

IN BRIEF

Accused Brooklyn Subway Shooter Frank James Wants To Plead Guilty, Lawyers Say

Attorneys for Frank James, the 63-year-old man accused of conducting a mass shooting in a New York City subway car in April, on Wednesday informed a federal judge that James wants to plead guilty.

U.S. District Judge William Kuntz II of the Eastern District of New York scheduled the change of plea hearing for Jan. 3 after James' attorneys, both from the Federal Defenders of New York, said they would prefer to meet in the first week of January.

The news that James plans to plead guilty comes less than a week after a grand jury returned a superseding indictment in the case, charging James with nine additional counts of terrorism attack on a mass transportation system. He was previously charged with a single count of terrorism attack on a mass transportation system and one count of discharging a firearm during a crime of violence.

Each of the 10 counts of terrorism corresponded to one person who was shot during the attack in the Brooklyn neighborhood of Sunset Park, according to the superseding indictment. James faced a maximum of 11 sentences of life in prison, prosecutors said last week.

Prosecutors informed James' attorneys in a letter last week that the new counts were based on the same evidence already being produced in discovery.

Jury selection for James' trial was scheduled to start in February.

A spokesperson for the U.S. Attorney's Office for the Eastern District of New York declined to comment on the matter Wednesday.

—Jane Wester

NYS Lawyers' Fund for Client Protection Doled Out Almost \$10 Million in 2022

The New York State Lawyers' Fund for Client Protection announced Tuesday that it has so far awarded \$9.8 million in

2nd Circuit Addresses Post-Petition Interest On Unsecured Claims»5

2022 to 133 clients swindled by their attorneys.

In the final months of the year, the fund reimbursed \$1.9 million to 44 clients of 10 crooked attorneys.

"The theft of law client money is not only a crime but a profound violation of the trust placed in lawyers," Lawyers' Fund chair Eric Seiff of Amini LLC said in a statement. "On behalf of the 345,000 members of New York's legal profession, the Lawyers' Fund strives to restore that trust by reimbursing the financial harm caused by the statistically few in our profession who have been identified for this massive loss."

Of the 44 awards granted by the Lawyer's Fund for the final quarter of 2022, 24% reimbursed funds pocketed by two now-disbarred lawyers. Those former attorneys were Yohan Choi of Bayside and the once-prominent Manhattan real estate attorney Mitchell Kossoff, who was sentenced to prison in May for stealing \$14.6 million from his clients.

The fund, established in 1982, has now remitted more than \$250 million to victim-clients. It is financed by a portion of the registration fees paid by New York's attorneys. Awards are determined by a seven-member board of trustees appointed by the New York State Court of Appeals. Trustees are not paid.

The organization reimburses clients whose attorneys have stolen estate assets, real estate down payments, litigation settlement proceeds and other sums. The fund does not cover alleged legal malpractice.

Awards for 2022 surpassed 2021, when 114 clients were reimbursed for funds lost to thieving attorneys.

The fund's next annual report is scheduled for release in April 2023.

—Emily Saul

Two Lawyers Elevated To New York's Ethics Watchdog Panel

A panel of law deans on Tuesday unanimously approved attorneys Kaylin Whittingham and Dolly Caraballo to join New York's state ethics watchdog commission, which launched in July.

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MSG Entertainment's Policy Barring Plaintiffs' Lawyers From Venues Is Unlawful: Attorney

BY EMILY SAUL

AS MADISON Square Garden Entertainment continues to blacklist attorneys involved in litigation against the company, one New Jersey lawyer is going after James Dolan's liquor license.

In a complaint filed with the New York State Liquor Authority, partner Samuel Davis alleges that MSGE's policy is a clear violation of the New York Alcohol Beverage Law.

Davis, of the Teaneck, New Jersey, firm Davis, Saperstein & Saloman, filed the complaint on November 14, after receiving a letter from MSGE counsel Hal Weiden-

feld barring the firm's lawyers from entering any MSGE-owned venue.

"By excluding all members of the Firm approximately one month ago, MSGE is violating the conditions of its liquor licenses requiring that the general public be permitted to enter the premises," the complaint reads. "Lawyers, even if they are engaged in the representation of clients allegedly harmed by the conduct of MSGE, are nevertheless part of the general public."

A spokesperson with the New York State Liquor Authority confirmed that the SLA issued a Letter of Advice to MSGE on November 29, informing the organization that, if the facts laid out in Davis' complaint are found to

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Partner Sam Davis and associate Kelly Conlon of New Jersey-based law firm Davis, Saperstein & Saloman

J&J Expert Ken Feinberg 'Under the Gun' To Evaluate Talc Bankruptcy Claims

BY AMANDA BRONSTAD

KEN Feinberg told a bankruptcy judge on Tuesday that he was "under the gun" to complete a report that estimated the total value



DAVID ZALUBOWSKI/AP

Ken Feinberg said he received data from 265 law firms but gave the other 230 of them until Dec. 31 to provide information about their suits.

and volume of cancer claims over Johnson & Johnson's baby powder.

U.S. Chief Bankruptcy Judge Michael Kaplan tasked Feinberg,

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as a court-appointed estimation expert, with preparing a report.

And the report is on the value and volume of current and future claims alleging talcum powder caused ovarian cancer or mesothelioma after opting to move ahead on an estimation process in the Chapter 11 case of Johnson & Johnson subsidiary LTL Management.

In his first update since being appointed, Feinberg told Kaplan on Tuesday that he "had a very difficult time" finding an economic modeling firm, ultimately deciding on advisory firm StoneTurn. He was even "less successful" at finding an epidemiologist, he said, and that search is ongoing.

Feinberg said 265 law firms had provided data to him about their individual talc clients, but 230 had not. He gave them until Dec. 31 to provide information about their lawsuits, including settlements, unfiled cases and medical corroboration about the disease at issue.



STEFAN BERGMAN/AP

N.Y. State Assemblyman-elect Lester Chang speaks at a news conference held on 8th Ave. in Sunset Park in Brooklyn earlier this month.

Does He Live Here? Attorneys, Lawmakers Spar Over Assembly Member-Elect's Residency

BY BRIAN LEE

LAWYERS sparred for hours on Wednesday as New York lawmakers held a rare factfinding hearing on whether Republican Lester Chang, who won last month's race for the 49th Assembly District, resides in the Brooklyn jurisdiction for which he was voted to represent.

Chang, at the very least, appeared to admit to the Assembly's Judiciary Committee that his rent-stabilized apartment in Manhattan wasn't his primary residence, which would be a violation of state law.

Chang's lawyer Hugh Mo says his client was the first Asian-American to represent the Brooklyn district, when he defeated Assemblyman Peter Abbate Jr., D-Dyker Heights, on Nov. 8.

Mo went on to say that the Democratic-controlled Assembly could also make history in their own right, but for the wrong rea-

son—by trying to prevent his client from joining the body through a state law that vets qualifications.

"Certain members of this legislature have now decided to challenge Lester Chang's residency for one reason and one reason only—because he won and the incumbent



Charles Lavine, D-Nassau, Assembly Judiciary Committee Chair

lost, subverting the will of the voters in the interest of inherent bias and political animus," Mo said.

Charles Lavine, D-Nassau, chairman of the Assembly Judiciary Committee, said that the hearing was held pursuant to the state constitution. He said Chang is required to establish "a bona fide

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2023 Bankruptcy Outlook: Rising Interest Rates Lift All Restructuring Practices

BY DAN ROE

IF ANYONE was holding out hope for a tidal wave of corporate bankruptcies in 2023, it's time to abandon ship. If that was part of your 2023 budget, don't get on the ship altogether.

As the domestic and global economies slide toward recession at the end of 2022, leading bankruptcy practitioners aren't calling when—or even whether—corporate bankruptcies will pick

up in a way that corresponds with most professionals' understanding of the amount of insolvency lurking in the market.

Yet, restructuring practices that slowed down are picking back up, and those that stayed busy are fielding inbound inquiries at a rate rivaled by the Great Recession. Refinancing is more difficult than it was a year ago. Covenants in credit agreements are tightening. Lenders are demanding greater concessions from borrowers. Sluggish bankruptcy dock-

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DECISIONS OF INTEREST

First Department

CONTRACTS: **Sub-subcontractor's mechanic's lien is void, unenforceable.** *F.R.P. Sheet Metal Contr. Corp. v. Georgetown Eleventh Ave. Owners LLC, Supreme Court, New York.*

ADMINISTRATIVE LAW: **Court affirms state liquor authority decision to grant liquor license.** *Matter of Eldridge St. Block Assn. v. NYS Liq. Auth., Supreme Court, New York.*

CONTRACTS: **Plaintiff shows defendant was unjustly enriched over performance cancellation.** *Hammer Promotions LLC v. Certified Celebrity Bookings Inc., Supreme Court, New York.*

PERSONAL INJURY: **Plaintiff sufficiently states negligence claim over bed bugs against pest control company.** *Pistocco v. HHM Hospitality, Supreme Court, New York.*

PERSONAL INJURY: **Accident case dismissed against Uber; driver was not operating vehicle as Uber.** *Webster v. Golding, Supreme Court, Bronx.*

Second Department

PERSONAL INJURY: **Slip and fall, assumption of risk case dismissed against golf course.** *Parafestas v.*

Somers Pointe Golf Club, Supreme Court, Queens.

U.S. Courts

CIVIL RIGHTS: **Challenge to school sports gender policy dismissed; standing theories do not show injury.** *Soule v. Connecticut Ass'n of Schools Inc., 2d Cir.*

CIVIL RIGHTS: **Denial of bid to bar parole board's use of erroneous information in decision explained.** *Albritton v. Fredella, SDNY.*

INSURANCE LITIGATION: **Lloyd's insurer granted judgment; faulty work caused wall's collapse, bars breach claim.** *348 37th Street LLC v. Lloyd's London - Brit Global Specialty USA, EDNY.*

PATENT LITIGATION: **Court enjoins communication of patent infringement claims to third parties.** *Sound Around Inc. v. Shenzhen Keenray Innovations Ltd., EDNY.*

EMPLOYMENT LITIGATION: **Default's entry vacated; default not willful, failure to exhaust remedies defense raised.** *Gilmore v. Saratoga Center for Care LLC, NNDNY.*

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FULL-TEXT DECISIONS, nylj.com

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As Law Firms Seek To Manage Capacity, Layoffs Become Last Resort

BY JUSTIN HENRY

WHILE the industry's attention has been focused on the layoffs playing out in Big Law, firm leaders, associates and industry observers say such drastic measures to reduce capacity aren't the go-to method of managing personnel after a period of overhiring.

Layoffs are often the final resort by firms that have already endeavored to repurpose associates into other practice areas or administrative functions at the firm and used performance evaluations to weed out excess capacity and underperforming lawyers.

These measures are being wielded with greater frequency in 2022 as it's easier to stay under the

radar as an underperformer when a firm experiences windfall profits as in 2021, when robust levels of transactional work led to the best financial years on record for many firms, industry observers and firm leaders note.

A combination of the pandemic and the unprecedented levels of demand for corporate work in 2021 led to firms being more willing to

absorb underperformers last year, according to associates and firm leaders interviewed for this article, who declined to be named. While work remains busy, there has been a noticeable downturn in work this year in corporate and transactional practices, they said.

But it's not just low hours that prompt an associate's ousting, said one associate at

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New York Law Journal Inside

Ask the Former Regulator »3

The Attorney General's Power To Enforce Real Estate Regulations
by Erica F. Buckley

Online

Court Calendars

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

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Limiting Risks When Lawyers Engage Private Investigators
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What Does an 'Exceedingly Broad' Duty To Defend Mean in 2022?
by Bruce Strong and Earl A. Kirkland

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View the special sections online and download today's paper at the Law Journal Download Center. **Only at nylj.com.**

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by Anne Bagamery

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More Corporate columns are archived at nylj.com.

Despite Slumping Market, 2022 Big Year for Cryptocurrency In-House Counsel
by Hugo Guzman

Fortnite Developer's \$520M FTC Privacy Settlement To Reverberate Through Gaming Industry
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Too Big to Succeed: Lessons From the Ye/Adidas Brand Partnership
by Jonathan Brown, Alexa La Barbiera and Dave Ervin

Online

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Report Shows Positive Outlook for Cross-Border M&A in 2023

BY GAIL S. COHEN

TECHNOLOGY, media and telecommunications will continue to be the most appealing sector for cross-border deals, according to a new report from Dentons Canada and Mergermarket.

The "Shifting Tides of Cross-border M&A," released this week, showed 72% of U.S./Canada respondents and 93% of their peers outside North America predict they'll be involved in transactions in the TMT sector. Financial services, cited by just over half the respondents, was the next most popular

industry, followed by pharma, medical and biotech (PMB).

Mergermarket conducted 150 interviews of senior executives involved in cross-border M&A in the third quarter of this year. Half of the respondents were acquirers based in the U.S. and Canada of targets based elsewhere in the world, and the other half were acquirers from elsewhere in the world of U.S. or Canadian targets. These two groups were divided equally between corporate and private equity respondents.

The survey showed while the market cooled somewhat in 2022, it remained above pre-pandemic levels.

"The onset this year of monetary tightening and fever-pitch geopolitical tensions understandably have investors questioning the sustainability of the recent pace of action," said the report.

With that backdrop, still more than a third of U.S./Canadian respondents and 40% outside North America are predicting increasing M&A activity for 2023. Among U.S./Canada respondents, 39% expect it to decrease compared with the past 12 months—a view 36% of non-North American executives share. The majority expect to be involved in one to four deals in the new year.

Two-thirds of respondents outside North America cite the U.S. as one of the most appealing regions for buy-side cross-border M&A activity, far ahead of other markets. Almost half of their U.S./Canadian peers (47%), meanwhile, see a lot of opportunities in Eastern Europe. "Eastern Europe may not seem like an obvious choice given the conflict in Ukraine, but the region has emerged as a tech tour de force in recent years," said the report.

Interestingly, nearly half of the non-North American executives said experiences with the pandemic and global supply chain issues have them looking to pri-

oritize onshoring and domestic dealmaking while only 38% of North Americans felt that way.

What the majority of respondents (80%) agreed on is that stricter protections on foreign direct investment "will have a noticeable negative impact on their cross-border dealmaking strategy," said the report.

Opinion is certainly split over the appeal of Chinese markets, according to the report. Outside North America, 40% said China is among the least appealing and 43% said it was among their top destinations for buy-side activity. Of the U.S./Canada respondents,

53% were not interested in China and only 20% said they were.

And almost all (87%) of respondents around the world expect guidelines related to environment, social, and governance (ESG) principles to have more impact on cross-border M&A over the next 12 months.

Also, in order to improve the M&A process, more than half of respondents say they will be putting more emphasis on post-deal integration as well as allocating more time to due diligence.

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'Congress Spins Its Wheels': Cannabis Industry Attorneys See Familiar Trends Looming in 2023

BY CHERYL MILLER

THE LAST 12 months in the cannabis industry offered plenty of hype and headlines.

Voters and lawmakers in a handful of additional states and countries said "yes" to recreational use and medical marijuana. President Joe Biden made history by signing a marijuana research bill into law. More celebrities jumped into business ventures featuring the previously taboo product. Law firms expanded their cannabis practices or dived into psychedelics law.

But for all the hoopla, 2022 was remarkably like 2021 in cannabis law. States struggled to launch and maintain thriving recreational-use programs and quash illicit markets. Lawsuits targeted cities' and states' social equity efforts. And hopes dimmed of Congress passing a bill to provide cash-dependent marijuana operators access to banks.

Amid the changes and stagnation, we asked three lawyers who work with the industry to give us their predictions for cannabis law in 2023. Their answers sometimes



Rachel Gillette of Holland & Hart, Zachary Kobrin of Akerman, and Stanley Jutkowitz of Seyfarth Shaw

reflected the frustration with, or even pessimism of, a business sector that continues to grapple with the same huge issues.

On legalization and decriminalization efforts at the federal level:

• **Rachel Gillette**, head of Holland & Hart's cannabis industry practice: "Distracted by the wave of states legalizing other 'natural

medicines' like psilocybin, federal law enforcement decides cannabis is the least of their worries. Mired in divisive politics (again), however, Congress spins its wheels, and cannabis remains Schedule I in 2023."

• **Zachary Kobrin**, a partner in Akerman's cannabis practice: "I anticipate momentum to build for more incremental reforms at the

federal level, but not wholesale cannabis reform. This could be seen in potential [Internal Revenue Code] 280E reform efforts, increased federal support for clinical trials in cannabis, or allowance of cannabis through Veterans Administration benefits."

• **Stanley Jutkowitz**, leader of Seyfarth Shaw's cannabis law practice: "There will be no new meaningful federal legislation for the cannabis industry in 2023. No legalization. No SAFE Banking. No relief from section 280E of the Internal Revenue Code."

On the Industry's Finances And Financial Dealings:

Jutkowitz: "Cannabis companies' access to capital will continue to be limited in 2023 as investors and lenders focus on cash flow, or lack thereof. This, together with higher costs of capital will increase the financial stress on plant-touching businesses."

There will be more restructurings and loan defaults in the cannabis industry as a result of limited access to capital, among other factors. These restructurings will require creative solutions

since federal bankruptcy, including Chapter 11 reorganization, is not an option for plant-touching businesses."

Kobrin: "2023 will be a year of consolidation and reduction for the cannabis industry. Low company values and stock prices will create great opportunities for those companies with strong management and strong balance sheets, seeking to snatch up smaller operators at a discount. This will be especially prevalent as larger companies begin or continue to expand their footprints in adult-use markets like Arizona, Illinois, New Mexico, Maryland (once it comes online) and many others."

The capital markets will, unfortunately, continue to be down in 2023, making it harder for those in the industry to borrow money or obtain financing. On a positive note, we will start seeing more blue-chip companies outside of cannabis enter the market to provide goods and services. I expect an increase in banking and insurance services to the industry (even if SAFE doesn't pass)."

Gillette: "More and more companies [will] face financial distress resulting from reduced consumer

demand (thank you, inflation), oversupply and high costs of regulatory compliance ... Despite the constant drumbeat of a looming recession, tenacious cannabis businesses carry on, as more adult use markets develop. Public support for federal legalization of cannabis continues to grow."

Other Predictions:

Jutkowitz: "More states will legalize adult use. Watch for Minnesota, Oklahoma and possibly Pennsylvania."

Kobrin: "We can also expect to see increased use of technology across all levels of cannabis. The pandemic fast-tracked technological advancements and the cannabis industry has embraced anything that might help reduce costs and increase revenue."

Gillette: "Deciding the best use of their limited resources is not customer service, the IRS continues auditing state-legal cannabis businesses for 280E compliance, only to find there is no pot of gold at the end of the rainbow."

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Judicial Ethics

Opinions From the Advisory Committee on Judicial Ethics

The Advisory Committee on Judicial Ethics responds to written inquiries from New York state's approximately 3,600 judges and justices, as well as hundreds of judicial hearing officers, support magistrates, court attorney-referees, and judicial candidates (both judges and non-judges seeking election to judicial office). The committee interprets the Rules Governing Judicial Conduct (22 NYCRR Part 100) and, to the extent applicable, the Code of Judicial Conduct. The committee consists of 27 current and retired judges, and is co-chaired by the Honorable Margaret Walsh, a justice of the supreme court in Albany County, and the Honorable Lillian Wan, an associate justice of the appellate division, second department.

Opinion: 22-89

Digest: A full-time judge (1) may participate in a group, organized by the Governor's office and the Department of Motor Vehicles, that will propose simpler verbiage and more logical organization for the Vehicle and Traffic Law, where the membership is balanced with subject matter experts from relevant state agencies, non-profits, prosecutors, and defense counsel; (2) may be reimbursed for travel and lodging expenses reasonably incurred; but (3) may not be compensated for work performed on behalf of the group.

Rules: 22 NYCRR 100.2; 100.2(A); 100.3(B)(6); 100.3(B)(8); 100.4(A)(1)-(3); 100.4(C)(3); 100.4(H)(1); 100.4(H)(1)(a)-(b); 100.4(H)(c)(1); 100.4(H)(2); Opinions 22-14; 20-198; 19-127; 18-183; 18-127; 17-88; 15-26/15-44; 14-177; 06-73; 03-130.

Opinion: A full-time judge has been invited to participate in a group, organized by the Governor's office and the Department of Motor Vehicles, that will "rewrite significant sections of the New York State Vehicle and Traffic Law" in an attempt to "simplify verbiage and organize [it] logically." The focus of the group's work is to restructure the statutes in an orderly manner, resulting in "a report on current law." The group's members will be "subject matter experts" from "all state agencies with VTL related practice, non-profits, Interlock Providers, STOP-DWI, Bar Associations, Prosecutor Associations and prominent practicing defense attorneys." On these facts, the judge asks if it is ethically permissible to become a member and participate in the group's work. If so, the judge further asks if they may accept reimbursement for travel and lodging when in-person meetings are required, given that the expected source of reimbursement will be "a Grant ... from the Governor's Traffic Safety Committee." The judge states there will be "no use of STOP DWI proceeds in this project." Finally, the judge asks if they may accept compensation "at a nominal state-based rate per hour expended" for this work.

A judge must always avoid even the appearance of impropriety (see 22 NYCRR 100.2) and must always act to promote public confidence in the judiciary's integrity and impartiality (see 22 NYCRR 100.2[A]). Judges generally may serve on entities "devoted to the improvement of the law, the legal system or the administration of justice" (22 NYCRR 100.4[C][3]), subject to generally applicable limitations on judicial speech and conduct (see e.g. 22 NYCRR 100.3[B][8] [public comment rule]).¹ Full-time judges

"may receive compensation and reimbursement of expenses" for permissible extra-judicial activities, subject to limitations (22 NYCRR 100.4[H][1]). For example, the source of payments must not "give the appearance of influencing" performance of judicial duties or "otherwise give the appearance of impropriety" (id.) and compensation for a full-time judge's extra-judicial activities must "not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity" (22 NYCRR 100.4[H][1][a]). Moreover, "[n]o full-time judge shall solicit or receive compensation for extra-judicial activities performed for or on behalf of ... New York State, its political subdivisions or any office or agency thereof" (22 NYCRR 100.4[H][1][c][1]).

1. Participation in the Group

In general, a judge may be a member of an organization "devoted to the improvement of the law, the legal system or the administration of justice" (22 NYCRR 100.4[C][3]). The present group, organized by the executive branch, clearly seeks to improve the law by proposing changes to the Vehicle and Traffic Law that would "simplify verbiage and organize [it] logically" and render it "more clear, simple and useful." We note this activity is likely to draw on the judge's judicial experience applying the statute in cases before the judge.

It is also significant that the group appears to be balanced with subject matter experts from relevant state agencies, non-profits, prosecutors, and defense counsel. We have recognized that where a group "is balanced among lawyers representing all interests before the court it is appropriate" » Page 6

Calling All Lawyers: LexisNexis, Ukrainian Bar Association Foster New Legal Aid Portal

BY ISHA MARATHE

RUSSIA'S invasion of Ukraine started in February and has since held the Eastern European region in a state of fear and crisis.

For lawyers in the region, the past year has resulted in job loss, trauma and immense physical and mental upheaval.

It may not be surprising then that LexisNexis Rule of Law Foundation, the nonprofit entity rolled out by LexisNexis to spread the "rule of law" around the world, has sought to mitigate the impact from the conflict as its latest focus.

In partnership with the Ukrainian Bar Association and LexisNexis, the nonprofit Foundation has launched the "Legal Aid Portal - Ukraine." The free website is meant to enable Ukrainian attorneys and legal professionals to search for job opportunities, aid, office spaces, housing, and mental health resources, among other offerings. All those enrolled on the website—whether international lawyers offering resources or Ukrainian lawyers receiving them—must be verified through the registration and login process.

Ian McDougall, the executive vice president and general counsel for LexisNexis, said that, as a corporate sponsor for the International Bar Association, LexisNexis had the opportunity to connect with the Ukrainian Bar Association after the country's invasion, spurring the eventual creation of the legal aid portal.

"They said to us, [considering] the various problems they were suffering, 'if we could be put in touch with the lawyers and law firms around the world who could help us continue to provide legal services to someone inside Ukraine, it would be very powerful,'" McDougall said.



Ukrainian State Emergency Service firefighters clear the rubble at the building which was destroyed by a Russian attack in Kryvyi Rih, Ukraine, Friday, Dec. 16. Russian forces launched at least 60 missiles across Ukraine that day.

"Jointly, this idea of the tool came up as an idea to connect the need and volunteer supply."

Currently, McDougall noted that the portal functions by generating various options depending on the needs of the user, who would register and type into the search bar "housing," "disability care" or "refugee council," among myriad options, for example. While the portal is live, it is still in its early stages and needs attention from legal professionals internationally, McDougall said. He noted that the database could use opportunities from legal professionals all over the world.

"As time goes on, we'll kind of iterate, and as people give us ideas and suggestions, we'll add more resources to it, but that's the initial sort of launch status," he added.

"The Ukrainian Bar Association has put the word out, but that's on the need side. We now need to get the word out to international lawyers on the volunteer side."

To be sure, the Lexis Nexis "Legal Aid Portal - Ukraine" isn't the first attempt to create an online solution to bring legal aid to the crisis area. In April, only two months after the war began, Chicago-based legal tech provider Paladin teamed up with the Ukrainian legal association Legal Development Network to roll out its own pro bono portal. The portal is powered by an AI-based chatbot called Pravoman and works to connect basic legal questions from users with legal professionals.

Isha Marathe can be reached at imarathe@alm.com.

Expert Analysis

Perspective

ASK THE FORMER REGULATOR

The Attorney General's Power To Enforce Real Estate Regulations

Question: I am a transactional attorney who works closely with real estate developers, many of whom are in the business of developing condominiums. I would like to have a better understanding of the powers bestowed upon the New York Attorney General when it comes to regulating real estate offerings. Could you provide an overview?

Answers: Many people say there is no state attorney general in the country with as much power as the New York State Attorney General (AG). There are two laws, in particular, that give the AG's Office its power—the Martin Act and the Executive Law. There are others, but for the purposes of this article, I will focus on these two laws and provide the general overview you seek.

By Erica F. Buckley



sole and exclusive jurisdiction to remedy alleged violations. See *Kralik v. 239 E. 79th St. Owners*, 5 N.Y.3d 54 (2005); see also *CPC Int'l v. McKesson*, 70 N.Y.2d 268 (1987). While not exhaustive, a summary of the key powers is as follows:

GBL §352(1) *Sworn Statement*. Under this provision of the Martin Act, whenever it appears through complaint or otherwise that there may be any device, scheme, or artifice to defraud the public during the advertisement or sale of real estate securities, the AG may

should be taken very seriously. See *People v. Forsyth*, 109 Misc.2d 234 (Sup. Ct. N.Y. Cnty. 1981). A couple of other interesting things to note about AG subpoenas: (1) There is no constitutional right to have counsel present during testimony under a Martin Act subpoena (although the Office has a longstanding policy of permitting, so long as counsel does not interfere with the examination process). See *First Energy Leasing v. Attorney General*, 68 N.Y.2d 59 (1986) and (2) There is no right to receive a copy of a transcript while a Martin Act investigation is pending (only afterward, subject to the Freedom of Information Law). See *Guterman v. Lefkowitz*, 92 Misc.2d 583 (Sup. Ct. N.Y. Cnty. 1977). It is exceptionally hard to challenge the AG's subpoena powers. If a client receives a subpoena from the AG, you should immediately bring in counsel that is familiar with the Martin Act to assess the next best steps to comply and whether there is any way to try and narrow the scope of the subpoena—something that is generally done through negotiations as opposed to motion practice.

GBL §353 *Actions*. Once the AG has determined that there is satisfactory evidence to show that a person, partnership, corporation, company, trust, or other association has engaged in fraud; an action may be brought on behalf of the people of the state of New York. The AG may seek a permanent injunction barring a person or named entity from engaging in the offer or sale of securities in New York (including condominiums)—a remedy usually reserved for the most egregious cases. In addition to a bar, the AG can also seek restitution, disgorgement, and civil penalties of up to \$5,000 per violation. In cases where a defendant derived property by means of a fraudulent practice, the AG also has the ability to seek the appointment of a receiver of that property at any time after the complaint has been filed. See GBL §353-a. This extends to commingled property (think jointly owned property), and a receiver appointed under GBL §353 can be authorized to take title to the property and liquidate it for

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The AG has a tremendous amount of power under the Martin Act and Executive Law and has a low threshold to use these various tools on behalf of the public.

demand a statement, under oath, be given. Often referred to as a "352-1 Demand," a receipt of such a letter is a warning sign that the AG may have concerns about the truthfulness or accuracy of information provided to the Office to date. A 352-1 Demand is also a precursor to a subpoena (although sometimes used in tandem to get information in a more digestible form) and should be taken very seriously. If a sponsor gets a 352-1 Demand during the review process of a condominium offering plan, it should be seen as an immediate red flag.

GBL §352(2) *Subpoenas*. The AG also has broad subpoena powers under the Martin Act and can take testimony under oath and seek the production of documents. Any failure to comply with an AG subpoena without reasonable cause could lead to misdemeanor charges, and, therefore, compliance

The Martin Act: New York's Blue Sky Law

General Business Law (GBL) Article 23-A (the Martin Act) grants the AG both civil and criminal powers to investigate "any deception, misrepresentation, concealment, suppression, fraud, false pretense or false promise" on behalf of the public interest. Generally, the Martin Act applies to the "issuance, exchange, purchase, sale, promotion, negotiation, advertisement, investment advice or distribution within or from this state, of any stocks, bonds, notes, evidences of interest or indebtedness or other securities," which includes the sale of condominium units by a sponsor. See N.Y. Real Prop. Law §339-ee.

The AG need not prove intent on the part of a sponsor to allege a violation of the Martin Act. See *People v. Federated Radio*, 244 N.Y. 33 (1926). There is also no private right of action under the Martin Act, which means that the AG has

ERICA F. BUCKLEY is the former Bureau Chief of the Real Estate Finance Bureau and is the practice group leader of Nixon Peabody's cooperatives and condominiums team. This column is for informational purposes only and is not a substitute for agency guidance.

Limiting Risks When Lawyers Engage Private Investigators

BY JOEL COHEN

Probably, deception often leads to truth. Still, might there be adverse consequences for having somehow engaged in the deception?

We see deception always on TV cop shows. Detectives falsely cajole suspects into confessing, telling them that "the train is leaving the station—your boy down the hall is itching to sell you out," whereas the police haven't even found him. A legally acceptable tactic for law enforcement agents.

No sensible prosecutor, though, wants to be near that: "You, detective, just bring me the results." After all, lawyers, including prosecutors are duty bound *ethically* to be truthful to those with whom they communicate. Responsible prosecutors won't falsely tell that to suspects or be present when that occurs, even though they may benefit from such deceptive conduct.

Scholarly thought often questions why lawyers forfeit their arguable First Amendment "right" to engage in deception.

Forget about it. All lawyers want to achieve victory without risking ethics probes or negative media attention attendant to deceptions that benefit their clients—public or private. If deception is employed to ferret out helpful information, they want distance or at least deniability.

And lawyers don't want to rely on the First Amendment to bail them out. Nor do they want the type of notoriety that the Boies Schiller law firm received from having employed the *Black Cube* intelligence firm (housing some former *Mossad* agents) to intercept Harvey Weinstein victims under false pretenses, without

having sufficiently supervised it. Or the negative attention recently foisted on the Reed Smith firm for using investigators who purportedly intimidated former Washington Commander cheerleaders who had reached NDAs with the team over alleged sexual misconduct.

Suffice, if a private investigator approaches a potential interviewee and candidly says "I represent X and want to gain information from you designed to exonerate him, even though you previously spoke negatively about him," little benefit will be gained from that interview. Accordingly, some level of legerdemain will typically be employed to put the interviewee at ease—suggesting some personal benefit in her telling "her

some forms of deception even from a distance, by the disciplinary rules themselves. Rule 8.4(c) of the New York Rules of Professional Conduct (in place in most jurisdictions), forbids lawyer or law firms from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation." Importantly, Comment [1] of New York's Rule, for example, provides that "[l]awyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another, as when they instruct an agent to do so on their behalf" (emphasis added). Careful lawyers will question whether it's worth the risk in allowing an "agent"—i.e., a private investigator—to engage in deception on her behalf in order to effectively represent a client, however important that client might be.

For example, you certainly don't want your investigator: (1) engaging in illegal conduct (such as impersonating law enforcement officers, tapping phones, hacking computers, bribing or stealing information); (2) pretending to be a lawyer so that the interviewee is persuaded that the interview conversation is privileged; (3) soliciting attorney-client or doctor-patient privileged material from a subject; or (4) deceiving court personnel to gain access to sealed material. See *Simon's New York Rules of Professional Conduct Annotated* (Thompson Reuters, 2022 Ed., Section 8.4).

Clearly, case law around the nation addresses the potential consequences of a Rule 8.4(c) encounter when investigative actions arguably trespass the Rule. For example, using an attorney-supervised undercover investigation may be viewed by some courts as permissible even with deception as long as the "no contact" rule prohibiting contact with represented

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Will an investigator's questionable conduct be imputed to the lawyer? Yes, the investigator's conduct may well be imputed to the lawyer or law firm if the investigator was inadequately supervised.

truth." How far can that go, and what are the ethical concerns for the lawyer employing the investigator? Meaning, will an investigator's questionable conduct be imputed to the lawyer?

Yes, the investigator's conduct may well be imputed to the lawyer or law firm if the investigator was inadequately supervised. Likewise, if the lawyer (recklessly) doesn't warn the investigator against interviewing "parties" whom the lawyer knows are actually represented by counsel. So, some basic ground rules must be obeyed lest the hiring lawyer herself not become subject to discipline, civil lawsuit or media recrimination. And yes, the lawyer must ensure that the client itself isn't sanctioned in the civil litigation due to the lawyer's ethics violation in inadequately circumscribing the investigator's conduct.

Unquestionably, lawyers are discouraged from encouraging

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What Does an 'Exceedingly Broad' Duty To Defend Mean in 2022?

When policyholders get sued, insurance companies are supposed to step in to help and defend. An insurance company's duty to help and defend its policyholder is "exceedingly broad." That has been the law in New York and in most, if not every, jurisdiction in the United States for decades. But what does "exceedingly broad" mean in 2022? Two recent cases provide a helpful barometer for policyholders.

In a nutshell, the "exceedingly broad" duty to defend requires an insurance company to resolve all doubts in favor of defending, including:

1. Whether the lawsuit alleges covered loss or damage
2. Whether an exclusion applies
3. Whether a condition for coverage has been satisfied
4. Whether the defendant is an insured under the policy; and,
5. All of the above—so if there are doubts in multiple respects, an insurance company must separately resolve each doubt in favor of defending.

New York courts recently had occasion to reaffirm these sacrosanct subparts of the exceedingly broad duty to defend.

In the first recent case, *Aspen Specialty Ins. Co. v. NCMC Risk Retention Grp.*, No. 20-cv-03439, 2022 WL 16837069 (E.D.N.Y. Nov. 9, 2022), a massage went horribly wrong. A massage therapist working for a chiropractor massaged a patient's shoulder and accidentally tore the patient's rotator cuff. The patient sued the chiropractor.

In the underlying case, the chiropractor argued that the massage therapist was not an employee to try to avoid liability. The chiropractor's insurance company then refused to defend. It said:

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By
Bruce Strong



And
Earl A. Kirkland

- (1) the massage therapist is not an "insured person" under the insurance policy because she is not an employee; (2) massages performed at a chiropractor's office are not covered "professional services" under the chiropractor's policy; and (3) the massage therapist was not "under the supervision" of the chiropractor, so no coverage.

The court emphatically found in favor of coverage for the defense.

What does "exceedingly broad" mean in 2022?

Two recent cases provide a helpful barometer for policyholders.

First, the underlying complaint stated that the massage therapist "worked for" the chiropractor. Since that could include an employer/employee relationship, all doubts must be resolved in favor of providing a defense. Even though the record evidence suggested there was no employee/employer relationship, the insurance company still needed to defend. Even though the chiropractor argued in the underlying case that the massage therapist was NOT an employee to defeat liability, the insurance company still needed to defend.

Second, the court found that a massage therapist massaging a patient at a chiropractor's office could be a covered "professional service"—so the insurance company must defend. It was "at the very least" not clear to the court that massage fell outside the realm of professional services performed by a chiropractor.

Third, the court found that the

massage therapist was "under the supervision" of the chiropractor because the chiropractor had told the therapist to massage the patient.

The court's analysis shows just how "exceedingly broad" is the duty to defend. It applies to determine who is insured, what is insured, and what is excluded, (among other things) and in any combination.

In the second recent case, *Stoncor Grp. v. Peerless Ins. Co.*, No. 16-cv-4574, 2022 WL 3701640 (S.D.N.Y. Aug. 26, 2022), a floor installation went horribly wrong. A floor manufacturer contracted with a floor installation company to install a floor at the Grand Hyatt Hotel and at many other locations. A Hyatt kitchen employee walked on the completed floor with a tray full of dishes, slipped, fell, and was injured. He sued the floor manufacturer.

The insurance company for the floor installation company refused to defend the manufacturer. It argued that the manufacturer was not an additional insured under the installation company's policy and that several exclusions applied, including the "ongoing operations" clause and the "completed operations" and "intended use" clauses.

Again, the court emphatically found in favor of coverage for the defense.

First, the court had no trouble finding that the manufacturer was an additional insured under the policy. The policy included as an additional insured anyone the installation company agreed to insure "in writing in a contract, agreement, or permit" with respect to the ongoing operations of the installation company until the project was complete. The insurance company argued that the agreement between the manufacturer and the installation company was never reduced to a writing signed by an authorized representative. The court rejected this "tendentious" argument because there was a written contract that the manufacturer and installation company believed memorialized their agreement even if an authorized representative never signed it.

Second, the insurer

IN BRIEF

« Continued from page 1

Whittingham is Gov. Kathy Hochul's third and final appointee to the Commission on Ethics and Lobbying in Government.

Caraballo was appointed by Assembly Speaker Carl Heastie, D-Bronx.

Once appointed, the lawyers will bring the 11-member commission to nine members.

Whittingham is a former president of the Association of Black Women Attorneys and the principal of her law firm.

Caraballo is a managing member of the law firm Caraballo & Mandell. The civil litigator has tried cases in U.S. District Courts, New

York state supreme and surrogate courts, and New York City Civil Courts. She's a member of the Latino Judges Foundation Board.

In a statement, Heastie said he's "pleased that Ms. Caraballo has been approved and that she can begin her work on the Commission."

The vetting process was conducted by the New York State Independent Review Committee, which is comprised of deans of New York's 15 accredited law schools.

"As with its earlier determinations, the IRC's review of these two nominations was careful and rigorous," said Anthony W. Crowell, IRC chairman, and dean of New York Law School. "We look forward to future nominations, applying the same high standard of review, and ensuring all open

seats on the Commission are filled as soon as possible."

The deans rejected Heastie's first appointment, retired trial court Judge Robert Torres.

The deans had also said no to Emily Jane Goodman, a former longtime state trial court judge who was appointed by Attorney General Letitia James, and Syracuse lawyer Gary Lavine, a former longtime commissioner on the former Joint Commission On Public Ethics, who had been nominated by Republican Senate Minority Leader Robert Ort.

Lavine has sued the state and the panel as result of his rejection. A hearing is expected to take place on Thursday.

A spokesman for James did not respond to a message asking for a status on who she'll appoint next.

—Brian Lee

Feinberg

« Continued from page 1

"It is not an easy process," said Feinberg, who is working with Al Togut, of New York's Togut, Segal & Segal. "We've got cooperation from everybody, but it's not easy because of the number of law firms and cases that are allegedly out there."

Still, he praised the work of lawyers on both sides and remained optimistic that he would have a final report by the end of March, that is, if the U.S. Court of Appeals for the Third Circuit doesn't dismiss the Chapter 11 case and the parties don't reach a settlement.

"Everybody really hopes, fingers crossed, that that report will not see the light of day," Feinberg told Kaplan. "Everybody has said this is no secret: They would rather settle the case."

'Smells Awful of Desperation'

LTL Management, a subsidiary created by Johnson & Johnson through a merger process called a Texas "two-step," filed for Chapter 11 bankruptcy protection last year. On Feb. 25, Kaplan rejected a motion from the talc claimants to dismiss the case and allowed LTL Management to include claims against Johnson & Johnson.

But on Dec. 16, LTL Management filed its own suit, alleging fraud against Dr. Jacqueline Moline, a prominent plaintiffs expert in cases linking Johnson & Johnson's talc products to mesothelioma.

At Tuesday's hearing, both sides brought up the complaint, which alleges Moline failed to disclose that at least five of the 33 individuals in her 2019 report linking cosmetic talc to mesothelioma had asbestos exposure from other sources.

In a Sept. 13 order, a federal judge in North Carolina identified one of them as having filed workers' compensation claims over asbestos exposure from other sources, a finding that had "direct bearing on the study's credibility."

David Molton, of New York's Brown Rudnick, a lawyer for the Official Committee of Talc Claimants, questioned the standing and jurisdiction of the complaint, which he called a "witch hunt" against Moline and a "classic defense tactic of misdirection and attack" as Feinberg evaluated talc settlements and claims.

"It really smells awful of desperation," he said.

Allison Brown, a partner at New York's Skadden, Arps, Slate, Meagher & Flom and one of LTL Management lawyers who filed the complaint, told Kaplan that no one has disputed the allegations, which support her client's view that the claims have no merit.

"I heard that complaint just now referred to as a distraction, a misdirection, even a witch hunt, but I didn't hear the allegations in that complaint aren't true," she said. "I didn't hear anyone stand up and say the judge in North Carolina got it wrong when he found concealment, when he found information that was published that was untrue, that information was withheld from the defendants that stymied our ability to cross-examine Dr. Moline."

Feinberg didn't mention the fraud suit on Tuesday, but he recognized the scientific debates in the talc cases.

"Science is disputed," he told Kaplan. "It's disputed by the plaintiffs. It's disputed by the FCR [future claimants' representative]. It's disputed by the debtor. And that is an integral element of any final report that the estimation expert might issue."

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Letters Welcome

The Law Journal welcomes letters from its readers for publication. They must contain the names and addresses of correspondents. Letters should be of reasonable length and submitted with the understanding that all correspondence is subject to the editorial judgment of the newspaper in considering duplication, length, relevancy, taste and other criteria. Letters may be e-mailed to Andrew.Denney@adenny@alm.com.

Corporate Update

Despite Slumping Market, 2022 Big Year for Cryptocurrency In-House Counsel

BY HUGO GUZMAN

2022 WILL likely be remembered as a landmark year for cryptocurrency, and for in-house counsel's position within the growing blockchain industry. While major companies such as Binance and Coinbase have had legal chiefs for years, 2022 saw a host of smaller and younger outfits follow suit and lawyer up, often by turning to top law firms or established tech companies for their legal leadership.

For example, crypto unicorn Celsius hired Big Law veteran Ron Deutsch from Paul, Weiss, Rifkind, Wharton & Garrison early this year, while Circle Internet Financial picked up Jones Day partner Jeremy Grey as it prepped to go public through a \$9 billion special purpose acquisition company merger, a deal that ultimately unraveled.

Also from Jones Day, digital finance veteran Benjamin Bai joined digital asset trading company Amber Group in June as chief legal officer.

Even established companies got in on the frenzy. Eying potential regulatory hurdles, Binance added former federal prosecutor Joshua Eaton to its legal team as deputy general counsel, while Bittrex promoted its global GC to CEO.

It's also been a rough year, however. Early in 2022, cryptocurrency markets crashed, and they haven't recovered. In May and June, cryptocurrencies lost approximately \$1 trillion in value. Since May, Bitcoin has fallen in price from more than \$60,000 to \$17,000.

Cryptocurrency pioneer Coinbase announced layoffs soon after the early summer crash.

But the worst news was yet to come. In July, two major crypto companies, Voyager Digital and Celsius, filed for bankruptcy protection. That was followed last month by the collapse of crypto exchange FTX and crypto lender BlockFi.

The most spectacular collapse was FTX, whose quirky founder, Sam Bankman-Fried, now is facing multiple counts of fraud and conspiracy by the Justice Department, U.S. Securities and Exchange Commission and the Commodity Futures Trading Commission.

Holland & Knight partner Thomas Brooke, an expert in blockchain technologies and legal considerations for cryptocurrency, said crypto's rough year is part and parcel of tremendous growth.

"We've seen this in every growth industry," Brooke said. "Any time there's a new development, the inventors, the founders and engineers get geared up and they realize they don't like paying legal fees."

He said companies come to recognize that it's better to pay those legal costs now in the form of in-house expertise rather than down the line in the form of lawsuit payouts and regulatory fines.

In fact, Brooke said he expects escalating regulatory pressures fueled by 2022's carnage to accelerate the crypto industry's efforts to recruit top-notch legal expertise.

"Some cryptocurrency companies will be here in a few years, but many won't," Brooke said. "Those who survive will turn themselves into trustworthy companies."

@ Hugo Guzman can be reached at hguzman@alm.com.

Fortnite Developer's \$520M FTC Privacy Settlement To Reverberate Through Gaming Industry

BY HUGO GUZMAN

FORTNITE developer Epic Games has been fined \$520 million by the Federal Trade Commission after the regulator alleged the company violated child privacy laws and duped users into making unwanted purchases.

It's the largest penalty ever assessed by the FTC, the agency announced on Monday.



Fortnite on Nintendo Switch

Both Epic Games and legal experts say the settlement could change how video game developers engage with players and customers, including how they label and execute in-game purchases.

"The old status quo for in-game commerce and privacy has changed, and many developer practices should be reconsidered," Epic wrote in a statement. "We share the underlying principles of fairness, transparency and privacy that the FTC enforces, and the practices referenced in the FTC's complaints are not how Fortnite operates."

FTC attorneys, however, say the Cary, North Carolina-based company engaged in a variety of inappropriate practices, including recording text and voice communications, along with other data, from children and teens users by default. The agency alleges the company also forced parents trying to scrub their children's data to jump through hoops to delete it.

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DISTRESS MERGERS AND ACQUISITIONS

2nd Circuit Addresses Post-Petition Interest on Unsecured Claims

By Corinne Ball



Prior to the enactment of the Bankruptcy Code in 1978, courts generally determined that a debtor's obligations to pay interest stop accruing as of the petition date. Section 502(b)(2) of the Bankruptcy Code prohibits the inclusion of "unmatured interest" in an allowed claim. Pre-Code common law recognized a so-called "solvent debtor" exception, whereby a solvent debtor continued to incur obligations to pay interest accruing after filing its bankruptcy petition.

The Bankruptcy Code provision has been a point of contention when a solvent debtor prosecutes and confirms a plan that does not provide for the payment of post-petition interest.

Indeed, in practice, the debtor treats such bondholders as "unimpaired" by the plan with the consequence that such bondholders do not vote and the plan can be confirmed over their objection without meeting requirements for confirmation of plan with a dissenting class of creditors, often called the "absolute priority rule."

Equity and junior creditors are the beneficiaries of such a plan, as it relies upon the Bankruptcy Code to avoid the payment of post-petition interest, thereby eliminating a contractual payment right, often worth hundreds of millions of dollars. Creditors argue that this approach violates the absolute priority rule, relying upon the so-called "solvent-debtor exception" to the disallowance of unmatured interest.

A number of courts have recently addressed whether this doctrine survived the Code's enactment and if so, the extent to which a solvent debtor with a plan providing value to equity

must pay post-petition interest in its plan, based on the importance of the absolute priority rule with respect to a class of dissenting creditors.

Several courts have concluded that rendering creditors unimpaired requires a solvent debtor to pay post-petition interest at the contractual default rate to which creditors would otherwise be entitled. See *In re Ultra Petroleum Corp.*, 51 F.4th 138 (5th Cir. 2022); *In re PG&E Corp.*, 46 F.4th 1047 (9th Cir. 2022).

Other courts have disagreed and held that rendering creditors unimpaired only requires a solvent debtor to pay post-petition interest at the much lower federal judgment rate to which impaired creditors would be entitled. *In re Hertz Corp.*, 637 B.R. 781 (Bankr. D. Del. 2021), or at an appropriate rate determined "under equitable principles." *In re Energy Future Holdings*, 540 B.R. 109 (Bankr. D. Del. 2015).

None of the aforementioned decisions concluded that a debtor was insolvent, and thus, could render indenture creditors unimpaired without paying any post-petition interest. Moreover, none of these decisions focused on the requirements set forth in §1129(b) of the Bankruptcy Code for confirmation over the objection of a dissenting class of unsecured creditors.

In *LATAM Airlines*, the U.S. Court of Appeals for the Second Circuit favorably discussed portions of the *Ultra Petroleum* and *PG&E* decisions, but did not address the extent to which the "solvent debtor" exception survived the enactment of the Bankruptcy Code because the court deferred to and affirmed the bankruptcy court's determination that the debtor was insolvent.

Unlike the U.S. Court of Appeals for the Fifth and Ninth Circuits, the

Second Circuit analyzed the Bankruptcy Code's confirmation requirements in addressing whether return of value to equity under a plan alone demonstrates that a debtor is solvent.

Both the Fifth and Ninth Circuits noted that the solvent debtor exception has roots in the absolute priority rule—which prior to the Bankruptcy Code enactment prohibited payment to equity without payment in full of a debtor's creditors.

In *LATAM*, the Second Circuit reasoned that the enactment of the modified absolute priority rule in the Bankruptcy Code changed priority rules relative to pre-Code practice and that such an application of the solvent debtor exception premised solely on the historic formulation of the absolute priority rule did not survive the Code's enactment. Accordingly, the Second Circuit held that recovery to equity under a plan does

The Second Circuit affirmed the bankruptcy court's conclusion that such treatment rendered the claims of unsecured noteholders unimpaired under §1124(1) thereby avoiding a vote and the need to meet the Bankruptcy Code's requirements for confirmation of plan over the dissent of a class of unsecured creditors. Based on the court's holding, unsecured creditors were "unimpaired," and thus deemed to accept the debtors' plan and not entitled to vote on confirmation.

Unlike other decisions, the Second Circuit permitted confirmation of a plan which provided recovery to equity, relying on the plain meaning of the confirmation requirements set forth in §1129(b)(2)(B) for confirmation of a plan over the objections of an unsecured creditor class that was not paid post-petition interest. The Second Circuit did not reach the issue of whether creditors of a

The Bankruptcy Code provision has been a point of contention when a solvent debtor prosecutes and confirms a plan that does not provide for the payment of post-petition interest.

not necessarily trigger the solvent debtor exception.

In reaching its conclusion, the Second Circuit affirmed a decision by the Bankruptcy Court for the Southern District of New York and held that (1) a claim is not impaired under 11 U.S.C. §1124(1) when it is altered by the Bankruptcy Code, as opposed to a Chapter 11 plan, and (2) that the bankruptcy court did not err in determining that TLA—an affiliate debtor in the *LATAM* case—was not solvent when its plan was confirmed. The debtors' plan proposed to pay unsecured noteholders of TLA in full except for any post-petition interest.

solvent debtor are entitled to receive post-petition interest, a question which the Fifth Circuit and Ninth Circuit answered in the affirmative and which the Third Circuit may soon weigh in on.

Background

LATAM and several of its affiliates—including Brazilian airline TLA—filed for bankruptcy in the summer of 2020 as a result of travel disruptions caused by the COVID-19 pandemic. For administrative convenience, the debtors' cases were consolidated for procedural purposes only—and each

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shopper injured by runaway cart on store's escalator

Type: Verdict-Plaintiff
Amount: \$9,903,825
Case Name: Rose Mendez Nudelman v. Costco Wholesale Corporation, No. CV 10-0374
Court: U.S. District Court, Eastern District
Injury Type: arm, neck, neurological-reflex sympathetic dystrophy (complex regional pain syndrome)
Case Type: Premises Liability - Store, Workplace/Workplace negligence - Premises Liability - Res Ipsa Loquitur, Escalator Accidents, Negligent Repair, Maintenance
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Signs of the Times

At first glance, last year was seemingly a good one for personal-injury plaintiffs, who were victorious in 42.3% of all suits resolved via verdict or settlement, based on cases reported to VerdictSearch. That figure represents a five-year high, as depicted by the chart's blue line. However, as the red line shows, settlements fell by 10.4%, to 25%, from 2012's rate of 28.9%. The bottom line? Defendants prevailed in more cases last year, up

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Vetting Deals: The Future of Foreign Direct Investment Screening in Europe

BY ANNE BAGAMERY

WILL 2023 be the year that foreign direct investment screening in Europe becomes a question of quality over quantity?

Competition lawyers, the frontline of FDI notifications on behalf of their clients, say that after several years of being deluged with cases to vet, national regulators in Europe are getting more strategic about which cases to worry about and why.

"It's an evolution toward taking a little more risk," Oliver Geiss, a competition partner at Squire Patton Boggs in Brussels, told Law.com International during a recent interview.

As a global trend, FDI regulation looks set to grow, according to a recent report from Bryan Cave Leighton Paisner. The firm cited governments' continuing efforts to balance "the contrasting demands of an open, welcoming economy" with "protectionist policies around public security and national defense interests."

Although Europe's regulatory posture is still much less restrictive than that of the United States, the EU "continues to embrace industrial policy as a means of advancing the bloc's collective interest," according to the Center for Strategic and International Studies, a think tank based in Washington, D.C.

In Europe, the workload in FDI screening has increased exponentially since 2020, when the European Commission, reacting to China's increasing economic ambitions, strengthened its guidance to national authorities on when and how to screen deals.

Today, 18 of the 27 EU member states have adopted the framework and are actively using it to vet M&A deals, especially in the red-flag sectors of defense, technology, and infrastructure.

Several EU governments, including France, Germany, Italy and the Netherlands, have since expanded their FDI screening guidelines to encompass other sectors, such as consumer goods, where they are concerned about potential market dominance by foreign investors.

FDI screening has gone from "a niche area for defense industry deals where it might be relevant" to "a part of every deal structure, timetable, and assessment of regulatory risks," Geiss said.

As a result, the number of deals being notified to national authorities has exploded, competition lawyers said.

In Italy, for example, the number of notifications went from 83 in 2019 to more than 500 in 2021, according to Massimo Merola, a partner and head of the EU competition practice in Brussels for the Italian firm BonelliErede.

2022 looks likely to beat that record, he added, since by the end of September some 480 deals had been notified.

"The feeling is, 'When in doubt, notify,'" Merola said.

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COMMENTARY

Too Big to Succeed: Lessons
From the Ye / Adidas Brand Partnership

BY JONATHAN BROWN,
ALEXA LA BARBIERA
AND DAVE ERVIN

By now, nearly everyone is caught up on the latest drama involving Ye (formerly Kanye) West. But in case you missed it, here's the recap: Ye has been on an immoral bender that has catapulted him from grace to disgrace. Milestones on his epic downturn include showing support for white supremacy at Paris Fashion Week by sporting a "White Lives Matter" shirt, and making numerous anything-but-subtle antisemitic comments in the press and on social media. Now Ye is paying the price, literally. Many of Ye's commercial partnerships—including those with Adidas, Gap, Balenciaga, and CAA talent agency—have been terminated. The unraveling of Ye's partnerships, particularly Adidas, have attracted the attention of law practitioners and scholars, provoking questions about the transactional mechanics of the partnership agreements that follow when brands decide to collaborate with celebrities and influencers. This article will explore (1) what we know about Ye's partnership deal with Adidas, (2) how the deal's termination likely went down, and (3) key takeaways for brands similarly situated or who are contemplating future partnerships.

What exactly is a "brand partnership?" A brand partnership generally entails meaningful participation from a celebrity partner or social media influencer. For example, the celebrity partner may work with the brand's creative team to provide inspiration for, and perhaps even approval rights over, product designs. Some recent brand partnerships include Lizzo's Yitty shapewear line for Fabletics, Kim Kardashian's Beats by Fit Pro Wireless Earbuds, and Justin Bieber's "Timbiebs" limited-edition line of doughnut holes created by Bieber and Tim Hortons' in-house chef. A standard endorsement, like when Beyoncé famously starred in Pepsi's ad campaign for \$50 million, differs from a brand partnership. While Lizzo used her creativity and know-how to create a new product line for Fabletics, Beyoncé simply appeared in Pepsi ads to promote their products.

Ye's Partnership Agreement
With Adidas: What we Know:

Brand partnership agreements with high-profile individuals are, understandably, closely guarded. However, this is Ye we are talking about. His apparent compulsion to rant isn't limited to just racism and anti-Semitism. As a result, the general public is privy to certain material details of the agreement. Based on an account from an intimate interview West gave Forbes reporter Zack O'Malley Greenburg in 2019 and a Bloomberg article published a year later, here is what we know about Ye's sneaker deal with Adidas:

- West's deal with Adidas grants him a 15% royalty on wholesale, plus a marketing fee
- West owns 100% of the Yeezy brand (i.e., the trademark rights)
- West retains creative control over design
- Adidas retains the rights in the footwear designs themselves
- Adidas handles production, fulfillment and logistics
- The original agreement term was supposed to end in 2026

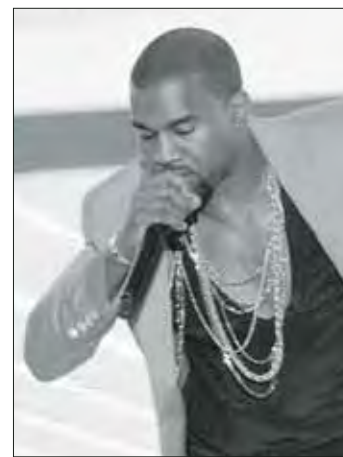
So what does all of this mean? Ye's deal structure is more appropriately understood to be a standard licensing agreement. In other words, Ye simply licensed to Adidas the rights to use his trademarks (and perhaps publicity rights) for purposes of developing, manufacturing, marketing, and distributing the shoe collection. It makes sense from what we know about Ye's deal with Adidas that the deal reflects the essence of a licensing agreement: Ye receives a royalty for Adidas's use of his trademarks and Adidas retains ownership over the designs and controls the product supply chain. Structuring the deal in this way was a smart move on the part of Ye's legal team: while the original agreement term was supposed to end in 2026, the life of a trademark exists for as long as it is being used. Even though Adidas ended its deal with Ye, this doesn't mean the Yeezy brand was killed along with it (although

whether the brand is viable on a continuing basis is another question).

How Adidas Likely
Terminated Its Deal With Ye

While the "why" of the Adidas breakup with Ye seems obvious, the "how" is not so straightforward. Commercial relationships that reach the level of notoriety and value that the Adidas / Ye partnership achieved are not cast aside lightly. Yeezy sneakers have been estimated to generate about \$2 billion in annual sales for Adidas, accounting for roughly 8% of its total annual revenue and more than 40% of the company's profits. The partnership was even more valuable to West, reportedly accounting for \$1.5 billion of his (formerly) nearly \$2 billion net worth.

Contractually, a deal like that of Ye and Adidas is akin to ending a marriage without a pre-nup. However, sophisticated parties that undergo careful diligence during



Kanye West

an agreement's drafting and negotiation process usually plan for the worst and hope for the best. They cover their tracks for a Ye-type circumstance, and include what is often referred to as a "morality clause." Morality clauses are designed to deal with cases in which a personality with whom a company associates behaves in a way that could be detrimental to the company. Although we cannot be absolutely certain whether Adidas leveraged a morality clause to terminate its contract with Ye, we can guess with confidence that it was at least part of the agreement—especially given Adidas' statement from its most recent Annual Report. Under Adidas' legally required disclosure, "Illustration of Risks", the company notes that they do in fact prepare for the worst:

"To mitigate business partner risks, Adidas has implemented various measures. For example, we generally include clauses in contractual agreements with partners that allow us to suspend or even terminate our partnership in case of improper or unethical conduct."

Lessons for Other Brands

The appeal of brand x celebrity partnerships has never been more fervent, and it is easy to see why. Marketing campaigns involving iconic and impossibly popular personalities are incomparably effective. They have the ability to reach massive and widespread fan bases and establish brand association with iconic and influential figures. From Travis Scott (McDonald's), Reese's Puffs cereal, Fortnite, and others) and Jack Harlow (KFC), to Shaquille O'Neal (Carnival Cruise Ships, Papa Johns) and Martha Stewart (Canopy Growth CBD), one might feel a kinship when using products celebrities create. But what happens when the products birthed by these partnerships take on a life of their own? What happens when the partnership's individual success rivals that of the brand itself?

Until the recent events surrounding Ye, companies with successful brand partnerships would have found little reason to question them. The ill-fated fate of Adidas and the Yeezy brand might serve as an important learning opportunity for others. The financial impact Adidas will face from having to shut down production of one of its most lucrative product lines is, as shown by the stats above, devastating. Consider if a similar fate were to befall Nike's Jordan sneakers, Apple's Beats by Dr. Dre headphones, or Spectrum Brands' George Foreman Grill. The Jordan Brand alone is worth nearly \$5 billion in annual revenue to Nike and is defined as one of the company's six key product categories.

And this is just talking numbers. Consider, too, the much harsher and intangible effect felt when billion-dollar businesses disappear overnight: job loss. At the beginning of this month, CNN reported that a family-owned footwear manufacturer in Georgia had to lay off 142 employees (two-thirds of the company's workforce) as a result of Adidas ending its partnership with Ye.

What should brands do to prevent becoming a cautionary tale? Consider leaning into the relationship that the title of 'partnership' suggests. Structure such deals less like licensing agreements and more like co-branding / co-development agreements. The terms of a celebrity co-branding agreement allow for a truly collaborative, shared process. This means shared profits, joint decision-making and execution regarding production and marketing, 50/50 ownership of resulting intellectual property, and—most importantly for purposes of this article—a shared assumption of liability. For Adidas, structuring its deal with Ye as a true co-branding initiative wouldn't have prevented the eventual fallout, but it would have at least softened the blow by spreading the cost of associated liabilities (e.g., unsold inventory) to the responsible party, Ye.

Instead of a celebrity x brand co-branding agreement, companies may also consider brand x brand collaborations. Brand x brand collaborations have seen greater stability and success than celebrity x brand collaborations. Gucci has been a trail-blazer in this space. In the past few years, Gucci has rolled out collaborations such as Gucci x Adidas, Gucci x Balenciaga, Gucci x North Face, Gucci x Disney, and Gucci x Xbox, just to name a few. And these collaborations continue to sell successfully. Celebrity x brand collaborations have had less success. For example, QVC had to remove Paula Deen products from its broadcasts and online sales channels shelves after Deen admitted to using a racial slur. And we saw what happened here with Adidas and Ye. With brand x brand collaborations, two brands that already have independently strong and steady customer bases pool their collective recognition and resources to develop a unique, and highly sought-after product. There is less opportunity for volatility, or the need to trigger a morality clause, because companies like Balenciaga and Disney thrive based on the value of their brand and therefore have an aggressive responsibility to protect it. What's more, brand collaborations create similar or even greater buzz as celebrity collaborations. A consumer's loyalty for classic brands like Gucci and Disney tend to spread across demographics and geographies, and demonstrate staying power. Celebrity interest, on the other hand, tends to be 'trendy' and short-lived, answering to a younger demographic.

Moral (pun intended) of the story: If you are thinking about a celebrity x brand collaboration, be sure to consider the personality of the individual with whom you are doing business. No matter how tweet-happy or social-media silent the individual is, if you decide to move forward then make sure you have a robust agreement that protects your brand with thoughtful drafting, such as incorporation of a morality clause, and a measured approach to each party's obligations and risk allocation.

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Ethics

« Continued from page 2

- indeed necessary - for judges to participate in discussions between lawyers aimed at the functioning and improvement of the court system" (Opinion 17-88 [internal citation omitted]). For example, in the domestic violence context we noted that including "representatives from all components of the community" or "a wide variety of persons and organizations, including law enforcement and the defense bar," helps "ensure that the judge's participation will not cast reasonable doubt on the judge's impartiality" (Opinion 15-26/15-44 [internal citation omitted]).

Accordingly, we conclude the judge may serve as a member of the group. The judge's participation is, of course, subject to generally applicable limitations on judicial speech and conduct. For example, the judge should avoid discussing pending or impending cases, avoid demonstrating any predisposition to deciding a specific case in a certain way, and

avoid any ex parte communications concerning a pending matter (see e.g. Opinions 18-183; 20-198; 22 NYCRR 100.3[B][6] [ex parte rule]; 100.3[B][8] [public comment rule]).

2. Travel Reimbursement

In general, a full-time judge may receive reimbursement for "the actual cost of travel, food or lodging reasonably incurred by the judge" for permissible extra-judicial activities (22 NYCRR 100.4[H][1][b]). Here, it appears that the source of funds is the Governor's Traffic Safety Committee. As nothing in the inquiry suggests that the Traffic Safety Committee is likely to appear before the judge, and no monies are coming from the STOP DWI fund, we conclude this source of payments is unlikely to create any appearance of "influencing the judge's performance of judicial duties" or other appearance of impropriety (22 NYCRR 100.4[H][1]; see generally Opinions 19-127; 06-73).

We thus conclude the judge may accept reimbursement of actual travel and lodging expenses

reasonably incurred when in-person meetings are required.

These amounts need not be reported to the clerk of the court under Section 100.4(H)(2) (see Opinion 18-127; 22 NYCRR 100.4[H][1][b] [noting that "payment in excess of such an amount is compensation"]).

3. Compensation

As pertinent here, "[n]o full-time judge shall solicit or receive compensation for extra-judicial activities performed for or on behalf of: (1) New York State, its political subdivisions or any office or agency thereof" (22 NYCRR 100.4[H][1][c]).

Accordingly, this judge may not receive compensation for serving on the group, whether at an hourly rate or otherwise (see Opinions 22-14; 14-17; 03-130).

1. A judge's extra-judicial activities must be compatible with judicial office and must not (1) cast doubt on their capacity to act impartially as a judge, (2) detract from the dignity of judicial office, or (3) interfere with proper performance of judicial duties (see 22 NYCRR 100.4[A][1]-[3]).

Capacity

« Continued from page 1

an Am Law 25 firm, noting that in cases of counseling out peers that she's observed this year, the firm has cited both low hours and underwhelming performance as justifications.

Performance review season typically kicks off in the fall and concludes by the end of the year, according to interviews with several Am Law 25 associates. In the lead up, associates said they worked to curry favor with senior counsel and partners with whom they collaborated on big-ticket transactions and litigations. Some firms even afford associates the chance to review their superiors, while others restrict performance reviews to more senior lawyers reviewing associates.

While performance evaluations contribute to an assessment of an associate's bonus eligibility, they can also contribute to a firm's decision on whether the associate has a future there.

Matthew Bersani, a legal recruiter and consultant at Cliff Group and former Shearman & Sterling partner, said law firms generally have a "tougher review cycle" to manage associate ranks. He said many firms don't have minimal hours quotas for billing, but they have expectations, such as, "We'd like to see you above 1,800."

"It is happening—all the firms are letting people go and letting people out at higher rates more than the last couple of years,"

Bersani said. "This is just the ordinary course when the markets are down and no firm wants to be seen doing [layoffs], so they are simply being more aggressive in their reviews."

When associates fall below, but demand is high, law firms "turn a blind eye and don't do anything about it," he said. "When things are slow, hours are a big factor. So associates with extremely low hours are much more vulnerable."

"When things are really busy, even weaker associates are busy," he said, but "when the tide is low, you can really see what's going on beneath the surface."

"With the decrease in demand, the strong associates are mainly busy," while less valued associates "naturally have lower hours, which puts a target on their back," he said.

Low Performers Beware

An associate at an Am Law 25 firm said neither she nor any of her colleagues are worried about their job security "unless you are an associate actively turning down work." This is especially in view now as associates push to complete deals before the end of the year.

The associate cuts at her firm didn't happen "because we're not busy," the associate said. "It's because whenever you have low performers and people who are actively pushing off work, it creates low morale."

"They wanted people to know that your job isn't a sure thing,"

the associate said. "We could absorb people for another year or two, but people needed to know it's not a sure thing."

Part of the motivation for firms to hire so aggressively in 2021 was to lower the average hours billed by associates and thereby spread the work across a greater number of lawyers and avoid the risk of lawyer burnout. The associate even said her Am Law 25 firm struggled to hold onto associates because of the excess work last year.

"They wanted to get the average hours of associate down and they succeeded," the associate said.

Another Am Law 25 associate said her firm let go of a group of associates earlier this year due to performance issues, and those associates had been at the firm for at least two years.

In some cases, to avoid letting go of associates, firms work to repurpose associates to handle support functions within the firm. Firms are generally more willing to repurpose associate efforts "if they weren't hiding in the corner," one associate said.

"If we have an issue with people being overworked, who better to keep associates from being burned out than an associate who has been overworked and burned out?" the associate said. "They need somebody who has been in the trenches."

Additional reporting contributed by Christine Simmons.

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Off the Front / Corporate Update

MSG

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 be accurate, MSGE was failing to meet the standards under which their license was issued.

If they are found to be in violation of the laws and face discipline, MSGE could face civil fines of up to \$10,000 per violation, or even lose its liquor license for up to two years.

MSG has a policy of barring attorneys involved with active litigation against the company from its venues, according to a statement.

"We are confident that our policy is in compliance with all applicable laws including the New York State Liquor Authority," an MSG spokesperson said.

"MSG instituted a straightforward policy that precludes attorneys from firms pursuing active litigation against the Company from attending events at our venues until that litigation has been resolved," the statement reads. "While we understand this policy is disappointing to some, we cannot ignore the fact that litigation creates an inherently adversarial environment."

In an interview, Davis said he briefly considered requesting an injunction—as other firms have—but ultimately decided a complaint with the NYSLA was the way to go. He amended the complaint after his associate Kelly Conlon was barred from a Rockettes show at Radio City Music Hall on November 27 while escorting her daughter's Girl Scout troop.

"Knowing Dolan's propensity to double down and appeal everything, I said I'm going to take a shot where he has his greatest liability," said Davis, adding he believes MSGE holds about 40 separate licenses across New York State.

Davis called the MSGE policy of excluding attorneys involved in litigation against the company "an assault on justice."

"It's also a clumsy attempt to strong-arm plaintiffs attorneys into settling for plaintiffs below value, so they can go back to living their normal entertainment lives again," Davis stated. "I think Dolan fails to realize our commitment to our clients, and how devoted we are."

MSGE said that attorneys from Davis' firm were previously informed of its policy on plaintiffs attorneys working on matters involving the company.

"All impacted attorneys were notified of the policy, including Davis, Saperstein & Salomon, which was notified twice. In this particu-



Kelly Conlon's daughter and her Girl Scout Troop being confronted by Madison Square Garden Entertainment security at Radio City Music Hall.

lar situation, only the one attorney who chose to attend despite being notified in advance that she would be denied entry, was not permitted to enter, and the rest of her group—including the Girl Scouts—were all able to attend and enjoy the show," a spokesperson said.

Davis also slammed the businessman for the organization's use of facial recognition technology, which is how MSGE identified Conlon—who was unaware of the ban—within seconds of her entry and ejected her in front of her terrified daughter.

"He is perverting the use of the most powerful surveillance tool in existence," Davis fumed. "Instead of using it as he claims to protect the safety of his clientele, he's weaponizing it against his perceived enemies."

An MSG spokesperson defended the company's use of facial recognition technology at its venues, noting that they host large crowds and are located close to some of New York City's busiest transit hubs.

"Facial recognition technology is a useful tool widely used throughout the country, including the sports and entertainment industry, retail locations, casinos and airports to protect the safety of the people that visit and work at those locations," the spokesperson said. "Our venues are worldwide destinations and several sit on major transit hubs in the heart of New York. We have always made it clear to our guests and to the public that we use facial recognition as one of our tools to provide a safe and secure environment for our customers and ourselves."

This is not the first time Davis' firm has squared off with MSGE.

According to court records, the firm represented Carlos Zelaya in his 2008 lawsuit against MSG. Zelaya sued the company for allegedly overserving Kevin Freibott, an off-duty New Jersey police officer,

at a college basketball game at the Garden.

Freibott drove away from the venue and, while on the Pulaski Skyway, his vehicle struck another containing Zelaya's wife, Ruth, and the couple's 2-year-old son, Carlos. The toddler was killed in the crash and Ruth Zelaya later died from her injuries, according to NJ.com.

The case settled in 2008 and MSG paid some \$8 million in damages, the New York Post reported.

Lawyers at the firm are currently barred from venues due to ongoing litigation filed against restaurant Lavo, in which MSGE owns an interest. The firm filed its lawsuit against Lavo in 2016, a time when the restaurant had zero affiliation with MSGE.

Davis, Saperstein & Saloman represents Laura Venticinque, who in 2013 worked at a retail store that shared a common basement space with Lavo, in an ongoing slip-and-fall case against the restaurant.

Venticinque claims in her suit that slipped on sludge that leaked from garbage bags Lavo employees dragged through the hallway, Davis said. Her injuries were so severe she required five back surgeries. Yet discovery in that case has been over for two years, according to Davis.

In recent months, multiple firms have taken action against the MSGE policy.

Nicole Landi of Manhattan firm Burns & Harris was denied entry to a recent Mariah Carey show at the Garden, according to a lawsuit she filed in Manhattan Supreme Court earlier this month.

Greenberg Law sued in late November, after attorneys there received a notice they would be denied entry to any MSGE venue immediately after filing suit against MSGE on behalf of a client.

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Chang

« Continued from page 1
 electoral residence" in Brooklyn County on or before Nov. 7, 2021, or 12 months immediately preceding the Nov. 8 election.

Assemblyman Michael Tanoussis, R-Brooklyn/Staten Island, ranking member on the Judiciary Committee, said the law was clear in that Chang didn't have the burden to prove his electoral residence. Tanoussis also noted that Chang's opponent didn't file the adequate lawsuit prescribed by the law, after the petition process.

'I'm a Brooklynite'

Chang, 61, said he lived in the Manhattan apartment since 1993, but when his wife died of cancer in 2019, he moved back into his aging mother and uncle's two-family home in Brooklyn's Midwood neighborhood.

Chang said his mother is 95, can't walk without assistance, and has Alzheimer's and dementia. Chang's uncle is 87 and legally blind.

"Even during this time in Manhattan, I still had my personal belongings, received mail and often stayed at home in Midwood Brooklyn," Chang told the committee. "I never completely left home. I'm a Brooklynite."

Stanley Schlein, who was retained as the committee's outside counsel, said no one questions whether a person can have multiple addresses. But he said there's a litany of evidence Chang's voting residence was in Manhattan for the time period in question.

Of the 33 times Chang voted during his life, he voted 31 consecutive times in Manhattan, and only the

last two times, in this year's June primary and last month's general election, were in Brooklyn, said Schlein, who will issue a report to assist the newly composed Assembly that convenes on Jan. 4.

Schlein said Chang filed a designating petition for a bid for a City Council seat using his Manhattan address in March 2021.

Chang also had all of his payments as a poll watcher mailed to his Manhattan address, and he deposited the checks at banks near his Manhattan apartment, as well as his W-2 statements, Schlein said.

Meanwhile, 11 pages of Department of Motor Vehicles records reflected Chang's driver's licenses, registrations and insurance documents were all reflected in New York County, as were the Navy veteran's records from the Bureau of Military and Naval Affairs, Schlein said.

Lastly, Chang made a political contribution in late November 2021 to Republican gubernatorial candidate Lee Zeldin that was filed under Chang's Manhattan address.

'Almost Like a Prosecutor'

Several of the Democratic lawmakers turned their attention to Chang's rent-stabilized apartment in Manhattan. Assemblyman Kenneth Zebrowski, D-Rockland, suggested he had violated rent-stabilization laws, since the Manhattan apartment wasn't his primary residence.

Chang replied that he wasn't sure about that law itself, nor did he sign any legal document regarding residence.

To a series of questions by Assembly member Marcela Mitaynes, D-Brooklyn, Chang said he signed a two-year renewal of his Manhattan lease that began on

Oct. 1, 2021. He told the lawmaker he continues to pay rent for the Manhattan apartment, yet no one is actually residing there.

Assemblyman Andy Goodell, R-Chautauqua, had asked Chang's attorney if it was acceptable to have one residence to receive mail from the military, credit card receipts, or driver's license, and a different electoral residence. Mo said it was.

Goodell also noted that Schlein spent a great deal of time cross-examining Chang, "almost like a prosecutor." Goodell said Schlein didn't present evidence or ask questions that would be exculpatory for Chang.

Schlein said it was his responsibility, at the direction of Lavine, to present the documentation and evidence and summarize the facts and appearances.

Lavine invited Chang's attorney to issue a separate report, after Mo noted Schlein's "adversarial posture."

Mo said that if lawmakers prevent his client from joining the Assembly, it would send a "chilling message not just in New York, but across America—that we can have a partisan body and in this case, let's face it, we've got a Democratic supermajority. Why are we trying to oust him when he is only a minority member?"

Mo said he was "astounded" that Assembly Speaker Carl Heastie, a Black Democrat from the Bronx, would ask for the inquiry, "when my minority brothers and sisters on this body, as well as those who are sons and daughters of immigrants, who strive to achieve the American dream and to be leaders."

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Vetting Deals

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France issued new FDI guidelines in October that target cross-border investments within the EU, such as a leveraged buyout led by a fund structured in Luxembourg but managed by a French management company.

Germany expanded its FDI regulatory regime in October 2020 and is currently considering a new amendment that would broaden the number of covered sectors.

And in what is viewed as a major departure from its traditional free-trade posture, the Netherlands—the third-largest recipient of foreign direct investment in the world in 2019 after the U.S. and China—this year adopted two new FDI screening mechanisms that apply to domestic and foreign investors.

But while European governments clearly continue to be concerned about investment in strategic industries—notably, but not only, from China—they are also refining their approach to regulating in this area, lawyers said.

Italy and Germany, for example, have installed new pre-notification procedures where parties can get an early determination of whether their case requires the full process. Even where the old guardrails

are still in place, lawyers say that they and FDI regulators now have more experience in spotting which cases are likely to trigger regulatory scrutiny and which will fly under the radar.

"I hear more and more from lawyers and regulators, 'Wait a second—does this really fall into the mandatory regime?'" Geiss, of Squire Patton Boggs, said. "You are seeing change in the application of the rules to limit the scope of notification requirements."

Merola agreed with that assessment.

"The FDI authorities in Italy and in other countries are organizing themselves better," he said.

The result, lawyers said, will still be plenty of work in preparing FDI notifications for deals, but less follow-up as fewer deals are singled out as needing deep investigation.

Merola added, however, that many authorities will probably need to add staff to conduct these more extensive reviews, even if the number of cases they consider eventually dwindles.

"The level of difficulty of the cases considered will increase," he said. "As the officials increase in number and expertise, they will look at a higher number of transactions more carefully."

Merola said that he expected EU law would develop within the next few years to lead to "more

harmonized screening in Europe, and greater coordination among screening authorities."

Even if the EU does move in that direction, lawyers said FDI screening would likely stay in the hands of national authorities because it is so closely tied with national security interests, which under the EU's founding treaty is the province of the member states.

Writing an EU-wide regulation of FDI screening, therefore, would involve changing the bloc's founding treaty—a lengthy and complicated process that nobody, for the moment, thinks is a high priority for EU policymakers.

That said, competition lawyers point to EU activism in areas such as competition law and regulation of digital services, especially under the current European Commission president, Ursula von der Leyen.

The commission "wants to go further," one competition partner told Law.com International, noting that recent bloc-wide regulations had the common goal of protecting EU markets and consumers—an objective that could also rationalize keeping foreign entities out of key industries.

"I wouldn't be surprised if we saw proposals for an EU regulation," the partner said.

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Fortnite

« Continued from page 5

Fortnite, which has more than 400 million users worldwide, is generally free to download and play, but Epic charges for buying digital resources, such as character skins and dance moves.

The FTC dinged Epic for using counterintuitive, inconsistent and confusing button configurations that the agency alleges tricked users into making purchases by accident. Obtaining refunds often was difficult, the FTC alleged, and sometimes resulted in bans for

players who got their money back.

Under the settlement, Epic will pay \$275 million to resolve allegations that it violated the Children's Online Privacy Protection Act and will pay another \$245 million in the form of refunds to consumers who made unwanted purchases.

Although Epic has removed all offending policies, such practices remain common in online gaming, industry observers say.

That's going to change, said William Kovacic, a George Washington University Law School professor who was a former FTC chairman.

"When you have a settlement that involves such a large number,

that catches the attention of the whole sector," Kovacic said.

He added: "The FTC is delivering on its efforts to get significant remedies for breaches of data protection, and privacy commitments, and data protection obligations in the statutes."

Epic was represented in the matter by Wilson Sonsini Goodrich & Rosati lawyers Christopher Olsen and Libby Weingarten, while FTC staff attorneys Andrew Hasty, James Trilling and Amanda Koulioussas represented the agency.

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Bankruptcy

« Continued from page 1

ets betray the realities of rising costs and interest rates across sectors, leaving more companies with fewer options heading into 2023.

"We've been in all-out mode," said Thomas Lauria, global head of financial restructuring and insolvency at White & Case. "We've had a hard time getting everything staffed and staying on top of everything. I haven't seen this volume of assignments since the crash of 2008 and 2009."

To break down the current moment in the restructuring practice and venture an informed guess at where it's headed next year, we spoke with eight leading practitioners about what they're seeing in insolvency.

In-Demand Out-of-Court Restructurings Obscure Insolvency Levels

Commercial Chapter 11 filings have remained slow since 2021, compared with 2020 and 2019, according to Epiq data. Large, public company bankruptcy filings have been similarly depressed, with five in 2022 and eight in 2023 compared to the 56 large public filings in 2020, per the Florida-UCLA-LoPucki Bankruptcy Research Database.

Yet depressed filings rates are only part of the story. Until recently, widespread liquidity and low interest rates favored out-of-court restructurings, and Mayer Brown restructuring partner Joaquin M. C. De Baca said he doesn't expect that market preference to change substantially, even as credit markets tighten.

"The preference, at least from my sponsor clients, is to do something outside of a formal insolvency process," he said. "I do think you will see a slight increase in Chapter 11 filings, but I don't think it'll be a tsunami of filings."

McDermott, Will & Emery restructuring partner Kristin Going said she also sees the trend of out-of-court solutions remaining highly in-demand, and predicted the trend will continue into 2023.

Some of the current out-of-court activity may also end up in bankruptcy court in the near future, predicted Sidley Austin global restructuring lead Stephen Hessler.

"From a restructuring perspective, workout activity is increasing as it is becoming harder for distressed borrowers to fix over-levered capital structures out of court, where readily available credit is needed to facilitate consensual outcomes," Hessler said. "It may take some time for this distress to translate to an uptick in Chapter 11 filings, but we are already seeing companies exhaust the capital market solutions."

Rising Demand Isn't Industry-Specific ...

Climbing interest rates are driving demand for restructuring across all market sectors, despite the fact that some areas remain softer than others.

"I continue to believe that interest rates are going to be the single biggest influence on demand," said Going. "Even if rates don't continue to creep higher, we are already in an interest rate environment unlike anything we've seen in over a decade."

Rather than by industry, insolvency waves are more likely to crest along lines of companies' overall financial health, Lauria said.

"What you see is companies that took advantage of the great availability of cheap financing since the crash of 2008-09, which have levered up their balance sheets to a point where—at current market interest rates—they not only cannot afford financing, but financing just is not available," Lauria said.

Weil, Gotshal & Manges restructuring co-chair Gary Holtzer said the extent to which capital providers are concerned about advancing new money and extending existing maturities—which may be greater in certain business segments—"will inform the length of the next restructuring cycle and how widespread it is across sectors."

Companies with floating debt instruments are feeling compounded financing pressures, Hessler said, also noting that the more interconnected nature of modern industries means insolvency in one sector is more likely to transfer to others.

Supply chain interruptions are also impacting companies across sectors such as retail, nursing homes, and health care facilities, said DLA Piper Miami managing partner and U.S. healthcare sector chair Joshua Kaye. "These companies seem to be out of runway, having exhausted their access to capital through government stimulus programs and their other financing sources."

... But Some Sectors (Crypto) Are Driving Demand Right Now

That said, several industries are exhibiting particular distress as of late, starting with Wall Street's favorite punching bag: crypto.

"We've seen a lot of what I'd characterize as crypto contagion, which will continue into 2023," said Adam Paul, Mayer Brown global restructuring co-lead. "We're representing an investment banker on FTX—we've had a lot of in-bounds on FTX."

Commercial real estate and REITs are also particularly frothy right now, said Nelson Mullins Riley & Scarborough bankruptcy chair Gary Freedman, as properties reliant on retail and hospitality feel the squeeze of rising rates, high wages, and the end of federal funds. Retail

is perennially in trouble, restructuring professionals said, and so too are many firms in the energy sector.

Despite the industry-agnostic nature of insolvency right now, Freedman said Nelson Mullins' industry-based triage system helps the firm respond to client needs with attorneys who have experience in their sector.

"We are gearing up again and looking at softening in various industries," Freedman said. "So if a present or future client in a particular industry has a financially or economically distressful situation, we have a team ready to parachute in to take care of it across the spectrum."

McDermott's practice has been busiest in crypto, life sciences and health care insolvency work, said Going. "I know from talking to people at holiday parties that if you aren't working on something in the crypto space, things are pretty quiet."

2023 or Bust

"Some time next year" is the going projection for when insolvency activity will pick up to meet the amount of distress in the market. If that feels unsatisfying, imagine having been asked the same question since the end of 2020.

"We're expecting a bit of a bumpy road going into 2023," Freedman said. "There are various signs in the economy: increased inflation, rate hikes and supply chain issues." Going said she expects bankruptcy filings and out-of-court restructurings to pick up in the second quarter of 2023.

While interest rates continue to rise, a seller-friendly market grapples with diminishing company valuations and rising costs of capital. In other words, what levers up must come down.

"The lion share of buyers may be unwilling to risk losing a transaction by revisiting a purchase price, which could lead to more and more companies becoming subject to much greater leverage ratios without the underlying financial strength to support the incremental debt," Kaye said. "As these companies look to scale and grow, their financing ratios could become more suspect, which inevitably leads to a greater degree of pressure for bankruptcy filings."

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Corporate Update / Expert Analysis / Outside Counsel

2nd Circuit

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debtor remained responsible for satisfying its own liabilities from its assets. In late 2021, the debtors proposed a plan based on a new equity offering in Chile that would raise \$5.442 billion. Pursuant to §1123 of the Bankruptcy Code, claims were divided into classes based on their characteristics and each class was designated impaired, and thus entitled to vote on confirmation of the plan, or unimpaired and conclusively deemed to accept the plan.

The plan proposed to pay general unsecured claims, including unsecured claims asserted against TLA based on several debt instruments, in full except for post-petition interest. As the court observed, it was undisputed that TLA defaulted under the instruments and that outside of bankruptcy, the TLA claimholders would be entitled to substantial default interest. Under the plan, the TLA claimholders would receive full payment on their allowed claims totaling \$300 million—but would not receive \$150 million in post-petition interest. The TLA claimholders objected to confirmation and argued that their claims were impaired because the plan did not provide for the payment of post-petition interest.

In support of their position, the TLA claimholders argued that §1124(1) requires the payment of post-petition interest to render claims unimpaired, or in the alternative, that the “solvent debtor” exception to §502(b)(2) required TLA to pay post-petition interest. The claimholders introduced expert analysis that attributed a portion of the reorganized debtors’ value and liabilities to TLA based on figures submitted by the debtors in support of confirmation.

The expert’s waterfall analysis demonstrated that TLA had an overall value surplus. In addition, the claimholders introduced a discounted cash flow analysis which demonstrated that, based on the present value of its future cash flow, TLA was solvent as a going concern.

The debtors asserted that TLA was not solvent based on a liquidation analysis—which estimated the amount that TLA could obtain through sales—and a balance sheet test—which compared the book value of TLA assets to TLA liabilities. The debtors also contended that the claimholders’ expert improperly used plan-related settlement figures in its analysis.

The bankruptcy court overruled the TLA claimholders’ objection and confirmed the debtors’ plan. In doing so, the bankruptcy court

held that the definition of impairment under §1124(1)—which does not mention post-petition interest—does not supersede the limitation on post-petition interest contained in §502(b)(2).

The bankruptcy court also concluded that the solvent debtor exception did not apply as the court determined that TLA was insolvent based on its finding that the analyses submitted by the debtors were more credible than those of the claimholders and demonstrated that TLA satisfied the Bankruptcy Code’s definition of insolvency, that “the sum of such entity’s debts is greater than all of such entity’s property, at a fair valuation.”

Specifically, the bankruptcy court rejected the claimholders’ expert waterfall analysis as significantly understating TLA’s liabilities and their discounted cash flow analysis as too speculative to support a finding of solvency.

Second Circuit Decision

As a matter of first impression, the Second Circuit considered whether the common law “solvent debtor” exception to the disallowance of unmatured interest survived the enactment of the Bankruptcy Code. The circuit court began its analysis by observing that §502(b)(2) codified the pre-Code practice by courts of recognizing that a debtor’s obligations generally stop accruing on the petition date. Section 502 defines the portions of a claim that may be allowed and recovered in a bankruptcy case and provides several explicit limitations, including a prohibition against the inclusion of unmatured interest in an allowed claim.

A Chapter 11 plan separates claims into classes consisting of claims with similar characteristics. A plan proposes treatment of claims on a class-by-class basis. Classes that are designated as impaired, or having their rights affected under the plan, are permitted to vote on the plan while unimpaired classes are “conclusively presumed to have accepted the plan” and are therefore not entitled to vote. If an impaired class rejects a plan, the debtor must satisfy the “cramdown” requirements set forth in §1129(b) in order to confirm its plan.

The court first concluded that rendering claims unimpaired does not require the payment of contractual post-petition interest for solvent and insolvent debtors alike. As the court observed, §1124(1) of the Bankruptcy Code provides that a claim is impaired unless the plan does not affect the “legal, equitable, and contractual rights of the claim.”

In its prior decisions, the Second Circuit interpreted impairment broadly to include “any change in legal, equitable or contractual rights.” In *LATAM*, the court held, consistent with decisions of other circuit courts addressing the issue, that a claim is only impaired when a plan—as opposed to a provision of the Bankruptcy Code—alters the creditor’s legal, equitable, or contractual rights.

Based on its interpretation of §1124(1), the court concluded that the TLA claimholders’ rights were not impaired solely because they did not receive post-petition interest payments. The court reasoned that the claimholders’ assertion of a contractual right to receive interest payments

As a matter of first impression, the Second Circuit considered whether the common law “solvent debtor” exception to the disallowance of unmatured interest survived the enactment of the Bankruptcy Code.

was affected by operation of the prohibition set forth in §502(b)(2) against claims for unmatured interest rather than the terms of the debtors’ plan.

After concluding that the asserted contractual rights do not require payment of post-petition interest, the court considered several additional arguments by the claimholders. First, the court determined that impairment only concerns allowed claims as §1124(1) protects legal, equitable, and contractual rights as determined under other provisions of the Code, such as §502(b)(2).

Second, the court considered decisions that have required a debtor to pay post-petition interest under §1124(2), which applies where a creditor has a right to “demand or receive accelerated payment after the occurrence of a default” and concluded that decisions under that subsection are not instructive with respect to interpreting §1124(1). As the court observed, unlike §1124(2), §1124(1) incorporates provisions of the Bankruptcy Code in determining whether a creditor’s rights constitute an allowable claim.

Third, the court addressed an argument by the claimholders that in order for an amendment to the Bankruptcy Code which repealed §1124(3)—a provision that permitted a debtor to render a claim unimpaired by paying the allowed amount of the claim in cash—to have meaning, unimpairment must require a debtor to pay post-petition interest to its unsecured creditors regardless of the debtor’s solvency.

In addressing this argument, the court found the reasoning of

the Fifth Circuit in *Ultra Petroleum Corp.* persuasive and reasoned that the legislative history associated with repealing the statute demonstrates that Congress only intended to remove the option for a solvent debtor to unimpaired creditors by paying the full allowed amount of their claims less unmatured interest in cash. The court concluded that the amendment did not demonstrate that Congress intended for claimholders of an insolvent debtor to be entitled to post-petition interest.

Continuing its analysis, the court concluded that although §1124(1) does not expressly refer to solvency, the statute does protect a creditor’s “equitable rights,” including any solvent debtor excep-

tion that survived the enactment of the Bankruptcy Code. Nevertheless, the circuit court held that the strict absolute priority rule, which prohibits payment to a debtor’s equity holders before its creditors are paid in full, is not the relevant test for solvency of a debtor and affirmed the bankruptcy court’s decision that the solvent debtor exception did not apply to TLA’s plan. In reaching its conclusion, the court confronted an argument by the claimholders that post-petition interest must be paid in order to confirm a plan that returns value to equity.

Moreover, the court characterized the claimholders’ challenges regarding the lower courts’ valuation of the debtors as an extension of their absolute priority rule argument. As the court observed, cases that have required the consideration of cash flow in order to properly ascertain a reorganized debtor’s enterprise value upon confirmation have done so to avoid impermissible recovery to equity ahead of creditors.

While the Second Circuit did not reach the issue of whether creditors of a solvent debtor are entitled to receive post-petition interest, the issue has been certified for direct appeal to the Third Circuit, Order at 74, *In re Hertz*, No. 21-50995 (Dec. 2, 2022) (certifying post-petition interest decision for direct appeal to the Third Circuit) and will soon be the subject of a petition for writ of certiorari. Order at 57, *In re PG&E Corp.*, No. 21-16043 (9th Cir. Oct. 27, 2022) (staying Ninth Circuit’s decision pending filing of a petition for writ of certiorari).

Observing that the enactment

of the Bankruptcy Code provisions governing the absolute priority rule materially changed how bankruptcy courts address priority relative to pre-Code practice, the court concluded that even if the common law solvent debtor exception would be triggered by priority concerns before the Code’s enactment, such a rule did not survive the enactment of the relevant Bankruptcy Code provisions.

In reaching its conclusion, the Second Circuit distinguished recent decisions by the Fifth Circuit, *Ultra Petroleum*, and Ninth Circuit, *PG&E*, which both identify the absolute priority rule as a basis for the solvent debtor exception. According to the Second Circuit, the solvency of the debtors in those cases was uncontroverted and the issue of whether recovery to equity under a plan demonstrates that a debtor is solvent was not before the other circuits.

Moreover, the court concluded that the debtors’ plan satisfied the confirmation requirements of §1129. The court reasoned that the absolute priority rule was not triggered as the claimholders were receiving full payment on the allowed portions of their claims under the Code—which excludes unmatured interest.

According to the Second Circuit, the plain language of §1129(b)(2)(B), which provides that creditors either must recover the full amount of their allowed claim or the absolute priority rule must be satisfied, did not support the claimholders’ proposed application of the absolute priority rule as a means to determine whether a debtor was solvent. The court rejected the claimholders’ proffer of a discounted cash flow analysis to demonstrate solvency on the same basis. Noting the substantial deference to a bankruptcy court’s determination of solvency, the court affirmed the lower court’s finding that TLA was not solvent.

Conclusion

While the Third Circuit has not ruled, *Hertz* is another case where solvency is conceded. The Second Circuit rationale is important not only for its observation that the “solvent debtor” exception may have survived enactment of the Bankruptcy Code, but the court’s analysis is equally noteworthy for its assessment of requirements for confirmation of a plan over the objection of a dissenting class of unsecured creditors under §1129(b)(2)(B).

The decision does not fully reconcile its favorable view of the survival of the solvent debtor exception with its plain meaning interpretation of the confirmation requirements applicable to

confirming a plan over the dissent of a class of unsecured creditors under §1129(b)(2).

There is no question that the decision favorably discusses other circuit decisions reasoning that the “solvent debtor” exception survived enactment of the Bankruptcy Code. The court, however, rejected the argument that a plan which provides for a distribution to equity without paying unsecured creditors post-petition interest necessarily fails for violation of the absolute priority rule. Instead, the court’s analysis turned to the history of the solvent debtor exception in reorganization cases under the Bankruptcy Act, the statutory predecessor to the Bankruptcy Code, observing that the proffered tie to the absolute priority rule bears closer examination.

Reasoning that the absolute priority rule as set forth in the Bankruptcy Act had a mandatory prohibition on any distributions to equity unless creditors were paid in full, the court pointed out that when the Bankruptcy Code was enacted, the confirmation requirements for confirming a plan over the dissent of a class of unsecured creditors were modified. Relying upon the modified absolute priority rule as it is now formulated in §1129(b), the court rejected the argument that distributions to equity under a plan which did not pay unsecured creditors post-petition interest established solvency or at least established an entitlement on the part of unsecured creditors to post-petition interest.

Turning to the bankruptcy court decision, the Second Circuit did not decide whether a solvent debtor must pay post-petition interest because the circuit court deferred to the bankruptcy court’s assessment of solvency. The bankruptcy court decided that the TLA debtor was not solvent when taking into account the definition of insolvency provided in §101(32) of the Bankruptcy Code. Hence the impact of the solvent debtor exception on unsecured creditors remains unresolved, but the guideposts provided by the circuit court’s analysis of the statutory language of §1129(b)(2)(B) should be considered.

Perhaps as an equitable right, creditors of solvent debtors seeking payment of post-petition interest will have to take into account establishing solvency and establishing that the facts of the case warrant an equitable resolution of the issue in their favor. This issue will come up again; given the significant amounts at stake, circuit courts—and potentially the Supreme Court—will be called upon to provide further guidance.

Regulations

« Continued from page 3

the benefit of all persons intervening in the action (such as victims of the fraudulent conduct).

The AG’s Office rarely brings actions under GBL §353 because, frankly, it doesn’t have to. If a matter reaches a point where an action has been commenced, it usually signals an unwillingness on the part of the defendant to settle during the early stages of the investigation.

GBL §354 *Public Investigations*. In situations where the AG is determined to commence an action under GBL §353 but believes that a court must intervene to stop fraudulent practices immediately, the AG can commence a public investigation *ex parte* and seek a temporary injunction to curtail fraudulent practices. The AG has used a public investigation to temporarily bar a sponsor from advertising and selling real estate securities while an offering plan is pending review with the Real Estate Finance Bureau. Essentially, it is a pre-pleading discovery tool that allows the AG to take testimony before an action has commenced. The public investigation is often

referred to as a nuclear option, given the fact that it often results in a project being stopped dead in its tracks.

The above is not an exhaustive summary of all the tools under the Martin Act and doesn’t include a discussion of criminal powers, which are also available to the AG in situations where the AG can prove, with intent, that fraudulent practices were committed. Since so few criminal cases are brought by the Real Estate Finance Bureau, I will save this analysis for another day (and perhaps touch on the harrowing subject of parallel proceedings).

New York Executive Law: The Ultimate Weapon In the Arsenal

While the Martin Act provides the AG broad powers to investigate wrongdoing directly related to the offer and sale of securities, the AG also has broad powers to fight what I would call ancillary fraud and other forms of illegality under the New York Executive Law (EL). EL §63(12) is the section of law used most recently by the AG in the case brought against a particular

high-profile individual. In the real estate space, the AG will often rely on the Executive Law if the alleged wrongdoing involves not only violations of the Martin Act but perhaps other laws such as tax laws and rent stabilization laws. However, the scope of the Executive Law

The AG is looking to safeguard the public interest and will do so reasonably. But it is key to understand the nature of the AG’s Office as well as the nuances of the laws they use on a regular basis to fight perceived wrongdoing.

goes beyond enforcing state law. See *People v. First American*, 76 A.D.3d 68 (1st Dep’t 2010). The Executive Law empowers the AG to enforce city, state, and federal laws. To drive home the breadth of the power given to the AG, see the text of EL §63(12) below:

Whenever any person shall engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business, the attorney general may apply, in the name of the people of the state of New York,

to the supreme court of the state of New York, on notice of five days, for an order enjoining the continuance of such business activity or of any fraudulent or illegal acts, directing restitution and damages and, in an appropriate case, cancel-

ling any certificate filed under and by virtue of the provisions of section four hundred forty of the former penal law or section one hundred thirty of the general business law, and the court may award the relief applied for or so much thereof as it may deem proper. The word “fraud” or “fraudulent” as used herein shall include any device, scheme or artifice to defraud, and any deception, misrepresentation, concealment, suppression, false pretense, false promise or unconscionable contractual provisions. The term

“persistent fraud” or “illegality” as used herein shall include continuance or carrying on of any fraudulent or illegal act or conduct. The term “repeated” as used herein shall include repetition of any separate and distinct fraudulent or illegal act, or conduct which affects more than one person. Notwithstanding any law to the contrary, all monies recovered or obtained under this subdivision by a state agency or state official or employee acting in their official capacity shall be subject to subdivision eleven of section four of the state finance law.

In connection with any such application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules. Such authorization shall not abate or terminate by reason of any action or proceeding brought by the attorney general under this section.

Similar to the Martin Act, the AG has subpoena power under the Executive Law and has the ability to seek broad relief as the court deems proper. The AG’s Office also

has the express authority to settle a matter it would otherwise pursue in the courts under EL §63(12) by entering into a settlement agreement known as an assurance of discontinuance (AOD). An AOD allows the AG to resolve investigations without the need of commencing an action or proceeding and cover the costs of its investigation under EL §63(15). Entering into an AOD to avoid litigation is usually the best outcome for all parties involved.

As you can likely see, the AG has a tremendous amount of power under the Martin Act and Executive Law and has a low threshold to use these various tools on behalf of the public. There are various nuances in this area of law, so if a client receives a 351 Demand, let alone a subpoena, do not wait to bring in special counsel to advise on how best to handle the situation. As in all cases I have been involved with, the AG is looking to safeguard the public interest and will do so reasonably. But it is key to understand the nature of the AG’s Office as well as the nuances of the laws they use on a regular basis to fight perceived wrongdoing.

Defend

« Continued from page 4

ance company argued that since the Hyatt employee’s injury occurred on a completed floor—by the manufacturer’s own sworn admission—the liability did not arise out of the floor installer’s “ongoing operations,” so coverage was excluded. The court found that since the floor manufacturer and installer had a master agreement with many projects ongoing, the manufacturer continued to have liability coverage from the installation company even though some jobs were complete. While the policy was susceptible to the insurance company’s interpretation, and even if the insurance company’s reading was arguably the better reading, the manufacturer still prevailed here.

Third, the insurance company argued that the floor was “com-

pleted” and put to its “intended use” so these other exclusions applied. The court found that the underlying complaint did not clearly state that the floor the Hyatt employee slipped on was complete—even though there

The court’s analysis shows just how “exceedingly broad” is the duty to defend. It applies to determine who is insured, what is insured, and what is excluded, (among other things) and in any combination.

was extensive evidence that the floor was complete—so the insurance company could not avoid its defense obligations.

Similarly, the court found that the “intended use” exclusion did not apply. The insurance company argued: Since the underlying complaint said the kitchen employee slipped while walking

on the floor, the floor was already put to its “intended use.” But the court rejected that reading of the policy because then anyone walking on the floor, even when it was not complete, would trigger the exclusion.

Again, this court’s analysis shows just how “exceedingly broad” is the duty to defend. It applies to determine who is insured, what is insured, and what is excluded, and in any combination, even when facts ultimately adduced in the underlying litigation suggest there should not be coverage.

Investigators

« Continued from page 3

parties isn’t violated. Specifically, some courts have approved lawyer-supervised undercover operations employing deception involving, for example, alleged civil rights and intellectual property violations. In contrast, though, in *Meyer v. Kalamick*, 212 F. Supp. 3d 437 (SDNY 2016), Judge Jed S. Rakoff chastised Uber for deceptive investigative techniques by an unlicensed private investigator designed to dig up dirt on the plaintiff and his lawyer. He sanctioned Uber by blocking its use of information that Uber’s investigators procured illegitimately.

Space limitations here don’t permit a detailed review of applicable disciplinary rules, ethics opinions and case law, jurisdiction by jurisdiction. Rather, given that bright line rules aren’t necessarily in place, this should serve as a reminder that simply “outsourcing” deception or (call it) non-lawyer-like conduct to investigators in order to “get the goods” won’t necessarily absolve the lawyer, or even his client, from potential adverse consequences. Lawyers must be exacting in determining what is, in fact, permissible in the jurisdictions where they practice or engage private investigators.

Critically, as advised by Herman Weisberg, principal of Sage Intel-

ligence Group, a private investigation firm in New York City: “It’s key that the private investigator *and the lawyer* have an open discussion on the game plan right at the outset. Every lawyer has his own barometer on what he will allow or accept in terms of employing ‘deception’. The lawyer is the artist. My job is to get him the paint—and the precise color he wants after learning what *he* envisions. Equally important, it’s usually critical to tune out what the clients want me to do. They’re typically involved in difficult situations where they’re often motivated to throw caution to the wind.”

Weisberg’s are words for the wise lawyer.

Court Calendars

First Department

APPELLATE DIVISION

CALENDAR FOR THE JANUARY TERM
TUESDAY, JAN. 3

2 P.M.

18/4272 People v. A.,
22/4132 Arias v. 139 East 56th St.
22/2447 D., Annissa v. Martha D.
22/3499 NewRez v. Morton
21/3706 Wilmington Trust v. Jife
19/1843 People v. Terrance Johnson
22/3541 Chester v. Cleo Realy
22/1032 Ronda v. NYCHA
22/1712 Polanco v. 756 Jomo Food
22/5967 Leyton v. Siegel
19/5520 People v. Roger Alvarado
22/577 Sangare v. 985 Bruckner
Boulevard
22/5618 Tsai v. Paul Lo
21/1431 People v. Gregory Luck
22/4267 Malacek v. ExxonMobil
Corp.
21/725 Cullity v. Posner
18/566 People v. Zaki Smith
22/2976(2)J *MBC Ventures v.
Marsha Jewney

WEDNESDAY, JAN. 4

2 P.M.

20/2222 People v. Evan Zachary
22/5550 Oliver 889 v. 889 Realty
22/2364 M., Marta v. Gopal M.
22/1796 Rubin v. Trustees of
Columbia
21/3403 Sampson v. Roberts
18/1781 People v. Luis Garcia-Ponce
22/2655 Veloz v. Jiddou
22/2128 Muslar v. Hall
22/3032 Contreras v. Mall 1-BAY
Plaza
19/1263 People v. Marcos Artega
22/2067 Dorset v. 285 Madison
Owner
22/135 Bennett v. NYC Transit
Authority
20/236 People v. John Doe
22/3842 Napolitano v. Bounce 21
22/1313 Rivercross Tenants' v.
Kovach
18/5165 People v. Juan Carmona
22/1483 Robins v. NYC Office of
Chief ME
21/2738N Paramount Painting v.
Nichtberger

THURSDAY, JAN. 5

2 P.M.

17/252 People v. Guillermo Araujo
22/1743 Thompson v. Penick
22/2585 W., Children
22/2967 (2) DeCollibus v. Schimmel
22/1055 CLAIM Recovery v. Market
Corporation
21/163 People v. Gabriel Roldan
22/2733 Aaron v. Leonardo
22/2324 Balde v. Aboushi Law Firm
22/1948(2) Loughlin v. De Bary
17/2356 People v. Davin Yao
21/422 Needham & Company v.
UpHealth Holdings
14/2965 People v. Margarita Sostre
22/2525 Basal Trading v. M&G
Diamonds
22/1943 Reyes v. Gropner
22/2486 CFA Holdings v. NYS Liquor
Authority
18/2550 People v. Raphael Dunkley
21/3153 U.S. Bank v. Kim
22/246N Marté v. Lampert

TUESDAY, JAN. 10

2 P.M.

22/647 People v. Patrick Johnson
22/3319 Hudson Valley v. Rotron
Incorporated
21/3912 C., Nadine v. Keith S.
21/4731 Ramos v. City of NY
22/1377 Condo v. Condo
22/2700 Condo v. PPC Residential
18/2860 People v. Junior Guzman
22/1009 SyndGate Media v. Comtex
News
22/1472 Brown v. New York Design
17/1457 People v. Yelinton
Conception
19/1029 People v. Lamar Davenport
22/2925(2) Epic W14 LLC v. Malter
22/2097 Mayore Estates v. Century
21
19/4119 People v. Anonymous
22/1326 Clingerman v. Ali
22/2223 Kuang v. Zhou
21/466N Berrio v. City of NY

WEDNESDAY, JAN. 11

2 P.M.

15/925 People v. Antoine J. Jones
22/4775 Gonzalez v. Daly IV
Housing
22/796 H., Nathaniel
22/1693 J., G., an Infant v. St.
Luke's-Roosevelt Hospital
21/2845 Martinez v. Ravi
21/4511(2) Golden Nugget v. Chan
19/1482 People v. Isais Rivera
22/1211 Arch Specialty v. Nautilus
Insurance
22/2167 Sayreville Seaport v. Indian
Harbor Ins.
22/28 Harris v. Bronx County D.A.
20/1000 People v. Kendall Guillery
22/3101 Reape v. NCRNC
22/1802(2) Commercial Tenant v.
Building Service 32BJ
18/2249 People v. Joseph Green
20/4091 People v. Cairon Charles
22/3401N Villanueva v. National
Freight
21/3819N Cisse v. NYC Health
Hospitals

THURSDAY, JAN. 12

2 P.M.

18/3037 People v. Fabian Greene
22/1455 Hayden v. Mandelsberg
22/417 A., Nancy v. Juan B.
22/127 Mariette v. Amber Court
22/1987 Pacheco v. Trustees of
Columbia
18/2677 People v. Francisco Colon
22/476 Bldg 44 Developers v. Pace
Companies
21/3890 Pandya v. Shukla
21/3678 Schofield v. Services for
Underserved
19/1634 People v. Naquan H.
22/975 Gedula 26 v. Lightstone
Acquisitions
22/2965 Andes Petroleum v.
Occidental Petroleum
19/391 People v. Mitchell
Hernandez
22/2352(2) Fawer v. Shipkevich
PLLC
15/720 People v. Christopher Malloy
21/3914N Williams v. Bronx Harbor
Health
22/1014N Ader v. Ader

TUESDAY, JAN. 17

2 P.M.

19/5141 People v. Comaka Okoduna
22/2738 De La Cruz v. Evers Marina
17/149 People v. Elaine Littlejohn,
22/2278 Ganz v. Florman
22/4462 Horn v. Nestor
17/2953 People v. Frank Brown
21/139(2) United Hay v.
Harounian
22/2069 Padilla v. Labow
19/3964 People v. Jonathan Deleon
21/5723 Scottsdale Insurance v. Mt.
Hawley Insurance
16/977 People v. Malik Jones

22/1052 Condor Capital v. CALS
Investors
22/3816 CORE Group v. MIP One
Wall
22/3022010 Powell v. NYS Division
of Housing
22/1153 Bessin Properties v.
Nomura Credit
22/4469N Radio Drama v. Kay
22/4649N Nichols v. Hochul

WEDNESDAY, JAN. 18

2 P.M.

19/4024 People v. Daniel Shipman
22/1070 Voss v. City of NY
22/264 495 Estates v. NYS Division
of Housing
18/1989 People v. Alan L.
21/3811 Kong v. Commissioner of
Labor
22/252 Goldberger v. Magid
19/5432(1) People v. Shiva Sharma
22/2354 Han v. Chen
22/2382 Ralph Lauren Retail v. 888
Madison
21/2307 Mendonca v. Plaza
Construction
19/1141 People v. John Weathers
21/3994 Seconvla v. NY Sports
22/1361 People v. Thierno Diallo
22/2068 Madison Square Garden v.
Factory Mutual
22/2843 *Concepcion v. Leesel
Transportation
22/1905(2)N *Concepcion v.
Midtown Trackage Ventures
22/2058N T. W., an Infant v. Phillip
Bus Service

THURSDAY, JAN. 19

2 P.M.

20/1840(1) People v. Robin
Hamilton
22/4463 Gjurashaj v. ABM Industry
Groups
22/2693 P., Carlos v. Karen G.
19/3806(1) People v. Erick Cruz
21/4291 Williams v. CitiGroup
22/2670 NY Marine & General v.
Wesco Insurance
18/1550 People v. William Parker
21/4128(3) Continental Casualty v.
KB Insurance
21/539 Small v. City of NY
21/3533 Board of Mgrs. Franklin
Place v. NYC Fire Dept.
18/592 People v. Forest Richardson
22/2602 Gulf LNG Energy v. Eni S.P.A.
22/1750 Herrera v. Highgate Estates
19/4483 People v. Beau Coleman
22/4270N Liberty Mutual v. Bonilla
22/4304N 301 East 60th v.
Competitive Solutions
22/2598N Noe v. Local 983

TUESDAY, JAN. 24

2 P.M.

19/4567 People v. Koron Bailey
22/199 Cordero v. Kacinskis
22/3200 X., Chen
21/4106(2) Srivatsa v. Rosetta
Holdings
22/2936(1) *Romano v. NYCTA
22/23(1) *Romano v. NYCTA
22/289(1) *Romano v. NYCTA
22/287(1) *Romano v. NYCTA
22/74(1) *Romano v. NYCTA
16/2618 People v. Saif Reid
20/1783 People v. Steven Cruz
22/4064 Hollis Park v. Markt North
America
22/3713 Phillips RS v. Aires
Pharmaceuticals
22/503 Lazar v. Mor
21/3947N Biggio v. Gooding
21/3526N Ellenbogen v. Mitreski
22/1412N Odigie v. Gateway
Security Guard

21/7173 People v. Brandon Brown
21/4300(2) Certain Underwriters v.
Forty Seven Fifth Co.
21/3766 M., Children
22/21081 Menlo Energy Florida v.
Lloyd's London
21/3038 Connor v. AMA Consulting
22/2298 People v. Andres Rojas Soto
22/567 Jonke v. Foot Locker
22/981 Dombia v. Bamba
21/4060 SSP Springs v. First
Specialty Ins.
22/388 Zanani v. Scott Seidler
Family Trust
20/4121(2) Cheheli v. MTA
18/565 People v. Juan Soto
21/3160 Maldonado v. Liberty
Elevator
22/2280(4) PCT Contracting v.
Riggs Distler
22/107 Ellis v. JPMorgan Chase
22/1812N People of NY, Letitia
James v. Trump Organization
22/196N Jones Day v. Serenity
Pharmaceuticals

THURSDAY, JAN. 26

2 P.M.

17/1550 People v. Leroy Bundy
22/791 Henick-Lane v. 616 First
Avenue
22/2536 Giovacco v. Graham
19/3861 People v. Robert Sainkitts
22/1557 Burgos Cabá v. 587-91
Third Owner
21/4057(2) Malan v. FSJ Realty
Group
18/2734(1) People v. Darryl Mason
18/2946 People v. Lloyd McKenzie
19/2515 People v. Michael Wisdom
22/1277 Summit Development v.
Hudson Meridian
22/3 Tycoon Construction v. NYC
Housing Authority
20/3263 156 W. 15th St. v. City of NY
21/1488 Choudhry v. Starbucks
Corp.
22/4294 Mesquite Creek v. Mars
Wind
22/4360N HAI-2, LLC v. BlackRock
Financial
22/2285N Prechtl v. Trane U.S.
22/2467N NY Civil Liberties v. NYC
Dept. Correction

The following cases have
been scheduled for pre-argu-
ment conference on the dates
and at the times indicated:
Acosta, P.J. Friedman,
Renwick, Manzanet-Daniels,
Gische, J.J.

THURSDAY, DEC. 22

10 A.M.

652436/21 Jung v. Kobler
21/2352(2) Fawer v. Shipkevich
PLLC
21/860/18 Fernandez v. 400 Walnut
Avenue

2 P.M.

815298/21 Warren v. Figueroa

THURSDAY, JAN. 5

10 A.M.

28003/17 Cecere & Sons v. Clarkson

TUESDAY, JAN. 10

10 A.M.

322898/21 Waldman v. Waldman

TUESDAY, JAN. 17

1 P.M.

151464/17 Finely v. Pavarini

TUESDAY, JAN. 24

10 A.M.

156557/19 Sandy v. 21E12 LLC

COURT NOTES

NEW YORK COUNTY DEMOCRATIC COMMITTEE

2023 Civil Court Independent Judicial Screening Panel

Candidates Sought for One Countywide Vacancy And up to Three Municipal Court District Seats

The New York County Democratic Committee has announced the formation of an independent Screening Panel to report on the qualifications of candidates seeking the nomination of the Democratic Party for one (1) countywide vacancy and up to three (3) Municipal Court District seats. The heads of numerous bar associations, community organizations and law schools have been invited to nominate members of the panel, which will be directed to report a total of no more than the three (3) most highly qualified candidates for the one countywide vacancy and each of the remaining vacancies.

Candidates for the Court may obtain applications from Mr. Kyle Ishmael, the Executive Director of the New York County Democratic Committee, via email at manhattandems@gmail.com. The deadline for submitting completed applications is **January 4, 2023** at 5pm. Questions concerning this year's panel should be directed to Mr. Ishmael via email.

DEMOCRATIC DISTRICT LEADERS

6th Judicial District

Independent Screening Panel Formed To Report On Candidates for Civil Court Vacancy

Application Deadline is Dec. 30

Democratic District Leaders from the 6th Judicial District have announced the formation of an independent screening panel to report on candidates for nomination by the Democratic Party for one (1) Civil Court Vacancy, which will be filled in the November, 2023 election. Numerous Bar Associations, Law Schools, and Community Organizations will send representatives to the panel, which will be directed to report a total of no more than the three (3) most highly qualified candidates for the 6th District Civil Court vacancy.

Candidates may obtain an application via e-mail from the Administrator of the Panel, Joseph Stern, e-mail: independentpanel6@gmail.com. Phone: 917-656-9048. Questions concerning this year's panel should be directed to the Panel Administrator. The **deadline for submitting a completed application is December 30, 2022 at 5 P.M.**

U.S. DISTRICT COURT SOUTHERN DISTRICT

Applications Being Accepted for New Magistrate Judge Vacancy in New York, NY

Application Deadline is Jan. 13, 2023

The United States District Court for the Southern District of New York is accepting applications for full-time Magistrate Judge positions at New York, NY. 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, including settlement proceedings, and evidentiary proceedings on delegation from the judges of the district court; (4) trial and disposition of civil cases upon consent of the litigants; (5) inquests and reports and recommendations on dispositive motions and evidentiary matters on reference from the judges of the district court; and (6) assignment of additional duties not inconsistent with the Constitution and laws of the United States.

The basic jurisdiction of the United States Magistrate Judge is specified in 28 U.S.C., Section 636.

APPELLATE TERM

60 Centre Street
Room 401
10 A.M.

WEDNESDAY JAN. 4
Briganti, J.P., Hagler and
Michael, J.J.

17/079 People v. Sporer, Matthew
Pierre,
18/092 People v. Rodney Carey,
Michael
19/459 People v. Singer, Rochelle
M.
22/120 Sjs Thompson, Llc v. Singer,
Rochelle M.
22/121 Sjs Thompson, Llc

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 Jus-
tices, assigned parts and court-
rooms are listed herein prior to
the assignments of Justices for
the specified actions. In addi-

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

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.

A Merit Selection Panel composed of attorneys and other members of the community will review all applications and recommend in confidence to the judges of the district court at least five persons whom it considers best qualified. The Court will make the appointment(s) following an FBI and IRS investigation of the appointee(s). Each individual selected must comply with the financial disclosure requirements of the Ethics in Government Act of 1978 and the Courthouse Ethics Act (CETA) of 2021. The Court is interested in a diverse applicant pool and encourages all qualified candidates to submit their applications, including women and members of minority groups. All new hires are subject to the Court's policy on COVID-19 vaccination and testing. The current salary of the position is \$205,528 per annum (effective 1/1/2022).

Candidates should submit hard copies of the applications to the physical address below and email a copy to: Magistrateapplications@nysdc.courts.gov.

Edward A. Friedland
District Court Executive
United States Courthouse
500 Pearl Street, Room 820
New York, NY 10007-1312
Tel: 212-805-0500

An original plus fifteen (15) copies of a cover letter, resume and application must be received by **January 13, 2023**. Application forms are available on the Court's web site: www.nysdc.uscourts.gov. (Subject to funding, multiple vacancies may be filled from this posting.)

ADMINISTRATIVE ORDER OF THE CHIEF ADMINISTRATIVE JUDGE

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 16 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective January 3, 2023, to read as follows (additions underlined, deletions in strikethrough):

Rule 16. Motions in General.

(a) Form of Motion Papers. The movant shall specify in the notice of motion, order to show cause, and in a concluding section of a memorandum of law, the exact relief sought. Counsel must attach copies of all pleadings and other documents as required by the CPLR and as necessary for an informed decision on the motion (especially on motions pursuant to CPLR 3211 and 3212). Counsel should use tabs when submitting papers containing clearly separate exhibits from each other by using divider pages with the exhibit number. Counsel shall follow Rule 6 with respect to hyperlinking. Copies must be legible. If a document to be annexed to an affidavit or affirmation is voluminous and only discrete portions are relevant to the motion, counsel shall attach excerpts and submit the full exhibit separately. Documents in a foreign language shall be properly translated. CPLR 2101(b). Whenever reliance is placed upon a decision or other authority not readily available to the court, the court may direct counsel to submit a copy and counsel shall otherwise follow Rule 6 with respect to hyperlinking copy of the case or of to pertinent portions of the authority shall be submitted with the motion papers:

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

75R Santiago: Room 656
80R Edelman: Room 562
80R Galleto: Room 240
83R Sambuco: Room 528
85R Shamahs: Room 324

JHO/SPECIAL REFEREES 80 CENTRE STREET

76R Owens: Room 112
81R Hewitt: Room 321
84R Feinberg: Room 114
87R Burke: Room 238
89R Hoahng: Room 236

SPECIAL REFEREE 71 THOMAS STREET

77R Bahr: Room 300

MEDIATION-NON-JURY 60 CENTRE STREET

Kern-Rappy: Room 641

Judicial Hearing Officers

Part 90 Hon. E. Bransten
Part 91 Hon. C. Ramos
Part 92 Hon. R. Roth
Part 93 Hon. Marin
Part 95 Hon. Kalish

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

653583/22 Allstate Ins. Co. By
Second Look v. NYC
16/253/17 Almonte v. NYC
15/793/21 Abes Do Nascimento v.
Topcat Rly. Corp. Et Al
15/234/20 Aly v. NYC
65306/18 American Infertility of
New v. Kushnir
65405/22 American Transit Ins.
Co. v. Rutland Medical
15/972/21 Ametal Rly. Corp. v.
Louie
15/2683/21 Aponte v. Fedcap
Rehabilitation
65432/22 At Last Sportswear, Inc.
v. Byron
65191/22 Aza Int Corp. v. 39th
West 23rd St. LLC Et Al
19/001/20 Barden v. 3m Co.
15/671/19 Bateman v. Cohen
Brothers Rly.
15/787/22 Bernstein v. White
Werbel & Fino Lip Et Al
65095/22 Besen v. Hochfelder
15/394/18 Boozier v. Manhattan
And Bronx Surface
15/584/17 Carman v. NYC
65170/18 Cassa 28 LLC v. Kochar
15/922/22 Cepeda v. NYCHA
15/683/19 Cepeda v. NYCHA
15/303/18 Chang v. Bronstein
Properties LLC
15/738/22 Chaplari v. Keechant
15/812/22 Cicelli v. NYCHA Et Al
65/4616/22 Cicth Dragonstone
Master Spc Et Al v. Yango Justice
Intl Llc Et Al
15/252/22 Cipollaro De Lero v.
Nelson
65103/19 Citigroup Global Markets
Inc. v. Scip Capital Mgt.
65/267/19 Clinton St. Investors
LLC. v. Jas Clinton LLC
65/480/22 Collier v. Safety Bldg.
Security Services LLC
15/749/22 Croghan v. Adams
15/960/19 Culbertson v. Triumph
Const. Corp.
15/976/16 Cullinan v. NY Univ.
16/1479/21 De Salvo v. Araujo
65/3618/22 Denver Wewatta (co)
LLC v. Amtrust Title Ins. Co. Et Al
15/475/21 Dias v. Tmhcr 48th St.
LLC Et Al
15/2165/22 Disla v. The NYCHA
95/033/20 Doe v. Archdiocese of NY
95/1092/21 Doe v. Archdiocese of NY
Et Al
65/2190/21 Dong v. Giv Media
Group, Inc.
65/332/22 Electronics And
Telecommunications Research
Institute Et Al v. Mpeg Lab
15/202/20 Faik v. NYC
15/4100/16 Frank v. Morgans Hotel
Group
65/5583/16 Functional Life
Achievement v. Aspiring
Munchkins LLC
15/451/19 Gerardo v. Breton
65/339/22 Gfk Us Mrj v. Lhk
Partners, Inc.
15/482/21 Gibson v. Castillo
80500/19 Gopstein v. Vad
15/511/22 Grant v. NYC Et Al
80507/17 Gurevich v. Cohen Md
15/587/22 Hartington Rly. Co. LLC
v. Stollerman
15/6140/21 Hereford Ins. Co. v.
Correltaign Chiropractic Pc Et
Al
15/521/21 Hernandez v. 225 5th
Ave. (NY)
65/6639/21 Hogg v. Braverman
15/288/21 Inguanzo v. Alvarez-
Benzan
15/247/15 Irons v. NYCTA
15/6339/21 Johnson v. NYC
80507/22 Kaisman v. Millan
19/009/18 Klapak v. Barnard
College Et Al
15/9679/22 Kwan v. NYC Et Al
16/064/22 Law Offices of Michael S.
Lamsonoff v. Bogoraz Law Group
15/368/22 Leibler v. Metro-North
Commuter RR. Et Al
65/0945/20 Leopold v. Dabakarov
65/1301/22 Liberty Mutual Ins. Co.
Et Al v. McKenzie
85027/31 Linker Notes v. Kallman
15/087/20 Long Island Minimally
Invasive Surgery v. Hepson
16/0746/16 Madangui, Inc. v.
Crystal Properties Llp
65/6788/22 Manhattan
Telecommunications Partners
A/k/a Mettel v. Braden Partners
65/211/22 Manhattan
Telecommunications Corp.
A/k/a Mettel v. Hart Stonehollow
LLC D/b/a Folio Apts.
16/0738/21 Matute v. NYC Et Al
65/1168/22 Maxxi Bldg. Security And
Mgt. Corp. v. Atlas Athletics, Inc.
D/b/a Astral Fitness & Wellness
Center
15/1005/20 McEachin v. Emerald
Expositions
16/0479/16 Mejia v. 770 B'way.
Owner
65/3379/22 Miller v. Marquis Rentals
LLC Et Al
16/001/20 Minton v. 210 East 15th
St. Tenants
65/2920/22 Mitchell v. Steering
House Const. LLC D/b/a Steering
House Design And Dev.
15/235/21 Morgan v. Gold River
Capital LLC
15/714/19 Noble v. Disco Towers
Associates LLC
16/103/18 Nunez v. Heco Properties
Society of
15/881/622 NYCTL 2021-A Trust v.
Clinton Assoc. For A Renewed
Environment (c.A.R.E.) Et Al
65/645/20 Oceanhousenc v. 140
West St. (NY)
65/1448/21 Oldcastle Bldg.envelope
v. Illinois Nat. Ins.
65/257/22 Penoyer Partners v. Ab
Capstone LLC D/b/a Ab Capstone
Et Al
16/0748/21 Plascencia v. B. Bay.
176th LLC Et Al
65/274/22 Posner v. Circle Jay
Glass LLC
15/5680/20 Qereiti v. Cosmetics 501
Corp. Et Al
65/2269/20 Quadient Hldgs. USA,
Inc. F/w/a Mailroom Hldg., Inc.
v. The Notary Connection Store
Inc.
15/343/18 Rodas-Garcia v. NYC

Court Calendars

155344/18 Valladares v. Henry V Murray Senior LLC
190114/22 Verdiglione v. Bruce Supply Corp.
152094/20 Vore v. Seaport Global Hlgs. LLC
652549/22 Welkin Mechanical v. NYC
651396/22 Westport Ins. Corp. v. Auberge Resorts LLC Et Al
152378/18 Winitch v. Ikea NY
159238/22 Wynwood Capital Group LLC v. The Pnc Financial Services Group, Inc.
652020/22 Zdg v. 174-176 1st Ave. Owner LLC Et Al

E-Filing Submission Part

Adjudged for Working Copies Part
Part 2
Justice Lori S. Sattler
60 Centre Street
Phone 646-386-3852
Room 212

THURSDAY, DEC. 22
153628/22 Leibler v. Metro-North Commuter RR. Et Al
160746/16 Madangos, Inc. v. Crystal Properties LLC
158579/22 Ng v. Akawi
160748/21 Plascencia v. B'way, 176th LLC Et Al
150091/22 Serrano v. Abc Corp. Dba Hammerstein Ballroom Et Al

Motion

158579/22 Ng v. Akawi

FRIDAY, DEC. 23

160387/19 Pappert v. Madison Square Garden

Part 3

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

THURSDAY, DEC. 22

654616/22 Ciefn Dragonstone Master Spc Et Al v. Yangjo Justice Int'l Ltd. Et Al
656926/20 Durst Pyramid LLC v. Silver Cinemas Acquisition
654262/22 Gluck v. Agency Within LLC Et Al

FRIDAY, DEC. 23

654299/19 Atalaya Asset Income Fund II v. Ringel
650626/21 Gs Capital Partners v. Pte Networks, Inc.
652780/22 Mobility Seller Representative LLC v. Amtrust Financial Services, Inc. Et Al
655348/18 Patel v. Patel
651109/18 Shyer v. Shyer
152094/20 Vore v. Seaport Global Hlgs. LLC
651396/22 Westport Ins. Corp. v. Auberge Resorts LLC Et Al

Part 6

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

THURSDAY, DEC. 22

154517/22 Adams v. Northern Manhattan Nursing Home Inc D/b/a Northern Manhattan Rehabilitation And Nursing Center Et Al
805397/18 Basov v. Bass
100163/22 Fleischer v. Darwin Life Inc
805076/17 Gurevich v. Cohen Md
805072/22 Kaiman v. Millan
805417/19 Kang v. Zatorski
805185/19 T. Infant By Mother And v. NY Presbyterian

Part 7

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

THURSDAY, DEC. 22

656528/19 American Transit Ins. v. Villard
159727/21 Ametal Rlty. Corp. v. Louie
651702/18 Cassa 28 LLC v. Kochar
450439/22 Comm'rs. of The State Ins. Fund v. Ferhati LLC
154100/16 Frank v. Morgans Hotel Group
652217/22 Manhattan Telecommunications Corps. A/v/a Mettel v. Hart Stonehollow LLC D/b/a Follo Apts.
653379/22 Miller v. Marquis Rentals LLC Et Al
656007/21 Triad 11 East v. Midoriya, Inc. Et Al

FRIDAY, DEC. 23

655672/19 Cref 546 West 44th Street v. Hudson Meridian Const. 160340/21 Macy's, Inc. v. Zurich American Ins. Co. Et Al
153199/22 NY Univ. v. NYC
652262/19 Rici Corp. v. Biltmore General

Part 10

Justice Erika M. Edwards
60 Centre Street
Phone 646-386-4863
Room 412

THURSDAY, DEC. 22

160642/22 Law Offices of Michael S. Lamonsoff v. Bogoraz Law Group

FRIDAY, DEC. 23

100950/22 Hughley v. Locascio

Part 12

Justice Barbara Jaffe
60 Centre Street
Phone 646-386-3273
Room 341

THURSDAY, DEC. 22

156717/19 Bateman v. Cohen Brothers Rlty.
157141/19 Noble v. Deco Towers Associates LLC
155680/20 Qereti v. Cosmetics 501 Corp. Et Al

FRIDAY, DEC. 23

161637/18 144 Sullivan St. v. Weiss
162058/18 Quiridumbay v. 630-636 West 136th St LLC

Part 13

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

THURSDAY, DEC. 22

190010/22 Barden v. 3m Company
151350/17 Cavedo v. Flushing Commons Prop.
190097/18 Klapak v. Barnard College Et Al
190150/19 Rosemary Torio v. A.O. Smith Water Prods. Co.
190087/19 Waldon v. A.O. Smith Water Prods. Co.

FRIDAY, DEC. 23

190114/22 Verdiglione v. Bruce Supply Corp.

Part 14

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

THURSDAY, DEC. 22

151377/21 Allstate Indemnity Co. v. As Hvac Maint. Corp.
655583/16 Functional Life Achievement v. Aspiring Munchkins LLC
652920/22 Mitchell v. Steering House Const. LLC D/b/a Steering House Design And Dev.
656345/20 Oceanhousenyc v. 140 West St. (NY)
652742/22 Posner v. Circle Jay Glass LLC

153434/18 Rodas-Garcia v. NYC United LLC
654030/21 Rph Hotels 51st St. v. Icon Parking Hlgs.
656603/22 Stonex Commodity Solutions LLC F/v/a Pestone Merchant Services v. Maku Coffee, Inc.
652793/21 Swiss Institute v. Freund, Freund & Co. Inc.
656590/22 The Board of Mgrs. of The Keystone Condominium v. Am&G Waterproofing LLC Et Al

FRIDAY, DEC. 23

657369/19 Chavez v. Lindina LLC
653862/21 Null Phd v. Sankoh
653697/22 Pnc Bank v. Sprout Mortgage
652020/22 Zdg v. 174-176 1st Ave. Owner LLC Et Al

Part 17

Justice Shlomo S. Hagler
60 Centre Street
Phone 646-386-3283
Courtroom 335

THURSDAY, DEC. 22

156606/16 Almonte v. NYC
151871/17 Bokman v. Manhattan Motor Cars Inc.
156838/19 Cepeda v. NYC
450449/22 NYC v. Scrubb
154757/21 Dias v. Tmchr 48th St. LLC Et Al
160497/20 Humpage v. 425 Central Park West
158662/21 Jennings v. Spikes
158369/19 Johnson v. Hp Jamata Housing
154352/21 Lee v. Hmc Capital Resources Corp. Et Al
156853/21 M v. Raymour & Flanigan
151005/20 McEachin v. Emerald Expositions
160358/20 Meyer v. NY Lessee LLC
157919/21 Oakes v. American Indian Community House
652950/19 Osk VIII v. M.E. Transit Inc.
157585/21 Sainevil v. Times Square Hotel Owner
156609/19 Veltri v. Metro. Transportation
160991/21 Victualco Co. v. Sedgwick Claims Mgt. Services, Inc.

FRIDAY, DEC. 23

157184/20 Francis v. NYC
158570/20 Residential Board of Wong

Part 19

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

Part 20 Matrimonial

Justice Deborah A. Kaplan
111 Centre Street
Phone 646-386-3300
Courtroom 1227

Part 24 Matrimonial Part

Justice Michael L. Katz
60 Centre Street
Phone 646-386-3285
Courtroom 325

THURSDAY, DEC. 22

307381/16 Clarke v. Blair
365301/22 Goldman v. Zimmerman
322648/21 Kaplan v. Kaplan
308447/18 Maalouli v. Chun—10:30 A.M.

Part 31 Matrimonial Part

Justice Kelly A. O'Neill Levy
60 Centre Street
Phone 646-386-3355
Courtroom 218

Part 33

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

THURSDAY, DEC. 22

160454/19 Azizian v. Madison Entertainment Associates LLC Et Al
157871/22 Bernstein v. White
Werbel & Fino Lip Et Al
152292/22 Borkowska v. Peter Jarema Funeral Home, Inc.
161399/21 Carrero v. The Joseph Galler Trust Et Al
156777/20 Castano v. Executive Towers Mgt.
158084/20 Pemberton v. Whga Schomburg Pl. Housing
159483/21 Seidita v. Lincoln Center For The Performing Arts, Inc.
158603/21 Sykes v. Ricardo LLC
D/b/a Ricardo Steakhouse Et Al
150333/22 Varvitsios v. Hackd Fitness LLC
158560/21 Walsh v. Tga 730 Third Ave. Owner LLC Et Al
150943/22 Zayas-Vasquez v. NYCHA Et Al

FRIDAY, DEC. 23

150748/22 Gonzalez v. Turner Const. Co. Et Al
150319/22 Hereford Ins. Co. v. Chiropractic Associates of Richmond Hill
154472/22 Housing Rights Initiative, Inc. v. Douglas Elliman Et Al
154293/22 Martinez v. Peng's Body Work Inc. Et Al
161412/20 Parveen v. Memorial Sloan Kettering
151491/22 Vasquez v. Bop One North End LLC Et Al

Part 35

Justice Carol R Edmead
60 Centre Street
Phone 646-386-3322
Courtroom 438

Part 37 IAS Part

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

THURSDAY, DEC. 22

158121/22 Cicarelli v. NYCHA Et Al

FRIDAY, DEC. 23

450148/22 NYC v. Port Rich Rlty., Inc.
157716/22 Sunrise Office Services, Inc. v. NYC Contr. Dispute Resolution Board Et Al

Part 39

Justice Suzanne J. Adams
111 Centre Street
Phone 646-386-3619
Courtroom 623

THURSDAY, DEC. 22

657094/20 373-381 Pas Associates v. Reception Plus New York
100522/22 Hawthorne v. Geico General Ins. Co.
652269/20 Quadrant Hlgs. USA, Inc. F/v/a Mailroom Hldg., Inc. v. The Notary Connection Store, Inc.
655885/19 Thump v. Michael De Luna Aia

FRIDAY, DEC. 23

655033/21 Board of Mgrs. of The Eagle Bldg. Condominium v. Hauser & Wirth Us Prop. LLC
654717/21 Fisher v. Hauman
650805/22 Liberty Mutual Ins. Co. Et Al v. Cenatus
651200/21 Mercury Public Affairs v. Cote Senior Care Mgt. Services
155513/22 Metropolitan Electric Corp. v. Vector Bldg. Corp. Et Al
652757/22 Prime Renovations, Inc. v. Jjingo
656145/21 Strategic Funding Source, Inc. D/b/a Kapitvs v. Shea
651509/21 The Carlton Regency Corp. v. Edwards

Part 43

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

THURSDAY, DEC. 22

652670/11 Arch Specialty Ins. v. Citrus & Allied Essences
654327/22 At Last Sportswear, Inc. v. Byron
656042/20 Cedar Capital Mgt. v. Lillie
656543/21 Cotton Int'l, Inc. v. Coral Vista Condominium Assoc.
655646/19 Effex Capital v. Global Brokerage Hlgs.
656632/20 Harleysville Worcester v. Sompjo Japan Ins.
656639/21 Hogg v. Braverman
652576/22 Pennoyer Partners v. Ab Capstone LLC D/b/a Ab Capstone Et Al
153479/22 Prestige Automotive Center v. 2013 3rd Ave. Qoz

Part 40TR Administrative Coordinating Part

60 Centre Street
Phone 646-386-3722
Room 422

Part 42

Justice Nancy M. Bannon
60 Centre Street
Phone 646-386-3237
Room 428

THURSDAY, DEC. 22

650955/22 Bessen v. Hochfelder
152592/22 Cipolano De Lero v. Nelson
157449/22 Croghan v. Adams
160028/22 Empire Dev. X v. 176 East 123rd St. LLC
155873/22 Harlington Rly. Co. LLC v. Stollerman

FRIDAY, DEC. 23

656639/20 Madison Hospity v. Acacia Network Housing, Inc.

Part 44

Justice Douglas E. Hoffman
60 Centre Street
Phone 646-386-3370
Room 321

THURSDAY, DEC. 22

304145/18 Desir v. Desir
365586/21 Funtl v. Andrews
365490/21 Kovlich v. Kovitch
308792/19 Li v. Zhang

FRIDAY, DEC. 23

453605/21 Montanez v. Montanez
350045/17 Pincus v. Motulsky

Part 48 Commercial Div.

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

THURSDAY, DEC. 22

657267/19 Clinton St. Investors LLC v. Jas Clinton LLC
652332/22 Electronics And Telecommunications Research Institute Et Al v. Mpeg La
650198/22 Xbr Inc. v. NYC

FRIDAY, DEC. 23

652950/22 Astra Global Dmcc Et Al v. Narayan
157116/17 Dev. 72 LLC v. Nicholas Zazza
651908/22 North American Specialty Ins. Co. v. NYCHA
656409/21 State Farm Mutual Automobile Ins. Co. Et Al v. East Coast Medical Care

Part 61 Commercial Div.

Justice Barry R. Ostrager
60 Centre Street
Phone 646-386-3169
Room 232

THURSDAY, DEC. 22

653618/22 Denver Wewatta (co) LLC v. Amtrust Title Ins. Co. Et Al

FRIDAY, DEC. 23

653584/20 Fpg Maiden Lane v. Bank Leumi USA
653214/22 Hunter v. James Sr.
650915/22 P.M.W.A. Hair Stylist Inc. D/b/a Pual Mole Barber Shop Et Al v. Wood

Part 63

Justice Laurence L. Love
60 Centre Street
Phone 646-386-3296
Room 355

THURSDAY, DEC. 22

950332/20 Doe v. Archdiocese of NY
951092/21 Doe v. Archdiocese of NY Et Al
101077/22 Goldstern v. NYC Dept. of Health And Mentalhygiene
950735/20S. v. NYC

FRIDAY, DEC. 23

654372/22 Barton Lip v. Maybank
950336/20 Doe v. Archdiocese of NY

TUESDAY, DEC. 27

100976/22 Taylor v. Seward Park High School Principal And Records

Transit Authority Settlement Part

60 Centre Street
Phone 646-386-3281
Room 408

Judicial Mediation Part

Justice George J. Silver
60 Centre Street
Phone 646-386-3722
Room 422

Med Mal Settlement Part

60 Centre Street
Phone 646-386-5758
Room 325

80 CENTRE STREET

Part 4

Justice Frank P. Nervo
80 Centre Street
Phone 646-386-3580
Room 327

FRIDAY, DEC. 23

160288/17 Clarke v. Judlau Contracting, Inc.
650759/19 Gica Securities v. Age Networks, Inc.

Part 5 City Part

Justice Judy H. Kim
80 Centre Street
Phone 646-386-3374
Room 320

THURSDAY, DEC. 22

161253/17 Almonte v. NYC
156339/21 Johnson v. NYC
153761/17 Shapiro v. NYC

FRIDAY, DEC. 23

151755/22 Almeida v. 3780 Rlty. Associates LLC Et Al

Part 8

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

THURSDAY, DEC. 22

651110/22 Elkin v. Active Media Services, Inc. Et Al
654705/19 Mandala v. Ntt Data, Inc.
651168/22 Maxxi Bldg. Security And Mgt. Corp. v. Atlas Athletics, Inc.
D/b/a Astral Fitness & Wellness Center
153946/20 State Farm Fire And Casualty v. Sloan

FRIDAY, DEC. 23

156769/22 Actors' Equity Assoc. v. Paradise Square Prod.ion Services Inc.
153327/21 Certain Underwriters At Lloyd's of London As Subrogee of Pier 55, Inc. And All Insureds Under Policy # En0198216 And Pier 55, Inc. v. Mathews Nielsen Landscape Architects
158996/18 Loaza v. Museum of Arts And Design
155449/22 Mule v. NYC Dept. of Health And Mental Hygiene

Part 11

Justice Lyle E. Frank
80 Centre Street
Phone 646-386-3314
Room 308

THURSDAY, DEC. 22

652108/22 3405 B'way. Housing Dev. Fund v. Proactive Business Solutions
654122/22 Abnb Investment LLC v. Mann
652287/22 Alborati v. Albarty
651912/22 Aza Int Corp. v. 39th West 23rd St. LLC Et Al
157338/22 Chaplar v. Keechant
654802/21 Collier v. Safety Bldg. Security Services LLC
159940/22 Estate of Magalen O. Bryant v. Wells Fargo Bank
155112/22 Grant v. NYC Et Al
160482/22 Greenberg Law v. Madison Square Garden Entertainment Corp.
654155/21 Herald Center Dept. Store of NY LLC v. Shcgegl
152832/22 In The Matter of The Application of Pablo Jurado v. Able Bldg. Services LLC

FRIDAY, DEC. 23

651914/22 Aza Int Corp. v. Site 3 Dsa Owner LLC Et Al
653742/22 Bertoni v. Safra Nat. Bank of NY
156178/22 Citibank v. 304 Hhh Real Estate LLC
155911/22 Farca v. The Board of Education of The City School Dist. of NYC Et Al
653793/22 Hutcher v. Madison Square Garden Entertainment Corp. Et Al
160764/18 Sternkopf v. 395 Hudson Ny
150777/18 Tirschwell v. Tcw Group Inc.

Part 21 City Part

Justice Denise M Dominguez
80 Centre Street
Phone 646-386-3738
Room 280

THURSDAY, DEC. 22

151451/19 Gerardo v. Breton
152471/15 Irons v. NYCTA
159679/22 Kwan v. NYC Et Al
450856/19 Scott v. NYCTA
160861/17 Terrell v. NYCTA

FRIDAY, DEC. 23

451643/20 Zakaria v. NYCTA

Part 22 Motor Vehicle

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

THURSDAY, DEC. 22

Part 92
Justice Mitchell
Phone 646-386-4092
Fax 212-295-4914
111 Centre Street
Room 1234, 9:30 A.M.

Part
Justice E. Biben
Phone 646-386-4093
111 Centre Street
Room 1333, 9:30 A.M.

Part 93
Justice Scherzer
Phone 646-386-4093
100 Centre Street
Room 1333, 9:30 A.M.

Part 95
Justice D. Conviser
Phone 646-386-4095
Fax 212-401-9137
111 Centre Street
Room 687, 9:30 A.M.

Part 99
Justice Burke
Phone 646-386-4099
Fax 212-401-9270
100 Centre Street
Room 1530, 9:30 A.M.

Part N-SCT
Justice Peterson
Phone 646-386-4014
Fax 212-401-9272
100 Centre Street
Room 218, 9:30 A.M.

Part 10
Justice Patsy Gouldborne
Phone 718-618-1236
Room 622, 9:30 A.M.

FRIDAY, DEC. 23
808330/22 Osuoha v. Osuoha

Part 11
Justice Julia I. Rodriguez
Phone 718-618-1226
Room 625

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

Part 13
Justice Fernando Tapia
Phone 718-618-1391
Room 402, 9:30 A.M.

Part 14 (MV)
Justice Blanca Perez
Phone 718-618-1205
Room 704, 9:30 A.M.

Part 15 (MV)
Justice Mary Ann Brigantini
Phone 718-618-1395
Room 702, 9:30 A.M.

FRIDAY, DEC. 23
814327/22 Aracena Villalona v. 301 Morris Ave. Rty. LLC Et Al
22533/15 Martin v. Manifest Rty. Et Al
817996/22 Pertsosky v. P.H. Custom Woodworking Corp.

Part 18 (COM)
Justice Eddie J. McShan
Phone 718-618-1303
Room 403, 9:30 A.M.

Part 19
Justice Lucindo Suarez
Phone 718-618-1238
Room 411, 9:30 A.M.

THURSDAY, DEC. 22
24356/19 Aulet v. Terence Cardinal Cooke
804163/22 Bravo Orellana v. Orsid Rty. Corp. Et Al
31808/19 Lebreault Nin v. Lex Contracting
813496/21 Paca Roldan v. Mono LLC Et Al
24891/20 Pena Vasquez v. Toll NY II Et Al
811758/21 Simpson v. NYC Et Al
31258/19 Velasquez v. 94 E. 208 St. Partners LLC

FRIDAY, DEC. 23
34145/20 Guadalupe Coronel v. Marcal Contracting Co. LLC
806567/21 Guilcapri Congacha v. Gc Capital Group LLC
24774/20 Perkins v. Tower 570 Co. Et Al
25484/18 Rojas v. 96 Springs

Part 19a
Justice George J. Silver
Phone 718-618-1377
Room 600, 9:30 A.M.

Part 20
Justice Kenneth Thompson
Phone 718-618-1240
Room 703, 9:30 A.M.

Part 21
Justice Adrian N. Armstrong
Phone 718-618-1196
Room 701, 9:30 A.M.

Part 22
Justice Theresa M. Cicotto

Part 23
Justice Joseph E. Capella
Phone 718-618-1244
Room 708, 9:30 A.M.

Part 25
Justice Llinet M. Rosado
Phone 718-618-1349
Room 705, 9:30 A.M.

THURSDAY, DEC. 22
4685/18 Nunez-Brito Florhannie A. v. Ulerio

Part 26
Justice Ruben Franco
Phone 718-618-1248
Room 623, 9:30 A.M.

Part 27
Justice Dawn M. Jimenez
Salta
Phone 718-618-1216
9:30 A.M.

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

FRIDAY, DEC. 23
3339/19 Espinal v. Espinal Almonte
8542/17 Holloman v. Figueroa
4581/19 Santiago v. Nunez
4740/19 Walsh v. Walsh

Part 29
Justice Paul L. Alpert
Phone 718-618-1250
Room 601, 9:30 A.M.

THURSDAY, DEC. 22
815702/22 Dmka LLC Dba The Smarter Merchant v. Ruiz-Oliveira De Sousa

Part 30
Phone 718-618-1377
Room 600, 9:30 A.M.

Part 31 (MV)
Justice Veronica G. Hummel
Phone 718-618-1672
Room 706, 9:30 A.M.

THURSDAY, DEC. 22
20431/19 Agar v. Lyft
30710/17 Fernin v. Peri
25659/17 Garces v. NYC
21712/17 Goldsmith v. Perez
28508/16 Graham v. Dunn
802065/22 Rivera v. Vaquero
31347/17 Sarpong v. Adams

Part 32
Justice Eddie J. McShan
Phone 718-618-1388
Room 403, 9:30 A.M.

Part 34
Justice John R. Higgitt
Phone 718-618-1252
Room 407, 9:30 A.M.

CRIMINAL TERM
Part SCA
Justice Beller
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 C
Justice Lieb
Phone 718-618-1097
265 East 161st Street
Room 320, 9:30 A.M.

Part 10V
Justice Rosado
Phone 718-618-1067
265 East 161st Street
Room 420, 9:30 A.M.

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

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

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

Part 14
Justice Busching
Phone 718-618-1034
265 East 161st Street
Room 660, 9:30 A.M.

Part 16
Justice Bruce
Phone 718-618-1043
265 East 161st Street
Room 540, 9:30 A.M.

Part 17
Justice Lorenzo
Phone 718-618-1106
265 East 161st Street
Room 530, 9:30 A.M.

Part 18
Justice Yearwood
Phone 718-618-3629
265 East 161st Street
9:30 A.M.

Part 19
Justice Boyle
Phone 718-618-1058
265 East 161st Street
Room 550, 9:30 A.M.

Part 21
Justice Adler
Phone 718-618-1133
265 East 161st Street
Room 690, 9:30 A.M.

Part 23
Justice Lewis
Phone 718-618-1100
265 East 161st Street
Room 330, 9:30 A.M.

Part 24
Justice Hornstein
Phone 718-618-1073
265 East 161st Street
Room 440, 9:30 A.M.

Part 27 (DV)
Justice Michael
Phone 718-618-1031
265 East 161st Street
Room 590, 9:30 A.M.

Part 28
Justice Clancy
Phone 718-618-3638
265 East 161st Street
Room 550, 9:30 A.M.

Part 29
Justice George J. Silver
Phone 718-618-1377
Room 600, 9:30 A.M.

Part 20
Justice Kenneth Thompson
Phone 718-618-1240
Room 703, 9:30 A.M.

Part 21
Justice Adrian N. Armstrong
Phone 718-618-1196
Room 701, 9:30 A.M.

Part 22
Justice Theresa M. Cicotto

Part 23
Justice Joseph E. Capella
Phone 718-618-1244
Room 708, 9:30 A.M.

Part 25
Justice Llinet M. Rosado
Phone 718-618-1349
Room 705, 9:30 A.M.

THURSDAY, DEC. 22
4685/18 Nunez-Brito Florhannie A. v. Ulerio

Part 26
Justice Ruben Franco
Phone 718-618-1248
Room 623, 9:30 A.M.

Part 27
Justice Dawn M. Jimenez
Salta
Phone 718-618-1216
9:30 A.M.

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

FRIDAY, DEC. 23
3339/19 Espinal v. Espinal Almonte
8542/17 Holloman v. Figueroa
4581/19 Santiago v. Nunez
4740/19 Walsh v. Walsh

Part 29
Justice Paul L. Alpert
Phone 718-618-1250
Room 601, 9:30 A.M.

THURSDAY, DEC. 22
815702/22 Dmka LLC Dba The Smarter Merchant v. Ruiz-Oliveira De Sousa

Part 30
Phone 718-618-1377
Room 600, 9:30 A.M.

Part 31 (MV)
Justice Veronica G. Hummel
Phone 718-618-1672
Room 706, 9:30 A.M.

THURSDAY, DEC. 22
20431/19 Agar v. Lyft
30710/17 Fernin v. Peri
25659/17 Garces v. NYC
21712/17 Goldsmith v. Perez
28508/16 Graham v. Dunn
802065/22 Rivera v. Vaquero
31347/17 Sarpong v. Adams

Part 32
Justice Eddie J. McShan
Phone 718-618-1388
Room 403, 9:30 A.M.

Part 34
Justice John R. Higgitt
Phone 718-618-1252
Room 407, 9:30 A.M.

CRIMINAL TERM
Part SCA
Justice Beller
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 C
Justice Lieb
Phone 718-618-1097
265 East 161st Street
Room 320, 9:30 A.M.

Part 10V
Justice Rosado
Phone 718-618-1067
265 East 161st Street
Room 420, 9:30 A.M.

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

Part 29
Justice Rodriguez-Morick
Phone 718-618-1118
265 East 161st Street
Room 430, 9:30 A.M.

Part 32
Justice Boyle
Phone 718-618-1016
265 East 161st Street
Room 650, 9:30 A.M.

Part 60
Justice Barrett
Phone 718-618-1007
265 East 161st Street
Room 620, 9:30 A.M.

Part 70
Justice Neary
Phone 718-618-1103
265 East 161st Street
Room 340, 9:30 A.M.

Part 71
Justice Tha
Phone 718-618-1004
265 East 161st Street
Room 610, 9:30 A.M.

Part 73
Justice Tha
Phone 718-618-1085
265 East 161st Street
Room 510, 9:30 A.M.

Part 75
Justice Bruce
Phone 718-618-1043
265 East 161st Street
Room 540, 9:30 A.M.

Part 77
Justice McCormack
Phone 718-618-1025
265 East 161st Street
Room 680, 9:30 A.M.

Part 78
Justice Marcus
Phone 718-618-1001
265 East 161st Street
Room 600, 9:30 A.M.

Part 96
Justice Collins
Phone 718-618-1082
265 East 161st Street
Room 460, 9:30 A.M.

SURROGATE'S COURT
Surrogate
Nelida Malave-Gonzalez
Phone 718-618-2350
Courtroom 406

WEDNESDAY, JAN. 11
Court To Be Held In
Brooklyn, NY
Dillon, J.P., Christopher,
Ford and Taylor, J.J.

NO ARGUMENT PERMITTED
21/6222 People v. Delacruz, Juan (K)
16/10671 People v. Arthur, Keron (K)
20/6381 People of State of New York v. Davison (Q)
21/3195 People v. Singleton, Aaron (N)
20/1347 People v. Swift, Michael D. (Q)
22/4123 People v. Jackson, Deloris K. (D)

Duffy, J.P., Miller, Dowling and Warhit, J.J.
NO ARGUMENT PERMITTED
21/6113 People v. Ramirez, Julio (N)
20/7234 People of State of New York v. Hernandez (S)
20/7235 People of State of New York v. Howell (S)
19/13543 People of State of New York v. Henson (Q)
20/8592 People of State of New York v. Guzman (R)
21/4883 People v. Dure, Pablo (W)

Barros, J.P., Chambers, Zayas and Voutsinas, J.J.
NO ARGUMENT PERMITTED
21/6113 People v. Ramirez, Julio (N)
20/7234 People of State of New York v. Hernandez (S)
20/7235 People of State of New York v. Howell (S)
19/13543 People of State of New York v. Henson (Q)
20/8592 People of State of New York v. Guzman (R)
21/4883 People v. Dure, Pablo (W)

FRIDAY, JAN. 6
Court To Be Held In
Brooklyn, NY
Brathwaite Nelson, J.P.,
Maltese, Ford and Voutsinas, J.J.

NO ARGUMENT PERMITTED
21/6232 People of State of New York v. Rucano (R)
21/2856 People v. Brown, Timothy (RO)
21/6452 Matter of Parascondola v. Romano (K)
21/9334 Matter of M. (Anonymous), Unknown; Administration for Children's Serv (R)
20/4100 Methal v. Village of Ardsley (W)
20/3598 LaGuardia Community College Paramedic Class 23 Student John Clafone v. (Q)
19/4510 Maio v. Maio (RO)
21/2444 U.S. Bank National Association v. Santos (Q)
20/5669 Tello v. Upadhyaya (R)
20/9703 Jordon v. Chan (R)
20/4009 Bethel Springvale Nursing Home, Inc. v. Gleason (W)
20/1606 Matter of O'Brien v. Yonkers City School District (W)
20/8255 Iovino v. Deutsche Bank National Trust Co. (P)
20/6722 Matter of Kimble v. Yonkers Board of Education (W)
20/4174 Byrne v. Sidhu (D)
19/10568 Rivera v. Caban (K)
20/9550 Merone v. Five Towns Review, Corp. (N)
20/5778 Serpas v. Port Authority of New York And New Jersey (K)
22/2039 Smith v. State of New York 21/7703 Doe v. Hauppauge Union Free School District (S)

MONDAY, JAN. 9
Court To Be Held In
Brooklyn, NY
Dillon, J.P., Connolly,
Chambers and Wooten, J.J.

NO ARGUMENT PERMITTED
21/1833 People v. Guzman, Roberto (D)
22/2869 People v. George, Albert (O)
21/4820 People of State of New York v. Holguin (N)
22/3754 People v. Maldonado, Wilden Maldonado (N)
20/7355 People of State of New York v. Barry (S)

Brathwaite Nelson, J.P., Rivera, Maltese and Genovesi, J.J.
NO ARGUMENT PERMITTED
22/1833 People v. Guzman, Roberto (D)
22/2869 People v. George, Albert (O)
21/4820 People of State of New York v. Holguin (N)
22/3754 People v. Maldonado, Wilden Maldonado (N)
20/7355 People of State of New York v. Barry (S)

NO ARGUMENT PERMITTED
21/6494 People of State of New York v. Koiki (K)
21/5263 People of State of New York v. Cortez Moreno (N)
20/8693 People v. Zhimainicela-chuitanga, Carlos (RO)
21/8592 People of State of New York v. Mandes (K)
21/9118 People v. Martinez, Ruben A. (N)

Brathwaite Nelson, J.P., Rivera, Maltese and Genovesi, J.J.
NO ARGUMENT PERMITTED
22/1833 People v. Guzman, Roberto (D)
22/2869 People v. George, Albert (O)
21/4820 People of State of New York v. Holguin (N)
22/3754 People v. Maldonado, Wilden Maldonado (N)
20/7355 People of State of New York v. Barry (S)

NO ARGUMENT PERMITTED
21/6494 People of State of New York v. Koiki (K)
21/5263 People of State of New York v. Cortez Moreno (N)
20/8693 People v. Zhimainicela-chuitanga, Carlos (RO)
21/8592 People of State of New York v. Mandes (K)
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21/6494 People of State of New York v. Koiki (K)
21/5263 People of State of New York v. Cortez Moreno (N)
20/8693 People v. Zhimainicela-chuitanga, Carlos (RO)
21/8592 People of State of New York v. Mandes (K)
21/9118 People v. Martinez, Ruben A. (N)

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21/6494 People of State of New York v. Koiki (K)
21/5263 People of State of New York v. Cortez Moreno (N)
20/8693 People v. Zhimainicela-chuitanga, Carlos (RO)
21/8592 People of State of New York v. Mandes (K)
21/9118 People v. Martinez, Ruben A. (N)

NO ARGUMENT PERMITTED
21/6494 People of State of New York v. Koiki (K)
21/5263 People of State of New York v. Cortez Moreno (N)
20/8693 People v. Zhimainicela-chuitanga, Carlos (RO)
21/8592 People of State of New York v. Mandes (K)
21/9118 People v. Martinez, Ruben A. (N)

21/4805 Gooden v New York City Health and Hospitals Corporation (Q)
19/13923 Farmer v Gazebo Contracting Inc. (Q)
20/4328 Farmer v Gazebo Contracting Inc. (Q)
20/765 Cruz v 451 Lexington Realty, LLC (K)
19/12244 Villalba v Daughney (N)
19/14298 U.S. Bank National Association v Montalvo (S)
19/11998 Nalostar Morigage, LLC v Douglas (Q)
19/11778 Deutsche Bank National Trust Company v Natal (K)
20/6365 Carrero v Pena (Q)
20/634 Engelman v County of Suffolk (S)
20/5491 U.S. Bank National Association v Duvivier (K)
21/5554 Mayorga v Kokkoris (Q)
20/7281 Washington v Parron/Amaro (K)

TUESDAY, JAN. 10
Court To Be Held In
Brooklyn, NY
Iannacci, J.P., Miller,
Christopher and Wan, J.J.

18/8415 People v. Williams, Terrell (L)
17/13491 People v. Lindsay, Russhawn (Q)
22/804 Matter of DeLeon v. Westchester County Department of Social Services (W)
22/2361 Matter of Gagos v. Delsalato (O)
20/1404 Fisch v. Wells Fargo Bank, N.A. (K)
20/6456 Deutsche Bank National Trust Company v. Wong (Q)
21/3777 LeBoeuf v. Greene (K)
19/13639 Corning Federal Credit Union v. Georiglis (O)
20/4854 Corning Federal Credit Union v. Georiglis (O)
19/10310 Wilmington Savings Fund Society, FSB v. Calhoun (Q)
20/3636 Wilmington Savings Fund Society, FSB v. Calhoun (Q)
19/11833 U.S. Bank National Association v. Reddy (S)
19/11835 U.S. Bank National Association v. Reddy (S)
21/5349 Balbo v. Greenfield's Market of Bethpage, LLC (N)
21/4834 Simmons v. Jones Law Group, LLC (Q)
19/11621 F. v. Lisker (K)
22/761 Davidoff v. Kaplan (W)
20/5979 Sheehan v. Restivo (O)
21/408 Montes v. McDowell (K)
20/7991 Haber v. CVS Pharmacy, Inc. (N)
22/5274 JPMorgan v. Akhtar (K)
20/7634 Morlan v. Atlantic Westerly Co. (N)

52/71222 Paucar v. Eze
52428/21 Payne v. Brazier
5116930/22 Petit-Mot v. Linden 30 LLC
52782/122 Phillip v. Timiras
5231347/22 Phillips v. Breerton
527443/21 Prodan-Bruno v. Geshmak Properties Inc. Et Al
521254/22 Providence v. Brown
517281/22 Raimondi v. 151 Montague Opportunity
519962/22 Rishy v. Scape
523766/22 Roberts v. Ccap Auto Lease Ltd Et Al
522974/19 Sanchez v. Fordham Mgt. NY Corp. Et Al
504264/22 Schueler v. 418 Brighton Beach Ave. LLC
521356/21 Schwimmer v. Kookmin Best Ins. Co.
516745/22 Sidgiyayeva v. Ibrahimova
504942/21 St. Yves v. Univ. Hosp. of Bklyn. Et Al
513435/22 Synдор v. Signature Acquisitions
512908/22 Telesford v. Johnson
502009/22 The Board of Mgrs. of The 580-586 Van Siclen Ave. Condominium v. Soltero
529837/22 Toshpulotov v. Horowitz
524002/22 Verba v. Richelieu America
504370/22 Verba v. United Bus LLC Et Al
506541/22 Whoseley v. Rxr 196 Willoughby Owner LLC Et Al
508062/22 Williams v. Laurino Enterprises Et Al
502769/22 Wright v. Copeland

FRIDAY, DEC. 23
523812/2145 Main Associates LLC v. Operation Restore Inc. Et Al
519993/22 Alarondo v. Fennell
532585/22 American Transit Ins. Co. v. Barakat Pt Pe
532587/22 American Transit Ins. Co. v. Mis Acupuncture Pe
524800/22 Atkinson v. Bialy
517525/22 Aviles v. Craycroft
524597/22 Ayala v. Bullock
504141/21 Bernadette Holder v. Kingsbrook Jewish Medical Center Et Al
521690/21

Court Calendars

Central Compliance Part
360 Adams Street Phone 347-296-1626 Courtroom 282
THURSDAY, DEC. 22
507512/22 Alleyne v. Phillips Int'l Et Al
5307932/21 Alqaisi v. Dhar
523449/21 Aronoff v. Pan
529165/21 Arevalo Amaya v. S53 LLC Et Al
514266/22 Attalla v. T & Y Prop.
504737/22 Avila Ortega v. Uniware Houseware Corp. Et Al
513565/22 Ballard v. Espinal
530358/21 Black v. Mykhaykiv
517546/22 Block of Mgrs. of The 684 Madison St. Condominium v. 684 Madison St LLC Et Al
503765/22 Bowen v. Hembrador
501801/22 Bower-Thompson v. White
529781/21 Calderon Lopez v. Pinnacle Commercial Dev. Inc Et Al
531817/21 Cambridge v. Renaissance Equity Hldgs. LLC Et Al
517043/21 Carter v. Olayinka Oseni
523089/20 Chan v. Arnel
508092/21 Charles v. Hi Lino Inc Et Al
522687/20 Chen v. NYCHA Et Al
510253/22 Coleman v. Waytne
511045/22 Coney Island Auto Parts Unltd., Inc. v. Ams Auto Doctr Inc. Et Al
512816/22 Cruz v. Gao
514919/21 Dardoff v. Rosenberg
524376/19 Dept. of Environmental Protection of NYC - Water Board v. The Board of Mgrs. of The 146th South 9th St. Condominium Et Al
530501/21 Dumont v. 5576 Rlty. LLC
525265/21 Earl v. Ospiv
525227/20 East Coast NY Const. v. Kingsland Chaucery LLC
518944/21 Figueroa v. 570 Fulton St. Prop. LLC
500519/22 Ford v. Polansky
500679/22 Fraenkel v. 1376 St. John Pl. Rlty.
517992/21 Fuller v. Bond
518700/21 Gallagher v. Arklow-Pfb LLC Et Al
512361/22 Garcia v. Faham
507876/22 Gitter v. 272-274 B'way.
508833/21 Graziano v. Waid
523584/20 Hassan v. Twin Interior Remodeling Inc. Et Al
505097/22 Hernandez v. Mamonov
505441/22 Hishmeh v. Pillitteri
532197/21 Hockaday v. Lyft, Inc. Et Al
508651/22 Icon Constr. Gr. Inc. v. USA Roofing Co. Corp.
505583/21 Iglesia v. Turner Const. Co. Et Al
513152/22 Infinity Contracting Services v. C&L Contracting Corp. Et Al
509270/22 James v. Rutland Nursing Home, Inc.
507457/22 Ji v. Sari-Tuza
531991/21 Julius v. Islam
502162/22 Khodjaev v. Marquez
533309/21 McGuire Hall v. Jen Car Trucking Corp. Et Al
501430/22 Merrimack Mutual Fire Ins. Co. v. Consolidated Edison Co. of NY
532633/21 Morales Dizarza v. 236 Carroll St. LLC
505815/22 Natendaz v. Dragonetti Brothers Landscaping And Nursery & Florist Inc. Et Al
515254/22 Nederman v. Muniz
517770/21 North 7-8 Investors v. All Island Masonry And Concrete
530023/21 Octavio Lala Lala v. NYC Et Al
526450/21 Pacifico v. Iqbal And
501095/22 Paez v. Penn Hotel LLC Et Al
523596/21 Paguandas v. Adom Rental Transportation Et Al
532180/21 Pelaez v. Fort 5423 Rlty. Corp.
523316/19 Peralta v. Action Carting Environmental Services, Inc. Et Al
522712/21 Pereplyotchik-Binder v. Arturo Castro Hernandez
524697/21 Perez De La Cruz v. Delta Air Lines, Inc. Et Al
504213/22 Petrova v. Wallace
520481/19 Pierre v. Sy
503105/20 Prospect Acquisition I. LLC D/b/a Downtown Bklyn. Nursing And Rehabilitation Center v. Northern
505623/22 Richards v. Park Transportation LLC Et Al
511702/22 Rignino v. Cheema
52127/21 Romero v. Site 4 Dsa Owner
506636/22 Rostkowski v. Kim
53553/21 Santos v. Broadview Assoc., Inc.
516364/21 Schiffman v. Guzalgul
522471/21 Schussel v. Glasser M.D.
508962/22 Singletary v. Govt. Employees Ins. Co.
527051/21 Spektor v. Ninas Transportation Service, Inc. Et Al
510530/20 State Farm Mutual Automobile Ins. Co. v. Melendez
523430/21 Stern v. Board of Mgrs. of The Midwood Estates Condominium
513924/22 Suissa v. Kings Hwy. Orthopedic Associates
515823/22 Wade v. Hecht-Farkash
532641/21 Whitaker Dean v. Fowler
Motion
521114/21 Barrios v. Sumba-Sumba
513278/19 Carriles v. Xiao
508325/21 Cannady v. Williams
508562/21 Coleman v. Hotel Sunrise Et Al
521123/21 Cortes v. Beida
524998/19 Debranché v. Charles
513595/20 Deer v. Deer
514326/20 Diaz v. 368 Third Owners LLC Et Al
502021/13 Finamore v. David Ullman
528922/21 Garvey v. Zhu
506333/20 Genao v. Beni Transmission Auto
503064/22 Hereford Ins. Co. v. Teague
507550/20 John v. Barry
502738/21 Jones v. Zuo
510288/21 McClean v. Family Dollar Store of NY Inc. Et Al
506538/20 Murray v. Doran
512873/20 Owens v. Biracs USA Inc. Et Al
521867/18 Pnc Bank v. Mayo
509691/19 Ramirez v. F & S Contracting Group Inc. Et Al
502288/19 Rasheed v. Quiles
512670/20 Real Land Group LLC v. Bushwick Plaza
508461/16 Reid-Parnell v. Shafer
526186/20 Robinson v. Romulo Paute Chuqui
513486/18 Sanders v. 570 Fulton St. Prop. LLC
521576/20 Williams v. Torres
FRIDAY, DEC. 23
508558/21 Ikb & Ms LLC v. Happy Living Const. LLC Et Al
500621/22 Abreu Hernandez v. Pope
512917/22 Akhtiamov v. Peters
512586/22 Ashman v. Davis
518604/20 Baker v. Zheng
506309/22 Barrows v. Pons
524488/21 Benitez v. Abay
512648/22 Cardenas-Botia v. Patterson
509420/22 Carrion v. Gvo Trucking
Good Vibes Only Corp. Et Al
501225/22 Davy v. Li
505543/22 De La Cruz v. 4th Ave. Dev. Owner LLC Et Al
511222/22 Difo v. B&R Mgt. Ltd. Partnership Et Al
508208/22 Dubinkina v. Transform Operating Stores LLC
515653/20 Emma Group Builders & General Contractors Inc. v. 514 H Group LLC Et Al
522331/21 Felix v. East Midwood Volunteer Ambulance Corps
530566/21 Gorelik v. Kemularia

31717/08 Us Bank Nat. Association v. Duran
FRIDAY, DEC. 23
508477/21 C. Steve Okenwa P.C. v. Isaac
Part 5F
Justice Rachel Amy Adams 360 Adams Street Phone 347-296-1636 Courtroom 929, 9:30 A.M.
THURSDAY, DEC. 22
50963/15 Deutsch v. Deutsch
52282/18 Hussein v. Hussein
53564/17 O'Brien v. O'Brien
55793/18 Sanchez v. Rezugui
551897/21 Soskin v. Soskin
54331/17 Waldman v. Waldman
Conference
53564/17 O'Brien v. O'Brien
55793/18 Sanchez v. Rezugui
551897/21 Soskin v. Soskin
Motion
50963/15 Deutsch v. Deutsch
52282/18 Hussein v. Hussein
551897/21 Soskin v. Soskin
54331/17 Waldman v. Waldman
FRIDAY, DEC. 23
53629/19 Decina v. Di Matteo
552934/21 Donofrio v. Donofrio
Conference
53629/19 Decina v. Di Matteo
552934/21 Donofrio v. Donofrio
Motion
53629/19 Decina v. Di Matteo
552934/21 Donofrio v. Donofrio
Part 5G
Justice Jeffrey S. Sunshine 360 Adams Street Phone 347-296-1654 Courtroom 941, 9:30 A.M.
THURSDAY, DEC. 22
53836/14 Guthrie-Harrison v. Harrison
Motion
53836/14 Guthrie-Harrison v. Harrison
FRIDAY, DEC. 23
51766/19 Baron v. Baron
51471/15 Dixon v. Dixon
13583/05 Mariana Nuziale Tomasino v. Michael Tomasino
Motion
51766/19 Baron v. Baron
51471/15 Dixon v. Dixon
13583/05 Mariana Nuziale Tomasino v. Michael Tomasino
Part 5J
Justice Theresa Cicotto 360 Adams Street Phone 347-296-1632 Courtroom 961
THURSDAY, DEC. 22
50222/15 Ali v. Shahzadi
55689/18 Grant v. Hornik
52198/18 Herzberg v. Herzberg
551027/22 Pukhovitskiy v. Kopyayeva
55227/20 Richards v. Richards
553387/21 Ross v. Ross
550712/22 Vofson v. Kashuk
550175/22 Yu v. Fung
Conference
551027/22 Pukhovitskiy v. Kopyayeva
55227/20 Richards v. Richards
553387/21 Ross v. Ross
550712/22 Vofson v. Kashuk
550175/22 Yu v. Fung
Motion
551027/22 Pukhovitskiy v. Kopyayeva
55227/20 Richards v. Richards
553387/21 Ross v. Ross
550712/22 Vofson v. Kashuk
550175/22 Yu v. Fung
FRIDAY, DEC. 23
550479/20 Abulhime John v. Asramon-John
50378/20 Darevskaya v. Flores
51291/21 Gaynin v. Hoff
50036/20 Luciano v. Malave
551060/21 Pareno v. Pareno
550923/22 Perkins v. Perkins
50855/20 Tsvetkova v. Zverev
Conference
50378/20 Darevskaya v. Flores
50036/20 Luciano v. Malave
550923/22 Perkins v. Perkins
50855/20 Tsvetkova v. Zverev
Motion
550479/20 Abulhime John v. Asramon-John
50378/20 Darevskaya v. Flores
51291/21 Gaynin v. Hoff
50036/20 Luciano v. Malave
551060/21 Pareno v. Pareno
550923/22 Perkins v. Perkins
50855/20 Tsvetkova v. Zverev
Part 5K
Justice Debra Silber 360 Adams Street Phone 347-296-1102 Courtroom 524, 9:30 A.M.
Part 5L
Justice Lorna J. McAllister 360 Adams Street Phone 347-296-1572 Courtroom 362, 9:30 A.M.
Part 5Q
Justice Joanne D. Quinones 360 Adams Street Phone 347-296-1632 Courtroom 961
THURSDAY, DEC. 22
553660/21 Alamo v. Alamo
552913/22 Davis Thomann v. Pukal
550267/22 Evans v. Evans
55227/21 Grant v. Reyes
551114/22 Kupersmidt v. Kupersmidt
Part 5T
Justice Delores J. Thomas 360 Adams Street Phone 347-401-9211 Room 924, 9:30 A.M.
FRIDAY, DEC. 23
50713/16 Garcia v. Ramos
Part 7
360 Adams Street Phone 347-401-9477 Courtroom 456, 9:30 A.M.
Part 8
360 Adams Street Courtroom 756
Part 9
Justice Debra Silber 360 Adams Street Phone 347-296-1102 Courtroom 524, 9:30 A.M.
Part 10
Justice Lorna J. McAllister 360 Adams Street Phone 347-296-1572 Courtroom 362, 9:30 A.M.
Part 11
Justice Delores J. Thomas 360 Adams Street Phone 347-401-9211 Room 924, 9:30 A.M.
FRIDAY, DEC. 23
50713/16 Garcia v. Ramos
Part 7
360 Adams Street Phone 347-401-9477 Courtroom 456, 9:30 A.M.
Part 8
360 Adams Street Courtroom 756
Part 9
Justice Debra Silber 360 Adams Street Phone 347-296-1102 Courtroom 524, 9:30 A.M.
Part 10
Justice Lorna J. McAllister 360 Adams Street Phone 347-296-1572 Courtroom 362, 9:30 A.M.
Part 11
Justice Delores J. Thomas 360 Adams Street Phone 347-401-9211 Room 924, 9:30 A.M.
FRIDAY, DEC. 23
50713/16 Garcia v. Ramos
Part 12
Justice Reginald Boddie 360 Adams Street Phone 347-296-1458 Courtroom 741, 9:30 A.M.
THURSDAY, DEC. 22
520882/18 Aron Law Pllc v. NYC Fire Dept.
507107/20 Balkany v. Kenner
522833/19 Board of Mgrs. of The v. 783 E 9th LLC

527911/22 Burns Entertainment & Sports Marketing v. Translation LLC
515337/20 Constructomics v. 1-10 Bush Terminal Owner Ip
514599/22 Eagle Eye Advance LLC v. Empire Courtrenters LLC Et Al
505484/15 Eleven Stars LLC v. Central Baptist Church
526794/21 Fed. Home Loan Mortgage Corp. v. 287a LLC
52682/12 Fed. Home Loan Mortgage Corp. v. 293 LLC
509803/21 Fed. Home Loan Mortgage Corp. v. 299 LLC
513753/22 Flatbush Delaware Hldg. LLC Et Al v. Bedford Beverly Acquisitions LLC
518966/22 Guglielminetti-Generoso v. Carcaramo
502328/14 Turner Towers Tenant Corp. v. Rci Plumbing Corp.
506771/21 Weiss v. Greenfield
Part 15
Justice Steven Fisher 360 Adams Street Phone 347-404-9651 Courtroom 525, 9:30 A.M.
Part 16
Justice Leon Ruchelsman 360 Adams Street Phone 347-296-1604 Courtroom 276, 9:30 A.M.
TUESDAY, DEC. 27
504641/18 Comfort Living Furniture, Inc. v. McDonald Design Furniture
504553/17 New Empire Builder Corp. v. Goose Mountain NYC
Part 17
Justice Lillian Wan 360 Adams Street Phone 347-296-1587 Courtroom 541, 9:30 A.M.
Part 18
360 Adams Street Phone 347-401-9477 Courtroom 456, 9:30 A.M.
Part 19
Justice Theresa Cicotto 360 Adams Street Phone 347-296-1632 Courtroom 961, 9:30 A.M.
THURSDAY, DEC. 22
50222/15 Ali v. Shahzadi
55689/18 Grant v. Hornik
52198/18 Herzberg v. Herzberg
551027/22 Pukhovitskiy v. Kopyayeva
55227/20 Richards v. Richards
553387/21 Ross v. Ross
550712/22 Vofson v. Kashuk
550175/22 Yu v. Fung
Part 20
360 Adams Street Phone 347-401-9265 Courtroom 461, 9:30 A.M.
Part 22
360 Adams Street Phone 347-401-9265 Courtroom 456, 9:30 A.M.
THURSDAY, DEC. 22
Motion
519616/22 In The Matter of The Application For An Order Staying Arbitration Between Progressive Specialty Ins. Co. v. Watson
Part 24
Justice Lisa Otley 360 Adams Street Phone 347-296-1225 Courtroom 479
Part 25
360 Adams Street Phone 347-401-9265 Courtroom 461, 9:30 A.M.
Part 26
Justice Donald S. Kurtz 360 Adams Street Phone 347-296-1596 Courtroom 480, 9:30 A.M.
THURSDAY, DEC. 22
509095/17 Fowler v. Dragonetti Brothers
504149/21 Friedman v. Kandel
58215 Guzman v. Mejias
501035/20 Johns v. Gilliam
517203/16 McDonagh v. 55th & 5th Ave. Corp.
506611/16 Morales v. Four Seasons Nursing
51525/18 Ramos v. Maggies Paratransit Corp
FRIDAY, DEC. 23
501980/19 Austin v. Vercillo
504249/19 Huitzil v. Chausov
508181/19 Kazatskiy v. Qian
Part 29
Justice Wayne P. Saitta 360 Adams Street Phone 347-296-1582 Courtroom 724, 9:30 A.M.
Part 35
Justice Karen Rothenberg 360 Adams Street Phone 347-296-1644 Courtroom 574, 9:30 A.M.
THURSDAY, DEC. 22
506620/21 1-10 Bush Terminal Owner Lp v. Hana Pastries, Inc. Et Al
524425/21 Adekola v. Uber Technologies, Inc. Et Al
500396/22 American Shower Door Corp. v. Architectural Glass Works, Inc.
509636/22 American Transit Ins. Co. v. Velez
517464/22 Arias v. 3086 Fulton St Corp. Et Al
530675/21 Bnai Raphael Chessed Organization Inc. v. Letitia James
504766/21 Borges Pereira v. 38 Stratford Hldgs. LLC Et Al
527278/19 Carmello v. Spring Creek Rehabilitation
506429/18 Chazon v. Benzant
522181/17 Coleman v. NYC School
509402/22 De Larosa v. Ean Hldgs.
519156/22 Fenix Capital Funding v. Zippy Mgt. Corp./dba Zippy's Bikes Et Al
530504/22 Liu v. Liang
516473/22 Mantis Funding LLC v. Lamb Services LLC Et Al
516602/22 Mantis Funding LLC v. Rhm Transport LLC Et Al
514691/22 Megeg Funding Group Corp. v. Osorioguel Security LLC Dba Osorioguel Security Et Al
509817/21 Muriel v. Thompson
526823/22 Naggar v. Ajram
535471/22 Pnc Bank Nat. Assoc. v. Roach Jr.
515798/18 R.A. Troutman Residence Llc v. Liang Shen
506610/21 Rastelli v. Cold Spring Acquisition
507435/22 Rhudd v. Travco Ins. Et Al
525133/21 Rothman v. Florans
504461/21 Santander Bank v. Dog Day Cyclery, Inc. Et Al
510518/20 Seger v. Industry Media, Inc. Et Al
525430/18 Valcour v. Adolphe Jacques Firmin Estate
505686/22 Zussman v. Theil
Part 41
Justice Larry D. Martin 360 Adams Street Phone 347-296-1634 Courtroom 741, 9:30 A.M.
THURSDAY, DEC. 22
514830/15 U.S. Bank Nat. v. Jackson
Part 43
Justice Mark Partnow 360 Adams Street Phone 347-296-1656 Courtroom 441, 9:30 A.M.
THURSDAY, DEC. 22
8819/15 Board of Directors of The v. Vargas
515724/17 Board of Mgrs. of The v. Bolobov
503659/18 Cenlar Fsb v. Chu
522412/20 NYCTL 2019-A Trust v. Danino Nadlan
Part 47
Justice Lawrence Knipel 360 Adams Street Phone 347-296-1630 Courtroom 774
THURSDAY, DEC. 22
2174/12 1900 Capital Trust II v. Peguese
515227/21 4218 Atlantic Action LLC v. Realty Mgt. Inc. Et Al
522012/20 Bonafide Rlty. LLC v. 572 Sackett Corp.
501928/20 Brown v. Raickouisch
514125/19 C. v. Thomas
7469/11 Citimortgage, Inc. v. Nwabudu
14045/09 Deutsche Bank Nat. Trust v. Kuldip
508027/22 Falah v. Prospect Park Jewish Center Inc Et Al
791409 Fed. Nat. Mortgage v. Shoshan
504316/20 Ipp Fund II Trust 1a v. 1762 Nostrand LLC Et Al
523605/20 Shivam Contracting, Inc. v. Team C.O.L. Mgt., Inc.
513162/19 Toorak Capital Partners LLC v. Artisans Alliaz LLC
731/11 U.S. Bank v. Nze
227300/07 U.S. Bank v. France
508062/22 Williams v. Laurino Enterprises Et Al
13814/13 Wilmington Savings v. Unknown Heirs-At-Law
FRIDAY, DEC. 23
525843/20 U.S. Bank National Association v. 6223-18 LLC Et Al
Part LR-76
Justice Leon Ruchelsman 360 Adams Street Phone 347-296-1604 Courtroom 276, 9:30 A.M.
TUESDAY, DEC. 27
504641/18 Comfort Living Furniture, Inc. v. McDonald Design Furniture
504553

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Attorney **Attorney** **Attorney** **Attorney** **Attorney**

ASSISTANT ATTORNEY GENERAL (AAG) - CIVIL & CRIMINAL DIVISION ASSISTANT ATTORNEY GENERAL (AAG) – FELONY PROSECUTOR

The Office of the Attorney General, Ministry of Justice, Republic of Palau, is seeking to fill two (2) positions. The first position is for an AAG who will handle work in both the Civil and Criminal Divisions. The second position is for an AAG who will handle felony criminal prosecutions, working closely with the Bureau of Public Safety's Narcotics Enforcement Unit and the Human Trafficking Unit, and the Financial Intelligence Unit (FIU).

LOCATION: Office of the Attorney General of the Republic of Palau Learn more about Palau at <https://www.pristineparadisepalau.com/>

QUALIFICATIONS: J.D. from an ABA accredited law school or a law degree from a law school accredited by the prevailing accrediting agency of the jurisdiction; Active member in good standing of the bar (any jurisdiction), Strong writing and analytical skills; motion practice, oral advocacy, Minimum 10 years of litigation and trial experience, collegial, and well organized

DUTIES AND RESPONSIBILITIES: including but not limited to: The Office of the Attorney General, Ministry of Justice:

- Provides legal advice and services to the Executive Branch of the national government of the Republic of Palau As directed by the Attorney General, the Civil Division AAG will:
- Represent the Executive Branch, its ministries and officials in all civil litigation
- Advise Ministries, Boards, and Commissions of the Executive Branch, including Ministry bureaus and divisions
- Draft and review contracts, grant and loan documents, legislation, and rules and regulations
- Provide such legal advice and services as appropriate and directed by the Attorney General or her designee, including representing the Republic in civil cases and criminal cases as may be needed As directed by the Attorney General, the Criminal Division AAG will:
- Represent the Republic in all aspects of criminal prosecution, from investigation through appeal, including but not limited to prosecution of drug, human trafficking and financial crimes cases.
- Provide such legal advice and services as appropriate and directed by the Attorney General or her designee.

TERM and BENEFITS: Two-year contract; recruitment and repatriation costs (which includes coach air fare and shipping of household goods and effects) will be paid for by the government; annual leave – max 208 hours accrued annually and sick leave – max 104 hours accrued annually; allowed to practice law in Palau for 4 years without taking the Palau Bar Exam; LIVING IN PALAU!

POSITION TYPE: Full-time, 5 days/week. Work day 8am-5pm. 40-hour work week

HOW TO APPLY: Send your cover letter, resume, three writing samples, and three letters of professional references to:
Ernestine K. Rengiil at: ekrengiil57@gmail.com.

Please place "Assistant Attorney General" in the subject line of your e-mail.

Applications will be reviewed on a rolling basis as we intend to fill the vacant positions as soon as possible.

Send any inquiries to the email address above or call **+680 488-2481/2847**.

COMPENSATION: \$65,00.00 - \$80,000.00 depending on experience

Attorney **Attorney**

LABOR AND EMPLOYMENT ATTORNEY

Berchem Moses PC, a prominent Connecticut law firm with offices in Milford and Westport, is actively recruiting candidates for the following position:
Labor and Employment Attorney- seasoned lawyer with substantial experience in handling labor matters.
A minimum of 5 years collective bargaining experience required; public sector experience preferred.
Excellent presentation skills are necessary to be successful in this position. This position requires excellent writing, research, organization and interpersonal skills. Applicants must be highly professional and self-motivated with a desire to cultivate their individual practice while working as part of a team. A strong academic background and outstanding references are important considerations in selecting successful candidates.
Please forward resume, in confidence, with salary requirements to:

Attorney Floyd Dugas
Berchem Moses PC
75 Broad Street, Milford, CT 06460
fdugas@berchemmoses.com

LITIGATION ATTORNEY

Berchem Moses PC, a prominent Connecticut law firm with offices in Milford and Westport, is actively recruiting candidates for the following position:
Litigation Attorney - a lawyer with 5 to 10 years experience admitted to the state and federal courts. Insurance defense and trial experience preferred.
This position requires excellent presentation, writing, research, organization and interpersonal skills. Applicants must be highly professional and self-motivated with a desire to cultivate their individual practice while working as part of a team. A strong academic background and outstanding references are important considerations in selecting successful candidates.
Please forward resume, in confidence, with salary requirements to:

Attorney Richard J. Buturia
Berchem Moses PC
75 Broad Street, Milford, CT 06460
rbuturia@berchemmoses.com

EDUCATION LAW ASSOCIATE

Berchem Moses PC, a prominent Connecticut law firm with offices in Milford and Westport, is actively recruiting candidates for the following position: Education Law Associate - a lawyer with 1 to 3 years of experience preferred, with a strong academic background.
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Please forward resume, writing sample and references, in confidence, to:

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75 Broad Street, Milford, CT 06460
jkrouzil@berchemmoses.com

REAL ESTATE ATTORNEY

Berchem Moses PC, a prominent Connecticut law firm with offices in Milford and Westport, is actively recruiting candidates for our Milford office for the following position:
Real Estate Attorney - The ideal candidate will have 1-3 years of experience handling residential and commercial transactions. The position offers an excellent opportunity to assume significant client responsibility and hands-on experience in a collaborative, collegial and team-oriented work environment. Candidates must possess knowledge of real estate law, closing mechanics and a strong work ethic. Must also be highly motivated and have the ability to work both independently and as part of a larger team.
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Candidates (principals only) should email cover letter and resume in confidence to:
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Request for Proposals

Request for Proposals

BATTERY PARK CITY AUTHORITY

CONTRACT OPPORTUNITY – LEGAL SERVICES

The Battery Park City Authority (BPCA), a Public Benefit Authority created pursuant to the New York State Public Authorities Law, hereby requests proposals from law firms and individual practitioners to provide legal representation to BPCA.

In particular, BPCA seeks proposals from proposers with demonstrable expertise in one or more of the following areas of law (including, in each instance, litigation capabilities): (1) land use; (2) construction; (3) labor an employment; (4) municipal/government entity representation; (5) real estate and landlord/tenant; (6) environmental; (7) public finance; and (8) general litigation (other than personal injury litigation).

The Request for Proposals and incorporated documents can be found here:
<https://bpca.s3.amazonaws.com/wp-content/uploads/2022/12/09111252/BPCA-Legal-Services-RFP.pdf>

Minority-Owned Business Enterprises ("MBE"), Women-Owned Business Enterprises ("WBE") and Service-Disabled Veteran-Owned Business Enterprises ("SDVOB") are encouraged to submit Proposals.

Please note that the deadline to submit proposals is January 13, 2023.

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LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of Invenery Storage Development LLC. Authority filed with NY Secy of State (SSNY) on 12/14/22. Office location: New York County, LLC formed in Delaware (DE) on 11/22/13. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637324 d22-Th j26

NOTICE OF QUALIFICATION of Kawa Private Investments, LLC. Authority filed with NY Secy of State (SSNY) on 11/16/22. Office location: New York County, LLC formed in Delaware (DE) on 4/8/21. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637326 d22-Th j26

NOTICE OF QUALIFICATION of Nucor Logistics LLC. Authority filed with NY Secy of State (SSNY) on 12/14/22. Office location: New York County, LLC formed in Delaware (DE) on 9/8/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637330 d22-Th j26

NOTICE OF QUALIFICATION of INFLUENTZ LLC. Authority filed with NY Secy of State (SSNY) on 12/2/22. Office location: New York County, LLC formed in Delaware (DE) on 11/17/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637323 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of Hometap Equity SPV, LLC. Authority filed with NY Secy of State (SSNY) on 12/9/22. Office location: New York County, LLC formed in Delaware (DE) on 11/14/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637322 d22-Th j26

NOTICE OF QUALIFICATION of LPI A-S USA, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/13/22. Office location: NY County, LLC formed in Kentucky (KY) on 12/01/17. Princ. office of LLC: 48 Wall St., Ste. 1100, NY, NY 10005. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Form. filed with Michael G. Adams, Secy. of State, 700 Capital Ave., Ste. 152, Frankfort, KY 40601. Purpose: Any lawful activity. 0000637250 de22 th ja26

NOTICE OF QUALIFICATION of Freedom Warranty LLC. Authority filed with NY Secy of State (SSNY) on 11/17/22. Office location: New York County, LLC formed in Tennessee (TN) on 9/29/16. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 117 Lee Parkway Dr., Chattanooga, TN 37421. Cert. of Formation filed with TN Secy of State, 312 Rosa L. Parks Ave, Fl. 6, William R. Snodgrass Tower, Nashville, TN 37243. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637319 d22-Th j26

NOTICE OF QUALIFICATION OF DREAMSALLINONE, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/12/22. Office location: NY County, LLC formed in Delaware (DE) on 09/07/21. Princ. office of LLC: 428 W. 53rd St., Unit 102, NY, NY 10019. 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 W. Bullock, DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Owns real estate. 0000637235 de22 th ja26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of First Manhattan Management LLC. Authority filed with NY Secy of State (SSNY) on 12/2/22. Office location: New York County, LLC formed in Delaware (DE) on 11/22/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 399 Park Ave, NY, NY 10022. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637317 d22-Th j26

NOTICE OF QUALIFICATION of First Manhattan Securities LLC. Authority filed with NY Secy of State (SSNY) on 12/2/22. Office location: New York County, LLC formed in Delaware (DE) on 11/22/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 399 Park Ave, NY, NY 10022. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637316 d22-Th j26

NOTICE OF QUALIFICATION of First Manhattan Co. LLC. The fictitious name is: First Manhattan RIA LLC. Authority filed with NY Secy of State (SSNY) on 12/2/22. Office location: New York County, LLC formed in Delaware (DE) on 8/3/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 399 Park Ave, NY, NY 10022. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637315 d22-Th j26

NOTICE OF QUALIFICATION of IIRC of New York City, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/09/22. Office location: NY County. Princ. office of LLC: 1550 W. McEwen Dr., Ste. 600, Franklin, TN 37067. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Rental dialysis. 0000636872 De 22 Th Ja 26

NOTICE OF QUALIFICATION of Formation of IIRGN NY 126TH LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/12/22. Office location: NY County. Princ. office of LLC: 121 Tweed Blvd., Nyack, NY 10960. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Sunil J. Shah, CPA, PC, 838 Green St., Ste. 201, Iselin, NJ 08830. Purpose: Any lawful activity. 0000636867 De 22 Th Ja 26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of EDX Markets LLC. Authority filed with NY Secy of State (SSNY) on 12/7/22. Office location: New York County, LLC formed in Delaware (DE) on 3/30/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637314 d22-Th j26

NOTICE OF QUALIFICATION of Clinton PB 27 LLC. Authority filed with NY Secy of State (SSNY) on 12/9/22. Office location: New York County, LLC formed in Delaware (DE) on 12/8/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637313 d22-Th j26

NOTICE OF QUALIFICATION of BP Getzville Campus LLC. Authority filed with NY Secy of State (SSNY) on 11/30/22. Office location: New York County, LLC formed in Delaware (DE) on 11/22/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637308 d22-Th j26

NOTICE OF QUALIFICATION OF CHANGE HEALTHCARE COMMUNICATIONS, LLC. Authority filed with NY Secy of State (SSNY) on 11/30/22. Office location: New York County, LLC formed in Delaware (DE) on 10/31/06. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St., Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637312 d22-Th j26

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CITATIONS NY

PROBATE CITATION - File No. 2022-2812 SURROGATE'S COURT - NEW YORK COUNTY

THE PEOPLE OF THE STATE OF NEW YORK, BY the Grace of God Free and Independent

TO Joe Doe 1 and John Doe 2, actual names unknown, being the issue of Ushitaro Hinata, the decedent's maternal uncle, if living and if dead, to their heirs at law, next of kin and distributees whose names and places of residence are unknown and if they died subsequent to the decedent herein to their executors, administrators, legatees, devisees, assignees and successors in interest whose names and places of residence are unknown and to all other heirs at law, next of kin and distributees of Tatsuji Namba, the decedent herein, whose names and places of residence are unknown and cannot, after diligent inquiry, be ascertained;

Hiroaki Oikitsu, Motoko Murashima, Ikuko Wada, Harumi Nakamura, Teruko Matsuyama, Public Administrator of the County of New York

An amended petition having been duly filed by NAKAKO TAYLOR, who is domiciled at 525 Audubon Avenue (Apt. #1604), New York, NY 10040

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, NEW YORK COUNTY, at 31 Chambers Street, New York, on January 30th, 2023, at 9:30 o'clock in the FORE noon of that day, why a decree should not be made in the estate of TATSUJI NAMBA

lately domiciled at 525 Audubon Avenue (Apt. #1404), New York, NY 10040 admitting to probate a Will dated June 8, 2021, (Codicil(s) dated a copy of which is attached, as the Will of TATSUJI NAMBA deceased, relating to real and personal property, and directing that [X] Letters Testamentary [] Letters of Trusteehip issue to:

[] Letters of Administration c.t.a. issue to (State any further relief requested.)

*To all Parties: No in person appearances shall be made at the return date. If you wish to object to this matter, you may do so in writing in accordance with the annexed New York County Surrogate's Court Notice to the Cited Parties HON. Rita Mella, Surrogate Diana Sanabria Chief Clerk

Dated, Attested and Sealed December 8th, 2022 Stephanie Graff Newman Attorney for Petitioner 212-371-9400 Telephone Number 70 E. 55th Street, 19th Floor, New York, NY 10022 Address of Attorney sgnewman@meltzerlippe.com

E-mail Address of Attorney [NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you.]

SURROGATE'S COURT OF THE COUNTY OF NEW YORK 31 CHAMBERS STREET NEW YORK, NY 10007 (646)386-5800

NOTICE TO CITED PARTIES You have been served with a citation for a matter that is scheduled to be heard at a New York County Surrogate's Court calendar.

Please be advised that pursuant to Governor Andrew Cuomo's Executive Orders and Chief Administrative Judge Lawrence Marks' Administrative Orders now in effect in response to the COVID-19 pandemic, this court is serving the public and court users primarily through virtual or electronic appearances; in-person appearances are limited at this time.

The citation that you have received contains a return date. Please do not appear in the courthouse on that date. The following choices are available to you:

1. You do not object to the relief requested, you do not need to contact the court or do anything else.

- If you do object to the relief sought on the citation, you or your lawyer must send a document to the court signed by you or your lawyer indicating that:

1. You object to the relief or you are requesting discovery; OR

2. You are requesting the opportunity to appear in person or by using Skype for Business or by telephone conference; OR

3. You are requesting an adjournment to consult with or retain counsel.

Your written response must be received by the court three (3) business days before the return date and must include either an email address or telephone number, or both, where you or your lawyer can be reached during business hours. Your communication to the court may be sent by email to: Probate_General@nycourts.gov, or by mail addressed to the Probate Department of this court at the address listed above. The attorney for the petitioner must be copied in your communication.

If your written communication to the court indicates that you would like to proceed as described in choice number 1 above, your case may be referred to a court attorney-referee for a conference. The case will be adjourned to a future date, if you request the opportunity to appear in person or by electronic means or to consult or retain counsel (choices number 2 and 3).

If you do not contact the court by the date on the citation, the record will reflect that you do not object to the relief requested.

If an attorney plans to appear on your behalf, he or she must file a Notice of

CITATIONS NY

Appearance. This Notice may be filed by mail addressed to the Probate Department of this court at the address listed above or through the e-filing system (NYSCEF) at www.nycourts.gov/efile.

If you have questions about responding to the citation, you may contact the Probate Department at Probate_General@nycourts.gov, Pleased note that court staff are prohibited from giving legal advice but they are available to answer any question about procedure. The Probate Department of the New York County Surrogate's Court 0000635782 d15-Th j5

PROBATE CITATION - File No. 2021-1473 - SURROGATE'S COURT - NEW YORK COUNTY - CITATION THE PEOPLE OF THE STATE OF NEW YORK, BY the Grace of God Free and Independent - TO John Doe and/or Jane Doe, actual names unknown, being the issue of Richard Lorentz, pre-deceased matter, uncle of Eckhard Reimer, Hamelore, Lorentz, if living and if dead, to their heirs at law, next of kin and distributees whose names and places of residence are unknown and if they died subsequent to the decedent herein, to their executors, administrators, legatees, devisees, assignees and successors in interest whose names and places of residence are unknown and if they died subsequent to the decedent herein, to their executors, administrators, legatees, devisees, assignees and successors in interest whose names and places of residence are unknown and cannot, after diligent inquiry, be ascertained;

Lore Burgey Werleaden, Public Administrator of the County of New York - A petition having been duly filed by Narciza E. Gacovic, who is domiciled at Nottinghill Court, Manalapan, NJ 07723

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, NEW YORK COUNTY, at 31 Chambers Street, New York, on January 30th, 2023, at 9:30 o'clock in the FORE noon of that day, why a decree should not be made in the estate of Dorit Greenspoon, the decedent herein, whose names and places of residence are unknown and cannot, after diligent inquiry, be ascertained;

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CITATIONS NY

court by the date on the citation, the record will reflect that you do not object to the relief requested.

If an attorney plans to appear on your behalf, he or she must file a Notice of Appearance. This Notice may be filed by mail addressed to the Probate Department of this court at the address listed above or through the e-filing system (NYSCEF) at www.nycourts.gov/efile.

If you have questions about responding to the citation, you may contact the Probate Department at Probate_General@nycourts.gov, Please note that court staff are prohibited from giving legal advice but they are available to answer any question about procedure. The Probate Department of the New York County Surrogate's Court 0000635785 d15-Th j5

FOUNDATIONS

THE ANNUAL RETURN OF The Robert K. Steel Family Foundation for the fiscal year ended April 30, 2022 is available at its principal office located at 100 Coliseum Drive, Cohoes, NY 12047 for inspection during regular business hours by any citizen who requests it within 180 days hereof. Principal Manager of the Foundation is Harriet and Robert Steel 0000637171 d22

LIQUOR LICENSES

NOTICE IS HEREBY given that a license, number 1354510, has been applied for by Regal Cinemas Inc to sell beer and wine at retail prices at the Regal Cinema theatre) under the Alcohol Beverage Control Law at 33 LeCount Place, New Rochelle, NY 10801 for on-premises consumption. 0000636161 d15-Th d22

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF Millennium New Horizons II, L.P. Authority filed with NY Secy of State (SSNY) on 4/14/22. Office location: New York County, NY formed in Delaware (DE) on 4/8/22. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, New York, NY 10005. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637328 d22-Th j26

NOTICE OF QUALIFICATION OF FMC Group Holdings LP, The fictitious name is FMC Group Holdings LP, Authority filed with NY Secy of State (SSNY) on 12/22/22. Office location: New York County, NY formed in Delaware (DE) on 8/3/22. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 399 Park Ave, NY, NY 10022. DE address of LP: 1209 Orange St, Ste 4, Dover, DE 19901. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637318 d22-Th j26

NOTICE OF QUALIFICATION OF ACORE Capital Mortgage, LP, The fictitious name is ACORE Capital Mortgage, LP, Authority filed with NY Secy of State (SSNY) on 12/5/22. Office location: New York County, NY formed in Delaware (DE) on 6/25/20. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637307 d22-Th j26

NOTICE OF QUALIFICATION OF HERTAGE Retail Owner LP, The fictitious name is 700 Eighth Retail Owner LP, Authority filed with NY Secy of State (SSNY) on 12/8/22. Office location: New York County, NY formed in Delaware (DE) on 8/19/15. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637305 d22-Th j26

Notice of Qual. of PARALLEL FUND, LP, Auth. filed with SSNY on 1/2/19/2022. Office location: New York, LLC formed in DE on 11/28/2022. SSNY des. as agent of LLC upon whom process against it may be served. SSNY mail process to: 3411 SILVER-SIDE ROAD, WATNALL BUILDING #104 WILMINGTON, DE 19810. Arts. of Org. filed with DE SOS. Townsend Bldg. Dover, DE 19901. Any lawful purpose. 0000637219 DE 22 Th Ja 26

Reach your peers to generate referral business. LAWYER TO LAWYER. For information, contact Sonya Nuttner at 973.854.2929 or E-mail snuttner@alm.com

SALES

CITATION

PROBATE CITATION - SURROGATE'S COURT - NEW YORK COUNTY - File No. 2021-3174 THE PEOPLE OF THE STATE OF NEW YORK, BY the Grace of God Free and Independent TO: Elizabeth Lineberry Wadum, Laura Lineberry Pieratt, Timothy Hole, Elizabeth Hole, Robert, Mary Patricia Hole, Catherine Boon Johnson, Janice Boon Jackson, Margaret Boone Sutton, Malcolm Robert Boone, Public Administrator of the County of New York, and to Hugh Stanley Hole, if living and if dead, to his heirs at law, next of kin and distributees whose names and places of residence are unknown and if he died subsequent to the decedent herein to his executors, administrators, legatees, devisees, assignees and successors in interest whose names and places of residence are unknown and cannot, after due diligent inquiry, be ascertained. An amended petition having been duly filed by Benjamin Tate Suratt, who is domiciled at 6 Deer Crossing Lane, Essex 05432 and cannot, after due diligent inquiry, be ascertained. Suratt, who is domiciled at 105 Belgo Road, Lakeville, CT 06039.

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, New York County, at 31 Chambers Street, New York, on January 30th, 2023, at 9:30 o'clock in the forenoon of that day, why a decree should not be made in the estate of Judith Hole, aka Judith Hole Suratt lately domiciled at 149 West 93rd Street, Apt. 2, New York, New York 10025, United States admitting to probate a Will dated March 19, 2012, a copy of which is attached, and the Will of Judith Hole deceased, relating to real and personal property, and directing that: Letters Testamentary issue to Benjamin Tate Suratt and Daniel Kennedy Suratt.

**To all Parties: No in person appearances shall be made at the return date. If you wish to object to this matter, you may do so in writing in accordance with the annexed New York County Surrogate's Court Notice to the Cited Parties. Dated, Attested and Sealed, December 8th, 2022 HON. Rita Mella, Surrogate Diana Sanabria, Chief Clerk Kenneth R. Haas, Print Name of Attorney Law Offices of Kenneth R. Haas, PC, Firm Name, 3010 Westchester Avenue, Suite 302, Purchase, New York 10577. Address (212) 302-6511, Telephone Kennethrhaas@gmail.com, Email

This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you. 0000636070 d15-Th j5

NOTICE OF SALE

SUPREME COURT COUNTY OF NEW YORK, U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WAMU MORTGAGE PASS-THROUGH CERTIFICATE SERIES 2007-OA5, Plaintiff, vs. MATTHEW D. LEHMANN, et al Defendants(s). Pursuant to a Judgment of Foreclosure and Sale dated February 13, 2019 and entered on March 28, 2019, I, the undersigned Referee will sell at public auction at the Richmond County Supreme Court located outside the front entrance of 26 Central Avenue, Staten Island, NY on January 22, 2023 at 2:00 p.m. premises situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, bounded and described as follows: BEGINNING at the corner formed by the intersection of the northerly side of Clinton Street and the Easterly side of Brewster Street 72 feet, being a plot 72 feet by 31 feet 6 inches by 72 feet by 31 feet 6 inches. The Foreclosure Sale will be conducted in accordance with 13th Judicial District's COVID-19 Policies and Foreclosure Auction Rules. All bidders must wear a face mask/shield at all times and social distancing must be observed by all bidders at all times. Bidders who do not comply with the face mask/shield and social distancing mandate will be removed from the auction. Said premises known as 57 CLINTON STREET, STATEN ISLAND, NY. Approximate amount of interest and costs. Premises will be sold subject to provisions of filed Judgment and Terms of Sale. Index Number 104217/2007. Clerk of Court, A. YOST, ESQ., Referee DRUCKMAN LAW GROUP PLLC Attorney(s) for Plaintiff 242 Drexel Avenue, Westbury, NY 11590. For sales information, please visit www.Auction.com or call (800) 280-2832. 0000632420 d8-Th d29

SALES

NOTICE OF SALE

SUPREME COURT COUNTY OF NEW YORK, THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., F/K/A THE BANK OF NEW YORK TRUST COMPANY, N.A. AS TRUSTEE FOR CHASE MORTGAGE FINANCE TRUST MULTICLASS MORTGAGE PASS-THROUGH CERTIFICATE SERIES 2007-OA5, Plaintiff, vs. RYAN NOHREBERG, IF LIVING, AND IF HE BE DEAD, ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly entered on May 15, 2018 and a Decision + Order on Motion duly entered on June 8, 2022, I, the undersigned Referee will sell at public auction at the portico of the New York County Courthouse, 60 Centre Street, New York, NY on January 11, 2023 at 2:15 p.m., premises known as 527 W. 4th Street, Unit 4, Level k/a 527 Cathedral Parkway, Units 9 & 10, New York, NY 10025. 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, City and State of New York, Block 1882 and Lot 1055 together with an undivided 1.2189 percent interest in the Common Elements (Unit 9). Block 1882, Lot 1056 together with an undivided 0.582 percent in the Common Elements (Unit 10). Approximate amount of judgment is \$1,039,932.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #850312/2013. COVID-19 safety protocols will be followed at the foreclosure sale. Clark Whitsett, Esq., Referee Eckert Seamans Cherin & Mellott, LLC, 10 Bank Street, Suite 700, White Plains, New York 10606, Attorneys for Plaintiff 0000632113 d1-Th d22

NOTICE OF SALE

SUPREME COURT COUNTY OF NEW YORK, U.S. BANK TRUST, N.A. as Trustee for the Borrower Master Participation Trust, Plaintiff AGAINST Michele Hipsman Zar, et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly entered on May 9, 2016, I, the undersigned Referee will sell at public auction at the Portico of the New York County Courthouse, 60 Centre Street, New York, NY on January 11, 2023 at 2:15 p.m., premises known as 80 Park Avenue, Unit 2L, New York, NY 10016. 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, City and State of New York, Block 868 Lot 1216. Approximate amount of judgment \$459,906.09 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #810027-12. The auction will be conducted pursuant to the COVID-19 Policies Concerning Auctions of Foreclosed Property established by the First Judicial District. Arthur W. Greig, Esq., Referee LOGS Legal Group LLP f/ Shaprio, DiCaro & Barak LLC, Attorney(s) for the Plaintiff 175 Mile Crossing Boulevard Rochester, New York 14624 (877) 430-4792. Dated: July 15, 2022 0000633739 d8-Th d29

SALES

NOTICE OF SALE

SUPREME COURT COUNTY OF NEW YORK, U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WAMU MORTGAGE PASS-THROUGH CERTIFICATE SERIES 2007-OA5, Plaintiff, vs. VLA T C H E S L A V GRUBENIUC, ET AL., Defendant(s). Pursuant to a Decision and Order on Motion, Judgment of Foreclosure and Sale duly entered on October 24, 2019, a Decision and Order on Motion, Judgment of Foreclosure and Sale entered on May 26, 2022 and a Decision and Order on Motion duly entered on July 11, 2022, I, the undersigned Referee will sell at public auction on the portico of the New York County Courthouse, 60 Centre Street, New York, NY on January 11, 2023 at 2:15 p.m., premises known as 635 West 42nd Street, Unit #18E, New York, NY 10036. 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, City, County and State of New York, bounded and described as follows: Lot 1178 together with an undivided 0.15384 percent interest in the Common Elements. Approximate amount of judgment is \$929,785.71 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 810 149/2011. COVID-19 safety protocols will be followed at the foreclosure sale. Matthew D. Hunter III, Esq., Referee Eckert Seamans Cherin & Mellott, LLC, 10 Bank Street, Suite 700, White Plains, New York 10606, Attorneys for Plaintiff 0000629273 d8-Th d29

NOTICE OF SALE

SUPREME COURT COUNTY OF RICHMOND BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATE SERIES 2007-OA5, CWMBS, INC. CHL MORTGAGE PASS-THROUGH TRUST 2006-OA5 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-OA5, Plaintiff, against MATTHEW D. LEHMANN, et al Defendants(s). Pursuant to a Judgment of Foreclosure and Sale dated February 13, 2019 and entered on March 28, 2019, I, the undersigned Referee will sell at public auction at the Richmond County Supreme Court located outside the front entrance of 26 Central Avenue, Staten Island, NY on January 22, 2023 at 2:00 p.m. premises situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, bounded and described as follows: BEGINNING at the corner formed by the intersection of the northerly side of Clinton Street and the Easterly side of Brewster Street 72 feet, being a plot 72 feet by 31 feet 6 inches by 72 feet by 31 feet 6 inches. The Foreclosure Sale will be conducted in accordance with 13th Judicial District's COVID-19 Policies and Foreclosure Auction Rules. All bidders must wear a face mask/shield at all times and social distancing must be observed by all bidders at all times. Bidders who do not comply with the face mask/shield and social distancing mandate will be removed from the auction. Said premises known as 57 CLINTON STREET, STATEN ISLAND, NY. Approximate amount of interest and costs. Premises will be sold subject to provisions of filed Judgment and Terms of Sale. Index Number 104217/2007. Clerk of Court, A. YOST, ESQ., Referee DRUCKMAN LAW GROUP PLLC Attorney(s) for Plaintiff 242 Drexel Avenue, Westbury, NY 11590. For sales information, please visit www.Auction.com or call (800) 280-2832. 0000632420 d8-Th d29

SALES

NOTICE OF SALE

SUPREME COURT COUNTY OF NEW YORK, THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., F/K/A THE BANK OF NEW YORK TRUST COMPANY, N.A. AS TRUSTEE FOR CHASE MORTGAGE FINANCE TRUST MULTICLASS MORTGAGE PASS-THROUGH CERTIFICATE SERIES 2007-OA5, Plaintiff, vs. RYAN NOHREBERG, IF LIVING, AND IF HE BE DEAD, ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly entered on May 15, 2018 and a Decision + Order on Motion duly entered on June 8, 2022, I, the undersigned Referee will sell at public auction at the portico of the New York County Courthouse, 60 Centre Street, New York, NY on January 4, 2023 at 2:15 pm, premises known as 527 W. 4th Street, Unit 4, Level k/a 527 Cathedral Parkway, Units 9 & 10, New York, NY 10025. 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, City and State of New York, Block 1882 and Lot 1055 together with an undivided 1.2189 percent interest in the Common Elements (Unit 9). Block 1882, Lot 1056 together with an undivided 0.582 percent in the Common Elements (Unit 10). Approximate amount of judgment is \$1,039,932.93 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #850312/2013. COVID-19 safety protocols will be followed at the foreclosure sale. Clark Whitsett, Esq., Referee Eckert Seamans Cherin & Mellott, LLC, 10 Bank Street, Suite 700,

LIMITED LIABILITY ENTITIES

10 Greysfriars Gardens LLC, Arts. of Org. filed with Sec. of State of NY (SSNY) 11/4/2022. Cty: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to 27 Archbridge Rd., Bethlehem, CT 06751. General Purpose. 0000637721 d22-Th j26

LIMITED LIABILITY ENTITIES

FAUCETTA FICTIO, LLC filed Arts. of Org. with the Sec'y of State of NY (SSNY) on 9/29/2022. Office: New York County. SSNY has been designated as agent of the LLC upon whom process against it may be served and shall mail process to: The LLC, 511 E. 80th St., Apt. 10G, NYC, NY, 10075. Purpose: any lawful act. 0000637409 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF CONUCO SERVICES LLC. Arts. of Org. filed with Sec'y of State of NY (SSNY) on 2/3/2022. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 752 WEST END AVE, 22B, NEW YORK, NY 10025. Purpose: any lawful activity. 0000637149 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF SWG Agency, LLC. Authority filed with NY Secy of State (SSNY) on 12/12/22. Office location: New York County. LLC formed in Delaware (DE) on 2/14/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637340 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF MONTAGA US ADVISORS, L.L.C. Authority filed with NY Secy of State (SSNY) on 12/17/22. Office location: New York County. LLC formed in Delaware (DE) on 2/1/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637329 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF SJF MANAGEMENT, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/09/22. Office location: NY County. LLC formed in Delaware (DE) on 11/29/11. Princ. office of LLC: 200 N. Mangum St., Ste. 203, Durham, NC 27701. NY's fictitious name: SJF MANAGEMENT, LLC (DE). SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co. (CSC), 80 State St, Albany, NY 12202-2543. DE addr. of LLC: c/o CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St, Ste 4, Dover, DE 19901. Purpose: Any lawful activity. 0000637239 de22 th ja26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF CARING CONSULT LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 9/20/22. Office location: BX County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 105 Willis Ave, Apt 6J, Bronx, NY 10454. Purpose: any lawful act. 0000631385 D01 Th J05

LIMITED LIABILITY ENTITIES

2700 DEVONSHIRE LLC. Arts. of Org. filed with the SSNY on 2/14/22. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process against the LLC to 141 Crescent Drive, Albertson, NY 11507. Purpose: Any lawful purpose. 0000636749 d22-Th j26

LIMITED LIABILITY ENTITIES

2022 LAFONTAINE REALTY LLC. Arts. of Org. filed with the SSNY on 12/08/22. Office: Bronx County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 15 Norman Street, Lynbrook, NY 11563. Purpose: Any lawful purpose. 0000635664 d15-Th j19

LIMITED LIABILITY ENTITIES

21 HERBERT AVENUE PORT LLC. Arts. of Org. filed with the SSNY on 10/7/22. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 6 Linds Road, Port Washington, NY 11050. Purpose: Any lawful purpose. 0000634581 d8-Th j12

LIMITED LIABILITY ENTITIES

32 HOMEWOOD LLC. Arts. of Org. filed with the SSNY on 11/29/22. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 74 4th Street, Garden City, NY 11530. Purpose: Any lawful purpose. 0000634572 d8-Th j12

LIMITED LIABILITY ENTITIES

4 THE FAMILY CONSULTING LLC Arts. of Org. filed SSNY 12/02/22. Office: Nassau Cty SSNY Desig. Agent for process & shall mail to 26 Jericho Tpke, New Hyde Park, NY 11040. General Purpose. 0000636160 d15-Th j19

LIMITED LIABILITY ENTITIES

47 ALDER LLC. Arts. of Org. filed with the SSNY on 11/29/2022. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Dennis Kelly, 10 Tennessee Avenue, Long Beach, NY 11561. Purpose: Any Lawful Purpose. 0000633744 d1-Th j5

LIMITED LIABILITY ENTITIES

90210 NEW YORK REALTY LLC. Arts. of Org. filed with the SSNY on 05/05/2016. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Amardeep Singh, 8 Headley Way, Woodbury, NY 11797. Purpose: Any lawful Purpose. 0000637358 d22-Th j26

LIMITED LIABILITY ENTITIES

Application for Authority of REBOOT STUDIO LLC filed with the Secy of State of NY (SSNY) 12/9/2022. Formed in DE 1/4/2022. Office loc.: NY County. SSNY is designated as agent of LLC upon whom process against it may be served. The address of the principal office is Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808. Information filed with the Secy. of State, 401 Federal St., #4, Dover, DE 19901. Purpose: Any lawful activity. 0000636724 d22-Th j26

LIMITED LIABILITY ENTITIES

AMAR 83 CONDO, LLC. App. for Auth. filed with the SSNY on 11/29/22. Originally filed with Secretary of State of Delaware on 11/17/22. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 200 East 83rd Street, Suite 2B, New York, NY 10028. Purpose: Any lawful purpose. 0000634574 d8-Th j12

LIMITED LIABILITY ENTITIES

BENNETT WEALTH MANAGEMENT, LLC, Arts. of Org. filed with the SSNY on 11/30/2022. Office loc: NY County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 340 East 29th Street, Apt. 12B, NY, NY 10016. Purpose: Any Lawful Purpose. 0000635141 d8-Th j12

LIMITED LIABILITY ENTITIES

C&D UNITY PROPERTIES II, LLC. Arts. of Org. filed with the SSNY on 11/08/2022. 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, 147 3rd Ave, NY, NY 10003. Purpose: Any Lawful Purpose. 0000633746 d1-Th j5

LIMITED LIABILITY ENTITIES

V Harwood Marketing LLC. Arts. of Org. filed with Sec. of State of NY (SSNY) 11/4/2022. SSNY desig. as agent upon whom process against may be served & shall mail process to 423 E 7th St., Brooklyn, NY 11218. General Purpose 0000637724 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF JVPV LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 06/01/2022. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 157 W 72nd, 3F, New York, NY 10023. Purpose: any lawful activity. 0000637348 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Wetmoneyris LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 8/22/22. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 727 Lawrence St, Elmont, NY 11003. Purpose: any lawful activity. 0000637387 d22-Th j26

LIMITED LIABILITY ENTITIES

Notice of Formation of The Lower Case NY LLC domestic Limited Liability Company (LLC). Art. of Org. filed with the SSNY June 2, 2022. Office location: 88 Lexington Ave, 401, New York, New York 10016. SSNY is designated agent upon whom process against the LLC may be served. The SSNY shall mail a copy of any process to: The Lower Case NY LLC, 88 Lexington Ave 401, New York, New York 10016. COUNTY OF FORMATION: New York PURPOSE: To engage in any lawful act or activity. 0000631001 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF El Detalle LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/12/22. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 287 Hudson Ave, Apt 3, New York, NY 10001. Purpose: any lawful act. 0000636227 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF KNICKERBOCKER UNITED LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/17/2022. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 287 Hudson Ave, Apt 3, New York, NY 10001. Purpose: any lawful act or activity. 0000631001 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Terrace Studios LLC. Authority filed with N.Y.S. Department of State (SSNY) on 12/8/22. Office location: NY County. LLC formed in Delaware ("DE") on 12/6/22. NY DOS is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 220 Washington Ave, St. Louis, MO 63103. Cert. of Formation filed with MO Secy of State, 600 W. Main St, Jefferson City, MO 65101. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637342 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF Paoelet 7BP, LLC. Authority filed with NY Secy of State (SSNY) on 12/7/22. Office location: New York County. LLC formed in Delaware (DE) on 10/24/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637332 d22-Th j26

LIMITED LIABILITY ENTITIES

PF HEARTH, LLC. Arts. of Org. filed with the SSNY on 12/8/2022. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Phil Ferguson, 770 Imperial Drive, Baldwin, NY 11510. Purpose: Any Lawful Purpose. 0000634741 d8-Th j12

LIMITED LIABILITY ENTITIES

TOTAL SPINE, LLC. Arts. of Org. filed with the SSNY on 10/24/22. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, c/o BSB Associates Ltd., 201 Moreland Road, Suite 3, Hauppauge, NY 11788. Purpose: Any lawful purpose. 0000635886 d15-Th j19

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF J AND S 3 LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 10/17/22. Office location: NY County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 3 Pinewood Rd, Hartsdale, NY 10530. Purpose: any lawful act. 0000572164 j11 Tu F15

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF AGUA SANTA TAQUERIA HUDSON SQUARE LLC. Arts of Org filed with Secy. of State of NY (SSNY) on 12/12/2022. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, c/o Federal Service, Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637331 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Overhead DTM, LLC. Authority filed with NY Secy of State (SSNY) on 12/2/22. Office location: NY County. LLC formed in Delaware (DE) on 9/23/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000633599 d1-Th j5

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF Overhead DTM, LLC. Authority filed with NY Secy of State (SSNY) on 12/2/22. Office location: NY County. LLC formed in Delaware (DE) on 9/23/22. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000637301 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Truance Holdings, LLC. Arts of Org. filed with NY Secy of State (SSNY) on 12/6/22. Office location: Nassau County. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. DE address of LLC: 1209 Orange St, Wilmington, DE 19801. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10005. Purpose: any lawful activity. 0000637331 d22-Th j26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Sasha Beauty Shoppe, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/15/2022. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against the LLC may be served. SSNY shall mail process to: 1 Shore Avenue #154 Oyster Bay, NY 11771. Purpose: any lawful activity. 0000631008 d1-Th j5

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Sella Livotti Studio LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/22/22. Office location: Nassau County. SSNY desig. as agt. of LLC whom process may be served & shall mail process to c/o Morton Village Plz, 1040 Old Country Rd, Plainview, NY 11803. Any lawful purpose. 0000636774 De 22 Th Ja 26