Inc.  
 653667/19 Kaptus Servicing, Inc. F/v/a v. Butler  
 656283/23 Ruham v. Hodak  
 652391/23 Klein Family L.L.C. v. Deratafia  
 154056/22 Tedford's Tenancy v. Esmaili  
 651243/24 Zepsa Industries, Inc. v. 401 West Prop. Owners

**Motion**  
 652391/23 Klein Family L.L.C. v. Deratafia

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

**WEDNESDAY, OCT. 2**  
 365057/24 Greenspan v. Gruenbaum  
 365817/23 Reis v. Pavlacka  
 313437/12 Serrant v. Serrant  
 365159/20 Wood v. Fox

**Motion**  
 365057/24 Greenspan v. Gruenbaum  
 365159/20 Wood v. Fox

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

**WEDNESDAY, OCT. 2**  
 653999/24 Advanced Micro Lites, Inc. v. Specialty Bulb Co., Inc.  
 652001/24 Akf Inc. v. Good Find For You, Inc. Et Al  
 656467/23 American Transit Ins. Co. v. Andrea Florentino Et Al  
 151529/24 Brite Advisors USA, Inc. v. Skybound Wealth Mgt. USA LLC Et Al  
 450640/24 NYC v. Pica Deli Grocery Corp  
 450564/24 NYC v. Wejdan Candy And Grocery, Inc.  
 650004/23 Gao v. House 39 Inc Et Al  
 151991/24 Goodman v. Bsd 685 NY Propco LLC Et Al  
 151814/24 Liberty Mobility Link v. Port Auth. of NY And New Jersey Et Al  
 153478/24 Lieutenant Benjamin Cui v. NYC Et Al  
 159968/22 McGovern v. Madame Mickette's Et Al  
 450573/23 NYCHA v. Johnson  
 652299/24 Pegasus Fund v. Kohnlich  
 651827/24 Rdi NYC LLC v. Jeweler of Newport Beach, Inc. Et Al  
 157850/24 Villardi Turone v. Comm'r. Ashwin Vasan Et Al  
 155345/21 Waheed v. Kirwan

**Motion**  
 652001/24 Akf Inc. v. Good Find For You, Inc. Et Al  
 151529/24 Brite Advisors USA, Inc. v. Skybound Wealth Mgt. USA LLC Et Al  
 650004/23 Gao v. House 39 Inc Et Al  
 151991/24 Goodman v. Bsd 685 NY Propco LLC Et Al  
 151814/24 Liberty Mobility Link v. Port Auth. of NY And New Jersey Et Al  
 153478/24 Lieutenant Benjamin Cui v. NYC Et Al  
 159968/22 McGovern v. Madame Mickette's Et Al  
 450573/23 NYCHA v. Johnson  
 652299/24 Pegasus Fund v. Kohnlich  
 651827/24 Rdi NYC LLC v. Jeweler of Newport Beach, Inc. Et Al  
 157850/24 Villardi Turone v. Comm'r. Ashwin Vasan Et Al  
 155345/21 Waheed v. Kirwan

**THURSDAY, OCT. 3**  
 651419/24 Akf, Inc. v. Feinstein Iron Works, Inc. Et Al  
 654404/24 Freshlink Prod. Dev. v. Special Delivery Subscription Box LLC  
 653314/22 Garzon v. Omar's Les LLC Et Al  
 158439/24 Law Offices of Michael S. Lamonsoff v. Rubenstein Law Personal Injury Lawyers  
 653367/23 Liberty Mutual Ins. Co. Et Al v. McGeary Jr.  
 156612/24 Lobosco v. Smarsh  
 159606/21 Lowell v. Joseph Van Os Photo Safaris, Inc. D/b/a Travelwid Expeditions  
 653540/23 Lugo v. Venture Leasing LLC Et Al

**THURSDAY, OCT. 3**  
 652051/24 Omnibuild Const. Inc. v. Cummings Corp. A/v/a Cumming Group A/v/a Lehrer Cumming Et Al  
 451123/24 People of The State of NY v. Hy & Wong LLC  
 158753/24 Proof Prods, Inc. v. 159960/23 Rangel Suarez v. NY Univ.  
 154886/22 Rodriguez v. NYCHA  
 656283/23 Ruham v. Hodak  
 159969/19 Sanchez v. 181st St. Medical  
 652359/23 Sharon Rlty. Corp. Et Al v. Kookmin Best Ins. Co., Ltd

# Court Calendars

## COURT NOTES

Continued from page 9  
 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/894572dd44ab644979ed53683c7005545>. 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>

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 dis-

tricts 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 be filed on or before Oct. 1, 2024.

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

150417/21 Guarin-Cardona v. Helzen Associates LLC  
 153225/22 Hereford Ins. Co. v. 21st Century Chiropractic Care Et Al  
 150783/23 Hereford Ins. Co. v. Wright  
 161288/23 Jimenez Soto v. Empire  
 157710/21 Johnson-Shirley v. Hwa  
 1290 III LLC Et Al  
 152376/21 Kelly v. 19 West 128 LLC Et Al  
 156831/24 Kogy LLC v. SI Green  
 152425/23 Iv Individually And As Natural Parent on Behalf of Minor Child Jv v. Roman Catholic Archdiocese of NY Et Al  
 159403/22 Minaya v. Harlem Jazz Enterprises LLC Et Al  
 805133/17 Moyer v. NYU Langone Health System  
 153438/21 Quizez v. Harben Studios  
 152149/19 Scarpa v. United 101 LLC

**Motion**  
 156122/19 Buck v. 40-56 Tenth Owner LLC

**THURSDAY, OCT. 3**  
 651439/24 Lampkin v. Class 5, Inc. A/v/a Class 5 Films Et Al

**Part 19**  
**Justice Lisa A. Sokoloff**  
 60 Centre Street  
 Phone 646-386-3979  
 Room 540

**Part 24 Matrimonial Part**  
**Justice Michael L. Katz**  
 60 Centre Street  
 Phone 646-386-3285  
 Courtroom 325

**WEDNESDAY, OCT. 2**  
 310907/18 Varghese v. Varghese

**Motion**  
 310907/18 Varghese v. Varghese

**Part 30V**  
**Justice Judith N. McMahon**  
 60 Centre Street  
 Phone 646-386-3275

**Part 33**  
**Justice Mary V. Rosado**  
 60 Centre Street  
 Phone 646-386-3894  
 Room 442

**WEDNESDAY, OCT. 2**  
 159840/22 Alfaro Cruz v. Regent Associates Et Al  
 158060/22 Arias v. Con Ed Co. of New York, Inc. Et Al  
 157947/21 Bedin v. NY Sabet Mgt., Inc. (d/b/a The Sabet Group) Et Al  
 152385/23 Breiding v. High Hopes Films  
 156118/22 Castillo v. 604 West 178th Corp  
 160890/21 Con Ed Co. of New York, Inc. v. The Hallen Const. Co., Inc.  
 159438/19 Cosmopolitan Interior NY Corp. v. J.T. Maglen & Co., Inc.  
 150931/22 Cruz Toribio v. Sv Operating Three  
 154796/21 Currence v. NYCHA  
 150955/22 Dendariarena v. Via Transportation Et Al  
 162341/23 Dimaggio v. The Port Auth. of NY And New Jersey Et Al  
 150113/24 Eadicicco v. Citalna Const. Et Al  
 159059/23 Ellis v. Rite Aid of New York, Inc. Et Al  
 157809/20 Firstenberg v. La Rochelle 75 I LLC Et Al  
 150631/24 Garcia v. The Port Auth. of NY And New Jersey Et Al  
 151478/22 Glekel v. One Fifteen West Associates  
 157137/20 Gossett v. John James Condominium  
 159023/21 Green v. Pavarini McGovern

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

**WEDNESDAY, OCT. 2**  
 155452/2492-1000 Amsterdam LLC v. Marte  
 652257/24 Citibank v. Angellino  
 450648/24 NYC v. Park Slope Beer Inc

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

**WEDNESDAY, OCT. 2**  
 155452/2492-1000 Amsterdam LLC v. Marte  
 652257/24 Citibank v. Angellino  
 450648/24 NYC v. Park Slope Beer Inc

157824/24 In The Matter of The Application of 5w13 Owner LLC v. The Board of Mgrs. of The Three West Thirteen Condominium Et Al  
 100957/24 Perveez v. Jii Williamsburg LLC  
**Motion**  
 155455/24992-1000 Amsterdam LLC v. Marte  
 157824/24 In The Matter of The Application of 5w13 Owner LLC v. The Board of Mgrs. of The Three West Thirteen Condominium Et Al

156537/24 Lendingclub Bank v. Mergen Inc. Et Al  
 653337/24 Nicole Hart As Trustee of The Zittman Family 2011 Trust v. The Bank of NY Mellon (and Any Predecessors Or Successors Thereto) Et Al  
 653276/24 Nicole Hart As Trustee of The Zittman Family Trust v. Deutsche Bank Trust Co. Americas (and Any Predecessors Or Successors Thereto) Et Al  
 653442/24 Zittman v. Deutsche Bank Trust Co. Americas (and Any Predecessors Or Successors Thereto) Et Al

**THURSDAY, OCT. 3**  
 651810/24 Kovacs v. Audioeye, Inc. Et Al

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

**WEDNESDAY, OCT. 2**  
 655002/22 Penske v. B. Riley Financial, Inc. Et Al  
 651795/24 Sig Cre 2023 Venture LLC v. Rosen

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

**WEDNESDAY, OCT. 2**  
 656086/23 B9 Hyatt Ave Owner LLC v. Mfr Realty  
 653435/22 Charter Communications Operating v. Sonus Networks, Inc. Et Al  
 450151/18 One Bryant Park v. Permaestella Cladding  
 654614/23 Orlela v. Townhouse Builders Inc. D/b/a Promot Et Al  
 650712/22 Skanska USA Bldg. Inc., Skanska USA Civil Northeast Inc., And Wash Const. Co. II, LLC, A Joint Venture v. Wsp USA Inc. F/v/a Parsons Brinckerhoff, Inc. And Hellmuth, Obata & Kassabaum, P.C., A Joint Venture

**THURSDAY, OCT. 3**  
 651143/23 Alberto v. Gpb Capital Holdings

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

**WEDNESDAY, OCT. 2**  
 304181/19 Beit-Halachmy v. London  
 305981/19 Bernan v. Attarwala  
 365521/23 Choquette v. Bertolani  
 365374/20 Faurot v. Di Fiori  
 365015/21 Haegele v. Searl  
 365265/21 O'Hagan v. Robertson  
 320541/22 Sammarco v. Sammarco  
 365522/23 Selit v. Selit  
 452935/23 Shaoukat v. Martinez  
 365045/21 Shmoel v. Shmoel  
 365771/23 Sobel v. Sobel  
 365063/23 Zhou v. Gao

**Motion**  
 304181/19 Beit-Halachmy v. London  
 305981/19 Bernan v. Attarwala  
 365521/23 Choquette v. Bertolani  
 365265/21 O'Hagan v. Robertson  
 320541/22 Sammarco v. Sammarco  
 365045/21 Shmoel v. Shmoel

**THURSDAY, OCT. 3**  
 365146/23 Thacker Bowell v. Thacker Bowell  
 320588/23 Xi v. Tai

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

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

**WEDNESDAY, OCT. 2**  
 653908/23 Beast Investments v. Celebrity Vertical Dining  
 651575/23 Becker v. Perla  
 452313/24 Lettita James v. Williams  
 Speedy Transportation LLC Et Al  
 651388/24 Nexamp Capital v. Dimension Me 1 LLC Et Al

**Motion**  
 452313/24 Lettita James v. Williams  
 Speedy Transportation LLC Et Al  
 651388/24 Nexamp Capital v. Dimension Me 1 LLC Et Al

**THURSDAY, OCT. 3**  
 654263/24 Adp, Inc. v. Simple Consulting Inc. Et Al

**Part 57**  
**Justice Sabrina Kraus**  
 60 Centre Street  
 Phone 646-386-3195  
 Room 218

**WEDNESDAY, OCT. 2**  
 950826/21 Centre v. Archdiocese of NY Et Al  
 950532/20 Doe v. Archdiocese of NY  
 950510/21 Doe v. Archdiocese of NY  
 950932/21 Fields v. General Conference of The United Methodist Church Et Al  
 155220/21 Gola v. Macy's Inc., D/b/a Macy's of 150236/21 Greentree v. NY Maint. Corp.  
 950241/21 L. v. Archdiocese of NY  
 950931/21 Pertardi v. General Conference of The United Methodist Church Et Al  
 950651/20 R. v. NYC  
 950528/21 R.R. v. Archdiocese of NY

**Motion**  
 950328/20 Doe v. Archdiocese of NY  
 950510/21 Doe v. Archdiocese of NY  
 950932/21 Fields v. General Conference of The United Methodist Church Et Al  
 155220/21 Gola v. Macy's Inc., D/b/a Macy's of 150236/21 Greentree v. NY Maint. Corp.  
 950241/21 L. v. Archdiocese of NY  
 950931/21 Pertardi v. General Conference of The United Methodist Church Et Al  
 950651/20 R. v. NYC  
 950528/21 R.R. v. Archdiocese of NY

**Part 12**  
**Justice Leslie A. Stroth**  
 80 Centre Street  
 Phone 646-386-3273  
 Room 328

**WEDNESDAY, OCT. 2**  
 162316/19 Ambrose v. City Univ. Const.

**THURSDAY, OCT. 3**  
 950713/20 G. v. NYC  
 159829/20 Martinec v. 1114 6th Ave. Owner LLC  
 950022/20 T. v. Archdiocese of NY

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

**WEDNESDAY, OCT. 2**  
 151651/14 Muminovic v. Kpmg Llp  
 651182/21 Pentagon Fed. Credit v. Tribnago Mgt.



152133/12Chrisafis v. NYCTA  
150373/23Clarke v. NYCTA Et Al  
156986/22Dia v. NYCTA Et Al  
159588/16Diaz v. NYC  
100526/19Dobson v. NYCTA  
450693/19Duran v. The NYCTA  
158931/23Ellis v. NYCTA Et Al  
153147/22Feliciano v. NYCTA Et Al  
450195/23Feliciano v. The Metro.  
Transportation Auth. Et Al  
158087/23Garcia v. Smith  
158569/21 Gonzalez v. NYCTA Et Al  
161468/21 Guerard v. NYCTA  
157828/18Hains v. NYCTA  
158160/23Han v. NYCTA Et Al  
451320/23Hill v. NYCTA Et Al  
452421/22Huang v. NYCTA  
153113/17Hunlock v. NYCTA  
151818/20Idrissi v. Golpe  
453000/23Jeon v. Bacchus  
156387/20King v. NYCTA  
154801/22Kouadio v. NYCTA  
150623/19Koukoulas v. NYCTA  
452724/22Lopez v. Figueroa  
156796/20Maples v. NY NYCTA  
153698/20Medina v. Long Island  
RR.  
160528/21 Medina v. The NYCTA Et Al  
450521/22 Melendez v. NYCTA Et Al  
158412/17 Mills v. NYCTA  
106405/09Minhas v. Manhattan &  
Bronx Surface  
153855/22 Montero Marte v. Mta  
Bus Co. Et Al  
153927/20 Pagan v. NYCTA  
155139/17 Ramirez v. NYCTA  
152692/21 Ramirez v. Metro.  
Transportation Auth. Et Al  
158071/21 Raphael v. NYC Et Al  
153914/20 Reynolds v. NYCTA  
160210/21 Roberson v. Metro.  
NYCTA Et Al  
160006/22 Rodriguez v. NYCTA Et Al  
155476/22 Rodriguez v. The NYCTA  
Et Al  
155628/22 Rojas v. NYCTA Et Al  
161413/18 Saltzman v. NYCTA  
450411/18 Sanson v. NYCTA Et Al  
158958/21 Stewart v. NYCTA Et Al  
157517/14 Tharver v. NYCTA  
451805/22 Threadgill v. The NYCTA  
Et Al  
161093/22 Torres v. NYCTA Et Al  
158529/23 Vivas v. Metro. NYCTA Et Al  
160257/23 Wallford v. Metro.  
Transportation Auth. Et Al  
150182/19 Washington v. NYCTA  
158822/18 Williams v. NYCTA  
161090/21 Yurke v. NYC Et Al  
451643/20 Zakaria v. NYCTA  
155542/22 Ziomber v. Metro.  
Transportation Auth. Et Al

**Motion**

159588/16Diaz v. NYC  
158160/23 Han v. NYCTA Et Al  
150514/21 Garcia v. Casillo  
153316/22 Johnson v. Soler

**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

**WEDNESDAY, OCT. 2**

152793/19Agurto v. One Boerum  
Dev.  
153462/21 Bedford Joint Venture  
LLC v. Nett Project LLC  
161690/19Chandler v. Nbt Victory  
Dev. LLC  
158460/20 Con Ed Co. v. Subsurface  
Watermain & Sewer  
152944/19 Corce v. Flashdance  
151035/20 Disla v. Abbey At Fort Hill  
152894/14 Feinberg v. Teman  
152284/20 James v. Citigroup  
Global Markets  
152324/21 Jones v. NYCHA  
161813/19 Julca v. Eryc Tenant  
152423/18 Merced v. NYC  
152601/20 Owczarek v. J.T. Magen  
& Co. Inc.  
155960/17 Philbert v. 52 Hamilton  
Pl NYC Corp (a  
160633/17 Polesuk v. Abba Rlty. Co.,  
Inc.  
152807/20 Raquel Brockett v. Abbott  
House  
152874/20 Reichenbach v. Port  
Auth. of New  
150592/22 Reyes v. NYCHA  
152363/20 Stafford v. Restani  
Const. Corp.  
150698/20 Tarasio v. Lyft, Inc.  
153004/20 Thapico v. 138-112 LLC  
161684/19 Waldeck v. Grimes  
161743/18 Whrigh v. Slg 220 News  
Owner

**THURSDAY, OCT. 3**

156952/21 Barrientos v. Club  
Deportivo Dominicano, Inc. Et Al  
152206/21 Narvaez v. 12 West 31st  
St. Corp.  
150769/20 Vargas Rochez v. 222  
East B'way, Prop.

**Early Settlement Part 2**

Justice Samuel E. Wilkenfeld  
80 Centre Street  
Room 106

**Part 28**

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

**THURSDAY, OCT. 3**

153509/20 Beckley v. J.E. Levine  
Builder Inc.  
160863/22 Borjette v. 4848 B'way.  
Residences LLC  
153463/23 Bustamante Bueno v.  
520 Foe Partner 2 LLC Et Al  
152115/22 Chen v. Fifth Ave. Men's  
Spa Inc.  
160580/19 Shiahk v. Bowery  
Residents' Committee  
159620/20 Traina v. Macarthur

**Motion**

153509/20 Beckley v. J.E. Levine  
Builder Inc.

**Part 35**

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

**Part 41**

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

**WEDNESDAY, OCT. 2**

656470/23 American Transit Ins.  
Co. v. Shashi Wilfred Et Al  
653418/24 Desir M.D. v. Peters  
Const. Group Inc.  
158321/24 In The Matter of The  
Application of 3950 Blackstone  
Associates LLC v. Razaqq  
650207/24 Knightsbridge Funding v.  
Jf Builders & Concrete Services  
651699/24 Poiny LLC v. 27th St.  
Prop. Owner LLC

656432/21 Renard v. Pappas  
452612/24 Rodriguez v. 2013  
Amsterdam LLC Et Al  
157956/23 State Farm Mutual  
Automobile Ins. Co. v. Borukhov  
Radiology  
159970/23 Tbf Financial v. Voisine

**Motion**

452612/24 Rodriguez v. 2013  
Amsterdam LLC Et Al

**THURSDAY, OCT. 3**

656599/21 130 W. 26th St. Housing  
Dev. Fund Corp. v. 132w26  
Owner LLC  
652300/24 5wpr Florida LLC v.  
Timilon Corp.  
156304/22 Adair v. Approved Oil Co.  
of Bklyn., Inc.  
161686/23 Almonte v. Verizon NY  
Inc.  
654393/24 Barton Llp v. Arena  
Investors  
154769/23 Bourdier v. 164 B'way.  
Associates  
161193/23 Decosta v. 342 East 72nd  
St. Corp. Et Al  
150838/24 Depassuale v. 245 E.  
25th Rty. Corp. Et Al  
160956/23 Feliciano v. Savanna Hall  
161411/23 Fraser Miller v. 416  
Rogers Ave. LLC Et Al  
155380/23 Gonzalez v. NYCHA  
160190/17 Gould v. Fort 250  
Associates  
158261/24 In The Matter of The  
Application of Jason Kurek v.  
For Leave To Serve And File Late  
Notice of Claim Against NYC  
156996/24 In The Matter of The  
Application of Metro. NY Synod  
of The Evangelical Lutheran  
Church in America v.  
653053/24 John Boone, Inc. v. D&D  
Bldg. Co. LLC.  
156787/24 John Quealy Irrevocable  
Life Ins. Trust v. Grayson  
150423/22 Kamal v. Four Thirty Rty.  
LLC Et Al  
159280/23 Krivica v. Costco  
Wholesale Corp. Et Al  
161396/23 L.A.C. An Infant Under  
The Age of 14 Years v. Vivvi 3  
654174/22 Liu v. Liu  
160413/23 Lopez v. Hudsonview  
Terrace Inc Et Al  
651351/23 M1 184 Prince St. Owner  
LLC v. Luongo  
153846/23 McClain v. Key Foods  
Co.-Op., Inc. Et Al  
150324/24 Meyer v. 156 West 106th  
St. Hldg. Corp. Et Al  
156988/23 Moore v. Samsung  
Electronics America, Inc. And Et Al  
161792/23 Nathanail v. NYC Et Al  
157380/23 Ovalle v. W 174 Rty.  
Associates LLC Et Al  
152898/23 Parker 24 Commercial  
Associates v. Mahmood  
161023/23 Ray Jr. v. Usta Nat.  
Tennis Center Inc. Et Al  
157591/23 Saad v. Fedex Ground  
Package System  
154906/23 Shteiman v. Dunkin'  
Brands, Inc. Et Al  
653573/20 Sillaro v. Gershman  
160489/23 Simpson & Brown v. The  
Contr. Dispute Resolution Board  
of NYC Et Al  
150799/24 Singh v. 815 Rty. LLC Et Al  
652640/21 Sofi Lending Corp. As  
Attorney In Fact For Wilmington  
Trust v. Humphrey  
653246/19 Super Pc Systems, Inc. v.  
Kaitryanna Pizza Inc.  
150123/23 Thilly v. NY Presbyterian  
Hosp. Et Al  
150072/23 Urena v. 520 W 136 LLC  
Et Al  
150807/24 Velez v. Good Neighbor  
Apt. Houses  
161585/23 Yaish v. Congregation  
Shearith Israel Et Al  
654099/21 Vieldmo, Inc. v. Dirty  
Lemon Beverages LLC

**Motion**

656599/21 130 W. 26th St. Housing  
Dev. Fund Corp. v. 132w26  
Owner LLC  
156996/24 In The Matter of The  
Application of Metro. NY Synod  
of The Evangelical Lutheran  
Church in America v.  
653053/24 John Boone, Inc. v. D&D  
Bldg. Co. LLC.  
156787/24 John Quealy Irrevocable  
Life Ins. Trust v. Grayson  
150423/22 Kamal v. Four Thirty Rty.  
LLC Et Al  
159280/23 Krivica v. Costco  
Wholesale Corp. Et Al  
161396/23 L.A.C. An Infant Under  
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Attorney In Fact For Wilmington  
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654099/21 Vieldmo, Inc. v. Dirty  
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156996/24 In The Matter of The  
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160489/23 Simpson & Brown v. The  
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# Court Calendars

**Part 5**  
**Justice Alison Y. Tuitt**  
 Phone 718-618-1224  
 Room 415, 9:30 A.M.

**THURSDAY, OCT. 3**  
 81123721 Ames v. Maxwell Plumbing Heating And Cooling, Inc. Et Al  
 2018120 Harris v. NY Univ  
 80189621 Mejia v. 830 Elton Ave LLC  
 80540221 Pacas v. Riverdale Equities  
 2299620 Pavano v. Proto Prop. Services LLC  
 81452121 Rosado v. 1920 Walton LLC  
 80260122 Vidal Chavez v. L&L Boston Rty.  
 80293821 Villatoro Herrera v. 599 West 188th St. Inc.

**Part 6**  
**Justice Laura G. Douglas**  
 Phone 718-618-1246  
 Room 811, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 2775720 Dunn v. 416 East 187th St. LLC  
**FRIDAY, OCT. 4**  
 2458019 Franco v. 800 E 173 LLC  
 2367419 Mojica v. Tcprnc Real Estate LLC  
 2294419 Peters v. Emerald 2105 Cruger LLC  
 3564920 Reyes v. Parkash 30050/20 Watson v. Castro

**Part 7**  
**Justice Wilma Guzman**  
 Phone 718-618-1288  
 Room 624, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 81199222 Long v. Convington 80590921 Malave v. Wagner Associates LLC  
 81230523 Rosario v. Diaz

**THURSDAY, OCT. 3**  
 81666821 Richardson v. NYC Et Al

**Part 8**  
**Justice Blanka Perez**  
 Phone 718-618-1205  
 Room 704, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80207523 Baron v. Cohen  
 81471322 Jackson v. Friendly Motor Inn Et Al  
 2364719K v. NYCHA  
 80023423V v. Children's Aid College Prep Charter School  
 2005517 Wallace v. Dee-Gree Mgt. Corp.

**THURSDAY, OCT. 3**  
 80876722 Canals v. Bolivar Ventures I LLC  
 2298719 Drill H NY Corp. v. Deegan 135 Rty. LLC  
 80348223 Gonzalez v. Chestnut Hldgs. of New York, Inc. Et Al  
 80748522 Mercado v. Gem Parking Corp. Et Al  
 81577022 Ramos v. 2320 Creston Ave LLC  
 3108519 Scott v. Tinton 976 Rty.

**Part 9 (LPM)**  
**Justice Myrna Socorro**  
 Phone 718-618-1625  
 Room 402, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 192122 Adesanya v. Davidoff 34327/19 Aponte v. 298 East Village Owner LLC  
 81488321 Bokum v. The Trustees of Columbia Univ. in NYC  
 81185222 Caceres v. 1548 Jesup Rty. LLC Et Al  
 2315718 Diaz v. Tishman Const.  
 80817421 Estrada Hernandez v. River Terrace I LLC Et Al  
 810560521 Estupinan v. 1516 Park Ave. Partners LLC Et Al  
 81620421 Flores v. Prop Q LLC  
 80628822 Fuentes Ayala v. 3240 Riverdale Ave. Corp.  
 81691822 Jimenez Camano v. Mentore  
 305810/14 Lopez v. Ceylon Leasing Ltd  
 81621022 Martin v. Poe Affiliates  
 81703422 Martinez Carranza v. 280 Meeker LLC Et Al  
 80018122 Munoz v. NY Univ. Et Al  
 81490521 Narvaez Reinoso v. 1726 Davidson LLC  
 80238924 Rivera v. 166 Archer Ave. Co. LLC Et Al  
 81237522 Rojas v. Southern Blvd Hotel LLC Et Al  
 81553621 Sillah v. Bop Ne LLC Et Al  
 2558918 Vlad v. Tj 104 Restaurant Corp.

**THURSDAY, OCT. 3**  
 81827222 Alvarado v. The Bank of NY Mellon Corp. Et Al  
 81215821 Alvarez Garcia v. Grand America Associates LLC  
 80166724 Arredondo-Silvestre v. Desai Real Estate Group LLC Et Al  
 81069123 Blanco v. The 1148 Corp. Et Al  
 3137819 Bueno Sanchez v. Lendlease (us) Const.  
 2280918 Cantre v. Bldg Oceanside LLC  
 81476122 Fernandez Perez v. Bolivar Builders LLC Et Al  
 2385719 Jimenez v. Circle F 2243 Jackson LLC  
 80546521 Lopes Barbosa v. 1169 Hoe LLC Et Al  
 81666222 Macuas Cuenca v. Eepp 139 Owner  
 81623321 Morcho v. NYC Et Al  
 2540317 Nimaga v. Allan Garage 81776122 Ortega v. HPDc2  
 Housing Dev. Fund Co. Inc. Et Al  
 2500519 Reyes-Lopez v. Eleven Riverside Drive Corp.  
 81671521 S & M Bronx Inc. v. Diversified Planning Brokerage 31159/17 Sarango v. Fairfield Views Inc.  
 81678921 Tinado v. Smith  
 81575321 Vimos v. Y.N.H. Const. Inc. Et Al  
 81825922 Zavala Quiroga v. Aranco Contracting LLC Et Al

**FRIDAY, OCT. 4**  
 8175321 Alves De Oliveira Amador v. Coa 200 E. 34th LLC Et Al  
 81551721 Amparo Escano v. Con Ed Co. of NY  
 2313118 Arredondo v. Wasserstein Enterprises L.L.C.  
 81866322 Ashram v. Rubin Dev. And Const. Inc. Et Al  
 2790219 Bowen v. Hp Westchester Mews Housing  
 81901422 Ceballos Crowther v. Mega Contracting Group LLC Et Al  
 2348920 Cobb v. Land & Sea Dev. Corp.  
 2675218 De Leon Luciano v. Rising Sh LLC  
 81306722 Estela Montenegro v. Triton Const. Co. LLC Et Al  
 2790320 Flores-Fernandez v. Hello Livingston Extended LLC  
 81248322 Greenidge v. Ywa-Amsterdam LLC Et Al  
 80805521 Krokos v. Dormitory Auth. of The  
 3042817 Lopez v. Lendlease (us) Const.  
 80208023 Machado Morillo v. Dimaras 22-1 LLC  
 81494722 Marin v. Tishman Const. Corp.  
 80762321 Martinez Carranza v. Rxr Church-Div. Tower A Hldgs. LLC Et Al  
 2450917 Ndreu v. NYCHA  
 3248719 Parkash v. Reservoir Ave. Corp.  
 2693619 Pena v. Evergreen Gardens I LLC

80962221 Reynoso v. Loring Pl. Rty. LLC  
 2300019 Rodas v. W 54-7 LLC  
 81646722 Sanchez v. Koko Contracting, Inc.  
 80776224 Stewart v. State Farm Mutual Automobile Ins. Co.  
 80851621 Vallejos v. Beis Hamedrish Skver LLC  
 80908022 West v. Tishman Const. Corp. Et Al  
 2519718 Yakubu v. Liberty Square Rty. Corp.

**Part 13 (MV)**  
**Justice Patsy Gouldborne**  
 Phone 718-618-1236  
 Room 706, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 81724323 Aybar v. Liberty Coca-Cola Beverages LLC Et Al  
 2431318 Barry v. Jamaica Taxi Center, Inc.  
 81631521 Blanco v. Gonzalez  
 81110823 Castillo v. Anderson  
 80846521 Cruz Villaman v. Beccan  
 81919923 Cruz v. 2d23 Acquisition LLC Et Al  
 3425520 Green v. American United 82022623 Herrera v. Metro Livery Leasing Et Al  
 80741423 Hoz v. Dervisevic  
 2669220 Jones v. Gedin  
 80067724 Metz v. Crest Transportation Services, Inc. Et Al  
 80783124 Mulleano v. Bah  
 80804023 Oleaga v. Marotta  
 2001120 Omeragich v. Knight  
 80456123 Patterson v. Agustin  
 81583623 Ramirez v. Loveprett  
 2371419 Reid v. R.J.T. Motorist Service, Inc.  
 81966723 Romulus v. Burnett  
 80598124 Rosario Reynoso v. Niamele  
 81581721 Stevens v. Deas  
 80776723 Walker v. Darby

**Part 12**  
**Justice Kim A. Wilson**  
 Phone 718-618-1396  
 Room 414, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80234122C v. Davidson Nyc

**THURSDAY, OCT. 3**  
 81453124 The Noble Factory LLC v. City Sheriff Et Al

**Part 14 (MV)**  
**Justice John A. Howard**  
 Phone 718-618-1244  
 Room 708, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80697321 Castillo Dionisio v. Verizon Services Corp. Et Al  
 81298421 Collins v. Lopez  
 80297123 Colon v. Jw Consulting, Inc. Et Al  
 80469822 Cooper v. Garabito  
 81430121 Gonzalez v. Mantilla  
 81757221 Gutierrez v. Marshall  
 3491619 Guirrez v. Robinson  
 80558222 Jimenez v. Singh  
 80148522 Liranzo v. Khan  
 3409619 Middleton v. Santiago  
 81757422 Pedrosa v. Motor Vehicle Indemnification Corp.  
 80498323 Reyes v. Uva  
 81503422 Rivera v. Liou  
 80438321 Rivera-Lopez v. Verity  
 2290720 Sanchez v. Williams  
 3142517 Tiday v. Leif Taxi, Inc.  
 3031418 Wilson v. Espinal  
 80380023 Yao v. Vasquez Auto Corp Et Al

**FRIDAY, OCT. 4**  
 80340522 Arzu Castillo v. Uber USA  
 80060722 Barcia v. Nahimana  
 81629021 Browne v. Metro.  
 Transportation Auth. Et Al  
 2427918 Bryant v. Marrero-Delance  
 2232319 Caban v. West Nyack Motor Cars  
 81683021 Campbell v. Sumpter  
 81188723 Campbell v. Nisar  
 8036722 Chavez v. Rivier-Ny  
 81719121 Chewuli v. Ky  
 30489915 Colon v. Woolco Foods Inc.  
 2526320 Cuevas v. Samaniego  
 35010215 Danson v. Basil  
 81591222 Fleury Sanchez v. Soriano Espinoza  
 80509221 Guzman v. 5 Boro Green Services LLC  
 2601218 Harney v. Hassan  
 80965422 Hay v. Lerebours  
 81439822 Heredia v. Riddley  
 2600519 Herrera v. Rodriguez  
 81283421 Hidalgo v. NYC Et Al  
 81932422 Hidalgo v. Garcia  
 2956919 Jimenez v. Gymah  
 81595722 Jimenez v. Ruby  
 Transport Inc Et Al  
 80109923 Jones v. Stanyston Const. Corp. Et Al  
 81739621 Moncion v. Schwartz  
 2704318 Morel Almanzar v. Diallo  
 2585119 Morris v. Rivera  
 2108020 Nunez Cabrera v. Almonte  
 Ortiz  
 2091920 Reyes v. Venture Leasing  
 2752320 Rondon v. Hawllins  
 2789717 Sajid v. Patterson  
 Transportation  
 81891022 Seawright v. Escano Reyna  
 2634020 Ugojboa v. Matias  
 81069523 Vella v. Bevza  
 2880819 Yanez v. Perez-Mercedes

**Part 15 (MV)**  
**Justice Ben R. Barbato**  
 Phone 718-618-1395  
 Room 702, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80798023 Acevedo v. Villa  
 81435123 Almonte v. Dawes  
 3532419 Berger v. Jem Leasing LLC  
 2262020 Brown v. Valdez  
 80851222 Cabrera v. Jackson  
 80273722 Camacho v. Davitt  
 81738922 Camara v. Pv Hldg. Corp Et Al  
 80230523 Cameron v. Mta Et Al  
 8017123 Celestino-Riveras v. Vmanzaca-Pomauzita  
 81952623 Cruz v. Cabinit NY LLC Et Al  
 81420023 Doctor v. Blocker  
 3321019 Eichner v. Op Hosp LLC  
 8133323 Garcia v. Martinez Baez  
 81310723 Gomez v. Hendricks  
 80322923 Gomez v. Singh  
 80311122 Gonzalez v. Doe  
 80105522 Hernandez v. Tangbi  
 80026523 Jackson Melendez v. Quality Transportation Corp Et Al  
 81243222 Martinez-Pujols v. Prestige Towing & Recovery, Inc. Et Al  
 2554219 Mauro-Rodriguez v. Soto  
 80296923 Medina v. Chaiya Sosa, Inc. Et Al  
 82039723 Mercado v. Milea Leasing Corp. Et Al  
 2659319 Miller v. Nutakor  
 80438523 Montes v. Maynard  
 81027522 Moore v. Pinto  
 80976022 Moran v. White  
 80059524 Oates v. Wallace  
 80355623 Paige v. Aleph Logistics  
 30357823 Pena-Kelly v. Curet  
 80734221 Perez v. Clark  
 81237121 Peterson v. Yadav  
 2168320 Ramirez v. Vasquez  
 80358224 Reddick v. Buggy Et Al  
 81362821 Richards v. Walls  
 81412323 Robinson v. Autorama Enterprises Inc. Et Al  
 80825723 Rose v. Ari Fleet Li Et Al  
 2847820 Royster v. Torres  
 2192020 Sherpa v. Ferreras  
 2963820 Smalls v. Jackson  
 2905220 Solomon v. American United  
 81372523 Tedesco v. Amazon Logistics, Inc. Et Al  
 81564022 Tifas v. De Jesus  
 81610622 Timmons v. Uber Technologies, Inc. Et Al  
 80472023 Torres v. Williams  
 3305919 Torres v. Al Hajeh  
 80382222 Touray - Trawalleh v. Praialeu

2861920 Vallejo v. Cova Concrete Corp.  
 80196123 Vallejo v. Windy Farm Inc. Et Al  
 81159421 Vilorio-Cruz v. Nuriyev  
 2188917 Youngblood v. Qlr Four Inc  
 2982320 Zuniga Paguay v. Orthman

**THURSDAY, OCT. 3**  
 2921719 Miano v. Al-Awadhi

**Part 16**  
**Justice Robert T. Johnson**

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

**WEDNESDAY, OCT. 2**  
 80634823 Lewis v. Lewis  
 443122 Njoh v. Simo

**THURSDAY, OCT. 3**  
 2698020 Alicea v. Mashack  
 81703823 Wright v. Wright Transportation Services, Inc. Et Al  
 80783124 Mulleano v. Bah  
 80804023 Oleaga v. Marotta  
 2001120 Omeragich v. Knight  
 80456123 Patterson v. Agustin  
 81583623 Ramirez v. Loveprett  
 2371419 Reid v. R.J.T. Motorist Service, Inc.  
 81966723 Romulus v. Burnett  
 80598124 Rosario Reynoso v. Niamele  
 81581721 Stevens v. Deas  
 80776723 Walker v. Darby

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

**WEDNESDAY, OCT. 2**  
 30265411 Guido v. Fielding  
 81915422 Irizarry v. NYCH&HC Corp. Et Al  
 3081620 Lyles v. NYC  
 3449918 Matthews Jr. v. Bronx Center For  
 2572318 Mingo v. Jopal Bronx  
 80031322 Real v. Nazir M.D.  
 2125320 Reyes v. Workmen's Circle Home

**THURSDAY, OCT. 3**  
 2485818 Bhalerao v. Murray  
 2439106 Brooks v. Dellavall Ballroom, Inc.  
 2963617 Diaz v. Fish  
 2886220 Hodge v. Bainbridge Nursing And  
 2718016 Martinez v. Bronx Lebanon Hosp. Center  
 2280615 Simmons v. Geisler  
 2260318 Valentin v. Kalafatic And Kalafatic

**Part 20**  
**Justice Veronica G. Hummel**  
 Phone 718-618-1240  
 Room 703, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 2390215 Sineria v. Bedford-Webster LLC

**Justice Ashlee Crawford**  
 Phone 718-618-1435  
 Room 401, 9:30 A.M.

**FRIDAY, OCT. 4**  
 3330520 Acevedo Hernandez v. 303 West 42nd Street Realty  
 30325115 Blake v. Cadet  
 3142519 Calderon v. Ryan  
 2650619 Dupree v. Southdale Rty.  
 3185219 Goncalves v. NYC

**Part 22**  
**Justice Marissa Soto**  
 Phone 718-618-1193  
 Room 709, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 3225620 Ventura v. Paulino De La Cruz

**Part 25**  
**Justice Mary Ann Brigantini**  
 Phone 718-618-1252  
 Room 407, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80326221 Blanco v. Glicker Rty. L.P Et Al  
 3129519 Carino v. Urbanspace 570 Lexington  
 81676423 Cesar v. Piterson Assy  
 2604314 Dupree v. Mp Mgt.  
 2629815 Maroun Disteafano As Admin v. Praxis Housing White Plains  
 2027518 Rosado v. Bethco Corp.  
 2427719 Taveras v. NYCHA  
 2160215 Zayed v. NYC Dept. of Design  
 80358122 Zelaya v. Cordova

**Part 26**  
**Justice Paul L. Alpert**  
 Phone 718-618-1617  
 Room 408, 9:30 A.M.

**THURSDAY, OCT. 3**  
 81468721 Blue USA Const. Co. Inc. v. Velazquez  
 80918123 Janet Transit, Inc. Et Al  
 Al v. Mott Haven Improvement Group LP

**Part 27**  
**Justice Naita A. Semaj**  
 Phone 718-618-1266  
 Room 701, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80706023 Cuevas v. Willis Edge  
 81291223 David Dawud v. Empire NY Installations Inc Et Al  
 80493824 De Souza v. 1759-63 W. Farms Rd LLC Et Al  
 81475821 Dorsey v. Riverbay Corp  
 80692221 Right Price General v. Lord  
 80642323 Susan Miller v. Hudson Pointe Acquisition

**THURSDAY, OCT. 3**  
 80666421 Coco v. Mmc Residential Corp. L Inc.  
 81185221 Rivers v. Lmf II

**Part 28**  
**Justice Latia W. Martin**  
 Phone 718-618-1254  
 Room 621, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 2911520 Corniel v. Corniel  
 532312 Toussaint v. Toussaint  
 81324021 Zurita v. Zurita

**THURSDAY, OCT. 3**  
 547421 Alexander v. Alexander  
 80872322 Bashford v. Bashford  
 823519 Drepaul v. Khan  
 81490822 Ortiz v. Ortiz  
 80217124 Soto v. Soto

**Part 29**  
**Justice Shawn T. Kelly**  
 Phone 718-618-1248  
 Room 623, 9:30 A.M.

**Part 30**  
**Justice Erik L. Gray**  
 Phone 718-618-1320  
 Room 602, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80214822 Adams v. Polar Beverages Et Al  
 80840122 Alvarado Jr. v. Citalna Const. Corp. Et Al  
 80212822 Alvarez v. Vital Brookdale Housing Dev. Fund Corp Et Al  
 3421720 Bernardez v. Pigranel Mgt. Corp.  
 3406919 Bucci v. NYC  
 80677923 Campoverde Rodriguez v. Watson Ave Estates LLC Et Al  
 80197923 Connaire v. Bud South LLC Et Al  
 80112421 Corona Diaz v. 138 Shobro  
 81064422 Diaz Genao v. Wv/bsrep  
 81592623 Fofana v. Toto  
 80867221 Gassama v. 1461-1469 Third Ave Owner LLC Et Al  
 80177523 Gassama v. 22nd And 11th Associates

80596824 Goudiaby v. Foodfest Depot  
 81140522 Hays v. 38 Westchester Sq LLC Et Al  
 81180224 Henry v. Bennet Owusu Et Al  
 80376623 Hernandez Gomez v. 44-01 Northern Owner  
 81299922 Lopez Cativo v. 3745 Riverdale Ave. LLC Et Al  
 80708021 Lopez Garcia v. Bpp Pcv Owner LLC Et Al  
 80346421 Luzuriaga Miranda v. Gc Capital Group LLC Et Al  
 81296021 Mateo Arias v. 111 Roosevelt Dev. LLC Et Al  
 81098121 Mendez Granada v. Lo Sardo General Contractors, Inc. Et Al  
 3379419 Oliveras v. Automated Conveyor Systems  
 80601021 Pizarro v. Suffolk Const. Corp. Et Al  
 80857023 Ramirez v. Bbm Const. Corp. Et Al  
 80060924 Robertson v. Sanders  
 80531122 Rodriguez Castano v. 544 Park Ave. Rty. LLC Et Al  
 3368518 Sambula v. Mg Dolphin LLC  
 81954923 Santana Garcia v. Ryer 26 LLC  
 81371121 Santos Borges v. Mega Contracting Group  
 81941223 Sarmiento v. Method General Contractors LLC Et Al  
 80341821 Tacuri Brito v. Noa-Lior LLC Et Al  
 80829122 Thomas v. Bedford 203 Housing Dev. Fund Corp. Et Al

**Part 32 (COM)**  
**Justice Fidel E. Gomez**  
 Phone 718-618-1203  
 Room 403, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80273421 Norman Rty. & Const. v. 151 East 170th Lender LLC

**Part 34**  
**Justice Michael A. Frishman**  
 Phone 718-618-1349  
 Room 705, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 81057721 Anderson-Perry v. St. Barnabas Hosp. Et Al  
 80570421 Barrett v. Gustave M.D.  
 81150322 Cruz v. Terrace Acquisition II  
 81770723 Deas v. Abdelnaby M.D.  
 80369723 Dyal v. Gonzalez M.D.  
 81510522 Garcia v. Abbott M.D.  
 2648419 Gonzalez v. Medikids Pediatric Medicine  
 80501123 Hassan v. Wilson Dmd  
 816572231 Irene Collado on Behalf of And As Attorneys in Fact For Ynosencia Collado v. Ralph Rahme Et Al  
 2885420 Ladonis v. Patel M.D.  
 2327517 Law v. Bainbridge Nursing And  
 80335121 Lebron v. Recabar P.T.  
 2960619 Lopez v. Blum  
 81127823 Lyttleton v. Rose  
 80190224 Mangum v. Nae Edison  
 3434918 Martinez v. Marshall  
 81403521 Mateo v. Cho M.D.  
 81714221 Montilla v. Montefiore Medical Center  
 2601816 Pacheco v. Schwewchter  
 80652921 Paredes v. Yager M.D.  
 2190420 Pryce v. Anthonie Medical Group Cfcc  
 81027521 Rubostelli v. The Jack D. Weiler Hosp. of The Albert Einstein College of Medicine  
 3262020 Rosa v. Bronx Harbor Health Care Complex, Inc.  
 3325718 Sinclair v. Montefiore Medical Center  
 2750617 Smith v. Montefiore Medical Center  
 81396822 Soto v. Montefiore Medical Center Et Al  
 2534517 Thibou v. Edwards  
 2044217 Vazquez v. Montefiore Medical Center  
 81967223 V. Alexa L. Cohen

**Part 35 (DCM)**  
**Justice Raymond P. Fernandez**  
 Phone 718-618-1216  
 Room 625, 9:30 A.M.

**THURSDAY, OCT. 3**  
 80209424 Chen v. Rios-Martinez  
 80865624 Jennings v. Villanova  
 81607723 Johnson v. 955 Sheridan Rty. LLC  
 80680624 Olmo v. Normil  
 80873424 Polanco v. Ortiz  
 80778624 Soto v. Melendez

**Part 23 (MM)**  
**Justice Joseph E. Capella**  
 Phone 718-618-1201  
 Room 607, 9:30 A.M.

**WEDNESDAY, OCT. 2**  
 80246822 Ajtunixcoy v. American United Transportation Inc. Et Al  
 2009220 Alae v. Robinson  
 2336719 B. v. 2485-87 Univ. Ave. LLC  
 2515618 Berrios v. Rodriguez  
 2949118 Bynes v. NYCH&HC And  
 2034219 Carella v. Kings Harbor Multicare Center  
 3143620 Cole-Kelly v. Larrison  
 2334920 Colon v. NYC Dept. of 21558/17 Connor v. Hurricane Mgt. Corp.  
 80903621 Culpepper v. American United Transportation Inc. Et Al  
 80055921 Dawson v. Food Bank For NYC  
 3443119 Delgado v. Nyp Hldgs., Inc.  
 2359517 Diaz Ramirez v. Appelbaum  
 2714715 Diaz v. Darmetta  
 81653921 Drummond v. Pendergrass Esq.  
 2610719 Duncan v. Sherman Creek Rty. Corp.  
 3341220 Garcia v. Reliant Transportation, Inc.  
 80513421 Gerena v. Dia  
 80083921 Hamilton v. Bonilla  
 3172818 Jenkins v. Citadel Care Centers Group  
 2081920 Jones v. 253 Hldgs. Inc.  
 30311516 Lasalle v. NYC  
 3119317 Marych v. Follini  
 3258218 O'Shea v. Procidia Const. Corp.  
 3193817 Ogbuehi v. Rose  
 2699818 Ortega v. Hammouri  
 80582821 Pena v. Nunez Tavarez  
 2666118 Peterson v. Acer Packaging & Supplies  
 30083315 Quintero v. Merchant Funding  
 2150416 Ramirez v. Oladetimi  
 2743018 Raskina v. Circle Lodge And Kinder King  
 2731619 Rowley v. Jerome Jsd Hldgs.  
 3500319 Ruiz De Tarazona v. Checo Mendez  
 80179222 Sanchez v. Sanchez Peralta  
 2325720 Stokes v. Ebanks  
 30382814 Tejada v. 2856 Rty. LLC  
 3512319 Thompson v. Everest Scaffolding Inc.  
 30032217 Vasquez Carranza v. Memorial Hosp.  
 3053419 Wagner v. Robinson  
 80119621 Webster v. Beth Abraham Health Services A.K.A. Beth Abraham Services Et Al  
 2366619 White v. Kim

**Part 36 (SCA)**  
**Justice Rivera**  
 Phone 718-618-1378  
 265 East 161st Street  
 Room 300, 9:30 A.M.

**Part T11 (Trial)**  
**Justice Mitchell**  
 Phone 718-618-1076  
 265 East 161st Street  
 Room 450, 9:30 A.M.

**Part 37 (SCT)**  
**Justice Flores**  
 Phone 718-618-1067  
 265 East 161st Street  
 Room 420, 9:30 A.M.

**Part 38 (JD/T)**  
**Justice Lieb**  
 Phone 718-618-1097  
 265 East 161st Street  
 Room 320, 9:30 A.M.

**Part 39 (SCT)**  
**Justice Flores**  
 Phone 718-618-1067  
 265 East 161st Street  
 Room 420, 9:30 A.M.

**Part 40 (TRP)**  
**Justice Fabrizio**  
 Phone 718-618-1103  
 265 East 161st Street  
 Room 340, 9:30 A.M.

**Part 11**  
**Justice Mitchell**  
 Phone 718-618-1076  
 265 East 161st Street  
 Room 450, 9:30 A.M.

**Part 12**  
**Justice Hornestein**  
 Phone 718-618-1073  
 265 East 161st Street  
 Room 440, 9:30 A.M.

**Part 27 (DV)**  
**Justice Stone**  
 Phone 718-618-103







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### LIMITED LIABILITY ENTITIES

**NOTICE OF QUALIFICATION** of Dutchie's Stone Work, LLC. Authority filed with NY Dept. of State: 8/21/24. Office location: NY County, LLC registered in PA: 3/16/04. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. PA and principal business address: 5512 Lincoln Hwy., Gap, PA 17527. Cert. of Reg. filed with PA Sec. of the Commonwealth, 302 N. Office Bldg., 401 North St., Harrisburg, PA 17120. Purpose: all lawful purposes. 0000709649 sep4 w oct9

**NOTICE OF QUALIFICATION** of CLANGO, LLC. Authority filed with NY Dept. of State: 8/27/24. Office location: NY County. Princ. bus. addr.: 2107 Wilson Blvd., Ste. 250, Arlington, VA 22201. LLC regd. in MD: 4/29/24. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. MD addr. of LLC: 1125 West St., Ste. 229, Annapolis, MD 21401. Cert. of Reg. filed with Director, Dept. of Tax & Assessments, 700 E. Pratt St., Baltimore, MD 21202. Purpose: IT security software advisory and integration services. 0000709648 sep4 w oct9

**NOTICE OF QUALIFICATION** of Proof of Coverage LLC. Authority filed with NY Sec. of State (SSNY) on 8/8/24. Office location: New York County, LLC formed in Delaware (DE) on 7/25/24. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 501 Madison Ave., Ste #3, NY, NY, 10022. DE address of LLC: 108 W. 13th St. Ste 100, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000709494 au28-W o2

**NOTICE OF QUALIFICATION** of SENS Monitoring Technologies, LLC. Authority filed with NY Dept. of State: 9/4/24. Office location: NY County, LLC formed in TX: 5/11/15. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. TX and principal business address: 111 Cooperative Way, Ste. 110, Georgetown, TX 78626. Cert. of Form. filed with TX Sec. of State, PO Box 12887, Austin, TX 78711-2887. Purpose: all lawful purposes. 0000710181 sep18 w oct23

**NOTICE OF QUALIFICATION** of TOA Members LLC. Authority filed with NY Dept. of State: 6/12/24. Office location: NY County, LLC formed in DE: 6/11/24. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: 810 7th Ave., Ste. 1905, NY, NY 10019, principal business address: DE address of LLC: Cogency Global Inc., 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activity. 0000710182 sep18 w oct23

**NOTICE OF FORMATION** of SOMETHING ABOUT L.L.C. Arts of Org filed with Secy of State of NY (SSNY) on 7/3/24. 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 #584937, NY, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 0000709385 Au28 W O02

**NOTICE OF FORMATION** of 1705 KROLL, LLC Arts. of Org. filed with Secy of State of NY (SSNY) on 08/30/24. Office location: Nassau County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 1390 Poulson St., Wantagh, NY 11793. Purpose: Any lawful activity. 0000709787 sep13 w oct16

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### LIMITED LIABILITY ENTITIES

**NOTICE OF QUALIFICATION** of VIK 3 SEAVIEW, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/30/24. Office location: Nassau County, LLC formed in Delaware (DE) on 08/28/24. Princ. office of LLC: 8500 Bryn Mawr Ave., Ste. 340, Rosemont, IL 60018. 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 the State of DE, 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. 0000709788 sep11 w oct16

**NOTICE OF QUALIFICATION** of Vintry, LLC. Authority filed with NY Dept. of State: 9/13/24. NYS Petitions name: Vintry FO, LLC. Office location: NY County. Princ. bus. addr.: 7 World Trade Ctr., 32 Fl., 250 Greenwich St., NY, NY 10007. LLC formed in DE: 9/12/24. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc. (CGI), 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: CGI, 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, PO Box 898, Dover, DE 19903. Purpose: all lawful purposes. 0000710397 s25-W o30

**NORMELI LLC**. Filed 8/22/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: 50 Murray St Apt 1207, NY, NY 10007. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave, Ste 202, Bklyn, NY 11228. Purpose: General. 0000710709 o2-W n6

**ENJ PROTECTIVE SERVICES L.L.C.**. Filed 8/28/24. Office: Bronx Co. SSNY desig. as agent for process & shall mail to: c/o Edmund Otoo, 1913 Nereid Ave, Bronx, NY 10466. Purpose: General. 0000710684 o2-W n6

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ORDER TO SHOW CAUSE

At an EX PARTE AND URGENT MOTION PART of the Supreme Court of the State of New York, held in and for the County of Bronx at the courthouse there located at 851 Grand Concourse, Bronx, New York 10451 on the 2nd day of August 2024. - PRESENT: HON. ASHLEE CRAWFORD - Justice of the Supreme Court, Bronx County, the Master of the application of ABDUL WAHAB NASARY and ABDUL TAWAB NASARY, Petitioners, For an Order of this Court pursuant to LIMITED LIABILITY COMPANY LAW (LLCL) Section 702 Dissolving TASTY POULTRY LLC d/b/a NEW YORK POULTRY, Respondent, and GARY ROCCARO, Respondent. ORDER TO SHOW CAUSE. Index No.: 813094/2024E. Date Purchased: On reading and filing the annexed Petition of Abdul Wahab Nasary and Abdul Tawab Nasary, two of the three Members of Tasty Poultry LLC d/b/a New York Poultry, a New York limited liability company, it is ORDERED, that Tasty Poultry LLC d/b/a New York Poultry, the New York State Department of Taxation and Finance, Respondent Gary Roccaro, the third Member of Tasty Poultry LLC d/b/a New York Poultry, the New York State Attorney General's office, and all interested persons show cause before this Court at the courthouse thereof AT AN IAS PART 32, ROOM 403 located at 851 Grand Concourse, Bronx, New York 10451 on the 16TH day of OCTOBER 2024 at 9:30 am in the forenoon of that day WHY, the said limited liability company should not be dissolved, and it is further ORDERED, that the limited liability company (LLC), and its Members shall on the return date to this Order furnish to the Court a Schedule of the LLC's assets and liabilities, the name and address of each creditor and claimant, including any with unliquidated or contingent claims and any with whom the LLC has unfinished contracts, and any other information known or ascertainable with due diligence by the LLC and its Members which is deemed pertinent by the Court, and it is further ORDERED, that pursuant to New York Limited Liability Company Law (LLCL) Section 702 that in addition to all other disclosure requirements, those in control of the LLC no later than OCTOBER 15TH 2024, shall make available for inspection and photocopying to the Petitioners under reasonable working conditions the LLC's financial books and records for the preceding three years, and it is ORDERED, that a copy of this Order shall be published in THE NEW YORK LAW JOURNAL AND BRONX FREE PRESS NEWSPAPERS of general circulation in Bronx County, New York, once in each of the three weeks before the time appointed for the Hearing thereon, and it is ORDERED, that a copy of this Order shall be served, upon the LLC and all other persons named in the Petition who is not a Petitioner, and upon each person named in the Schedule of the information Hearing Order and upon the New York State Department of Taxation and Finance and upon the New York State Attorney General's office and all other interested parties. IN THE MANNER AND WITHIN THE TIME LIMITATIONS PRESCRIBED IN THE N.Y.S. BUSINESS CORP. LAW 1101(c). ENTER, Justice of the Supreme Court, Bronx County. HON. ASHLEE CRAWFORD 0000709665 s25-W 09

SALES

NOTICE OF SALE SUPREME COURT COUNTY OF BRONX U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST, Mortgage Pass-Through Certificates, Series 2005-8, Plaintiff AGAINST Robert Dudley a/k/a Robert Dudley; et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale entered on August 1, 2024, I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, NY 10451 on November 4, 2024, at 2:15PM, premises known as 1354 Teller Avenue, Bronx, NY 10456. All that certain plot piece or parcel of land, with the buildings and improvements erected thereon, lying and being in the Borough and County of Bronx, City and State of NY, Block 2782 Lot 87. Approximate amount of judgment \$465,418.31 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 35507/2014E. Only cash or certified funds payable to the Referee will be accepted as a deposit in full of the purchase price. The auction will be conducted pursuant to the COVID-19 Policies Concerning Public Auctions of Foreclosed Property established by the New York State Department of Taxation and Finance, Respondent Gary Roccaro, the third Member of Tasty Poultry LLC d/b/a New York Poultry, the New York State Attorney General's office, and all interested persons show cause before this Court at the courthouse thereof AT AN IAS PART 32, ROOM 403 located at 851 Grand Concourse, Bronx, New York 10451 on the 16TH day of OCTOBER 2024 at 9:30 am in the forenoon of that day WHY, the said limited liability company should not be dissolved, and it is further ORDERED, that the limited liability company (LLC), and its Members shall on the return date to this Order furnish to the Court a Schedule of the LLC's assets and liabilities, the name and address of each creditor and claimant, including any with unliquidated or contingent claims and any with whom the LLC has unfinished contracts, and any other information known or ascertainable with due diligence by the LLC and its Members which is deemed pertinent by the Court, and it is further ORDERED, that pursuant to New York Limited Liability Company Law (LLCL) Section 702 that in addition to all other disclosure requirements, those in control of the LLC no later than OCTOBER 15TH 2024, shall make available for inspection and photocopying to the Petitioners under reasonable working conditions the LLC's financial books and records for the preceding three years, and it is ORDERED, that a copy of this Order shall be published in THE NEW YORK LAW JOURNAL AND BRONX FREE PRESS NEWSPAPERS of general circulation in Bronx County, New York, once in each of the three weeks before the time appointed for the Hearing thereon, and it is ORDERED, that a copy of this Order shall be served, upon the LLC and all other persons named in the Petition who is not a Petitioner, and upon each person named in the Schedule of the information Hearing Order and upon the New York State Department of Taxation and Finance and upon the New York State Attorney General's office and all other interested parties. IN THE MANNER AND WITHIN THE TIME LIMITATIONS PRESCRIBED IN THE N.Y.S. BUSINESS CORP. LAW 1101(c). ENTER, Justice of the Supreme Court, Bronx County. HON. ASHLEE CRAWFORD 0000709665 s25-W 09

SALES

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-BC4 against TEODORA MARGARITA RODRIGUEZ, ET AL. NOTICE OF SALE NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure entered in the Office of the Clerk of the County of Bronx on January 20, 2016, wherein U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-BC4 is the Plaintiff and TEODORA MARGARITA RODRIGUEZ, ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the BRONX COUNTY SUPREME COURT, GRAND CONCOURSE, COURTROOM 711, BRONX, NY 10451, on November 4, 2024 at 2:15PM, premises known as 1809 PHELAN PL, BRONX, NY 10453; and the following map identification: 2879-284. ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK. Premises will be sold subject to provisions of filed Judgment Index# 38110 5/2007E, Steven Baker, Esq., Referee. Robertson, Anschutz, Schneid, Crane & Partners, PLLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590. Attorneys for Plaintiff. All foreclosure sales will be conducted in accordance with Covid-19 guidelines including, but not limited to, social distancing and mask wearing. \*LOCATION OF SALE SUBJECT TO CHANGE DAY OF IN ACCORDANCE WITH COURT/CLERK DIRECTIVES. 0000710282 o2-W o23

SALES

NOTICE OF SALE SUPREME COURT COUNTY OF BRONX U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST, Mortgage Pass-Through Certificates, Series 2005-8, Plaintiff AGAINST Robert Dudley a/k/a Robert Dudley; et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale entered on August 1, 2024, I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, NY 10451 on November 4, 2024, at 2:15PM, premises known as 1354 Teller Avenue, Bronx, NY 10456. All that certain plot piece or parcel of land, with the buildings and improvements erected thereon, lying and being in the Borough and County of Bronx, City and State of NY, Block 2782 Lot 87. Approximate amount of judgment \$465,418.31 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 35507/2014E. Only cash or certified funds payable to the Referee will be accepted as a deposit in full of the purchase price. The auction will be conducted pursuant to the COVID-19 Policies Concerning Public Auctions of Foreclosed Property established by the New York State Department of Taxation and Finance, Respondent Gary Roccaro, the third Member of Tasty Poultry LLC d/b/a New York Poultry, the New York State Attorney General's office, and all interested persons show cause before this Court at the courthouse thereof AT AN IAS PART 32, ROOM 403 located at 851 Grand Concourse, Bronx, New York 10451 on the 16TH day of OCTOBER 2024 at 9:30 am in the forenoon of that day WHY, the said limited liability company should not be dissolved, and it is further ORDERED, that pursuant to New York Limited Liability Company Law (LLCL) Section 702 that in addition to all other disclosure requirements, those in control of the LLC no later than OCTOBER 15TH 2024, shall make available for inspection and photocopying to the Petitioners under reasonable working conditions the LLC's financial books and records for the preceding three years, and it is ORDERED, that a copy of this Order shall be published in THE NEW YORK LAW JOURNAL AND BRONX FREE PRESS NEWSPAPERS of general circulation in Bronx County, New York, once in each of the three weeks before the time appointed for the Hearing thereon, and it is ORDERED, that a copy of this Order shall be served, upon the LLC and all other persons named in the Petition who is not a Petitioner, and upon each person named in the Schedule of the information Hearing Order and upon the New York State Department of Taxation and Finance and upon the New York State Attorney General's office and all other interested parties. IN THE MANNER AND WITHIN THE TIME LIMITATIONS PRESCRIBED IN THE N.Y.S. BUSINESS CORP. LAW 1101(c). ENTER, Justice of the Supreme Court, Bronx County. HON. ASHLEE CRAWFORD 0000709665 s25-W 09

SALES

NOTICE OF SALE SUPREME COURT COUNTY OF NEW YORK YS 541 LEXINGTON HOLDINGS LLC, Plaintiff, vs. DCH LEX PROPCO SUB LP, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly entered on May 8, 2024, I, the undersigned Referee will sell at public auction at the Room 130 of the New York County Courthouse, 60 Centre Street, New York, NY 10007 on October 16, 2024 at 2:15 p.m., premises known as 541 Lexington Avenue a/k/a 129-141 East 49 th Street a/k/a 126-136 East 50 th Street a/k/a 539-555 Lexington Avenue, New York, NY 10022. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, Block 1304 and Lot 20. Approximate amount of judgment is \$218,494,717.02 together with interest thereon, at the rate of \$36,436.36 per day, until April 2024 and interest at the statutory rate thereafter, and costs. Premises will be sold subject to provisions of filed Judgment Index #653461/2022. Unpaid real estate taxes of New York City and New York State Transfer taxes will be borne by the Referee from the foreclosure proceeds, and the balance shall be paid to Plaintiff in satisfaction of the Plaintiff's then outstanding debt and any excess amounts shall treated as surplus monies. Howard W. Kingsley, Esq., Referee. 0000710162 s18-W 09

SALES

SUPREME COURT COUNTY OF BRONX NYCTL 2017-A TRUST AND THE BANK OF NEW YORK MELLON AS COLLATERAL AGENT AND CUSTODIAN, Plaintiff, vs. CHARLES S. VASSER, et al, Defts. Index #22175/18E. Pursuant to judgment of foreclosure and sale entered Mar. 26, 2019 and order to substitute the newspaper notice of sale entered August 29, 2024, I will sell at public auction in Room 711 of the Bronx County Courthouse, 851 Grand Concourse, Bronx, NY on October 21, 2024 at 2:15 p.m. prem. k/a 2033 Central Express Unit 02-203D, Bronx, NY 10473 a/k/a Block 3432, Lot 1016. Approx. amt. of judgment is \$12,177.68 plus costs and interest. Sold subject to terms and conditions of Foreclosure and Sale entered herein on January 27, 2020. I, the undersigned Referee will sell at public auction at the Bronx County Supreme Court, Courtroom 711, located at 851 Grand Concourse, Bronx, NY, 10451 on October 21, 2024 at 2:15 p.m. premises situate, lying and being in the Borough of The Bronx, County of Bronx, City and State of New York, known as Block 2826 and Lot 87 on the Bronx County Tax Assessment Map. Said premises known as 1800 GRAND CONCOURSE, BRONX, NY. Approximate amount of judgment is \$104,761.37 plus interest & costs. Premises will be sold subject to provisions of filed Judgment and Terms of Sale. Index Number 34242/2018E. STEPHEN B. KAUFMAN, ESQ., Referee. 0000710019 s18-W 09

SALES

SUPREME COURT COUNTY OF BRONX U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-BC4 against TEODORA MARGARITA RODRIGUEZ, ET AL. NOTICE OF SALE NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure entered in the Office of the Clerk of the County of Bronx on January 20, 2016, wherein U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-BC4 is the Plaintiff and TEODORA MARGARITA RODRIGUEZ, ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the BRONX COUNTY SUPREME COURT, GRAND CONCOURSE, COURTROOM 711, BRONX, NY 10451, on November 4, 2024 at 2:15PM, premises known as 1809 PHELAN PL, BRONX, NY 10453; and the following map identification: 2879-284. ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK. Premises will be sold subject to provisions of filed Judgment Index# 38110 5/2007E, Steven Baker, Esq., Referee. Robertson, Anschutz, Schneid, Crane & Partners, PLLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590. Attorneys for Plaintiff. All foreclosure sales will be conducted in accordance with Covid-19 guidelines including, but not limited to, social distancing and mask wearing. \*LOCATION OF SALE SUBJECT TO CHANGE DAY OF IN ACCORDANCE WITH COURT/CLERK DIRECTIVES. 0000710282 o2-W o23

FOUNDATIONS

SUPREME COURT COUNTY OF NEW YORK L.P. Plaintiff - against OHP RETAIL OWNER LLC and BOARD OF MANAGERS OF ONE MOUNTAIN PLACE CONDOMINIUM, Defendants. Pursuant to a Judgment of Foreclosure and Sale dated December 22, 2023 and entered on January 3, 2024, I, the undersigned Referee will sell at public auction in Room 130 of the New York County Courthouse, 60 Centre Street New York, NY on October 23, 2024 at 2:15 p.m., the premises situate, lying and being in Kings County, City and State of New York, known and designated as Block 2111 and Lot 1001 on the New York County Tax Assessment Map. Said premises known as The Retail Unit at One Hanson Place, Brooklyn, New York, 11243. Approximate amount of lien \$23,832,503 plus interest & costs. Premises will be sold subject to provisions of filed Judgment Index Number: 850158/2021. MICHAEL J. ROBERTS, ESQ., Referee. KRAMER LEVIN NAFTALIS & FRANKEL LLP Counsel for Plaintiff 1177 Avenue of the Americas, New York, NY 10036 0000710015 s18-W 09

FOUNDATIONS

THE ANNUAL RETURN OF THE HAROLD WESTON FOUNDATION for the calendar year ended 2023 is available at its principal office located at 177 TEN STONES CIRCLE CHARLOTTE, VERMONT 05445 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is REBECCA POSTER. 0000710173 o2

FOUNDATIONS

THE ANNUAL RETURN of the Sonya Staff Foundation, Inc. for the calendar year ended 2022 is available at its principal office located in care of Patricia Hauswirth at Furman & Hauswirth CPAs located at 300 Marcus Avenue, Suite 1025, Great Neck, New York 11042 for inspection during regular business hours by any citizen who requests it within 180 days hereof. The Principal Manager of the Foundation is Daniel Schaffer. 0000710171 o2

FOUNDATIONS

NOTICE OF QUALIFICATION OF THOMPSON, COE, COUSINS & IRONS, L.P. Application for registration filed with Secy. of State of NY (SSNY) on 6/27/2024, effective date 7/11/2024. Office location: NY County. LLP registered in Texas (TX) on 8/27/2010. SSNY designated as agent of LLC upon whom process against the LLC may be served. SSNY shall mail process to 700 N Pearl St, 25th Fl, Dallas, TX 75201. Registration filed with the Secy. of State of TX, PO Box 13697, Austin, TX 78711. Purpose: Practice of Law. 0000710002 S11 W 016

FOUNDATIONS

NOTICE OF QUALIFICATION OF THOMPSON, COE, COUSINS & IRONS, L.P. Application for registration filed with Secy. of State of NY (SSNY) on 6/27/2024, effective date 7/11/2024. Office location: NY County. LLP registered in Texas (TX) on 8/27/2010. SSNY designated as agent of LLC upon whom process against the LLC may be served. SSNY shall mail process to 700 N Pearl St, 25th Fl, Dallas, TX 75201. Registration filed with the Secy. of State of TX, PO Box 13697, Austin, TX 78711. Purpose: Practice of Law. 0000710002 S11 W 016

FOUNDATIONS

NOTICE OF QUALIFICATION OF THOMPSON, COE, COUSINS & IRONS, L.P. Application for registration filed with Secy. of State of NY (SSNY) on 6/27/2024, effective date 7/11/2024. Office location: NY County. LLP registered in Texas (TX) on 8/27/2010. SSNY designated as agent of LLC upon whom process against the LLC may be served. SSNY shall mail process to 700 N Pearl St, 25th Fl, Dallas, TX 75201. Registration filed with the Secy. of State of TX, PO Box 13697, Austin, TX 78711. Purpose: Practice of Law. 0000710002 S11 W 016

FOUNDATIONS

NOTICE OF QUALIFICATION OF THOMPSON, COE, COUSINS & IRONS, L.P. Application for registration filed with Secy. of State of NY (SSNY) on 6/27/2024, effective date 7/11/2024. Office location: NY County. LLP registered in Texas (TX) on 8/27/2010. SSNY designated as agent of LLC upon whom process against the LLC may be served. SSNY shall mail process to 700 N Pearl St, 25th Fl, Dallas, TX 75201. Registration filed with the Secy. of State of TX, PO Box 13697, Austin, TX 78711. Purpose: Practice of Law. 0000710002 S11 W 016

LIMITED LIABILITY ENTITIES

AW TRIBECA PROMOTE LLC. Arts. of Org. filed with the SSNY on 08/30/24. 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, 175 Great Neck Road, Suite 407, Great Neck, NY 11021. Purpose: Any lawful purpose. 0000710012 s11-W 016

LIMITED LIABILITY ENTITIES

AW TRIBECA PARTNERS LLC. Arts. of Org. filed with the SSNY on 08/30/24. 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, 175 Great Neck Road, Suite 407, Great Neck, NY 11021. Purpose: Any lawful purpose. 0000710011 s11-W 016

LIMITED LIABILITY ENTITIES

BALLOON NYC LLC. Arts. of Org. filed with the SSNY on 09/03/20. Latest date to dissolve: 09/03/2050. 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, 440 West Avenue, NY, NY 10024. Purpose: Any Lawful Purpose. 0000709691 s4-W 09

LIMITED LIABILITY ENTITIES

CJBOKUN LLC. Filed 6/3/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: 520 W 56 St Apt 12d, NY, NY 10019. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave, Ste 202, Bklyn, NY 11228. Purpose: General. 0000710712 o2-W n6

LIMITED LIABILITY ENTITIES

COPPER CREEK SPONSOR LLC. Filed 8/6/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Andrew Bauman, 511 Ave Of The Americas, Ste 250, NY, NY 10011. Purpose: General. 0000710711 o2-W n6

LIMITED LIABILITY ENTITIES

COPPER CREEK PL LLC. Filed 8/6/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Andrew Bauman, 511 Ave Of The Americas, Ste 250, NY, NY 10011. Purpose: General. 0000710710 o2-W n6

LIMITED LIABILITY ENTITIES

CARE5959 LLC. Arts. of Org. filed with the SSNY on 07/18/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Carol Ho-Rezvani, 202 Norman Road, New Rochelle, NY 10804. Purpose: Any Lawful Purpose. 0000710676 o2-W n6

LIMITED LIABILITY ENTITIES

C & F ABA LLC. Arts. of Org. filed with the SSNY on 09/19/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail copy of process to the LLC, 263 Mineola Boulevard, Mineola, NY 11501. Purpose: Any lawful purpose. 0000710518 o2-W n6

LIMITED LIABILITY ENTITIES

JWZ II LLC Articles of Org. filed NY Sec. of State (SSNY) 9/6/24. Office in Nassau Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to Julie B Zang 8 Dunster Rd Great Neck NY 11021. Purpose: Any lawful activity. 0000710371 s25-W 030

LIMITED LIABILITY ENTITIES

JACKS CAPITAL ADVISORS LLC filed Arts. of Org. with the Secy of State of NY (SSNY) on 8/21/2024. Office: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: c/o Mr. Joseph G. Stamas, 87 Longridge Rd, Manhasset, NY 11030. Purpose: any lawful act. 0000709980 s11-W 016

LIMITED LIABILITY ENTITIES

JEFA PROJECTS LLC. Arts. of Org. filed with the SSNY on 08/27/2024. 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, 898 Washington St, Peekskill, NY 10566. Purpose: Any Lawful Purpose. 0000709503 au28-W o2

LIMITED LIABILITY ENTITIES

KEBABWALA EV LLC. Filed 8/6/21. Office: NY Co. SSNY desig. as agent for process & shall mail to: Debabrata Roni Maumdar, 1512 Benson St, 3rd Fl, Bronx, NY 10461. Purpose: General. 0000710687 o2-W n6

LIMITED LIABILITY ENTITIES

KATHLEEN LEGER, M.D., PLLC. Arts of Org. filed with the SSNY on 09/18/2024. Office loc: Nassau County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to the PLLC, 709 Peninsula Blvd., Woodmere, NY 11598. Purpose: To Practice The Profession Of Medicine. 0000710677 o2-W n6

LIMITED LIABILITY ENTITIES

KENNFIVE, LLC. Arts. of Org. filed with the SSNY on 08/27/24. 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, 57 Manhasset Avenue, Manhasset, NY 11030. Purpose: Any lawful purpose. 0000709526 s4-W 09

LIMITED LIABILITY ENTITIES

LOKOS AI LLC. Filed 8/30/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: 19 Dutch St, Apt. 10a, NY, NY 10038. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave, Ste 202, Bklyn, NY 11228. Purpose: General. 0000710700 o2-W n6

LIMITED LIABILITY ENTITIES

LRA FORTUNE LLC. Arts. of Org. filed with the SSNY on 09/27/2024. 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, 57 Manhasset Avenue, Manhasset, NY 11030. Purpose: Any lawful purpose. 0000710680 s18-W 023

LIMITED LIABILITY ENTITIES

SPORT TEMP LLC filed with SSNY 2/17/21 Off. in NY Co. Purpose: served to: SSNY desig. as agent of LLC & mailed to Yehuda Brown, 1472 E. 8th St, Brooklyn, NY 11230. The reg. agt. is Yehuda Brown at same address. Any lawful purpose. 0000708784 aug28 w oct2

LIMITED LIABILITY ENTITIES

MR Pharmacy Shipping Center LLC, Arts of Org filed with SSNY on 08/30/24. Office loc: Westchester County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Cornicello, Tendler & Baumel-Cornicello, LLP, 29 Broadway, 25 th Fl, NY, NY 10006. Purpose: Any lawful purpose. 0000710671 o2-W n6

LIMITED LIABILITY ENTITIES

MLD PUBLISHING VENTURES LLC. Filed 5/15/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: 470 W BROADWAY 2ND FL, CEDARHURST, NY 11516. Purpose: General. 0000709381 aug28 w oct2

LIMITED LIABILITY ENTITIES

MARTINEZ IRON WORK NYC LLC. Filed 6/20/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Jose A. Martinez, 545 W 156 St, #3b, NY, NY 10032. Purpose: General. 0000710707 o2-W n6

LIMITED LIABILITY ENTITIES

MASKAWALAPS LLC. Filed 11/17/20. Office: NY Co. SSNY desig. as agent for process & shall mail to: Debabrata Roni Maumdar, 1512 Benson St, 3rd Fl, Bronx, NY 10461. Purpose: General. 0000710734 o2-W n6

LIMITED LIABILITY ENTITIES

MARTINEZ IRON WORK NYC LLC. Filed 6/20/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Jose A. Martinez, 545 W 156 St, #3b, NY, NY 10032. Purpose: General. 0000710707 o2-W n6

LIMITED LIABILITY ENTITIES

ENC 96, LLC, Arts. of Org. filed with the SSNY on 09/19/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Emmanuel Job Charles, 2677 Deer Street, Mohegan Lake, NY 10547. Purpose: Any Lawful Purpose. 0000710402 s25-W 030

LIMITED LIABILITY ENTITIES

ERP 37 GREENPOINT AVE BROOKLYN LLC Arts. of Org. filed NY Sec. of State (SSNY) 9/4/24. Office in NY Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to Kimberley Smith 244 5th Ave, Room 1438, NY, NY 10001. Purpose: Any lawful activity. 0000710370 s25-W 030

LIMITED LIABILITY ENTITIES

ELEVATE DYNAMICS PHYSICAL THERAPY PLLC. Arts. of Org. filed with the SSNY on 08/29/24. Office: Nassau County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC, 21 Barnum Avenue, Plainville, NY 11803. Purpose: For the practice of the profession of Physical Therapy. 0000710009 s11-W 016

LIMITED LIABILITY ENTITIES

FRIDSON & RESNICK EMPERICAL RESEARCH LLC. Arts. of Org. filed with the SSNY on 08/29/2024. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Fridsonvission LLC, 440 West Avenue, NY, NY 10024. Purpose: Any Lawful Purpose. 0000709691 s4-W 09

LIMITED LIABILITY ENTITIES

HICKORY WIND LLC. Filed 7/9/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Carolyn Malcolm, 205 Hudson St, Ste 1002, NY, NY 10013. Purpose: General. 0000710703 o2-W n6

LIMITED LIABILITY ENTITIES

HEAVEN GIFTS LLC. Filed 9/12/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: 25 W 31st St, E Store, NY, NY 10001. Purpose: General. 0000710698 o2-W n6

LIMITED LIABILITY ENTITIES

HK Advisory LLC filed NY Co. SSNY 8/9/24. Off. in NY Co. Process served to SSNY - desig. as agt. of LLC & mailed to Hye Kyung Lee, 531 Main St., #1603, NY, NY 10001. Any lawful purpose. 0000709706 sept1 w oct16

LIMITED LIABILITY ENTITIES

IMPACT MEDICAL WELLESSE, PLLC a Prof. LLC. Arts. of Org. filed with the SSNY on 09/06/2024. Office loc: Westchester County. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to the LLC, 4 Travis Road, Baldwin Place, NY 10505. Purpose: To Practice The Profession Of Medicine. 0000710406 s25-W 030

LIMITED LIABILITY ENTITIES

JUST FOR PRACTICE, LLC. Arts. of Org. filed with the SSNY on 07/20/23. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served and shall mail copy of process to the LLC, 263 Mineola Boulevard, Mineola, NY 11501. Purpose: Any lawful act. 0000709259 o2-W n6

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF KREATE MUSIC LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 8/8/24. Office location: Nassau County. SS



# Court Calendars

## LIMITED LIABILITY ENTITIES

**NOTICE OF QUALIFICATION** of Eurofins Clinical Diagnostic US NDSC, LLC. Authority filed with NY Dept. of State, 7/26/24. Office location: NY County. Princ. bus. addr.: 343 W. Main St., Leola, PA 17540. LLC formed in DE: 9/23/16. NY Sec. of State designated agent of LLC upon whom process against it may be served, and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful purpose. **0000709943 sep11 w oct16**

**NOTICE OF QUALIFICATION** of Eurofins Biopharma Product Testing Columbia, LLC. Authority filed with NY Dept. of State, 7/22/2024. Office location: NY County. Princ. bus. addr.: 343 W. Main St., Leola, PA 17540. LLC formed in MO: 6/6/1968. NY Sec. of State designated agent of LLC upon whom process against it may be served, and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. MO and principal business address: 4780 Discovery Dr., Columbia, MO 65201. Cert. of Form. filed with MO Sec. of State, 600 W. Main St., Jefferson City, MO 65101. Purpose: any lawful purpose. **0000709942 sep11 w oct16**

**NOTICE OF FORMATION** of Admiral Realty John Street LLC. Arts. of Org. filed with NY Dept. of State on 8/22/2024. Office location: New York County, NY. Sec. of State designated agent of the LLC upon whom process against it may be served, and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: 850 New Burton Rd., Ste. 201, Dover, DE 19901. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful purpose. **0000709866 sep11 w oct16**

**NOTICE OF FORMATION** of EXAR NY LLC. Arts. of Org. filed with NY Dept. of State on 7/16/24. Office location: New York County, NY. Sec. of State designated agent of the LLC upon whom process against it may be served, and shall mail process to: The LLC, c/o Yonit Tzadok, Golden Age, Inc., 655 Third Ave., 21st Fl., New York, NY 10017. Purpose: any lawful purpose. **0000709867 sep11 w oct16**

**NOTICE OF FORMATION** of GULBRANSEN PHOTO LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/30/24. Office location: Nassau 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: Any lawful activity. **0000709785 sep11 w oct16**

**NOTICE OF QUALIFICATION** of 522 FIFTH AVENUE LENDER LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/14/24. Office location: NY County. SSNY designated as agent for process & shall mail to: 2 King St Apt 5f, NY, NY 10012. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave, Ste 202, Bklyn, NY 11228. Purpose: General. **0000710704 o2-W n6**

**NOTICE OF FORMATION** of MALHOTRA FAMILY 2024, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/26/24. 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. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Jeffrey Zinn, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. **0000709573 sep4 w oct9**

**NOTICE OF FORMATION** of MISCHIEF MERCANTILE LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/16/24. 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. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Jeffrey Zinn, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. **0000709571 sep4 w oct9**

**NOTICE OF QUALIFICATION** of WSC OPCO LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 08/22/24. Office location: NY County. LLC formed in Delaware (DE) on 08/13/24. 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 Jeffrey Zinn, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. **0000710519 o2-W n6**

## LIMITED LIABILITY ENTITIES

**NOTICE OF FORMATION** of 34 WEST 95TH STREET LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/31/2024. Office location: NY County. Princ. office location: 34 West 95th St., NY, NY 10025. 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. **0000709568 sep4 w oct9**

**NOTICE OF AV POTENTIAL** of Arts. of Org. filed with Secy. of State of NY (SSNY) on 3/26/24. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against the LLC to 228 Park Ave S, #894016, NY, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. **0000708975 Au28 W O02**

**NOTICE OF SKOPE CONSULTING** LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 6/10/24. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against the LLC to 228 Park Ave S, #894016, NY, NY 10003. R/A: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. **0000709219 Au28 W O02**

**NOTICE OF QUALIFICATION** of Fast Retailing USA Technologies LLC. Authority filed with NY Dept. of State, 6/21/24. Office location: NY County. Princ. bus. addr.: 38 Gansevoort St., NY, NY 10014. LLC formed in DE: 6/20/24. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: Cogency Global Inc., 122 E. 42nd St., 18th Fl., NY, NY 10168. DE addr. of LLC: 850 New Burton Rd., Ste. 201, Dover, DE 19901. Cert. of Form. filed with DE Sec. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activity. **0000709448 aug28 w oct2**

**NOTICE OF FORMATION** of 203 ATLANTIC REALTY LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/20/24. Office location: Nassau County. 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. **0000709380 aug28 w oct2**

**P G K & S LLC** Filed 6/24/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: 2 King St Apt 5f, NY, NY 10012. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave, Ste 202, Bklyn, NY 11228. Purpose: General. **0000710704 o2-W n6**

**PARK ST ESTATES LLC** Filed 8/7/2024. Office: Nassau Co. SSNY designated as agent for process & shall mail to: 50 CENTRAL AVE. LAWRENCE, NY 11559. Purpose: General. **0000709382 aug28 w oct2**

**ROWDY ROOSTER LLC** Filed 10/28/20. Office: NY Co. SSNY desig. as agent for process & shall mail to: Debabrta Roni Maumdar, 1512 Benson St, 3rd Fl, Bronx, NY 10461. Purpose: General. **0000710695 o2-W n6**

**RR149 EV LLC** Filed 6/26/23. Office: Bronx Co. SSNY desig. as agent for process & shall mail to: Debabrta Mazumdar, 1512 Benson St, Fl 3, Bronx, NY 10461. Purpose: General. **0000710685 o2-W n6**

**ROBIN HOOD DIAMONDS LLC** Arts. of Org. filed with the SSNY on 08/30/2024. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Ashot Logian, 320 Northern Blvd, Suite 9, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000709692 s4-W o9**

**SCALEPOINT CAPITAL LLC** Filed 9/10/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Jeffrey Zinn, 251 W 89th St Ste 7f, NY, NY 10024. Purpose: General. **0000710693 o2-W n6**

**SKINXJ LLC** Arts. of Org. filed with the SSNY on 07/17/24. 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, 8025 Jericho Turnpike, Woodbury, NY 11797. Purpose: Any lawful purpose. **0000710519 o2-W n6**

## LIMITED LIABILITY ENTITIES

**TCAMP PLLC**. Filed 9/4/24. Office: NY Co. SSNY desig. as agent for process & shall mail to: Talcott Camp, 101 E. 69th St., #3, NY, NY 10021. Purpose: Law. **0000710692 o2-W n6**

**THE ORIGINAL FACE LLC**. A Dom. LLC filed with SSNY on 07/31/2024. NY Cty. SSNY is DDI as agent upon whom proc. Agst. The LLC may be served. SSNY shall mail a copy of any proc. Agst. the LLC to: 18 E. 16 th St., 4 th Fl. NY, NY 10003. SSNY engage in any lawful act or activity. **0000710369 s25-W o23**

**THE LOFT NEW YORK LLC** Arts. of Org. filed NY Sec. of State (SSNY) 6/19/24. Office in NY Co. SSNY desig. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 123 Park Ave Apt 1A NY, NY 10128. Purpose: Any lawful activity. **0000710372 s25-W o30**

**TORKIAN 301 E LLC** Articles of Org. filed NY Sec. of State (SSNY) 9/9/24. Office in Nassau Co. SSNY desig. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 12 Hamptworth Dr Kings Point NY 11024. Purpose: Any lawful activity. **0000710114 sep18 w oct23**

**TSN WEST STREET LLC**. Arts. of Org. filed with the SSNY on 08/26/2024. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Arthur Gabriel, 2 Lincoln Ave, 4th Floor, Rockville Centre, NY 11570. Purpose: Any Lawful Purpose. **0000709693 s4-W o9**

**VILLA GARDEN ESTATES, LLC** Arts. of Org. filed with the SSNY on 09/16/2024. 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, 2350 Voorhies Avenue, Brooklyn, NY 11235. Purpose: Any Lawful Purpose. **0000709693 s4-W o9**

**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

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**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

**WOLF 88, LLC** Arts. of Org. filed with the SSNY on 08/16/2024. 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, c/o Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Attn David Mor, Great Neck, NY 11021. Purpose: Any Lawful Purpose. **0000710675 o2-W n6**

## Kings County

### Court Calendars Continued From Page 13

#### City Trial Readiness Part

**Justice Donald S. Kurtz**  
360 Adams Street  
Phone 347-296-1596  
Courtroom 480, 9:30 A.M.

**WEDNESDAY, OCT. 2**

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**WEDNESDAY, OCT. 2**

## Foreclosure Res Part 1

**Justice Delores J. Thomas**  
360 Adams Street  
Phone 347-401-9211  
Room 924, 9:30 A.M.

**Part 11**

**Justice Delores J. Thomas**  
360 Adams Street  
Phone 347-296-1458  
Courtroom 741, 9:30 A.M.

**Part 12**

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**Part 12**

**Justice Delores J. Thomas**  
360 Adams Street  
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