

IN BRIEF

Prominent Foreclosure Firm Settles Fraud Charges

The prominent foreclosure law firm Rosicki, Rosicki & Associates has reached a settlement with the U.S. Attorney's Office for the Southern District of New York Tuesday, over allegations it bilked the federal housing authority Fannie Mae by falsely inflating bills to the mortgage servicing companies for which it worked.

The settlement resolves the civil fraud suit brought by Manhattan prosecutors under the False Claims Act. The government alleged that Rosicki under two affiliates generated false and inflated bills for foreclosure and eviction expenses. Those inflated expenses were then submitted to and paid for by the Federal National Mortgage Association.

The Manhattan U.S. attorney's office said the settlement also covers identical conduct around eviction expenses paid for by the U.S. Department of Veterans Affairs.

"Lawyers are not above the law," U.S. Attorney Geoffrey Berman said in a statement. "For years, the Rosicki firm submitted bills to Fannie Mae and the VA that contained inflated and unnecessary charges. This Office will continue to hold accountable those who seek to achieve

profits by fraudulent conduct."

The government's actions against Rosicki and a pair of wholly-owned affiliates came as a complaint-in-intervention in a suit already being pursued by a whistleblower against the law firm Peter Grubea.

The FCA violations by Rosicki began in the aftermath of the housing crisis a decade ago. An embattled Fannie Mae began using servicers to help, among other things, pursue foreclosures. These servicers would retain law firms, such as Rosicki, to go through the legal foreclosure process.

According to prosecutors, beginning in 2009 Rosicki used the affiliates as vehicles for marking up foreclosure expenses as much as possible, while adding as little operating expense as possible, in order to maximize revenue.

As part of the settlement approved by Judge Jed Rakoff of the U.S. District Court for the Southern District of New York, the firm admitted and accepted responsibility for its conduct and agreed to pay \$4.6 million in restitution to the government, prosecutors said.

A spokesman for the firm did not immediately respond to a request for comment.

—Colby Hamilton

Winston & Strawn Derivatives Ace Heads to Goodwin

New York derivatives specialist John Servidio has jumped to Goodwin Procter, joining the firm's capital markets group after just 15 months at Winston & Strawn.

Servidio is the second corporate partner from the Chicago-based firm to announce an exit Monday, alongside Richard Frye, who is returning to Weil, Gotshal & Manges in Dallas. Servidio represents dealers and issuers in structuring derivative and equity-linked capital market transactions.

"It's exciting to join a law firm that is strong and growing like Goodwin Procter, because they have great banking relationships across a variety of sectors and a top base of clients in life sciences, real estate and technology, which are the larg-

est sectors for the client base that I work on," Servidio said.

Firmwide, Goodwin Procter has about 230 lawyers in its technology and life sciences group and another 150 in real estate.

Servidio brings along with him a client roster that includes Bank of America Merrill Lynch, where he earlier served as an assistant general counsel, along with other leading dealers including Morgan

» Page 4

Ken Strutin, Technology Today Columnist, Dies at 56

»2



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DECISIONS OF INTEREST

First Department

LANDLORD TENANT LAW: Ex-husband establishes entitlement to succession rights as nontraditional family member. 178 E. 70th St. LLC v. Weizmann, Appellate Term.

LANDLORD TENANT LAW: Landlord denied motion against guarantor in nonpayment action against bankrupt lessee. 3737 Junction Blvd. LLC v. Pretty Girl Inc., New York, Supreme Court.

Second Department

LANDLORD TENANT LAW: Order denying tenant vacatur of possession award to landlord as moot reversed. 225 Huguonot St. Corp. v. Rwechungura, Appellate Term.

LANDLORD TENANT LAW: Court finds building had six residential units making all units inside-rent-stabilized. Gold Equities LLC v. Vasquez, Civil Court, Kings.

LANDLORD TENANT LAW: Termination notice fails to state any specifics of nuisance behavior, found defective. Ocean Five Two Two Assocs. v. Theodore, Civil Court, Kings.

CREDITORS' AND DEBTORS' RIGHTS: Bank fails to establish good cause for noncompliance with court orders;

reargument denied. HSBC Bank USA v. Udom, Supreme Court, Queens.

U.S. Courts

DISPUTE RESOLUTION: Plaintiffs signed agreements on entities' behalf; are estopped from avoiding arbitration. Buckley v. The Nat'l Football League, SDNY.

REAL ESTATE: Amended complaint fails to properly allege environmental hazard on property. Belfer v. Fidelity Nat'l Title Group, EDNY.

REAL ESTATE: Wells Fargo is entitled to judgment against defendants who defaulted in mortgage payment. Wells Fargo Bank N.A. v. Barnes, NDNY.

MEDICAL MALPRACTICE: Issues of fact exist in medical malpractice claim as to if doctor met standard of care. Kaminski v. U.S., NDNY.

CIVIL PROCEDURE: Petitioner can bring contempt proceeding for non-compliance with order appointing receiver. American Honda Fin. Corp. v. Route 57 Dev. LLC, NDNY.

DECISION SUMMARIES, Page 21
FULL-TEXT DECISIONS, nylj.com

INSIDE LAW JOURNAL

Calendar of Events.....	7
Classifieds & Legal Notices....	13
Court Calendars.....	10
Court Notes.....	11
Disciplinary Proceeding....	8
Expert Analysis.....	3
Lawyer's Bookshelf.....	6
Legal Experts & Services....	14
Obituary.....	2
Outside Counsel.....	4
Perspective.....	7
Real Estate Trends.....	5

See page 2 for complete
Inside lineup.

Second Circuit Upholds Gambler's Insider-Trading Conviction

BY B. COLBY HAMILTON

THE SECOND Circuit upheld the insider trading conviction of former professional gambler William Walters on Tuesday, dismissing arguments his indictment should be dismissed because an FBI agent provided detailed leaks of the government's investigation to news outlets.

While the panel—composed of Circuit Judges Denny Chin and Dennis Jacobs, and U.S. District Judge William Kuntz of the East-



William Walters

ern District of New York, sitting by designation—made clear it found the leaks by Special Agent David Chaves to be reprehensible and likely illegal, it held that the indictment and conviction of Walters were secured without the kind of overwhelming misconduct required for such drastic moves.

"The court certainly does not condone the conduct, but we are

Online

★ The Second Circuit decision is posted at nylj.com.

AOL Agrees to Large Settlement Under Children's Privacy Law

BY DAN M. CLARK

AOL, now known as Oath Inc., has agreed to pay \$4.95 million in penalties under violations of a federal law intended to protect the personal data of children on the internet—the largest settlement under that statute in U.S. history.

New York Attorney General Barbara Underwood said in a news release announcing the settlement that AOL violated the Children's Online Privacy Protection Act by conducting billions of auctions for ad space on hundreds of websites that it knew were aimed at young children.

The company, according to Underwood, collected, used and disclosed the personal information of individuals who used those web-

hard-pressed to conclude that the leaking by a government official of confidential information to the press "shocks the conscience," the panel stated. "While there may be circumstances where strategic leaks of grand jury evidence by law enforcement rises to the level of outrageous conduct sufficient to warrant dismissal, those circumstances are not present here."

Ahead of being indicted, news stories appeared in both The Wall Street Journal and The New York Times in 2014 detailing elements of an insider trading investigation into Walters, Thomas Davis, a member of Dallas-based Dean Foods board, and other targets. These leaks, it would be revealed, were being provided by Chaves.

In February 2016, Davis began cooperating with the government and soon pleaded guilty. Walters was indicted in May. At trial, Davis testified that he conspired to commit insider trading with Walters between 2008 and 2014, and that Walters traded on that information to purchase or sell Dean Foods and other stocks.

Walters was convicted on all counts by a jury in April 2017. On appeal, he largely reiterated the line of argument made to U.S. District Judge Kevin Castel of the Southern District of New York ahead of trial.

Walters argued the indictment against him should be dismissed because of grand jury leaks, while adding that government suborned perjury over parts of Davis' testimony, which should lead to the verdict being set aside.

» Page 8

Queens Borough President Melinda Katz Announces Run for DA

BY ANDREW DENNEY

QUEENS Borough President Melinda Katz announced Tuesday that she is running for district attorney in her borough, laying out a progressive-leaning platform for the office that includes ending cash bail for misdemeanors and forming a unit to review questionable convictions.

Katz, a Democrat who is in her second term as borough president, is the third candidate to officially announce that she is running to succeed Richard Brown, who has served as Queens DA since 1991 and who has managed to avoid a serious challenge in elections held since.

"I'm running as a different type of district attorney," Katz said in an interview. "The DA's job has to be making changes in legislation as well as investigating crime."

Brown, who is 86, has said that he intends to serve out the remainder of his term, which concludes at the end of next year, and that he does not intend to make a decision about his future plans until next year.

City Councilman Rory Lancman and recently retired state Supreme Court Justice Gregory Lasak, who are both Democrats, previously



Melinda Katz

announced that they are running for the seat, and both have said they, too, would stop prosecuting certain low-level offenses and form conviction review units.

Additionally, Mina Malik, a former Queens prosecutor who is now the deputy attorney general for the Office of the Attorney General for the District of Columbia, has reportedly expressed interest in running for the seat but has not officially declared her candidacy.

The declared candidates' stated plans for the office each

» Page 8

Bills to Expand Benefits for Court Officers Sent to Cuomo

BY DAN M. CLARK

TWO BILLS that would expand disability and retirement benefits for court officers in New York have been delivered to Gov. Andrew Cuomo, who must decide by midnight Friday if they will become law.

Leaders of two unions representing court officers in the state's court system are hopeful the legislation will win Cuomo's approval this year, and one of bills has even earned the support of the Office of Court Administration.

Cuomo has vetoed both bills each year for the past four years, citing concerns about the possible fiscal implications of the legislation. He's argued in his veto messages that the proposals should instead be addressed in the state budget, if at all. A spokesman for Cuomo said the bills are currently under review.

The first of those bills would allow court officers to claim an accidental disability retirement

if they're physically assaulted or injured while performing their duties. That kind of benefit is currently not available to court officers, despite them being responsible for safeguarding the state's courts.



Patrick Cullen, New York State Supreme Court Officers Association

If they are injured on the job, those officers are currently only entitled to a smaller disability benefit than, for example, a police officer who's harmed on duty. Patrick Cullen, president of the New York State Supreme Court Officers Association, said court officers should be able to expect the same benefit from state government as other public employees

» Page 8

Injured Worker's Claim Notice, Filed One Day Late, Deemed Timely

BY JASON GRANT

AN INJURED construction worker's late-served notice of claim must be deemed timely because the defendant at issue—City University Construction Fund—received "actual notice of the essential facts constituting the claim within a reasonable time after the expiration

of the 90-day statute of limitations period," a state appeals court has ruled.

An Appellate Division, First Department panel has decided that Jose Dominguez's notice of claim, which said he'd been injured while at a new building construction site, should be deemed valid even though it was served on City University Construction Fund one day after the 90-day period had run out.

The unanimous panel gave several reasons for its ruling, which reversed Manhattan Supreme Court Justice Erika Edwards' 2017

decision denying Dominguez's motion to hold the notice of claim timely filed, nunc pro tunc, or retroactively.

Among the reasons laid out by the panel were that the late-served "notice of claim provides the essential facts constituting the claim and further describes CUCF's alleged negligence and alleged violations of Labor Law §§ 240(1), 241(6) and 200, and certain Industrial Code provisions."

Moreover, the panel said that Dominguez "has demonstrated that his one-day delay in serving

the notice of claim on CUCF did not substantially prejudice CUCF's defense on the merits."

Justices David Friedman, Angela Mazzarelli, Cynthia Kern, Jeffrey Oing and Anil Singh also noted that "CUCF's conclusory statement that it did not have an opportunity to conduct an investigation because it was not able to preserve potential evidence or interview witnesses while their memories and recollections were fresh is insufficient to demonstrate prejudice as CUCF fails to explain how a one-day delay in the filing of the notice

» Page 8

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New York Law Journal Inside

Corporate Insurance Law »3 1st Dep't Relies on 'Kokesh' to Rule That SEC Disgorgement Is Barred From Coverage by Howard B. Epstein and Theodore A. Keyes	Employment Law »3 Reasonable Accommodations for Employees Suffering From Depression by Jeffrey S. Klein and Nicholas J. Pappas	Outside Counsel »4 The Regulatory Adventures Of a Crypto Startup by Antonia Savaria and Caroline A. Morgan	REAL ESTATE TRENDS »5 Landlord-Tenant Law: Stipulations of Settlement: Not Always Final and Binding by Warren A. Estis and Michael E. Feinstein Realty Law Digest by Scott E. Mollen	Lawyer's Bookshelf »6 Jeffrey M. Winn Reviews "Ruth Bader Ginsburg: A Life" by Jane Sherron De Hart CVS-Aetna Judge Cautions Against Quickly Combining Operations by C. Ryan Barber »6 Prof Who Exposed Big Law's Mandatory Arbitration Is Focus of Misconduct Probe by Karen Sloan »6	Perspective »7 Banks, DOJ Opinions Differ On Online Gambling by Darryl Nirenberg Trump's Former Ethics Czar Reflects on White House's Legal Challenges by R. Robin McDonald »7 Federal Judiciary Gets Its First 'Judicial Integrity Officer' by Tom McParland »7
Online					
➤ Court Calendars					
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CITY BAR HOLDS ITS SECOND ANNUAL FIRST AMENDMENT PROGRAM



CATHERINE FAVORITE

ON DEC. 3, the New York City Bar Association held “Freedom of Speech in 21st Century America,” its second annual First Amendment program. From left: **Daniel Kornstein**, partner, Emery Celli Brinckerhoff & Abady; **Roger Juan Maldonado**, president, New York City Bar Association; **Nadine Strossen**, John Marshall Harlan II Professor of Law, New York Law School; **Alex Abdo**, senior staff attorney, Knight First Amendment Institute; **Jamal Greene**, moderator, Dwight Professor of Law, Columbia Law School; **Floyd Abrams**, senior counsel, Cahill Gordon & Reindel; and **Carmelyn Malalis**, chair & commissioner, NYC Commission on Human Rights.

Obituary

Ken Strutin, Technology Today Columnist, Dies at 56

BY SUSAN DESANTIS

KEN Strutin, who wrote about criminal justice issues in the digital age, has died at age 56. Strutin, who wrote the Technology Today column for the New York Law Journal, devoted his career to educating the bar about new litigation strategies that emerged after the dawn of the World Wide Web. “Ken’s passing is a tremendous loss to the Defenders Association, to the incarcerated persons he endeavored so hard to help, and to the broader community of readers of his trenchant legal commentary,” said Charles F. O’Brien, executive director of the New York State Defenders Association. As director of legal information services for the New York State Defenders Association, Strutin helped thousands of incarcerated people. He argued



forcefully for expanding the right to counsel beyond current constitutional limits. “The legal profession is diminished every time a gavel falls on the cause of the unrepresented,” he once wrote, “and no one feels that weight more than the preisoner.”

After graduating from Temple University Law School, he began his career as a trial attorney at the Legal Aid Society of Nassau County and then the Orange County Legal Aid Society. In 1994, he abandoned the courtroom to earn a master’s degree in library science from St. John’s University. He died Nov. 30 after a brief illness. He is survived by his father, Fred Strutin; brother, Dr. Millard Strutin; and sister, Stephanie Zuckerman. Funeral services were private.

@ Susan DeSantis can be reached at [sdesantis@alm.com](#). Twitter: @sndesantis

Letters Welcome

The Law Journal welcomes letters from its readers for publication. They must contain the names and addresses of correspondents. Letters may be e-mailed to Susan DeSantis at [sdesantis@alm.com](#).

With Plenty of Plaintiffs, Lawyers Flood The Courts Over Marriott’s Massive Breach

BY AMANDA BRONSTAD

LAWYERS rushed to bring about a dozen class actions over Marriott’s data breach—and with about 500 million people potentially impacted, they didn’t have to go far to find a plaintiff. “There are so many people that have been potentially compromised, which means basically people could trip over a plaintiff if they just walk outside,” said Amy Keller, who filed one of the lawsuits. Marriott announced Nov. 30 that hackers breached the reservations program of its Starwood properties, which include W Hotels and the Westin Hotels & Resorts. As of Monday, lawsuits were in federal courts in Maryland, California, Massachusetts and Illinois, and in Multnomah County Circuit Court in Oregon. At least one class action is in New York federal court on behalf of shareholders of Marriott, incorporated in Delaware, but many other firms are investigating securities fraud claims. Marriott shares fell 5 percent after the Nov. 30 announcement of the breach. New York Attorney General Barbara Underwood also has opened an investigation. Keller’s Chicago firm, DiCello Levitt & Casey, partnered in its case with Washington, D.C.-based Cohen, Milstein, Sellers & Toll and Hausfeld. That team brought a motion Monday to coordinate all the Marriott consumer cases into multidistrict litigation. Keller said she expected hun-

dreds of lawsuits against Marriott, which the suits allege failed to protect the personal information of its guests for four years. The suits also challenge Marriott’s response to the breach, both in delaying its announcement by several months and offering a free internet monitoring service for one year that they consider insufficient. On Monday, Keller’s firm sent a letter to Marriott CEO Arne Sorenson and general counsel Rena Hozore Reiss asking whether the hotel chain plans to enforce an arbitration agreement in the internet monitoring program, called WebWatcher, that included a class action waiver. “WebWatcher does have a clause that could prevent individuals from seeking relief on a class basis,” she said. “There have been some cases where companies have inserted arbitration clauses that provide for arbitration of any past disputes, and we want to make sure they’re not trying to do that here.” A Marriott spokeswoman declined to comment about the lawsuits. But in a statement Nov. 30, Sorenson said: “We deeply regret this incident happened. We fell short of what our guests deserve and what we expect of ourselves. We are doing everything we can to support our guests, and using lessons learned to be better moving forward.” In a filing with the U.S. Securities and Exchange Commission, Marriott said it did not anticipate the breach would affect its long-term

financial health given its “meaningful cash flow each year.” But it gave no dollar figure to the estimated cost. “It is premature to estimate the financial impact to the company,” the filing stated. “The company carries insurance, including cyber insurance, commensurate with its size and the nature of its operations. The company is working with its insurance carriers to assess coverage.” Monday’s petition before the U.S. Judicial Panel on Multidistrict Litigation advocated for all the consumer cases to go to Maryland, home to Marriott’s headquarters. In particular, it requested U.S. District Judge Theodore Chuang, a 2014 Obama appointee who was deputy general counsel of the U.S. Homeland Security Department. The sheer magnitude of the breach—second only in size to Yahoo’s breaches involving 3 billion of its account holders—has lawyers predicting that a potential settlement could be large. Yahoo settled its litigation on Oct. 22 for \$85 million, among the largest of any data breach settlements. But there are some distinctions in the Marriott breach. The types of data compromised—names, addresses, passport numbers, and some credit and debit card numbers, along with Marriott customer travel information and reward points—set the case apart from other data breaches, said Gary Mason of Whitfield Bryson & Mason in Washington, D.C., who filed a suit with Philadel-

Marriott hotels among largest data breaches



SOURCE: Privacy Rights Clearinghouse / AP

MARRIOTT NOTE: The affected hotel brands include W Hotels, St. Regis, Sheraton, Westin, Element, Aloft, The Luxury Collection, Le Méridien and Four Points. Starwood branded timeshare properties are also included. None of the Marriott-branded chains are threatened.

NOTE: Breaches include hacking and malware theft techniques only. Incidents of 100,000,000 records stolen or more are shown.

phia’s Levin Sedran & Berman. “Someone thinks they can use this data; it’s a rich and robust data set,” he said. “It’s not like a credit card where they can take that money and move on.”

“All data breaches are horrible, and its impact on people’s lives could be disastrous,” said Ben Meiselas of Los Angeles-based Geragos & Geragos, which, along with Michael Fuller of Oregon’s

OlsenDaines, filed the Multnomah County Circuit Court case, which sought \$12.5 billion. “But there is something particularly unsettling about the Marriott data breach in that it feels like a physical space which is supposed to be safe and secure when consumers’ travel has been invaded.” Lawyers also are pointing to Marriott’s actions. Lawsuits question why Marriott waited until Nov. 30 to announce a breach when it first got a security alert Sept. 8. In both the consumer and shareholder actions, lawyers questioned how Marriott failed to discover the breach when it acquired Starwood in 2016 for \$13.6 billion, making it the largest hotel company in the world. Marriott said it has set up a dedicated website and call center and would offer customers the “WebWatcher” program. But the lawsuits say that’s not as good as credit monitoring and that hackers could simply wait a year to steal their identities. There’s also the question of whether Kroll’s arbitration clause could thwart the ability of consumers to bring class actions. The same issue arose with Equifax’s credit monitoring service offered in the wake of its 2017 breach that impacted 143 million people. Keller, who is co-lead counsel for consumers in the multidistrict litigation over Equifax’s data breach, said: “Equifax had signed people up for additional monitoring and initially had an arbitration clause in the product that extended to everyone impacted by the data breach until the lawyers raised a ruckus.”

@ Amanda Bronstad can be reached at [abronstad@alm.com](#). Twitter: @abronstadlaw

2nd Circuit Axes Attempt to ‘Pick Off’ Lead Plaintiff With Payment

BY AMANDA BRONSTAD

A FEDERAL appeals court has struck down a procedural loophole increasingly used by defendants to dismiss a class action by paying the lead plaintiff’s damages. In a last week opinion, “a unanimous Second Circuit panel reversed a 2017 Southern District dismissal of a case against Zocdoc Inc., the company behind the popular site for booking online doctor appointments, after it made a \$6,000 settlement offer that the lead plaintiff didn’t accept. The “deposit alone does not provide relief” to the plaintiff, wrote the Second Circuit, which concluded that therefore the lower court “must resolve the pending motion for class certification before entering judgment and declaring an action moot based solely on the relief provided to a plaintiff on an individual basis.” In the underly-

ing case, lead plaintiff Dr. Radha Geismann alleged Zocdoc violated the Telephone Consumer Protection Act by sending her office two unsolicited faxes, seeking statutory damages of \$500 to \$1,500



FOOTAGE VECTOR PHOTO

ZocDoc Inc. operates popular site for booking online doctor appointments

per violation and an injunction to stop sending the faxes. “If the motion is granted, the class action may proceed. A con-

clusion otherwise would risk placing the defendant in control of a putative class action, effectively allowing the use of tactical procedural maneuvers to thwart class litigation at will,” the Second Circuit added. The defense bar’s use of the procedural tactic has led to a wave of attempts to “pick off” lead plaintiffs following the U.S. Supreme Court’s 2016 decision in *Campbell-Ewald v. Gomez*, which held that a defendant could not moot a class action by offering an unaccepted judgment to the lead plaintiff. However, Chief Justice John Roberts raised in his dissent the prospect that the outcome might be different if the defendant deposited the money into an account. The Second Circuit decision, which drew amicus briefs from Public Citizen Inc. for the plaintiff and the credit and collections agencies group ACA International for the defendant, aligned with a 2017

decision by the Seventh Circuit in *Fulton Dental v. Bisco*. The holding found that a defendant’s deposit of \$3,600 into a court account that compensated the lead plaintiff in full did not moot the entire class action because it was an “unaccepted contract offer.” Scott Nelson, an attorney at Public Citizen Litigation Group, said in an email that the Second Circuit’s opinion “should definitively slam the door on the tactic. The decision is consistent with the consensus of circuits that have addressed the issue, including the decision last year in *Fulton Dental*. The lesson appears to be that the appellate courts are not willing to let defendants immunize themselves against class actions with these kinds of games.” Glenn Hara of Anderson + Wanca in Rolling Meadows, Illinois, who represented plaintiff Geismann, declined to comment. Blaine Kimrey, a shareholder

at Vedder Price in Chicago, and an attorney for Zocdoc, did not respond to a request for comment. In *Campbell-Ewald*, the defendant had made an offer of judgment under Federal Rule of Civil Procedure 68. The 6-3 decision found that an “unaccepted settlement offer or offer of judgment does not moot a plaintiff’s case.” The dissent by Roberts, joined by Justices Antonin Scalia and Samuel Alito, wrote that the “majority’s analysis may have come out differently if Campbell had deposited the offered funds with the district court.” Alito, in a separate opinion, even suggested defendants could hand a plaintiff a certified check or deposit the funds “in a bank account in the plaintiff’s name.” Taking a page from that dissent, Zocdoc on remand deposited \$20,000 into the district court’s registry to resolve Geismann’s claims, and U.S. District Judge Louis Stanton of the Southern District of New York granted judgment again. Zocdoc is the latest defendant to attempt such a move. *Fulton Dental* also was a class action brought

under the TCPA. And, like Zocdoc, the defendant made its payment under Federal Rule of Civil Procedure 67, which allows parties to deposit funds with the court. The Seventh Circuit struck down the procedure and reiterated its holding in a subsequent ruling in *Laurens v. Volvo Cars of North America LLC*. The Ninth and Sixth circuits also have sided with plaintiffs in related cases. The Second Circuit joins those circuits in its holding this week. “Like the Seventh Circuit, we see no material difference between a plaintiff rejecting a tender of payment (pursuant to Rule 27) and an offer of payment (pursuant to Rule 68),” the panel wrote. “Indeed, other than their labels, once rejected, the two do not differ in any meaningful way: In each case, ‘all that exists is an unaccepted contract offer and as the Supreme Court recognized, an unaccepted offer is not binding on the offeree.’”

@ Amanda Bronstad can be reached at [abronstad@alm.com](#). Twitter: @abronstadlaw

Expert Analysis

CORPORATE INSURANCE LAW

1st Dep’t Relies on ‘Kokesh’ to Rule That SEC Disgorgement Is Barred From Coverage

In the summer of 2017, the U.S. Supreme Court held that an SEC claim seeking disgorgement of profits as a remedy in an enforcement action constitutes a penalty claim that is subject to a five-year statute of limitations. *Kokesh v. SEC*, 137 S.Ct. 1635 (2017). While the *Kokesh* ruling is not an insurance ruling, we wrote at the time (as did others) that it might very well have an impact on pending disputes over the insurability of disgorgement payments. The First Department took notice of the ruling and recently held, relying on *Kokesh*, that because SEC disgorgement constitutes a penalty, disgorged funds did not fall within the definition of loss under the insurance policies at issue. Consequently, in *J.P. Morgan Securities v. Vigilant Ins. Co.*, 166 A.D.3d 1 (1st Dep’t Sept. 20, 2018), the First Department reversed the order of the trial court and granted summary judgment to the defendant insurers.

The Bear Stearns Insurance Dispute

In prior columns, we have covered, in some detail, the long and winding dispute between Bear Stearns and its insurers over Bear Stearns’ settlement of an SEC investigation concerning allegations that Bear Stearns knowingly facilitated late trading and deceptive marking timing activities for certain hedge fund customers, enabling those customers to earn hundreds of millions of dollars in profits at the expense of mutual fund shareholders. As part of that SEC settlement, Bear Stearns paid \$160 million in disgorgement and then sought to recover \$140 million of the disgorged funds from its insurers.

Under the insurance policies issued to Bear Stearns, “fines or penalties imposed by law” are expressly carved out of the



By
Howard B.
Epstein



And
Theodore A.
Keyes

definition of “Loss.” In a prior ruling, the Court of Appeals distinguished between payments that represented disgorgement of Bear Stearns’ own profits and payments that represented disgorgement of Bear Stearns’ customers’ profits. The Court of Appeals held that, to the extent that the settlement payment was a disgorgement of Bear Stearns’

While the ‘Kokesh’ ruling is not an insurance ruling, we wrote at the time (as did others) that it might very well have an impact on pending disputes over the insurability of disgorgement payments.

own profits, it would be considered a penalty and therefore could not be covered Loss. In contrast, the Court of Appeals left open the possibility that a payment that represented disgorgement of a third party’s profits might not be considered a penalty and therefore could constitute Loss under the policies. In so holding, the Court of Appeals reversed an earlier ruling in which the First Department had held that public policy prohibited Bear Stearns from recovering the forfeiture payment from its insurers. *J.P. Morgan Securities v. Vigilant Ins. Co.*, 21 N.Y.3d. 324 (2013). The trial court followed the lead of the Court of Appeals and, on remand, found that Bear Stearns was entitled to coverage for the

\$140 million payment because disgorgement of customer profits was not a penalty.

Supreme Court’s ‘Kokesh’ Ruling

In *Kokesh*, the question presented was whether an SEC disgorgement claim constituted a penalty claim governed by the five-year federal statute of limitations applicable to penalty claims. After a jury found that Kokesh violated federal securities laws, the district court entered a \$34.9 million judgment which represented disgorgement of profits that Kokesh had misappropriated from four separate businesses. The district court found that, although a claim for civil penalties would have been barred by the five-year statute of limitations, the disgorgement claim was not barred because it was not a penalty claim. *Kokesh v. SEC*, 137 S.Ct. 1635 (2017).

The U.S. Court of Appeals for the Tenth Circuit affirmed but the U.S. Supreme Court reversed, finding that disgorgement is—by definition—a penalty. The Supreme Court explained that “SEC disgorgement ... bears all the hallmarks of a penalty: It is imposed as a consequence of violating a public law and it is intended to deter, not to compensate.” 137 S.Ct. at 1644. The court further explained that disgorged funds are not necessarily used to reimburse an injured party for its loss and that disgorgement judgments regularly reach beyond profits illegally earned by the wrongdoer to profits earned by third parties as a result of the wrongdoer’s misconduct. Accordingly, the Supreme Court ruled that disgorgement is a penalty and a claim for disgorgement is consequently subject to the five-year statute of limitations.

First Department Applies ‘Kokesh’

Following the *Kokesh* ruling, the First Department addressed the insurers’ appeal of the trial court order which had held that the Bear Stearns disgorge-

» Page 9

EMPLOYMENT LAW

Reasonable Accommodations for Employees Suffering From Depression

The toxic brew of increasingly long hours and high stress should be prompting more conversations in the workplace about mental illness. A 2016 study by the American Bar Association found that, within our own profession, 28 percent of lawyers struggle with depression. Sadly, it is the recent high profile suicides of public figures, including Kate Spade and Anthony Bourdain, which have catapulted this topic to a more prominent position in discussions of employee wellness and corporate culture.

Tragically, as in those cases, a person suffering from depression sometimes will fail to share his/her problems with others. In other cases, however, people suffering from depression do seek help. And in a subset of those cases, they will tell their employer in order to receive a reasonable accommodation under the Americans with Disabilities Act (ADA). Employers, therefore, must be educated on this topic and prepared to appropriately accommodate their employees suffering from depression in order to meet their obligations under the ADA.

In this month’s column, we examine the federal law governing how employers must address such accommodation requests, and offer some suggestions as to how employers might approach such situations.

Background

In 1990, Congress passed the Americans with Disabilities Act (ADA) to outlaw employment discrimination against individuals with disabilities. 42 U.S.C. §12112(a). Later, Congress expanded the ADA with the ADA Amendments Act of 2008 (ADAAA), which broadened the ADA’s scope and reinforced Congress’s “comprehensive national mandate for



By
Jeffrey S.
Klein



And
Nicholas J.
Pappas

the elimination of discrimination against individuals wi

The failure to provide a reasonable accommodation to a disabled, but otherwise qualified, person in the workplace is one of the forms of unlawful employment discrimination encompassed by the ADA. Id. §12112(b)(5)(A). In order to establish a claim for failure to reasonably accommodate,

The failure to provide a reasonable accommodation to a disabled, but otherwise qualified, person in the workplace is one of the forms of unlawful employment discrimination encompassed by the ADA.

a plaintiff must show: (1) she is disabled under the ADA; (2) she could perform the essential functions of the job with or without a reasonable accommodation (i.e., she was “otherwise qualified”); and (3) the employer, despite knowing of her disability, did not reasonably accommodate it. Id.

The Equal Employment Opportunity Commission has stated that the passage of the ADAAA shifted the focus of the disability discrimination inquiry from whether the employee has a “disability” within the meaning of the statute, to whether the employer lived up to its obligation to reasonably accommodate her. See 29 C.F.R. §1630.2(j)(1)(i)-(iii). Indeed, the definition of “disability” is “construed broadly in favor of expansive coverage ...” Id. §1630.1(c)(4). Consequently, following the passage of the ADAAA,

many courts have concluded, even on limited records, that depression can constitute a disability. See, e.g., *Rubano v. Farrell Area Sch. Dist.*, 991 F. Supp. 2d 678, 692 (W.D. Pa. 2014).

Time-and-Presence Requirements

Is the ability to work full time an essential function of an employee’s job? In *Hostettler v. Coll. of Wooster*, 895 F.3d 844 (6th Cir. 2018), the Sixth Circuit held that this was not a legal issue, but rather a question of fact for a jury. Plaintiff Heidi Hostettler was an HR Generalist for the College of Wooster who experienced severe postpartum depression and separation anxiety following her pregnancy. In addition to 12 weeks of FMLA leave, her supervisor granted her three extra weeks of leave and, per the recommendation of Hostettler’s doctor, thereafter allowed her to return on a part-time basis of five half-time days per week.

During this time, Hostettler claimed she could perform the essential functions of her position with a modified work schedule by handling issues that arose after her stop-time either from home or the next morning at work. She received a positive evaluation during this period from her supervisor, and a colleague testified that Hostettler was effective on a modified work schedule. Still, Wooster presented evidence that Hostettler did not perform critical functions of her job, such as filling job openings or leading trainings and lunch programs, which inevitably put a strain on the HR department.

When Hostettler’s part-time accommodation was set to expire, her doctor submitted a medical certification explaining that she should continue working half-time for three more months. Wooster disagreed, and, a month after her accommodation expired, fired her for being “unable to return to [her] assigned position of HR Generalist in a full time capacity.” Id. at 851. Hostettler subsequently filed suit, arguing that Wooster violated the ADA. The district court granted Wooster’s motion for

» Page 9

IN MEMORIAM

It is with great sadness that

KRAMER, DILLOF LIVINGSTON & MOORE

announces the passing of our great friend and colleague,

NORMAN BARD

Norman had been of counsel to this firm for more than a quarter century. He was a living legend in civil appeals, particularly in the area of medical malpractice. He was the author a three volume textbook, *New York Medical Malpractice*, which has been cited extensively by the courts over the decades since it was first published. With a booming voice and a larger-than-life personality, Norman commanded the attention of the entire courtroom during oral argument. He was a teacher and mentor to countless lawyers, and was beloved and respected by bar and bench alike.

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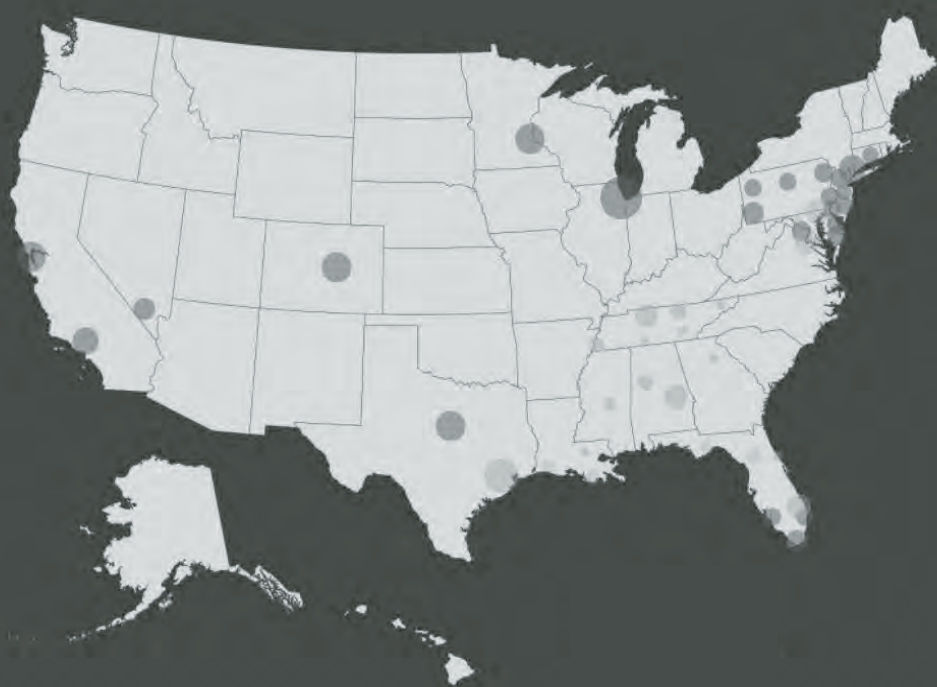
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IN BRIEF

« Continued from page 1
Stanley, JPMorgan Chase & Co. and Goldman Sachs.

Servidio joined Winston in September 2017, after leaving McGuireWoods’ derivatives and structured products group. At the time, he said he was drawn to the firm by complementary practices such as banking regulatory, investment management and broker-dealer regulatory work, which he said McGuire-Woods didn’t heavily focus on. In previous comments, he also pointed to his past work alongside Chicago-based Michael O’Brien, who continues to lead Winston’s derivatives practice.

Servido said that demand in the derivatives sector continued to be brisk in 2018, after 2017, which he previously noted was the busiest year since 2009.

“Demand is continuing to grow, and we think that 2019 will be as strong or stronger than 2018,” he said.

Servido said that he did not know Frye, and a spokeswoman from Winston did not immediately respond to an inquiry about the two departures.

“John’s impressive depth in converts, derivatives, hedges and structured products and his ability to seamlessly execute these increasingly complicated transactions will be a great complement to our comprehensive, full-service offering,” Jim Barri, the co-chair of Goodwin’s debt capital markets practice, said in a statement. “We are thrilled to welcome him to the firm.”

—Dan Packel

Cleary Joins Big Law’s Pennsylvania Avenue Reshuffle

Cleary Gottlieb Steen & Hamilton said Monday that it moved into new offices at 2112 Pennsylvania Ave. N.W., relocating approximately one-quarter mile up the road from its old offices in Washington, D.C.

The New York-headquartered firm inked the deal to relocate within Washington’s Foggy Bottom neighborhood in 2016, when it signed a lease for 114,600 square feet in a new 250,000-square-foot building. The firm nabbed the top five and a half floors in the building, which was developed through a ground lease with George Washington University.

Cleary isn’t the only Big Law firm in the process of swapping one Pennsylvania Avenue address for another these days. Wilmer Cutler Pickering Hale and Dorr is also relocating along Pennsylvania Avenue to a new location under a ground lease with GWU. Wilmer made plans late last year to move about one-half mile to 2100 Pennsylvania Ave. N.W., next door to Cleary, in August 2022. (Washingtonian fine-dining connoisseurs will recognize the address as the former home of the only TGI Fridays in the nation’s capital.)

GWU is among D.C.’s largest private-sector landowners, and law firms remain atop the list of the city’s largest private-sector office users, per CBRE’s legal sector trends report in 2018. The commercial real estate and investment firm’s report showed many large firms continuing to prize relocation, with the largest firms shrinking their geographical footprints, i.e., their square foot per lawyer, consistently since 2011.

Pennsylvania Avenue’s gravitational pull on Big Law has grown in recent years, including for firms that didn’t already have an address there. Miles & Stockbridge, a Baltimore-based Am Law 200 firm, is moving from K Street to 1201 Pennsylvania Ave. in April 2019. The firm has other offices in the suburban Washington region—in Northern Virginia and Rockville, Maryland—and its newest offices located kitty-corner to the Trump International Hotel are part of a strategic growth plan for the mid-Atlantic region.

Unlike other major metropolitan areas, the waterfront has not historically served as the locus of business for the District of Columbia. A major multibillion-dollar development growing along the Potomac River, however, attracted Fish & Richardson to become the first Big Law tenant to set up shop in the Wharf earlier this year.

Fish’s 120 attorneys and staff moved into the top two floors of a 250,000-square-foot building at 1000 Maine Ave. S.W. Michael Best & Friedrich, a favorite land-

ing pad for prominent Republicans decamping President Donald Trump’s White House, is following Fish’s lead and moving into the same building in early 2019.

As the district grows increasingly crowded, more firms looking to land or relocate within the Beltway may choose to cross the Potomac and look for real estate in Northern Virginia’s Arlington and Alexandria. The D.C.-adjacent towns, which lack the capital’s height restriction, have already attracted Amazon’s coveted HQ2 project and may attract law and lobbying firms looking to grow their footprint in the New Year too.

—Ryan Lovelace

Airbnb Sued Over Removal Of West Bank Listings

Jewish-American users of Airbnb have accused the home-rental website in Delaware federal court of religious discrimination following the company’s controversial decision earlier this month to remove listings for properties in the West Bank.

In a lawsuit filed Wednesday, the plaintiffs said Airbnb’s move to de-list 200 homes in “Israeli settlements in the occupied West Bank” had singled out Jews and Israelis on the basis of race, religion and national origin in violation of U.S. law.

“Plaintiffs have been injured and continue to be injured and suffer damage by Airbnb’s illegal and discriminatory practice and policy of excluding from its brokerage and booking services and platform properties,” attorneys from U.S. and Israeli law firms wrote in the 11-page complaint. Airbnb announced its new policy Nov. 19, after an internal debate over whether to do business in “disputed regions.” The company said it received input from experts on both side of the issue but ultimately decided to pull listings in settlements that are “at the core of the dispute between Israelis and Palestinians.”

Airbnb said in the announcement that it was committed to fighting discrimination on its platform. The company’s press department did not respond Friday to an email seeking comment on the lawsuit.

The plaintiffs in the suit include 11 Jewish Airbnb users who had used the service to rent out residential properties in the West Bank, which has been under Israeli control since the Six-Day War in 1967. The group also includes users who regularly rented, or planned to rent, properties that are now excluded from Airbnb’s service.

They said in the complaint that Airbnb bowed to pressure from anti-Semitic groups “intentionally, willfully and in disregard of the federally protected rights of others.” According to the filing, Airbnb knew at the time of its announcement that the removed listing would be owned “predominantly, if not exclusively,” by Jews and Israelis.

The complaint alleges violations of the Fair Housing Amendments Act of 1988, which bars discrimination by listing services on the basis of race, color, religion, sex, handicap, familial status or national origin. It seeks punitive and compensatory damages and an order preventing Airbnb from discriminating on its platform and services.

Airbnb had previously removed listings in Crimea as a result of international sanctions. However, the decision in the West Bank has sparked criticism from American politicians, and the company is facing at least three lawsuits over the move.

Airbnb has said that it has developed a framework for evaluating how the company would treat listings in “occupied” territories, which it would continue to apply in the future. The company operates in more than 81,000 cities in 191 countries and regions across the globe.

The plaintiffs are represented by Robert J. Tolchin of The Berkman Law Office in New York and Nitsana Darshan-Leitner of Nitsana Darshan-Leitner & Co. in Petah Tikva, Israel. David S. Eagle and Sean M. Brennecke are listed as local counsel in the case.

An online docket-tracking service did not list attorneys Friday for Airbnb.

The case is captioned *Silber v. Airbnb*.

—Tom McParland

DOJ Vet Eric Bruce Leaves Kobre & Kim for Freshfields

Veteran white-collar defender Eric Bruce, a former counselor to the U.S. attorney general, has joined Freshfields Bruckhaus Deringer as a partner in Washington, D.C., after spending nine years at Kobre & Kim.

Bruce had led the white-collar practice at Kobre & Kim and held a top role in the firm’s Washington office before being approached by Freshfields to expand its white-collar practice.

Earlier in his career, Bruce worked as a federal prosecutor in the Southern District of New York, and he was contacted by a recruiter on behalf of two former SDNY colleagues now at Freshfields: Adam Siegel, who heads Freshfields’ U.S. dispute resolution practice, and Daniel Braun, who joined the firm in 2016.

“I wasn’t looking, to be candid. I was very happy at Kobre & Kim,” Bruce said. “Of course, if a friend calls you, you’re going to hear them out.”

After a series of discussions, he was pulled in by Freshfields’ expanding ambitions for its global disputes practice. In recent years, in addition to Braun, the firm has also added DOJ antitrust official Eric Mahr, Ben Morgan from the Serious Fraud Office in London, and Simone Kämpfer, a prominent white-collar lawyer in continental Europe.

“Just the opportunity to join this team that Freshfields has assembled and continues to assemble to handle international litigation and investigations with a stellar client list and the reputation of the firm combined to seem like a great opportunity for me,” Bruce said.

Before his time at Kobre & Kim, Bruce spent over a decade in the Department of Justice, spending seven years at the SDNY, most of them in the national security unit, before being temporarily detailed to Main Justice in Washington. There, he served as counsel to the assistant attorney general for the Criminal Division, Alice Fisher, advising her on cases ranging from securities fraud to terrorism and espionage matters.

He then became counselor to Attorney General Michael Mukasey, upon a recommendation from the latter’s advisers. Bruce had crossed paths with the former SDNY chief judge in the courtroom in the closely watched case over alleged “dirty bomb” plotter Jose Padilla, but other than that, they didn’t know each other. He advised Mukasey on a portfolio of international criminal matters until the change of administrators in January 2009, and then returned to the SDNY for an eight-month swan song that included trying one more major terrorism case.

“Companies face increased scrutiny in light of the global trend toward criminalizing types of corporate conduct. Major investigations are increasingly triggered by investigations of a regulatory or enforcement agency, a public prosecutor, a tax authority or by internal whistleblowing,” David Scott, Freshfields’ global head of dispute resolution, said in a statement. “The insights and experience that Eric brings as a former prosecutor and as a seasoned defense lawyer are exactly what clients need and are looking for.”

Bruce is not the only high-profile former prosecutor in recent months to leave Kobre & Kim, which recruits heavily from that pool. In June, London-based attorney Roger Burlingame, the former chief of the Public Integrity Section for the Eastern District of New York, left the firm after five years to join Dechert.

“Eric has been a good friend since we worked together in the Southern District over 15 years ago, and has been an important member of our firm for the past nine years,” Kobre & Kim co-founder Steven Kobre said in an email. “We are delighted that he has the opportunity to help lead Freshfields’ corporate investigation business. We look forward to continuing to work with Eric in his new role at Freshfields.”

—Dan Packel

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Outside Counsel

The Regulatory Adventures Of a Crypto Startup

NoDoubt Crypto LLC (NoDoubt Crypto)—a fictitious Delaware limited liability company with its principal place of business in New York, N.Y.—is an innovative new FinTech startup in the digital assets or blockchain/distributed ledger technology (DLT) space. One thing NoDoubt Crypto wants—aside from revolutionizing the way financial markets operate and making a profit—is regulatory clarity. And regulatory simplicity. Okay, two things. NoDoubt Crypto, however, is unlikely to get either. Why? Let us take a look at regulatory developments in 2018.

Starting From the Top

Absent legislative action by Congress, the regulation of digital assets and DLT appear to be under the concurrent jurisdiction of several federal regulatory agencies, departments and bureaus, primarily, the Financial Crimes Enforcement Network (FinCEN), Commodity Futures Trading Commission (CFTC) and Securities and Exchange Commission (SEC).

FinCEN was the first to issue guidance on virtual currencies in 2013 and since then has issued several administrative rulings clarifying the impact of the guidance on different business models in the virtual currency space. CFTC defined cryptocurrencies as commodities in 2015 and therefore subject to its anti-fraud and anti-manipulation enforcement authority. The CFTC’s jurisdiction was confirmed by two federal courts in 2018, as discussed below.

The SEC made a number of crypto-related pronouncements, including, notably, SEC Director Hinman’s speech “Digital Asset Transactions: When Howey Met Gary (Plastic),” remarking that Bitcoin and Ether are not securities. These, however, are staff views, not official SEC rules and regulations, and therefore are nonbinding and unenforceable. In September 2018, SEC

ANTONIA SAVARIA is founder and CEO of Atlantia Advisors. CAROLINE A. MORGAN is an associate at Fox Rothschild.



By
Antonia Savaria



And
Caroline A. Morgan

Chairman Clayton reiterated this as the Commission’s longstanding position. See <https://www.sec.gov/news/public-statement/statement-clayton-091318>.

I See, You Say.
How About an ICO?

As NoDoubt Crypto is moderately comforted by regulators affirming the idea that they embrace new

FinCEN was the first to issue guidance on virtual currencies in 2013 and since then has issued several administrative rulings clarifying the impact of the guidance on different business models in the virtual currency space.

technologies and do not want to stifle innovation, and awaits clear regulatory guidelines, why not raise capital through an Initial Coin Offering (ICO)? Not so fast. At least not until NoDoubt Crypto determines if its token might be considered a security and therefore subject to federal securities laws, including registration with the SEC, or whether it qualifies for an exemption from registration. More on ICOs below.

Lawmakers
On the Crypto Side

NoDoubt Crypto, still hopeful, begins to lose patience. As do members of Congress. Following an ICO Summit on Capitol Hill in late September 2018, where repre-

sentatives of the cryptocurrency and traditional financial industry met to discuss the lack of regulatory clarity, 15 lawmakers sent a letter to the SEC asking it to clarify its position on what makes an ICO a security. See Letter to Jay Clayton, Chairman, U.S. Securities and Exchange Commission (Sept. 28, 2018); see also Kate Rooney, “Congress members ask SEC chairman for clarity on cryptocurrency regulation,” CNBC.com (Sept. 28, 2018).

If the fog obscuring the cryptocurrency regulatory landscape is not lifted soon, businesses, like NoDoubt Crypto, will likely continue to explore more crypto-friendly foreign jurisdictions.

Malta, anyone? Or, Switzerland, perhaps?

Taking a Bite Out
Of the Big Apple

The grass may be greener elsewhere, but as NoDoubt Crypto awaits legislative or federal regulatory action, it may confidently proceed with its business operations in New York, correct? Not exactly.

If NoDoubt Crypto engages in a “virtual currency business activity” involving New York or New York residents, it has to comply with the New York State Department of Financial Services (DFS) licensing regulatory framework that became effective in June 2015.

Known as the BitLicense, the regulations involve a rigorous and lengthy application process and impose substantial operational and regulatory requirements. Effective Oct. 1, 2018, DFS transitioned the BitLicense applications and ongoing regulation to the Nationwide Multistate Licensing System and Registry.

Considered by many a regulatory overreach, the onerous BitLicense requirements, coupled with the high cost of compliance, led a number of crypto-businesses to leave New York, an outcome termed the “Great Bitcoin Exodus” and “Bit-exodus” by journals and online publications.

See, e.g., Michael del Castillo, “The ‘Great Bitcoin Exodus’ has totally changed New York’s bitcoin ecosystem,” New York

» Page 10

BELFAST INTERNATIONAL HOMECOMING

THE BELFAST International Homecoming was held on Nov. 30 at the Europa Hotel in Belfast, Ireland. Delegates come together to promote continued peace through dialogue and economic development. Pictured are two of the recipients of the Homecoming Ambassador medals: **John Feerick**, former Dean of Fordham Law School and Director of the Feerick Center for Social Justice and Dispute Resolution at Fordham Law School, center, and **Jennifer Frankola Crawford**, president of the Brehon Law Society of New York, right. The are joined by human rights attorney **Niall Murphy** of KRW Law in Belfast, left.



COURTESY PHOTO

U.S. SUPREME COURT

Supreme Court Advocates Push Back On ‘Harmful’ Proposed Word Limits

BY TONY MAURO

WASHINGTON, D.C.

A COALITION of 18 law firms that specialize in Supreme Court advocacy told the court last week that proposed rules aimed at trimming the length of briefs “would be harmful” to lawyers’ ability to “thoroughly and thoughtfully brief issues that are critical to the court’s resolution of the cases before it.”

The firms’ letter to Supreme Court Clerk Scott Harris added that “a high percentage of the Court’s merits cases are of great national importance and therefore warrant comprehensive briefing.”

The firms that joined in the effort, organized by Michael Kimberly of Mayer Brown, were: Akin Gump Strauss Hauer & Feld; Molotkin; Arnold & Porter Kaye Scholer; Morrison & Foerster; Bursch Law; O’Melveny & Myers; Gibson, Dunn & Crutcher; Quinn, Emanuel, Urquhart & Sullivan; Gupta Wessler; Ropes & Gray; Jenner & Block; Sidley Austin; Kellogg, Hansen, Todd, Figel & Frederick; Vinson & Elkins;

Wilmer Cutler Pickering Hale and Dorr; King & Spalding; Winston & Strawn; and Mayer Brown.

The proposed rules changes, promulgated in early November, called for cutting the word limit of briefs on the merits from 15,000 to 13,000 words. The firms’ letter said that in “average” cases, that reduction might be doable, but added, “It can be challenging in cases of even moderate complexity to recite the relevant facts, argue the issues raised, and include all required parts of the brief within the currently allotted 15,000 words.”

The letter continued, “Brief writers would often have to sacrifice readability and clarity to meet the word limit,” and that could result in encouraging parties to “outsource important arguments to their supporting amici. This would give an unfair advantage to more experienced practitioners before the court; it would also unhelpfully shift focus from the parties’ briefs to non-party amicus briefs.”

But from the moment the proposed changes were made public, the most unpopular was the one trimming reply briefs—briefs

filed by the appellant after the appellee and its amici have filed briefs—from 6,000 words to 4,500. “Reply briefs are a tight squeeze even now,” John Elwood, a Vinson & Elkins partner, said at the time.

The firms’ letter said such a cut is “cause for concern.” Shrinking “the already restrictive 6,000 word limit by an additional 25 percent ... would mean that many significant arguments will necessarily go undressed, substantially reducing the reply’s utility.”

The firms also commented on the court’s proposal that amicus briefs be trimmed from 9,000 to 8,000 words, suggesting that “if reducing overall briefing is desirable, we submit that the court should further reduce the word limit for amicus briefs rather than reduce the word limit for party briefs. After all, if the court’s workload has increased since it last adjusted the word limits, that is in large part a result of the proliferation of amicus briefs.”

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Real Estate Trends

REALTY LAW DIGEST

By
Scott E.
Mollen



Commercial Landlord-Tenant—Tenant May Terminate Its Lease Because Other Mall Store Failed To Continuously Operate For 12 Months

A landlord sued Sears Roebuck & Co. (defendant) for breach of contract. The defendant moved to dismiss the complaint for failure to state a claim. The court granted the defendant’s motion.

The lease involved a shopping mall which originally included three main stores, Hess, Kmart, and Sears. In 1995, the May Department Store Company (May) bought Hess in order to operate a Filene’s store. In 1995, the defendant entered into a lease amendment which provided “After October 1, 1995, tenant may terminate this Lease, if at any time, for a continuous period of more than twelve (12) months, there (i) are not occupants occupying at least sixty percent (60 percent) of the leaseable floor space of the Shopping Center (not including the leaseable floor space of Department Stores)...; or (ii) if Filene’s (or a retail store operating under the same name under which a majority of the stores formerly [prior to any name change] operated under the name Filene’s in the state of New York are then being operated) is not open and operating and either (a) J.C. Penney (...) or (b) Kmart (...) or (c) a retail store (which generally operates other stores of approximately 60,000 square feet or more) occupying at least 60,000 square feet of floor area in the space shown on Exhibit B as ‘Kmart’ and/or ‘Kmart Permissible Expansion Area’ is not open and operating.”

In March 2015 Macy’s closed its store. At that time, the defendant did not renegotiate the lease and continued to operate and pay rent. The defendant ultimately closed its store in August 2016. Kmart was still open and operating at that time. J.C. Penney never opened at the mall.

The landlord claimed that the defendant breached its contract by failing to continuously operate a Sears at the mall and failing to pay rent under the contract. The landlord also sought a declaratory judgment declaring that the lease is an executory contract pursuant to 11 U.S.C. §365 of the Bankruptcy Code (§365). The defendant countered that it properly terminated its lease and the lease was not an executory contract pursuant to §365.

Essentially, the defendant argued that the lease “unambiguously provides defen-

» Page 9

SCOTT E. MOLLEN is a partner at Herrick, Feinstein and an adjunct professor at St. John’s University School of Law.

LANDLORD-TENANT LAW

Stipulations of Settlement: Not Always Final and Binding

In the context of summary proceedings, as with other types of litigation, parties and the courts often prefer that disputes be resolved by consensual agreement. Settlements offer the parties the benefit of finality, and avoid the costs and risks involved in litigating a matter to a final conclusion. Settlements are encouraged by the courts, and it has long been the law that stipulations of settlement are “not lightly cast aside.” *Hallock v. State of New York*, 64 N.Y.2d 224, 230 (1984). Such is particularly so in the case of “open court” stipulations “where strict enforcement not only serves the interest of efficient dispute resolution but is also essential to the management of court calendars and the integrity of the litigation process.” *1420 Concourse Corp. v. Cruz*, 135 A.D.2d 371, 372 (1st Dept. 1987).

Nevertheless, there are limited instances where stipulations of settlement are cast aside, and do not achieve the goal of finality which the parties presumably had intended to achieve by settling their dispute. This is particularly so in the context of *pro se* litigants, who are generally in a better position to try to avoid the consequences of a stipulation of settlement.

An October 2018 decision by Queens County Housing Court Judge Julie Poley in *Help Social Servs. Corp. v. John*, Index No. L&T 055660/2018 (Civ. Ct. Queens Co. 10/5/18) (*John*) stands as a recent example of a stipulation of settlement of a summary proceeding being set aside based upon certain compelling circumstances presented to the court.

WARREN A. ESTIS is a founding member at Rosenberg & Estis. MICHAEL E. FEINSTEIN is a member at the firm.

In *John*, the landlord commenced a summary nonpayment proceeding against the residential tenant seeking to recover possession of the subject apartment B9, located at 203 Hollis Avenue, St. Albans, New York. The petition pleaded that the tenant received rental assistance from the New York City Living in Communities (LINC) Rental Assistance program, and that the apartment was supportive housing pursuant to a memorandum of understanding with the New York City Department of Mental Health and Hygiene.

The tenant filed a *pro se* answer to the petition. At the first appearance in court in March 2018, the tenant, appearing *pro se*, entered into a stipulation of settlement with the landlord. The stipulation of settlement granted the landlord a final judgment of possession in the amount of \$5,930.48 owed through March 2018, warrant to issue forthwith, with execution of the warrant stayed through May 7, 2018 to permit the tenant to pay the rent arrears. If the tenant failed to pay the arrears on or before May 7, 2018, the landlord could execute on the warrant and evict the tenant from the apartment.

Thereafter, the tenant apparently retained counsel, who, on May 14, 2018, moved by order to show cause for an order (1) appointing a guardian ad litem for the tenant because he allegedly suffered from mental illness, and (2) vacating the stipulation of settlement and dismissing the non-payment petition on the ground that the predicate rent demand was defective and improper. While the motion was pending, the Adult Protective Services program (part of the New York City Human Resources Administration) advised the court that the tenant was accepted for participation within their agency, and that the tenant was in need of assistance because the tenant “suffer[ed] from mixed bipolar dis-

order and impulsive control disorder, receives medication for these mental health conditions, and is receiving psychotherapy.” At that time, on consent of all parties, the court granted that portion of the motion seeking appointment of a guardian ad litem, and adjourned the remainder of the motion for argument and determination.

The court decided the remainder of the tenant’s motion in October 2018. At the outset, it observed that while stipulations of settlement are favored by the courts and “not lightly cast aside,” they can be vacated where a party can show “cause sufficient to invalidate a contract, such as fraud, collusion, mistake or accident.” The court, citing to the First Department’s decision in *1430 Concourse v. Cruz*, *supra*, further observed that it “possesses the discretionary power to relieve parties from the consequences of a

had established his entitlement to vacate the stipulation of settlement. It held that such was established by virtue of tenant’s “diagnosed mental illness and [tenant’s] affidavit stating he was uncertain whether he wanted to enter into the agreement in which he was not represented by counsel....”

To make matters worse for the landlord, the court went on to find that the predicate rent demand was defective, thereby requiring the dismissal of the nonpayment proceeding. It observed that a predicate rent demand required by RPAPL §711(2) “must clearly state the approximate good faith estimate of the sum allegedly due as well as the period for which the rent is demanded.” The court found that the landlord’s rent demand was improper in that it failed to reflect payments (shown on the landlord’s own rent ledger) that the landlord had received from



By
Warren A.
Estis



And
Michael E.
Feinstein

Landlords cannot take comfort that because the tenant signed a stipulation of settlement, the matter has been finally resolved.

stipulation effected during litigation on such terms as it deems just and, if the circumstances warrant, it may exercise such power if it appears that the stipulation was entered into inadvisedly or that it would be inequitable to hold the parties to it.”

The Court also cited to several cases supporting the proposition that a stipulation of settlement may be vacated on the ground of “unilateral mistake” and that “vacatur of a stipulation is appropriate when a party—especially one who appears without counsel—enters into an agreement improvidently, and, in so doing, forgoes defenses sufficient to defeat the proceeding.”

The court found that based on the foregoing principals, the tenant

the New York City Human Resources Administration for the same period of time demanded in the rent demand and the petition. As such, it dismissed the proceeding without prejudice.

Conclusion

John stands as a cautionary reminder that, particularly when dealing with *pro se* tenants, stipulations of settlement may ultimately not be enforced, and may not accomplish the goal of finality which had hoped to be achieved. Landlords cannot take comfort that because the tenant signed a stipulation of settlement, the matter has been finally resolved.

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Perspective

Banks, DOJ Opinions Differ On Online Gambling

BY DARRYL NIRENBERG

Nearly seven years ago, as American families busily prepared for Christmas, the U.S. Justice Department quietly released a legal opinion reversing 50 years of interpretation of the federal Wire Act. It discarded the position of its own Criminal Division by arguing the law no longer covers internet gambling—as long as the wagers are not on sporting events or contests.

DOJ’s goal: Make an end run around Congress and the courts to help cash-strapped states reap the rewards expected to come from converting Americans’ cellphones into mobile slot machines.

But the world’s most respected financial institutions, including American Express, Bank of America, JPMorgan Chase and Wells Fargo—who unlike DOJ have money on the line—see the situation differently.

There is no indication DOJ, in opening the door to online casinos, gave any consideration to how internet gambling invariably ensnares society’s most vulnerable—underage youth, the poor and problem gamblers.

In the U.K., where online gambling is legal and ubiquitous, victims range from a 13-year-old boy—who lost \$80,000 of his parents’ money—to an elderly grandmother whose grandson lost nearly her entire life savings as a result of “an online gambling addiction.” A nonpartisan British think tank concluded “the online gambling industry obtains more than half of its profit from at risk and problem gamblers.”

Maybe this helps explain why these highly respected financial refuse to “process any money interactions on these sites.”

Likely though, the moment leading financial institutions knew to stay clear of online wagering was actually five years before a DOJ attorney decided it was OK for casinos to put slot machines on Americans’ mobile devices—when Congress enacted the Unlawful Internet Gambling Enforcement Act. This law prohibits the use of U.S. financial instruments—credit cards, electronic fund transfers and checks—for “unlawful Internet gambling.”

Congress did not define the term “unlawful internet gambling.” At the time it was understood (as the Justice Department had informed Congress) that all forms of internet gambling were illegal under the

Wire Act and other federal statutes. Congress did list some exceptions it did not consider to be covered (such as fantasy sports). But none of those exceptions allow casinos to offer slot machines on Americans’ mobile devices.

In the hopes of exempting themselves from this law, online casinos have spuriously seized upon a narrow “intrastate safe harbor” provision tucked in the legislation. Their assertion of authority is misplaced—as I suspect the lawyers in our nation’s most reputable financial institutions recognize.

The statute’ authors made clear through the legislative history

As states rush to cash in on the Supreme Court’s recent ruling permitting sports betting, it is instructive that, when it comes to online casino gambling, the country’s biggest banks continue to favor the law.

that the safe harbor was merely a technical amendment inserted to ensure that UIGEA did not unintentionally impede retail lottery terminals from interacting with a processing center within the same state or prevent casinos within a state from transmitting data to one another.

As Congress explained: “[t]he safe harbor would leave intact the current interstate gambling prohibitions such as the Wire Act, federal prohibitions on lotteries, and the Gambling Ship Act so that casino and lottery games could not be placed on websites and individuals could not access these games from their homes or businesses.”

Moreover, the Wire Act Opinion—upon which online casinos are hanging their hats—is wrong in its conclusion.

The Wire Act was one of three anti-gambling bills signed into law by President John F. Kennedy—and on the same day, no less. The intent was to sound the death knell for the chief funding source for organized crime: illegal gambling.

From Day One, all three laws were interpreted to cover all forms of gambling, whether wagering on sports, horse races, or on the “numbers racket” (that era’s lotteries). This made sense because as was known to and discussed by the law’s authors, all three forms of gambling relied on the wires—to relay bets; to transmit winning numbers, horses, or teams; and to “lay off” wagers (a form of syn-

dication mobsters used to hedge their risk).

The Wire Act Opinion used tortured logic and neglected fundamental canons of statutory construction in concluding that somehow Congress meant to exempt lotteries from the Wire Act, despite the fact the “numbers racket” was the most lucrative form of gambling for the mob.

For example, the opinion cites DOJ testimony from 1961 stating the legislation covers sporting events only. But the opinion failed to disclose the bill language about which DOJ was testifying never became law.

The Opinion claims Congress, to exclude nonsports wagers, removed “two commas” in re-drafting the Wire Act. In fact, the actual legislative texts indicate the Senate Judiciary Committee did not “remove” commas, but rather struck and rewrote the entire provision.

It is also important to keep in mind that opinions issued by agency attorneys do not carry the force of law. Such opinions are simply guidance given to federal agencies as to how to enforce the law. They can be withdrawn or revisited at any time (as others have been in the past). And, they do not shield those companies that rely on them from liability or protect them from private claims.

Interviewed by Newsweek in 2014, the opinion’s author, Virginia Seitz, conceded the document upon which online casinos are relying is “just that—an opinion.” When asked about the Opinion during her nomination proceedings, former Attorney General Loretta Lynch explained she was not aware of “any statute or regulation that gives OLC opinions the force of law.”

That America’s most prominent financial service companies refuse to process online wagers speaks as loud as Ms. Seitz’s candid words. As states rush to cash in on the Supreme Court’s recent ruling permitting sports betting, it is instructive that, when it comes to online casino gambling, the country’s biggest banks continue to favor the law over an unilateral decree rendered by a lawyer; the full force of law over a flimsy opinion.

DARRYL NIRENBERG is a partner at Steptoe & Johnson. Nirenberg is an international gambling law expert who serves as chief counsel to the Coalition to Stop Internet Gambling.

Trump’s Former Ethics Czar Reflects on White House’s Legal Challenges

BY R. ROBIN MCDONALD
WASHINGTON, D.C.

STEFAN Passantino, the former White House deputy counsel in charge of policing ethics in the Trump administration, offered a glimpse Monday into what he said was the immediate and predictable chaos that followed after President Donald Trump finished taking the oath of office in 2017.

Passantino—now a partner at Michael Best with offices in Atlanta and Washington—also defended newly-minted White House staff who had to abandon an operating style that served them well on the campaign trail, but that threatened to violate federal ethics laws once Trump became president.

Passantino, speaking at an Atlanta chapter of the Federalist Society luncheon Monday, said he was tasked by White House Counsel Don McGahn with ensuring Trump’s staff adhered to federal laws barring conflicts of interest, which occasionally placed him at odds with incoming campaign staff who had never served in public office and had little understanding of laws like the Hatch Act.

“This administration came in with the understanding that we are here to overturn the apple cart,” he said. “Our job is to not accept norms for the way things are being done. Our job is to take a critical [look] at everything. ... And we do not want anything or anyone to stand in the way.”

“That would be exactly, diametrically opposed to my mandate,” Passantino said.

The president’s staff, including all Cabinet members and nominees, were required to secure approval from the White House counsel’s office before they could start working in the West Wing, he said.



Stefan Passantino

“Sometimes that went well,” he said. “Sometimes it didn’t go particularly well. Sometimes folks just couldn’t extricate themselves from all the various things financially and otherwise they were invested in.”

And for some, the financial sacrifice was significant. After Rex Tillerson, former chairman and CEO of Exxon, was nominated as secretary of state, Passantino said he told Tillerson he would have to release his claim to \$90 million in unvested Exxon pension assets.

Tillerson thought about it for about “two seconds” before saying, “Let’s do it,” Passantino recalled. “There are a lot of people who did a lot in order for the privilege to serve.”

Those in attendance included several judges Trump has gotten onto the bench. They included Lisa Branch, who introduced Passantino, and Britt Grant, both judges on the U.S. Court of Appeals for the Eleventh Circuit; Judge William “Billy” Ray of the U.S. District Court for the Northern District of Georgia and Judge Tripp Self of the Middle District of Georgia; U.S. Attorney Byung J. “BJay” Pak of the Northern

District of Georgia, U.S. Attorney Bobby Christine of the Southern District of Georgia and federal judicial nominee J.P. Boulee. All are Trump appointees whom Passantino helped shepherd through the confirmation process.

The judges Trump has appointed across the country—most of whom are Federalist Society members—and the administration’s focus on deregulation will have an impact that lasts long after Trump’s presidency ends, Passantino said.

“That’s not the stuff that we want people talking about,” he said. “But some day, folks are going to look back, and they’re going to look at what we’ve done on the regulatory side” and reflect on how the economic climate boosted business confidence and encouraged people to invest in America, he added.

Passantino didn’t mention specific regulatory changes but noted, “I look forward to a time in the future when people look back and say the president and the people up there really did have an eye on the ball in the things that they were doing.”

Passantino readily acknowledged that, “Being the Trump ethics guys is not all roses, contrary to what you might have heard,” dubbing himself the “poster child” for the administration’s ethics. He said he first met McGahn—who hired him—while Passantino was working at McKenna Long & Aldridge (now Dentons) with Atlanta attorney Randy Evans, Trump’s ambassador to Luxembourg. The two attorneys represented former U.S. House Speakers Newt Gingrich and Dennis Hastert during what Passantino called “the ethics wars” of the late 1990s that forced both congressmen to resign.

When Gingrich ran for president, McGahn was chairman

» Page 10

Calendar

WEDNESDAY, DEC. 5

New York City Bar (CLE)
New Jersey Bridge-The-Gap: Satisfy The Mandatory 15 Credits and More (Day 2 Only)
9 a.m.-5 p.m., 8 CLE credits
Location: 42 West 44th St.
Contact: Rosan Dacres, 212-382-6630 or rdacres@nycbar.org

Current Legal Ethical Issues with Professor Stephen Gillers
6 p.m.-8:15 p.m.
2.5 CLE credits
Location: 42 West 44th St.
Contact: Rosan Dacres, 212-382-6630 or rdacres@nycbar.org

Nassau Community College
Divorce without Destruction
On WHPC 90.3 FM radio
3 p.m.
(repeated 7 a.m. on Sunday)
Voicemail: ncc.edu/whpc
For podcasts search WHPC on iTunes

WEDNESDAY, DEC. 5–THURSDAY, DEC. 6

Practising Law Institute
51st Annual Immigration and Naturalization Institute
9 a.m.–5 p.m. (Day 1)
9 a.m.–4:30 p.m. (Day 2)
1177 Avenue of the Americas
www.pli.edu/ImmNat18

THURSDAY, DEC. 6

New York City Bar (CLE)
Effective Mediation Advocacy: Skills and Strategies for Litigators
6 p.m.-8 p.m., 2 CLE credits
Location: 42 West 44th St.
Contact: Rosan Dacres, 212-382-6630 or rdacres@nycbar.org

New York City Bar (Non CLE)
“What the Hell Do You Have To Lose?” Trump’s War on Civil Rights Public Affairs Luncheon
12 p.m.-2 p.m.
42 West 44th St.
To register: www.nycbar.org

Pass the Bar Reception
7 p.m.-9 p.m.
42 West 44th St.
To register: www.nycbar.org

New York County Lawyers (CLE)
Anatomy of an Age Discrimination Case
6 p.m.–8 p.m., 2 CLE credits
14 Vesey Street

FRIDAY, DEC. 7

New York City Bar (CLE)
Corporate Counsel Symposium: Advising Through Partnering
9 a.m. - 1:30 p.m.
3.5 CLE credits
Location: 42 West 44th St.
Contact: Rosan Dacres,

212-382-6630 or rdacres@nycbar.org

Practising Law Institute
Nuts and Bolts of Medicare and Medicaid 2018
9 a.m.–12 p.m.
1177 Avenue of the Americas
www.pli.edu/NBMM18

MONDAY, DEC. 10

NYCLA
104th Annual Dinner
NYCLA honors the State and Federal Courts in New York County. The dinner will feature remarks by Judge Janet Di Fiore, and Judge Robert A. Katzmann. New York State Attorney General Barbara D. Underwood will deliver welcoming remarks.
6:30 P.M.
Grand Hyatt New York

New York City Bar (CLE)
CPLR Update 2018
(Rescheduled from Nov. 8)
6 p.m.-9 p.m.
3 credits
Location: 42 West 44th St.
Contact: Rosan Dacres, 212-382-6630 or rdacres@nycbar.org

New York City Bar (Non CLE)
The Universal Declaration at 70: The Impact of Human Rights on International Criminal Tribunals
6:30 p.m. – 8:30 p.m.
42 West 44th St.
To register: www.nycbar.org

MONDAY, DEC. 10–TUESDAY, DEC. 11

Practising Law Institute
Annual Disclosure Documents 2018
9 a.m.–5 p.m. (Each Day)
1177 Avenue of the Americas
www.pli.edu/DisclosureD18

WEDNESDAY, DEC. 12

Practising Law Institute
Hot Topics in Health Care Law 2018
9 a.m.–5 p.m.
1177 Avenue of the Americas
www.pli.edu/HTHealth18

New Developments in Securitization 2018
9 a.m.–5 p.m.
1177 Avenue of the Americas
www.pli.edu/NDSec18

New York City Bar (Non CLE)
Optimizing Your Legal Website: Top 10 Ways to Ensure Success in 2019-Small Law Firm Practice Management Luncheon
12:30 p.m.-2 p.m.
42 West 44th St.
To register: www.nycbar.org

THURSDAY, DEC. 13

New York City Bar (CLE)
Trials of the Century - Part II
9 a.m.-4:30 p.m., 7 credits
Location: 42 West 44th St.
Contact: Rosan Dacres,

212-382-6630 or rdacres@nycbar.org

Practising Law Institute
Administrative Advocacy 2018: Representing the Pro Bono Client
1:30 p.m.–5 p.m.
1177 Avenue of the Americas
www.pli.edu/AAdvocacy18

Ethical Issues in Pro Bono Representation 2018
9 a.m.–11 a.m.
1177 Avenue of the Americas
www.pli.edu/EthicalPB18

FRIDAY, DEC. 14

Practising Law Institute
Building Better Construction Contracts 2018
9 a.m.–5 p.m.
1177 Avenue of the Americas
www.pli.edu/BBConstruct18

New York City Bar (Non CLE)
Friday Evening Chamber Music at the Association
6:30 p.m.-8:30 p.m.
42 West 44th St.
To register: www.nycbar.org

MONDAY, DEC. 17 – TUESDAY, DEC. 18

Practising Law Institute
Nuts and Bolts of Corporate Bankruptcy 2018
9 a.m.–5 p.m. (Each Day)
1177 Avenue of the Americas
www.pli.edu/NBCB18

MONDAY, DEC. 17

Abrams Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone
Healthcare Liability Seminar: “Owner, Director and Officer Liability for Patient Abuse and Neglect and Healthcare Fraud: Exposure, Prevention and Defense”
Speakers include: Letitia James, New York State Attorney General-Elect
12 p.m.
Location: Abrams Fensterman law offices at 1 MetroTech Center, Suite 1701, Brooklyn
Free with lunch provided
Contact/RSVP: Christine McCormick at CMcCormick@Abrams-law.com or (516) 328-2300 x168

Practising Law Institute
Staying Out of Trouble 2018
9 a.m. – 12:30 p.m.
1177 Avenue of the Americas
www.pli.edu/SOT18

THURSDAY, DEC. 20

Practising Law Institute
Ethics for Corporate Lawyers 2018
2 p.m.-4:30 p.m.
1177 Avenue of the Americas
www.pli.edu/EthicsCorpL18

Have an event to list?
E-mail the details to pkane@alm.com

Federal Judiciary Gets Its First ‘Judicial Integrity Officer’

BY TOM MCPARLAND
DENVER

JILL Langley, the former director of workplace relations for the U.S. Court of Appeals for the Tenth Circuit, has been named the federal judiciary’s first judicial integrity officer, the Administrative Office of the U.S. Courts announced Monday.

A longtime authority in employment dispute resolution, Langley will be tasked with establishing a new office that will serve as an independent source of information and referral for complaints regarding misconduct in the workplace, AOC director James C. Duff said in a statement.

The new Judicial Integrity Office will monitor recurring issues and provide training across the judiciary, while also serving as a resource for staff throughout the court system.

“Court employees, law clerks, and outside experts all supported the creation of an office at the Administrative Office to provide employees throughout the system with advice and assistance about workplace conduct matters,” Duff said in the statement. “We are fortunate to have someone with Jill’s exemplary background and exceptional reputation occupy this position.”

The office was created in the wake of widely publicized sexual



Jill Langley

harassment allegations against former Judge Alex Kozinski, who resigned last December from the U.S. Court of Appeals for the Ninth Circuit amid accusations that he had harassed female law clerks.

Chief Justice John Roberts Jr. last year formed the Federal Judiciary Workplace Conduct Working Group to consider whether changes were needed to the judiciary’s codes of conduct and its guidance to employees on issues of confidentiality and reporting of instances of misconduct, among other things

Two committees of the Judicial Conference have been considering an overhaul of the judiciary’s rules and procedures, and in October indicated that the working group would look favorably on a proposal to create a new office to receive

and investigate misconduct complaints.

“We have expanded workplace conduct orientation and training programs throughout the judiciary, and we are reviewing recommended changes to the judicial conduct rules and code, improving the model [employment dispute resolution] plan, and providing alternative and less formal avenues for reporting and resolving workplace conduct issues,” Duff said on Monday.

Langley, a graduate of the Sandra Day O’Connor College of Law at Arizona State University, has worked for 23 years with the Tenth Circuit, where she has spent the last 13 years focused on employment dispute resolution.

During her time with the court, she has developed a nationally recognized training program on EDR laws, designed for court employees, judges, court executives and EDR coordinators. She currently serves on a national working group that is developing a new model EDR plan for federal courts.

“The appointment of Jill Langley as our first judicial integrity officer reflects our serious commitment to establishing and maintaining an exemplary workplace for all federal Judiciary employees,” Duff said.

@ Tom McParland can be reached at tmcparland@alm.com. Twitter: @TMcParlandTLI

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Disciplinary Proceeding

Matter of Dale J. Morgado, a suspended attorney

Motion No. 4916

Appellate Division, First Department

Acosta, P.J., Friedman, Sweeny, Jr., Gische, Tom, JJ.

Decided: November 29, 2018

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

Respondent pro se.



Per curiam—Respondent Dale J. Morgado was admitted to the practice of law in the State of New York by the Third Judicial Department on March 11, 2014, under the name Dale James Morgado. At all times relevant to this proceeding, respondent maintained an office for the practice of law within the First Judicial Department.

By motion dated November 20, 2017, the Attorney Grievance Committee (Committee) sought respondent’s immediate suspension from the practice of law pursuant to the Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.9(a)(1) and (3), and Judiciary Law §468-a, based upon his failure to appear pursuant to subpoena and to comply with lawful demands of the Committee, and his failure to

register with and pay dues to the Office of Court Administration for the 2016/17 biennial period. The Committee contended that notwithstanding numerous letters and emails requesting answers to a complaint filed against him and his failure to comply with a court ordered subpoena directing his appearance for a deposition, respondent chose not to cooperate with the Committee’s investigation, even though he was aware of the complaint filed against him.

According to the Committee, its notice of motion contained the following notice:

“PLEASE TAKE FURTHER NOTICE that, pursuant to 22 NYCRR 1240.9(b), an attorney who is suspended under 1240.9 and who has failed to respond to or appear for further investigatory or disciplinary proceedings within six (6) months from the date of the order of suspension, may be disbarred by the Court without further notice.”

In accordance with Judiciary Law §90(6) and 22 NYCRR 1240.9, on September 25, 2017 the Committee obtained permission from this Court to serve respondent with the suspension motion and any additional filings in the case by substituted service, via email and by service by publication in the New York Law Journal, however, respondent did not submit a response.

By order entered January 30, 2018 (159 AD3d 50 [1st Dept 2018]), this Court granted the Committee’s motion and immediately suspended respondent from the practice

of law and until further order of the Court.

On February 2, 2018, the Committee served respondent with a notice of entry enclosing a copy of this Court’s order of suspension by email and by publication in the New York Law Journal.

The Committee now seeks an order disbarring respondent, pursuant to 22 NYCRR 1240.9(b), on the grounds that he was suspended pursuant to 22 NYCRR 1240.9(a)(1) and (3) and has neither responded to nor appeared for further investigatory or disciplinary proceedings within six months from the date of the order of suspension.

Respondent was served with this motion by publication in the New York Law Journal on September 12, 2018 and by email, but no response has been filed with the Court.

The motion should be granted inasmuch as more than six months have elapsed since January 30, 2018, the date of respondent’s suspension (159 AD3d at 50), and he has neither responded to nor appeared for further investigatory or disciplinary proceedings (see *Matter of Friedman*, 162 AD3d 14 [1st Dept 2018]; *Matter of Spencer*, 161 AD3d 44 [1st Dept 2018]).

Accordingly, the Committee’s motion for an order disbarring respondent pursuant to 22 NYCRR 1240.9(b) is granted, and his name stricken from the roll of attorneys in the State of New York effective immediately.
All concur.

and integrating operations while a court review is pending.

“Allowing companies to consummate a proposed merger before a settlement has received final approval is common in consent decrees with the United States and the Federal Trade Commission,” Justice Department lawyers wrote in a court filing Sunday.

The government said it was “particularly critical” for Aetna to complete the sale of its prescription drug plan business to Wellcare.

Insurers, the Justice Department said, “have already begun planning their bids for the 2020 plan year, so transferring the assets to WellCare as soon as possible was necessary to ensure that it could step into Aetna’s shoes and preserve the competition that would otherwise be lost as a result of the merger.”

@ Ryan Barber can be reached at cbarber@alm.com. Twitter: @cryanbarber

becoming a shareholder at Greenberg Traurig before she was first elected in 2013 as Queens borough president.

Lasack previously served under Brown and was a lauded as a star prosecutor, while both Katz and Lancman do not have prosecutorial experience.

Lancman, who chairs the City Council’s Committee on the Justice System, previously worked employment and wage-theft cases, which he said gave him substantial experience with litigation.

Katz said that she doesn’t see the fact that she did not previously serve as a prosecutor as a hindrance to effectively serving as DA, citing both her legal experience and her time as an elected official in Queens, in which she said she has been able to build bridges between the diverse array of communities represented in the borough.

“I believe that’s the type of experience that’s necessary for this job,” Katz said.

@ Andrew Denney can be reached at adenney@alm.com. Twitter: @messagetime

prejudiced the respondent’s defense on the merits”

Lower in their decision, the panel quoted *Matter of Thomas*—a case where the justices said the delay in filing the notice of claim was 30 days—as explaining that “[t]his short delay does not prejudice respondents’ ability to investigate and defend the claim, as such a short passage of time is unlikely to have affected witnesses’ memories of the relevant events.”

Brian Isaac, a partner with Pollack, Pollack, Isaac & DeCicco in Manhattan, represented Dominguez and could not be reached for comment. Nor could Martin Adams, a partner with Dopf, a law firm in Manhattan, who represented Dominguez.

@ Jason Grant can be reached at jgrant@alm.com. Twitter: @JasonBarrGrant

AOL

« Continued from page 1

“We are pleased to see this matter resolved and remain wholly committed to protecting children’s privacy online,” the spokesman said.

The violations have to do with several ad exchanges that AOL operates and other exchanges the company used to place ads.

Those exchanges conduct what could be described as a virtual auction. When a user opens a web page, information that’s stored in their web browser is immediately sent to entities that can place a bid on ad space on behalf of an advertiser. The exchange collects several bids, selects a winner, and then allows the advertiser to serve an ad to the user. That entire process happens in a fraction of a second, allowing ads to be immediately placed based on a user’s information.

Those ad exchanges are not allowed to use browser data, a user’s Internet Protocol address, or other identifiers for advertising purposes on websites covered under COPPA, according to Underwood’s office. Despite that rule, Oath is alleged to have done just that.

The company used its ad

exchange to conduct billions of auctions for ad space on websites that it knew to be targeted toward users under the age of 13 and therefore subject to COPPA, Underwood’s office said. Until recently, the company’s exchange was apparently not capable of conducting a COPPA-compliant auction because its systems would collect information from users and disclose it to third parties.

Several AOL clients had informed the company that their websites were subject to the law. AOL had also determined on its own that certain websites were subject to COPPA. The company also had a policy prohibiting the use of its exchange to auction ad space on COPPA-covered websites to third parties, Underwood’s office said.

Despite that policy, AOL continued to conduct at least 2 billion ad display auctions on those websites, according to Underwood’s office.

The company also violated COPPA when it participated in auctions conducted by other ad exchanges. AOL operates a business that places bids through those exchanges, which are able to auction space in a manner compliant with COPPA. When information is passed to bidders through one of those auctions, the advertisers are expected not to use it when serving

ads on COPPA-covered websites.

The systems at AOL, instead, ignored information that those websites were covered under COPPA and served ads like they usually would, Underwood’s office said. A manager at the company based in New York is also said to have intentionally configured a client’s account in a way that would violate COPPA in order to increase ad revenue. The manager also falsely told the client on more than one occasion that AOL’s ad exchange could be used to sell ad space to third parties in a COPPA-compliant manner, Underwood’s office said.

AOL has since agreed to destroy any personal information it’s collected from children that is either in its possession or that it controls unless its required to be maintained by law. The company will also have to establish a new program to ensure its compliance with COPPA under the settlement, according to Underwood’s office.

The settlement was handled within the internet and technology bureau at the Attorney General’s Office by Assistant Attorney General Jordan Adler and Deputy Bureau Chief Clark Russell, under the supervision of Bureau Chief Kim Berger.

@ Dan M. Clark can be reached at dmclark@alm.com. Twitter: @DanClarkReports

Insider

« Continued from page 1

Likewise, the evidence against him was insufficient to support a conviction, he claimed.

Specifically, Walters argued the leaks essentially resuscitated a “dormant” investigation and that it precipitated Davis’ cooperation. Reviewing the record, the panel found that the investigation was going on before, at the time of and after the leaks appeared in print. Davis himself testified that it was the near certainty of prosecution that brought him in to cooperate, not the pressure of news stories.

Walters went on to argue on due process grounds that the leaks were part of a history of prosecutorial misconduct, that were so systemic and pervasive as to call the fundamental fairness of the process into question. The panel noted that scenarios like racial discrimination in the selection of grand jurors or

the exclusion of women jurors were the kind of systemic problems that would raise legitimate questions of due process.

The panel agreed Chaves’ multi-year leaking was “deeply troubling” and the lack of a hearing by the district court prevented a fuller understanding of any other cases where leaks occurred, or if anyone else in the FBI or U.S. attorney’s office was complicit. Still, the panel said the violations did not “raise a substantial and serious question about the fundamental fairness of the process” that led to the indictment.

In a separate concurring opinion, Jacobs agreed with the decision to uphold Walters’ indictment and conviction, but said that the decision by Castel not to hold a hearing meant the full scope of what occurred goes unknown, even as the FBI continues to investigate Chaves’ actions.

“The leak of grand jury testimony is in some respects more egregious than anything Walters did,” Jacobs wrote. “The FBI depends

on the confidence of the public, jurors and judges. The confidence is critical to its mission; so this kind of thing is very bad for business.”

While the panel affirmed the vast majority of Walters’ conviction and sentence, it did agree to vacate millions of dollars in restitution awarded under the Mandatory Victim Restitution Act in light of the U.S. Supreme Court’s decision this year in *Largos v. United States*. The decision dealt with limiting elements of the act to only government investigations and criminal proceedings. The panel remanded to the district court a review of what is now recoverable under the MVRA.

A spokesman for the U.S. Attorney’s Office for the Southern District of New York declined to comment on the decision.

Shapiro Arato name attorney Alexandra Shapiro led Walters’ appeal team. She did not respond to a request for comment.

@ B. Colby Hamilton can be reached at chamilton@alm.com. Twitter: @bcolbyhamilton

CVS-Aetna

« Continued from page 6

“What are you, a mushroom yourself over in the antitrust division?” Leon asked during one exchange.

Leon accused the Justice Department and the two companies of treating his review of the acquisition as a “rubber stamp operation,” raising the specter that he would strike down the deal on antitrust grounds. Appearing irate at times, he noted the public comment period on the deal had not yet closed, pointed specifically to the American Medical Association’s opposition to the acquisition, and expressed concern about how CVS and Aetna would be unwound in the event that he ruled against their merger.

“Let’s make it clear, Mr. Owen: This court’s not a rubber stamp,” Leon said.

“No, your honor, I don’t believe this court is a rubber stamp,” Owen responded.

“Yeah, I understand you don’t,” Leon replied. “God knows if the antitrust division has learned anything, they know that this court is not a rubber stamp. But these folks over here need to understand that too, because it’s their clients who think I am a rubber stamp, and that’s not going to be tolerated.”

Ahead of Monday’s hearing, the Justice Department defended CVS and Aetna’s move to begin integrating their operations and said an earlier order—signed by Leon in October—had allowed the companies to consummate their merger.

Government lawyers argued that while federal law gives judges power to review merger settlements, it does not “prohibit companies from consummating their merger”

Katz

« Continued from page 1

depart from how Brown has led the office in recent years as his counterparts in Manhattan and Brooklyn have moved to enact progressive reforms.

Brown’s office has opposed forming a conviction review unit like the one formed in Brooklyn, which worked on two dozen cases that resulted in exonerations, and has held firm that it will continue to prosecute marijuana possession and turnstile jumping.

Katz said that, if elected, that she would end the practice of refusing to take plea bargains for defendants after they have been indicted and that the office would work to get discovery materials to defense attorneys as soon as possible. She also proposes using asset forfeiture money and partnering with a ridesharing program to provide safe rides to revelers on nights when there are spikes in drunk and drugged driving, such as Christmas Eve and New Year’s Eve.

While some of her proposals are intended to make justice more equitable for defendants, Katz says she would also make prosecution of hate crimes a top priority for the office as well as aggressively pursue purveyors of immigration fraud and elder abuse.

“I believe the real issue in this borough is that there are people who believe that there is no justice on either side,” Katz said,

In addition to her tenure as Queens borough president, Katz has served in the City Council from 2002 to 2009 and the State Assembly from 1994 to 1999.

In terms of her legal experience, after earning a law degree at St. John’s University School of Law, she interned for the then-U.S. District Judge Michael Mukasey of the Southern District of New York and later interned for the Southern District U.S. Attorney’s Office.

Prior to her election to the State Assembly, Katz worked as a mergers & acquisitions associate for Weil, Gotshal & Manges; she went back into the private bar following her tenure in the City Council,

Notice

« Continued from page 1

of claim, as opposed to a filing on the 90th day, deprived it of the opportunity to investigate.”

According to a petition Dominguez filed in Manhattan Supreme Court in April 2017, he was severely injured on Jan. 3, 2017, while on the ground floor of the work site and premises of the David H. Koch Center for Cancer Care and City University of New York/Hunter College’s Science and Health Professions Building in Manhattan.

The other defendants named in the petition were City University of New York, Hunter College of CUNY and the City University Construction Fund, though the late-filing issue applied only to CUCF in the matter before the appeals panel.

The justices began their Nov. 27 opinion by quoting *Matter of Thomas v City of New York*, 118 AD3d 537, 537 (1st Dept 2014), as starting that, “[i]n determining whether to grant an extension of time to serve a notice of claim, a court shall consider, in particular, whether the public corporation acquired actual knowledge of the essential facts constituting the claim within the 90-day period specified in [General Municipal Law] section 50-e(1) or within a reasonable time thereafter.”

Moreover, again quoting the decision, the panel noted that “under the statute, the court must take into account all other relevant facts and circumstances, including, among other things, whether the petitioner offered a reasonable excuse for the late notice and whether the delay substantially

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Coverage

« Continued from page 3

ment payment is covered loss and ordered the insurers to pay \$140 million plus prejudgment interest. The First Department expressly relied on *Kokesh* to reverse the trial court, ruling that the disgorgement payment is a penalty and therefore cannot be Loss within the policy definition. *J.P. Morgan v. Vigilant Ins. Co.*, 166 A.D.3d 1 (1st Dep’t Sept. 20, 2018).

The First Department quoted the Supreme Court’s *Kokesh* opinion to emphasize the rationale for determining that disgorgement constitutes a penalty: “SEC disgorgement (i) is imposed as a consequence for a wrong committed against the public, rather than a wrong against particular individuals; (ii) is meant to punish the violator and deter others from similar violations; and (iii) in many cases, does not compensate the victims of securities violations; rather the wrongdoer pays disgorged profits to the district court, which has discretion to determine how and to whom to distribute the money.” *J.P. Morgan Securities v. Vigilant Ins. Co.*, 166 A.D.3d at 3 (quoting *Kokesh*, 137 S.Ct. at 1643-44).

Although the Supreme Court’s ruling only addressed the statute of limitations question, the First Department determined that the court’s rationale applies “with equal force” to the insurance dispute between Bear Stearns and its insurers because the court had held that disgorgement is a “punitive sanction intended to deter.” As the First Department explained, “[t]o allow a wrongdoer to pass on its loss emanating from the disgorgement payment to the insurer, thereby shielding the wrongdoer from the consequences of its deliberate malfeasance, undermines this goal and ‘violate[s] the fundamental principle that no one should be permitted to take advantage of his own wrong.’” Id. at 4.

Law of the Case Doctrine Inapplicable

Bear Stearns argued to the First Department that the law of the

case doctrine prohibited reversal of the trial court because the Court of Appeals had already ruled that disgorgement of customer profits is recoverable under the insurance policies. The First Department rejected this argument on the grounds that the law of the case doctrine only applies “to legal determinations that were necessarily resolved on the merits in a prior decision.” Id. at 8. According to the First Department, on the prior appeal, the Court of Appeals addressed whether public policy prohibited the recovery of the disgorgement payment from the insurers but did not focus on whether the disgorgement payment was within the definition of Loss. Thus, the controlling issue was not previously addressed on the merits by the Court of Appeals. Further, the First Department explained that the law of the case doctrine is not absolute and does not limit an “appellate court’s power to reconsider issues where there are extraordinary circumstances, such as subsequent evidence affecting the prior determination or a change of law.” Id. at 9. The court held that the U.S. Supreme Court’s decision in *Kokesh* represented a change in law with regard to the characterization of disgorgement as a penalty. Consequently, the First Department held that the law of the case doctrine was inapplicable.

Looking Forward

Following the First Department ruling, Bear Stearns filed a motion to reargue or, in the alternative, leave to appeal to the Court of Appeals. In its motion papers, Bear Stearns argues that the First Department wrongly extended the *Kokesh* rationale beyond the statute of limitations question. The insurers, of course, disagreed and opposed the motion.

It would not be surprising for this dispute to return to the Court of Appeals for a second time so that the court can address the insurability of SEC disgorgement payments in the post-*Kokesh* world. In the interim, however, the First Department’s ruling should guide policyholder expectations.

Depression

« Continued from page 3

summary judgment, holding that full-time work was an essential function of Hostettler’s job, and therefore she was unable to state a claim because she was not “otherwise qualified” under the ADA.

Hostettler appealed, and the Sixth Circuit reversed. The court first noted that essential functions are those that would fundamentally alter a job if eliminated. It observed that, in determining whether something is an essential function, courts should consider the amount of time spent on that function, the employer’s judgment, written job descriptions prepared before the job was posted, and the consequences to the employer of the employee not performing the function. The court also said that “[r]egular, in-person attendance is an essential function’ of most jobs.” Id. at 854 (alteration in original) (quoting *EEOC v. Ford Motor Co.*, 782 F.3d 753, 762–63 (6th Cir. 2015)).

Nevertheless, the court held that whether full-time work was an essential function of Hostettler’s job was a question of fact for the jury. The court explained, “[o]n its own ... full-time presence at work is not an essential function. An employer must tie time-and-presence requirements to some other job requirement.” Id. at 856. Hostettler presented evidence that she could perform her other job requirements without working full-time. Accordingly, Wooster could not prove as a matter of law that full-time work was an essential job requirement, and the district court’s grant of summary judgment was improper.

Accommodation Request

Still, another court rejected a failure to accommodate claim on different facts. In *Echevarria v. AstraZeneca Pharm. LP*, 856 F.3d 119 (1st Cir. 2017), plaintiff Taymari Delgado Echevarria (Delgado) was a Hospital Specialist for AstraZeneca diagnosed with severe depression and extreme anxiety. She requested paid leave under the company’s short-term

disability policy, which was initially granted for a month.

AstraZeneca then periodically granted extensions for Delgado’s leave based on treatment records submitted by her doctor. After AstraZeneca had extended her leave for five months, it sent Delgado a letter stating that, if she did not return to work, it would presume she resigned. In response, her doctor faxed a form requesting another year of leave. AstraZeneca determined that the form did not support reinstating Delgado’s leave, and told Delgado to return to work. Two months later, and without any word from Delgado, AstraZeneca terminated her employment.

Thereafter, Delgado filed suit against AstraZeneca alleging that AstraZeneca violated the ADA by failing to grant the additional

This article focuses on federal disability law, but employers should consider additional state and local disability laws, sick leave laws, and family medical leave laws.

year of leave. AstraZeneca then moved for summary judgment, which the district court granted. On appeal, the First Circuit began by observing that, to be “otherwise qualified” under the ADA, Delgado would have to show that her proposed accommodation would both enable her to perform the essential functions of her job and be feasible for AstraZeneca.

On the first score, the court highlighted that Delgado failed to effectively communicate to AstraZeneca the reasons why an additional year of leave would have enabled her to return to work and perform the essential functions of her job. Delgado never submitted any supporting medical documentation beyond a form from her doctor requesting more leave that would have shown AstraZeneca why additional leave was necessary and how it would have been effective. Next, the court dealt with the “even larger flaw in Delgado’s case,” that “the sheer length of the delay, when coupled with her prior five-month leave ... jump[ed] off the page.” Id.

at 130. Noting the burdens of such an extended leave on AstraZeneca, including “somehow covering the absent employee’s job responsibilities during the employee’s extended leave,” the court held that extending her leave another year would have been facially unreasonable. Id. at 131. Consequently, the court affirmed the district court’s grant of summary judgment.

Practice Suggestions

Depressed employees often seek flexible work arrangements or time off. *Hostettler* shows that employers cannot claim that full-time presence at work is an essential function unless they tie time-and-presence requirements to other job requirements. However, *Echevarria* instructs that

employees can only ask for facially reasonable accommodations and must provide evidence showing how such accommodations would enable them to perform the other essential functions of their jobs. Notwithstanding these general observations, employers should consider the following measures to increase the likelihood that courts will condone their actions.

Job Descriptions. Where appropriate and justified, employers should include regular attendance as an essential job function in written job descriptions, and explain why it is essential (for example, because employees work as part of a team, meet with customers, or use on-site equipment). Indeed, the *Hostettler* court favorably referenced employers that had done so in two other cases. In the first, a company’s call center tied full-time work requirements to a business need because, without a strict attendance policy, customers had to wait longer and other employees became overwhelmed fielding calls. *Williams v. AT&T Mobility Servs.*, 847 F.3d

384, 387-88, 392 (6th Cir. 2017). In the second, the company specifically identified some of the plaintiff’s main job responsibilities that she could not perform from home. *E.E.O.C. v. Ford Motor Co.*, 782 F.3d 753, 759 (6th Cir. 2015).

Telecommuting. Employers should be aware that if they allow “flextime” and telecommuting options for employees, employees may seek to use those employment arrangements as grounds to argue that on-site attendance is not an essential function of the job. This was the case in *Hostettler*, as the plaintiff was able to show full-time work was not essential by proving she could capably perform her other job responsibilities on a half-time schedule. See also *Breen v. Department of Transportation*, 282 F.3d 839 (D.C. Cir. 2002).

Be Proactive. Under the ADA, employers must provide qualified employees with reasonable accommodations, but not all accommodation requests are necessarily reasonable. Therefore, employers often must engage in the interactive process to determine the appropriate accommodation. See 29 C.F.R. §1630.2(o) (3). In order to avoid liability for failure to engage in the interactive process, employers should proactively discuss accommodation requests with employees, suggest alternatives, and document their efforts. A court will look more favorably upon the employer that does so than the employer that rejects the employee’s proposals outright.

Other Laws. This article focuses on federal disability law, but employers should consider additional state and local disability laws, sick leave laws, and family medical leave laws. For example, many state and local disability laws do not track the ADA’s requirement that an individual be “qualified” in order to make out a successful discrimination claim.

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Realty Law

« Continued from page 5

dant with the right to terminate if Filene’s and either J.C. Penney or Kmart (or another department store) is not open and operating for a continuous period of twelve months;” and that “extrinsic evidence may not be considered where the agreement is unambiguous.”

The plaintiff argued that the defendant could not terminate the lease “while Kmart was open and operating because (i) logic dictates that the termination provision precludes defendant from terminating the Lease unless all of the other department stores cease to be open and operating, (ii) defendant’s interpretation of the termination provision is unreasonable and contrary to the parties’ intent expressed in the Lease, and (iii) even if defendant’s interpretation of the contract is plausible, the termination provision is ambiguous such that the motion to dismiss should be denied.”

The court found that the defendant had properly terminated its lease. The court read the relevant provision to mean: “Defendant may terminate the lease, if at any time, for a continuous period of more than twelve months, (1) Filene’s is not open and operating, and (2) if any of the following conditions occur (a) J.C. Penney is not open and operating, or (b) Kmart is not open and operating, or (c) a retail store (which generally operates other stores of approximately 60,000 square feet or more) is not open and operating. To transform the word ‘or’ into an ‘and’ would ‘render the contract provisions meaningless or superfluous.’”

The court explained that Filene’s (Macy’s after it changed its name) had not been open and operating for a continuous period of more than twelve months prior to the defendant’s termination of the lease and J.C. Penney had never opened or operated at the mall. Accordingly, the court held that the defendant was permitted to terminate the lease.

The court reasoned, inter alia, that if plaintiff’s interpretation reflected the intent of the parties, then the lease should have specified that “After October 1, 1995, tenant may terminate this Lease, if at any time, for a continuous period of more than twelve (12) months, there (i) are not occupants occupying at least sixty percent (60 percent) of the leaseable floor space of the shopping center (not including the leaseable floor space of department stores)...; or (ii) if Filene’s (or a

retail store operating under the same name under which a majority of the stores formerly [prior to any name change] operated under the name Filene’s in the state of New York are then being operated) is not open and operating and *neither* (a) J.C. Penney ...*nor* (b) Kmart...*nor* (c) a retail store (which generally operates other stores of approximately 60,000 square feet or more) occupying at least 60,000 square feet of floor area in the space shown on Exhibit B as “Kmart” and/or “Kmart Permissible Expansion Area” is not open and operating. (emphasis added)

Accordingly, the court dismissed the plaintiff’s claim for breach of contract.

Comment: The court rejected the plaintiff’s effort to introduce extrinsic evidence as to the intent of the parties. Generally, courts will exclude such evidence unless they find that the contract language is ambiguous. Additionally, courts generally enforce the terms of commercial contracts, even when with hindsight, the terms appear to be harsh or unfair. The reasoning is that sophisticated commercial parties, represented by counsel, should generally be held to the terms of their agreement. There are certain exceptions such as fraud or where the facts establish, e.g., waiver estoppel, or ratification.

With respect to continuous operation provisions, the closure of a major store in a shopping center could reduce customer traffic for other stores in the shopping center. Some cases have involved ambiguous continuous operating provisions. Thus, counsel should carefully consider the definition of “continuous operation.” Occasionally, a tenant may argue that it has continuously “occupied” the space even though it was not open to the public because it continued to pay rent and it maintained merchandise or equipment on premises. Parties should also consider the need to provide for closing a store for extensive remodeling and for interruption of business in connection with an assignment or subletting of the space.

Via Port New York v. Sears, Roebuck & Co., USDC, NDNY, Case No. 1:17-cv-1222, decided Sept. 4, 2018, Suddaby, J.

Condemnation—Value of Avigation Easement—\$2,524,000 Claim Reduced to \$297,000

This decision involved a condemnation proceeding pursuant to the Eminent Domain Procedure Law (EDPL). The claimant assert-

ed a claim based on the county having used its eminent domain power to acquire 3.86 acres of the claimant’s property and to impose an “avigation” easement upon an additional 80.72 acres.

The county had taken the property in order to “mitigate obstructions and to preserve and protect runway protection zones” at an airport. The county had paid the claimant \$327,200 as compensation for the property acquired.

Counsel should carefully consider the definition of “continuous operation.” Occasionally, a tenant may argue that it has continuously “occupied” the space even though it was not open to the public because it continued to pay rent and it maintained merchandise or equipment on premises.

The land acquired lacked road frontage and approximately 23% of the property consists of wetlands. Although between April 2011 and September 2012, the claimant had sought subdivision approval, as of the date of taking, the property lacked subdivision approval, which would have permitted the claimant to develop its property. The town subdivision regulations barred “dead-end streets more than 1,000 feet in length.” The claimant had proposed a road that was “three times that length.” The court noted that “no ingress/egress easement or agreement for access with the county existed at the subject property” and the cost to build the roadway would be “borne solely by the Owner”. Moreover, the roadway construction costs “were reported to be uneconomic, i.e., those costs would cause the contemplated project to fail.”

The maximum building height permitted by the town zoning code was 60 feet. “Avigation easements do not preclude development, but provide the ability to prevent, remove or mark obstructions.” Approximately half of the easement “has an elevation of 80 feet from the ground.” The court noted that the part of the easement with the 80 foot elevation over the property did not “prohibit the ability to construct buildings under the town zoning code” and the avigation easement did not impact “trees or vegetation” since the claimant had proposed that he would “clear cut the 61.5 acres of the subject property that were not wetlands.” The “actual flight path ranges from 130’ to 232’ above the subject property, “based on the highest ground elevation of 370’.” The court noted that much of the property is lower than 370’, permitting even greater clearance.

The claimant sought approximately \$2,524,000 in damages.

The court awarded \$297,000 in damages.

The court found that the claimant’s land was “landlocked,” if adjoining properties to the South were not included. The claimant’s appraiser had included 5 additional parcels. The court found such inclusion was “improper, as the properties are separated from the (subject parcel)... by a fee-owned transmission line, and are thus not continuous; the prop-

erties are zoned differently... and thus have different highest and uses...; no marketing proposal included the other five parcels; and the town’s mandate for a connector road only affected the subject parcel.” The court stated that the claimant’s appraiser had mischaracterized the “actual road frontage of the subject parcel (the subject had no road frontage),” had mischaracterized access, and had mischaracterized the location and zoning and had failed to consider the town’s “requirement of a connector road....”

The claimant’s appraisal had dismissed “the actual effect of the easement on the property.” Additionally, the claimant’s appraiser testified that he “could not find sales that demonstrate the impact of avigation easements.”

In contrast, the county’s appraiser cited “multiple sales with avigation easements, including sales subsequent to such taking, that provided market data that disproved (claimant’s appraiser’s) premise and supported the county’s calculation of damages from the effect of the easement.”

The claimant’s appraiser had “discounted information provided by property owners and brokers and instead relied solely on his interpretation of court rulings.” He had not considered the “height of the avigation easements” because he stated that “the courts have not accepted that.” The claimant’s appraiser further asserted that courts have been “almost silent on the impact of these easements from the standpoint of the elevation of the avigation easement.”

Although the claimant’s appraiser had conceded that “every easement is different” and easements are “dependent on the individual facts of ease case,” he had not included any easement agreements that were the subject

of the trial decisions upon which he relied. Furthermore, the claimant’s appraiser considered damages based on the county’s right to “mark or light objects below the easement plane....” However, the court stated that such theory had been rejected by a prior court decision.

The claimant’s appraiser had also asserted that “properties within an avigation easement cannot obtain mortgage financing, insurance and local government approvals”. However, an exhibit included “multiple sales of properties within avigation easements that had such financing.”

The court did not believe that properties subject to avigation easements “are so severely restricted that they do not transfer as arm’s length market sales.” The court also disagreed with the suggestion that no “knowledgeable and reasonable developer, investor or business owner would construct a building in an area encumbered with an avigation easement.” The county had provided examples of projects that had been built despite the existence of avigation easements.

The court found that the county’s appraiser had considered the “lack of road frontage, the parcel’s location as a rear parcel, the applicable zoning and the status of approvals.” The county appraiser had also included a “detailed review of the avigation easement at the subject property” and opined that the area of avigation easement with 70 to 80 foot height had “minimal effect on the damage to the property, as it did not affect the development potential of that portion of the parcel...” He noted that “you certainly can build any zoning of 60 feet, so there’s not even any—any issues or conflicts with a 70- or 80-foot or 100-foot avigation easement in terms of development.” He also noted, that by far, “rural/suburban developments, including those within office/light industrial parks near the subject, involved one or two-story buildings. As a practical matter, the ability to construct improvements above 35 feet is insignificant.” The county’s appraiser asserted that avigation easements “are not written to preclude development.”

The court found that the county appraiser’s report supported such fact with “multiple examples of buildings located within sub-35 foot avigation heights.” The court also noted that the county’s appraiser had provided the court with “well-researched data and well-reasoned analysis” of comparable sales.

Additionally, the court stated that the claimant had been “fairly compensated for the acquisition

of the fee interest and avigation easement, as the amount paid by the county... actually exceeded the damages to the property, as is indicated by the market value of the property prior to the taking minus the market value of the property after the taking...”

The court concluded that the claimant’s valuation was “unpersuasive”, since it was based on “premises that are contradicted by the actual avigation easement documents and the market data of similar properties subject to avigation easements presented by the county....” Thus, the court found that the claimant’s appraisal was not based on “sound hypothesis”, and it lacked “probative value” and it was therefore rejected. Moreover, the claimant’s appraiser had not included a “detailed analysis of the zoning history of the subject parcel, and neglected significant developments and highly relevant statements before the town planning board. The status of zoning and approvals affects the market value of this property and, where a report ignores such factors, it should be rejected...”

In contrast, the county had “presented an experienced, knowledgeable expert with actual and more credible market data supporting his conclusions.” Accordingly, the court awarded the claimant damages in the amount of \$297,000, rather than the \$2,524,000 requested by the claimant.

Comment: This decision is of interest since many airports throughout the country have had to expand to accommodate the growth in air travel.

Forest Enter. Mgmt. Inc. v. The county of Warren, Sup. Ct., Warren Co., Index No. 61956, Aug. 16, 2018, Muller, J.

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Crypto

«Continued from page 4

Business Journal (Aug. 12, 2015); see also Evander Smart, “Escape from New York: Kraken & Paxful Join ‘Bit-Exodus,’” Coin Telegraph (Aug. 10, 2015).

Wait! More Is Happening In New York

While fully compliant with the BitLicense, NoDoubt Crypto is also eagerly anticipating a BitLicense reform to potentially lower the regulatory and compliance burdens it imposes, as discussed in early 2018, when New York state lawmakers held a roundtable with the cryptocurrency industry. See Stan Higgins, “New York Lawmakers Open to Revisiting the BitLicense,” Coin Desk (Feb. 25, 2018).

Next year, maybe? NoDoubt Crypto hopes.

But that is not all. In April 2018, the New York State Office of the Attorney General (the OAG) launched the Virtual Markets Integrity Initiative seeking disclosure on the business and trading operations of 13 trading platforms/ crypto-exchanges. In September 2018, it published the Virtual Markets Integrity Initiative Report detailing certain of its findings.

Though participation was voluntary, the OAG referred several exchanges that declined to participate to the DFS for potential regulatory violations.

FinHub to the Rescue?

NoDoubt Crypto begins to doubt that it will ever be on the right side of all regulations that apply to it. Could the SEC’s Strategic Hub for Innovation and Financial Technology (FinHub) be the silver lining? Launched on Oct. 18, 2018, FinHub is an online portal for the FinTech, digital assets and blockchain/DLT industry and the public to engage with the SEC by completing an online form to request a meeting with the regulators and submit white papers, offering documents and other supporting materials. It “provides a central point of focus for [the SEC’s] efforts to monitor and engage on innovations in the securities markets that hold promise, but which also require a flexible, prompt regulatory response to execute [the SEC’s] mission.”

Weighing the pros and cons of a prospective meeting request with

Outside Counsel

the SEC, NoDoubt Crypto reviews recent SEC and CFTC cryptocurrency related actions to better understand their jurisdiction over its operations.

Federal Courts Confirm CFTC’s Jurisdiction

NoDoubt Crypto takes notice of two recent federal court opinions.

A New York federal judge sided with the CFTC finding that the CFTC had jurisdiction over a trader of virtual currency. In ruling that virtual currencies are commodities, the court stated that “[u]ntil Congress clarifies the matter, the CFTC has concurrent authority, along with other state and federal administrative agencies, and civil and criminal courts, over dealings in virtual currency.” See *CFTC v. McDonnell* et al., Memorandum & Order, 18-CV-361 (E.D.N.Y. March 6, 2018).

Similarly, a Massachusetts federal judge confirmed the CFTC’s authority to prosecute an operator of a fraudulent virtual currency scheme holding that the currency was a “commodity” under the Commodity Exchange Act. See *CFTC v. My Big Coin Pay*, Memorandum of Decision, 18-10077-RWZ (D. Mass. Sept. 26, 2018).

With a better understanding of CFTC’s jurisdiction, NoDoubt Crypto turns its attention to the SEC’s approach to ICOs.

Federal Judge Rules That ICOs Fall Under Federal Securities Laws

A New York federal judge declined to dismiss a criminal indictment, ruling that federal securities laws may apply to an ICO and virtual currency frauds. Finding that a reasonable jury could conclude that cryptocurrency is a security, the court left the ultimate answer to the jury. See *U.S. v. Zaslavskiy*, Memorandum & Order, 17 CR 647 (E.D.N.Y. Sept. 11, 2018).

While the SEC seems reluctant to provide a clear regulatory framework regarding cryptocurrencies, it is decidedly clear that investor protection is a high priority and it has cracked down on fraudulent ICOs.

Recent SEC Firsts in ICO Fraud Enforcement Actions

This year, the SEC obtained a receiver for the first time over the

assets of an ICO that claimed to fund the world’s first decentralized bank. Though a receiver is not a novel remedy, the SEC sought such relief, in part, due to the egregious nature of the claimed fraud including the bank defendant’s false statement that it had acquired an FDIC insured bank and intended to generate \$1 billion.

A hedge fund manager settled an enforcement action with the SEC that claimed it operated a company investing in digital assets, but failed to register as an investment company, despite marketing itself as the “first regulated crypto asset fund in the United States.” Matter of *Crypto Asset Management and Timothy Enneking*.

For the first time since its 2017 DAO Report, warning sellers of digital securities to comply with securities laws, the SEC charged a company and its owners for selling digital tokens on their self-described “ICO Superstore” website, but failing to register as broker-dealers. Matter of *TokenLot, Lenny Kugel and Eli L. Lewitt*.

What About Private Party Lawsuits?

NoDoubt Crypto is risk averse and questions whether it may be exposed to lawsuits from ICO investors.

Yes! Investor federal class actions against ICOs are on the rise. Twelve were filed by mid-2018 compared to five in 2017. See Cornerstone Research, “Securities Class Action Filings: 2018 Midyear Assessment.”

This increase coincides with the overall increase in class action securities lawsuits with over 750 filed since mid-2016. Id. In addition, investors are filing lawsuits against celebrity endorsers who allegedly solicited investor purchases in unregistered security tokens. See, e.g., *Rensel et al. v. Centra Tech* et al., 1:17-cv-24500-JLK (S.D. Fla. Oct. 9 2018).

Key Takeaway

Given the evolving regulatory landscape, enforcement actions and civil litigation, with likely more to come in 2019, being proactive and staying abreast of regulatory and legal developments should be a top priority for NoDoubt Crypto and other businesses in the crypto/digital asset space.

Ethics Czar

«Continued from page 7

of the Federal Election Commission and Passantino said, “We became very close.” When Trump named McGahn as White House counsel, McGahn turned to Passantino as “the person who would take all the bullets and arrows” regarding ethics issues and gave him authority to act as McGahn’s surrogate.

Passantino said the learning curve for incoming Trump staff was rapid and steep. As Trump was taking the oath of office, only 15 to 20 people with his new administration were authorized to be in the White House. And the Presidential Records Act requires that every record, every piece of paper, every book, every email associated with the Obama administration be summarily removed and turned over to the federal archives, he said.

While the federal agencies have career people on staff who offer some continuity, there is no continuity in the West Wing.

“We are all political. ... There is not a memo on how to structure it or the 15 top things people are going to mess up on the second day,” he said. “We were starting from scratch with a lot of people who didn’t really have an understanding of how government works and thought, ‘We are here. We’re going to bang our fists on the table because that’s what works in New York. And we’re going to ... get stuff done.’”

“The first week or two you get hit over the head with the awesome importance of the things you are doing and your complete lack of preparation,” Passantino said. “And

the consequences for getting it wrong are off the charts.”

The process was “incredibly intimidating,” he said. Passantino cited Trump’s first executive order implementing a temporary travel ban on predominantly Muslim countries as a singular example of the “bedlam” that could erupt when campaign staffers Steve Bannon and Stephen Miller began drafting “50 different executive orders on 100 different things we’re going to do in the first 24 hours” when only three lawyers were working on site and were not always in the loop.

Passantino said that he was leaving Washington to fly home to Atlanta the Friday after Trump signed the order. He arrived at the airport to find “absolute chaos” as arriving passengers were barred from entering the country and others were being summarily ordered to return to their point of origin.

“It was a very, very immediate awakening [that] we are not in campaign mode anymore,” he said. “When you are president of the United States and you push out executive orders on travel issues ... on the Wednesday after Inauguration Day, there are actually going to be real-world consequences immediately from that.”

“And there was nothing ... more eye-opening than to get to the airport and realize, we have an awesome responsibility here,” he added. More importantly, he said, Trump’s newly-minted policy staff “have an awesome responsibility to talk to the lawyers.”

As a result, he said, “We all sort of understood we all ought to be working together.”

Passantino said that “a lot of people who were part of the previ-

ous administration who were either in the White House counsel’s office or were very, very well-versed in these Byzantine rules” were quick to target suspected violations by Trump’s White House staff. Passantino suggested “there was a very well-funded, very well-organized machine” of lawyers who would “watch every tweet, watch every utterance and file complaints as soon as somebody would drop the ball.”

And Twitter complicated everything, he said. “Twitter was the mechanism by which everyone communicated during the Trump campaign,” Passantino explained. Everyone had a Twitter account.

While the president might be immune from many federal ethics laws, the rest of the staff are required to comply. Their tweets often had White House lawyers scrambling to warn them that they couldn’t “just start sending stuff” on official White House accounts or as White House employees, Passantino said.

He said he had to explain to new staffers, “Everything you have—your title, the fact that people are paying attention to you, all of the assets and resources you have—they’re there because the taxpayers paid for them to be there. They are not given to you because you’re special. The taxpayers gave you that phone. The taxpayers gave you that title. They didn’t give you that title because they wanted you to use that to talk about politics or talk about a business.”

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and cybersecurity, according to his profile on the law school’s website. Parrish wrote that both he and professor Charles Geyh will write and grade the final exam for Samuel’s civil procedure class.

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DECISIONS WANTED!

The editors of the New York Law Journal are eager to publish court rulings of interest to the bench and bar. Submissions must include a sentence or two on why the decision would be of significance to our readers. Also include contact information for each party’s attorneys. E-mail decisions to decisions@a1m.com.

Court Calendars

Court of Appeals

CALENDAR FOR THE JANUARY TERM TUESDAY, JAN. 8 Matter of Mental Hygiene Legal Service v. Sullivan Matter of Mental Hygiene Legal Service v. Daniels Matter of James Q. WEDNESDAY, JAN. 9 Arrowhead Capital v. Cheyne Specialty Finance	People v. Michael Thomas U.S. Bank National Association v. DLJ Mortgage U.S. Bank National Association v. DLJ Mortgage THURSDAY, JAN. 10 Matter of New York City Asbestos Litigation (South v. Chevron) People v. Emmanuel Diaz People v. Ali Cisse
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First Department

APPELLATE DIVISION CALENDAR FOR THE DECEMBER TERM WEDNESDAY, DEC. 5 2 P.M. 17/1262 People v. Bayron Bermudez 18/1331 Reid v. City of NY 18/1291 T. Elizabeth 18/1443 Boccia v. NYC Dept Bldgs 18/1862 Carthen v. Sherman 17/972 People v. Jawawn Fraser 17/2309 People v. Patricia Howard 18/1434 Campbell v. Mccall's Bronxwood 16/1957 Aldrich v. Northern Leasing 18/616 Mano Enterprises v. Metropolitan Life 18/327 L. Children 17/3016 People v. Jean Andre 17/3064 People v. Kavon Venzen 17/2002 People v. Brian Jordan 18/3164(2) Tishman Const. v. Scottsdale Ins. 18/3154(3) Sysco Metro v. City of NY 18/3176 People v. Dashawn Jones 17/2606 People v. Jennifer Cruz 18/2171 Gibson v. Estate Othedy Antiaris 17/1886(2) People v. Randy Ortiz 18/186N Diaz v. Perlson 18/3499N Cwcapital v. CWCcapital Inv. THURSDAY, DEC. 6 2 P.M. 17/1950 People v. Juan Alejo 18/944 Haraburda v. City of NY 18/918 F. Josephine v. Rodney W. 18/2974 Voorheis v. Catamount Dev. 17/0996 Brown v. Montefiore Medical 15/2154 People v. Angelo Hayes 18/1714 Mann v. City of NY 18/2943 Sanchez v. 404 Park Partners 18/995 115-117 Nassau v. Nassau Beekman 18/52 People v. Jerill Felton 18/928 B., Children 18/1051 People v. Russell Alam 17/838(2) People v. Russell Alam 18/610 Mathew v. Board Of Education 18/917 Flom v. Flom 16/2031 People v. Richard Romo 16/1630 People v. Anthony Barrett 18/3195 Buhannic v. Tradingscreen 18/1186 People v. Dave Tolbert 17/2878 People v. Diego Carmona 18/2560N Thomas v. Karen's Body 18/2413N Hotel Carlyle v. Schwartz TUESDAY, DEC. 11 2 P.M. 17/44 People v. Oscar Jiggetts 18/782 Ny Helicopter v. Borneman 18/4611 B., Children 18/3175 Zheng v. Fu Jian Hong 18/398 Ambase Corp. v. Spruce Capital 18/240 People v. Deval Davis 18/3002 Artcorp v. Citirich Realty 18/1435(2) Watabe v. Cidabo 18/1469(2) Hauerstock v. Barclay Street 18/165(2) People v. Jose Rivera 18/1462 S., Margaret v. Richard M. 17/1023 People v. Marcus Perry 18/579 People v. Jonathan Espinal-Diaz 18/1294 Ecumenical v. Gvs Properties 18/2949 Maldonado v. Crotona Place 17/1243 People v. Eric Pek 17/3074 People v. Mohamed Musaid 17/2086 People v. Ernest Bellingier 18/3437 Lehman Brothers v. Ag Financial 17/1958 People v. Luis Guzman 18/2869N Genao v. Salcedo Maintenance 18/2864N Banks-Dalrymple v. Chang WEDNESDAY, DEC. 12 2 P.M. 18/380 People v. Julian Kurita 18/1268 Giancola v. The Yale Club 17/2005 S./G., Children 18/3170 Diaz-Martinez v. King Of Glory 18/3974(2) Defreitas v. Bronx Lebanon Hospital 17/2894 People v. Antonio Mallet 18/711 People v. City of NY 18/3472 Corazza v. Amchem Products 18/2894 16 West 8th v. Gluckman 15/2481 People v. Henry Acevedo 18/1655 K., Michael 17/2225 People v. Corey Green 08/2118 People v. John Hamlett 10/908 People v. Antonio Mallet 17/299 People v. Manuel Pacheco 18/245 Universe Antiques v. Gralla 18/2359 Bloom v. Westreich 17/1175 People v. Duval Simmons 16/264(2) People v. Mekhi Muhammad 18/986(2) Citibank N.A. v. Soccer For Cause 18/183N Alcantara-Pena v. Shanahan 18/1304N Hopkins v. City of NY	18/411 People v. Robert Rivera 18/601 People v. Vladimir Sanchez 18/1658 Reif v. Nagy 18/2178 Teix-Ny v. 60 Hudson 18/4079 Mt. Hawley Ins. v. American States 18/927 K., Carmella v. Michael M. 18/107 People v. Corvall Hampton 18/1078 People v. Erick Cruz 17/1409 Waterscape Resort v. Pavarini McGovern 18/2360(2) Waterscape Resort v. Pavarini McGovern 14/2420 People v. Modechai Kobbah 17/254 People v. Jose Guzman 17/2338 People v. Deshawn Donely 17/2344 People v. Yansane Mohamed 18/869(2) GE Oil & Gas v. Turbine Generation 18/490N Lau v. Human Resources 18/3072N Bamonte v. Durst **** The following cases have been scheduled for pre-argument conference on the dates and at the times indicated: Acosta, P.J. Friedman, Sweeney, Renwick, Richter J.J. WEDNESDAY, DEC. 5 10 A.M. 650887/18 Mark Steyn, et al v. CRTV, LLC 12:30 P.M. 300352/16 Alhaji Baba Kankani, As Administrator of The Estate of Usamat Kankani v. Sandra E. Christopher, et al MONDAY, DEC. 10 11 A.M. 300789/14 Edgar Corzo v. The Geo Group, Inc. TUESDAY, DEC. 11 11 A.M. 303203/12 Domingo Camilo And Maria Camilo v. Yesenia Nunez, American United Transportation, Inc. And Nana Yaw KumamKuman 12:30 P.M. 302008/15 Guy Savall v. New York City Transit Authority And Rodney Campbell WEDNESDAY, DEC. 12 11 A.M. 303177/15 Kim Dixon v. New York City Housing Authority THURSDAY, DEC. 20 10:30 A.M. 302216/10 Joanne Scheinin, As Administrator of The Estate Of Robert Scheinin. Deceased v. Habib Monas, M.D., et al 11 A.M. 301907/15 James Peterson v. Kips Bay Towers Condominium, et al 1 P.M. 306618/14 Javier Arellano v. Manuel P. Chimbrazogualpa, Et Al 3 P.M. 307743/12 Alina Nunez v. The III New York LLC And NYC London Hotel THURSDAY, JAN. 3 11 A.M. 350177/14 Cordelle Williams, An Infant By His Mother And Natural Guardian Danielle Morales v. Linden Plaza Housing Co., Inc., et al 1 P.M. 306771/12 Yehuda Atone v. BCS Construction Services Corp., et al
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APPELLATE TERM 60 Centre Street Room 401 10 A.M. MONDAY, DEC. 10 Ling-Cohan, J.P., González and Cooper, J.J. 14/299 People v. Colon, Absisain 17/072 People v. Garcia, Cesar 18/106 People v. Gonzalez, Nelson 18/178 People v. Barry, Hamidou 18/191 People v. Harayama, Howard 18/198 People v. Sutcliffe, David 18/212 Escoffier, Dana v. Sokolski & Zekaria 18/229 People v. Smith, Christopher 18/278 553 W. 144th Llc v. Severino, Hilda Rosario 18/281-284 N.Y. University v. Nabulsi, Laila And Wiltz, R. 18/317 Heller, Robert v. Cooper, Birch 18/335 157 Broadway Asscs. v. Berroa, Migdalia 18/336 498 West End Avenue v. Reynolds, Migdalia 18/343-344 Sunrise Acupuncture v. Global Liberty Insurance 18/359 Hlee, Xue Jie v. Xue, Hairong The following cases are on for submission. No appearance is necessary. MONDAY, DEC. 10 Ling-Cohan, J.P., González and Cooper, J.J. 18/341 Ramirez, Jennifer v. Goals Aesthetics & Plastic	SUPREME COURT Ex-Parte Motion Part And Special Term Part Ex-Parte Motions Room 315, 9:30 A.M. Special Term Proceedings Unsafe Buildings Bellevue Psychiatric Center Kirby Psychiatric Center Metropolitan Hospital Manhattan Psychiatric Center Bellevue Hospital The following matters were assigned to the Justices named below. These actions were assigned as a result of initial notices of motion or notices of petition returnable in the court on the date indicated and the Request for Judicial Intervention forms that have been filed in the court with such initial activity in the case. All Justices, assigned parts and courtrooms are listed herein prior to the assignments of Justices for the specified actions. In addition, listed below is information on Judicial Hearing Officers, Mediation, and Special Referees. IAS PARTS 1 Shulman: 325 (60 Centre) 2 Freed: 280 (80 Centre) 3 Brannen: 442 (60 Centre) 4 Nervo: 327 (80 Centre) 5 Saunders: 328 (80 Centre) 6 Rakower: 205 (71 Thomas) 7 Lebovits: 345 (60 Centre) 8 Kotler: 278 (80 Centre) 9 Sattler: 222 (60 Centre) 10 Silver: 1227 (111 Centre) 11 Madden: 351 (60 Centre) 12 Jaffe: 341 (60 Centre) 13 Mendez: 210 (71 Thomas) 15 Crane: 304 (71 Thomas) 17 Hagler: 335 (60 Centre) 18 Wan: 731 (111 Centre) 19 O'Neill Levy: 218 (60 Centre) 20 Kaplan: 540 (60 Centre) 21 Sokolof: 279 (80 Centre) 22 Silvera: 136 (80 Centre) 23 Perry: 307 (60 Centre) 24 Katz: 543 (60 Centre) 25 Kelly: 1254 (111 Centre) 26 Visitation-Lewis: 355 (60 Centre) 28 Feinman 1127a (111 Centre) 29 Kalish: 104 (71 Thomas) 30 Heitler: 408 (60 Centre) 31 Drager: 305 (71 Thomas) 32 Bluth: 432 (60 Centre) 33 Chan: 103 (71 Thomas) 34 St. George: 308 (80 Centre) 35 Edmead: 438 (60 Centre) 36 Ling-Cohan: 428 (60 Centre) 37 Engoron: 418 (60 Centre) 39 Scarpulla: 300 (60 Centre) 40TR McMahon: 422 (60 Centre) 41 Cannataro: 490 (111 Centre) 42 Bannon: 1127B (111 Centre) 43 Reed: 581 (111 Centre) 44 Hoffman: 684 (111 Centre) 45 Cohen, J.M.: 412 (60 Centre) 46 Billings: 254 (71 Thomas) 47 Goetz: 320 (80 Centre) 48 Masley: 242 (60 Centre) 49 Sherwood: 252 (60 Centre) 51 Cooper: 212 (60 Centre) 52 Tisich: 289 (80 Centre) 53 Ramos: 238 (60 Centre) 54 Schecter: 228 (60 Centre) 55 d'Auguste: 122 (80 Centre) 56 Kelley: 311 (71 Thomas) 57 Borrok: 623 (111 Centre) 58 Cohen, D.B.: 574 (111 Centre) 59 James: 331 (60 Centre) 60 Friedman: 248 (60 Centre) 61 Ostrager: 232 (60 Centre) 63 Kennedy: 321 (60 Centre) MFP McMahon: 300 (60 Centre) MMSP: McKone: 408 (60 Centre) MMSP-1: Shulman: 325 (60 Centre) MMSP-10: Silver: 1227 (111 Centre) IDV Dawson: 1604 (100 Centre) JUDICIAL MEDIATION Silver 1227 (111 Centre) McMahon 422 (60 Centre) TRANSIT AUTHORITY SETTLEMENT Heitler: 408 (60 Centre) EARLY SETTLEMENT ESC 1 Vigilante 422 (60 Centre) ESC 2 Wilkenfeld 103 (80 Centre) JHO/SPECIAL REFEREES 60 Centre Street 27M Gammerman: Room 564 83R Helewitt: Room 562 83R Sambuco: Room 240 86R Liebman: Room 641 88R Sugarman: Room 651 92 Roth: Room 515 93 Thomas: Room 528 99 Straniero: Room 528 SPECIAL REFEREES 80 Centre Street 16 Schlesinger: 106 81R Hewitt: Room 321 84R Feinberg: Room 114 87R Burke: Room 238 89R Hoahng: Room 236 MEDIATION-NON-JURY 80 Centre Street Kern-Supple: Room 234 SUPREME COURT Motion Calendars Room 130, 9:30 A.M. 60 Centre Street
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New York County

SUPREME COURT

Ex-Parte Motion Part And Special Term Part

Ex-Parte Motions Room 315, 9:30 A.M.
Special Term Proceedings Unsafe Buildings
Bellevue Psychiatric Center Kirby Psychiatric Center Metropolitan Hospital Manhattan Psychiatric Center
Bellevue Hospital

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

IAS PARTS

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E-Filing Submission Part WEDNESDAY, DEC. 5

654190/1850 Broad St., Inc. v. Sarar
156690/1776th And B'way. Owner v. Allstate New Jersey
653747/1877 Hudson Dev. Corp. v. Board of Mgrs. of The 5
850233/18938 St. Nicholas Ave. v. 936-938 Clifcrest Housing
155896/17 Kachig v. NYC
654633/18 Amcc Corp. v. Site Fencing Inc.
152355/17 American Express Centurion v. Trantolo
156906/18 American Express Nat. Bank v. Teles
654396/18 American Express Travel v. Austell Saloon And Grill
653958/18 American Express Travel v. Shabelle Auto Sale And
654437/18 American Express Travel v. White Oak Industries Inc.
158472/16 Anderson v. Metro. Transportation
156996/13 Annaloro v. 406 Broome St Rest Inc.
805198/16 Arnold v. Blitz
652673/18 Aspen American Ins. v. Heavy Metal Corp.
653632/18 Aura Capital Ltd. v. Comply Inc.
160868/18 Bauerschmidt & Sons, Inc. v. Jame Legacy
850282/17 Bayview Loan Servicing v. Blue
157109/16 Belote v. Con Ed v. NYC
150789/17 Blackman v. South Pierre Associates
651733/18 Buda Equities v. 432-4

451543/18 Comm'rs. of The v. Quantum Design & Safety
450651/18 Comm'rs. of The State v. Corporate Staff Leasing Inc.
450182/18 Comm'rs. of The State v. H & K Furniture Inc.
651972/17 Conduent Business Services v. Cognizant Business Services
158838/14 Country-Wide Ins. Co. v. Metro. Medical
157696/17 Courtney v. McDonald
156175/18 Cronan-Kahan v. Potamkin
158315/16D.P. v. NYC Dept. of 157743/14 Dahl v. Prince Hldgs. 2012
157986/18 Delbaum v. McKeown
653686/16 Demetrio v. Clune Const. Co.
655336/18 Eastern Funding LLC v. Friendly Inc.
655230/18 Eastern Funding LLC v. J & M System Hldgs. Corp.
160221/18 Eita (Itty) Pruss v. Infiniti of Manhattan, Inc.
151046/17 Espinosa v. White
153252/17 Fahey Inc., D/b/a Fahey v. Rex Pipe Shop Inc.
157969/15 Faresi v. New York-Presbyterian
161692/15 Fielden v. NYC
656240/16 First Mercury Ins. v. Nova Restoration of Ny, Inc.
652666/13 Fran-Co Remodeling Corp. v. Ninety-Five Madison Co.
157477/18 Francois v. Dept. of Education
65047/15 Galpern v. Air Chfs L.L.C.
155182/13 Gammon v. Marriott Int'l, Inc.
190235/17 Gillen v. Abb, Inc.
655471/18 Govt. Employees v. Santana
190267/17 Grabowski v. A.O. Smith Corp.
654861/18 H&M Trading Co. LLC v. Mossery
650981/18 Harleysville Ins. v. Merchants Mutual Ins.
656962/17 Harris And v. Harris A-K A Betsy Savage
158801/18 Hereford Ins. Co. v. Health East Ambulatory
850262/17 Hilton Resorts Corp. v. Villa
653565/16 Inbar Group, Inc. v. St. Mark's World Staffing
161362/17 Jiang v. Mitacchione
159212/16 Johnson v. 111 E. 59th St. Jv Sub LLC
151278/18 Joseph v. Moore
155832/18 Kalnit v. 141 East 88th St.
652468/18 Kato Int'l LLC v. Gerard Fox Law
654762/18 Keith D. Silverstein v. Tammy Tran Plc
653693/18 Khedouri Ezair Corp. v. Makkos
650658/14 Kitchennyc v. Davidim Ag
104259/11 Kohan v. Nehmadi
155100/17 Komomolov v. Popik
652571/11 Line Design LLC v. Pro Design, Inc.
150213/16 Lopez v. Crp Uptown Portfolio II LLC
190122/18 Macmillan v. Air & Liquid Systems
190055/17 Mantovi v. Aerco Int'l
805086/17 Martinez-Alvarado v. Brian Mehling
156620/18 Malatov v. R.M. Williams US NY LLC
654933/18 Maxxi Bldg. Security And v. Heritage Health & Housing
158831/18 McKenna v. Doyle
650913/12 Meissner v. Yun
153063/16 Metro 765, Inc. v. Eighth Ave. Sky LLC
156340/18 Miller v. Dept. of Education
155382/17 Moncho v. Miller
655423/18 New Hampshire Ins. v. Gitta Hacking Corp.
156221/18 New South Ins. Co. v. Provide Automotive, Inc.
150618/17 Nogueira v. Ery Retail Podium LLC
654230/18 Opportunities II Ltd. v. Fcb Financial, Inc.
152049/17 Ormston v. 1551 B'way Owner LLC
654490/18 Parker v. American Assoc. of
190106/17 Paul D. Margolis v. Amchem Prods.
653509/16 Ppj Capital, Inc. v. Wrobel
651966/17 Prime 135 NYC v. Major Const. Co., Inc.
654872/18 Princess Gems & Gold Ltd. v. Jay Gems Inc.
450448/16R. v. Leake And Watts Services Inc.
655805/18 Raymond James & Associates v. Colombino
15781/18 Reliance Trust Co. of v. Korea Nat. Oil Corp.
157613/17 Reyes v. NYC
152960/18 Reynoso v. NYC
154314/14 Ripley v. Rutton
156244/17 Rivera v. Cosom
163124/15 Rivera v. Madison Sixty LLC
158253/18 Roc-Century Associates v. NYS Div. of
805151/18 Rodriguez v. Reber
190374/16 Rothlein v. American Int'l
160247/18 Salazar-Eras v. Martinez
652969/14 Sands Brothers Venture v. Park Ave. Bank
159449/18 Seacoast Nat. Bank v. Trueloves II
152804/18 Shetty v. Muhammad
652659/18 Sieglevision Corp. v. City Unit. of New
190337/16 Simone v. Amchem Prods., Inc.
150536/18 Solomon v. NYC
153579/18 State Farm Mutual Automobile v. Aron Rovner
158823/17 Stevens v. Via Transportation, Inc.
152839/14 Straughter v. Thor Shore Pkwy.
151506/18 Tech. Ins. v. Preferred Contractors
158139/17 Thorne v. Con Edison Co. of New
158095/12 Trumbull Equities LLC v. Mt. Hawley Ins. Co.
151770/18 Valencia v. Doynan
156497/18 Verizon New York, Inc. v. Nat. Grid USA
160302/13 Winkle v. Underwriters At Lloyds London
153286/17 Wolff v. 500 East Ltd.
156567/16 Woods v. Iht, Inc.
153571/16 Yax v. NY Life Ins. Co.
850834/27 Yu v. Clinton
650620/18Z & J LLC D/b/a Appealtech v. Myness
158042/16 Zumbo v. Deerpeth Const. Corp.
151148/17 Zuniga v. Pena
450982/16 Zuniga v. Brp Dev. Corp.

THURSDAY, DEC. 6

152239/18 Abramo v. Hlt Ny Hilton
155581/18 Admiral Indemnity Co. v. 237 West 54 Owner LLC
653479/18 Allegaert Berger & Vogel Lp v. Abela
655434/18 Allstate Ins. v. Altman
655352/18 Alrai Naked Opportunity LLC v. Naked Brand Group Ltd.
155837/15 Amadeo v. Con Ed of New
160411/18 Amicar v. Carranza
654014/18 Amon v. Drohan
154979/17 Ampm v. 160 East 48th St. Owner
653846/18 Amtrust North America Inc. v. American Dance Institute
657317/17 Andel v. All Vision LLC
850163/14 Bank of NY Mellon v. Adam P10th
452630/14 Bersin Properties v. Nomura Credit & Capital, Inc.
805374/14 Biihao v. NYU Hosps. Center
156590/16 Birro v. Port Auth. of New
152255/17 Bottum v. Egan
653731/16 Bravura Private Wealth Pty. v. Cadmus Asset Mgt.
805205/12 Buque v. Santiago
655953/17 Byrne v. Heatherton

654766/18 Capital One Equipment v. Houanche
654859/18 Capital One Equipment v. Shenel Joseph
653860/18 Capital One v. Bart
155405/16 Cheung v. Great N.Y. Noodletown Inc.
153424/15 Chowdhury v. Con Ed, Inc.
654934/18 Cohen Goldstein v. Karambelas
654307/18 Cooperstein v. Securwatch24 LLC
651767/18 Country-Wide Ins. Co. v. Shelher
160254/18 Cross River Fiber v. Ramland Hldgs.
156797/16 Deng v. Ean Hldgs.
157126/18 Deutsche Bank Nat. Trust v. Board of Mgrs. of The
652618/18 Drimer v. Zionist Organization of
155923/14 Dubiec v. NYCHA
158716/17 Edwards v. Con Ed Co.
160254/16 Eng v. Wing Ming Properties
155720/16 Enowitz v. Tse Group
654351/18 Fidelity Nat. Title v. Edith Pennamont Apls.
151983/12 Georgoulis & Associates v. Air Seal Insulation Systems
190049/17 Germain v. American Int'l
805282/17 Gittler v. Pinsky
190267/17 Grabowski v. A.O. Smith Corp.
156677/17 Green v. Associated Cut Flower Co.
160355/17 Guarquila v. Cres Inc.
156926/16 Habib v. Illinois Tool Works Inc.
653010/18 Health Sos P.T. P.C. v. Gould
151896/16 Hofesang v. NYC
652534/14 Humblemonkey v. Rice Securities
151961/18 Hussain v. McDonald's Corp.
653296/18 Intelligent Technologies And v. NY Renaissance Cotp.
150335/18 Jackie Krygar Real Estate v. Perry
158888/18 John v. Brann
153406/18 Kennedy v. NYC
656907/17 Kmr Lp v. Pickled Punk Pictures Inc.
154565/18 Laban v. 45 Beekman Hldg. LLC
653626/15 Liberty Mutual Fire v. 720 Lex Acquisition LLC
150713/18 Martinez v. 421 Kent Dev.
152434/18 Martinez v. Andrew N. Kornstein
158569/17 Mills v. Rite Aid of NY Inc.
654433/18 Mortimer Offshore Services v. Manufacturas Orga Ltda
655398/18 Motor Vehicle Accident v. Amica Prop. & Casualty
190311/15 Murphy-Clagett v. A.O. Smith Corp.
653901/18 My Size, Inc. v. North Empire LLC
160155/16 Nunez v. Fedex Ground Package Systems
159678/14 Nunez v. NYC
154671/16 Pellicier v. Martinez
159967/15 Pisarik v. Phipps Houses Services, Inc.
651406/17 Psh Indian Creek LLC v. Halpern
654924/16 Quality King Distributors v. Chip Fifth Ave. LLC
154988/13 Ramirez v. A.W. & S. Const. Co.
150281/16 Ramos v. 885 W.E. Residents Corp.
151793/18 Reyes v. Hallivis Rlty. Corp.
155116/16 Roa v. NYC
150983/18 Rosenblum v. NYC
653850/18 Rvm Enterprises, Inc. v. Filler
655390/18 Rvw Prod.ions Corp. v. Levin
154191/15 Samuels v. Con Ed, Inc.
151488/17 Selig v. Pace Univ.
190025/17 Shulman v. Brenntag North America, Inc.
652865/17 Taly USA Hldg., Inc. v. Jason Nissen
154065/18 Thornton v. Brody
850117/16 U.S. Bank Nat. v. Miodownik Benadon
159884/18 Umeh v. Checole
655283/18 Unique Logistics v. Pem-America, Inc.
151798/18 V. v. 1665 Monroe Rlty. LLC
657290/17 Village Green Mishawaka v. Romanoff
850295/17 Wells Fargo Bank v. Min
158555/18 Williams v. NYS Div. of
651865/18 Wimbledon Financing Master v. Bergstein
153734/16 Wright v. 46-54 Wadsworth Prop. LLC
654241/18 Wynden Stark v. Toner
656096/16 Yerushalmi v. Resles
657346/17 Zach v. East Coast Restoration

FRIDAY, DEC. 7

655537/17 1356 St. Nicholas Rlty. LLC v. Iccl Hldgs. Inc.
160935/17214 West 39th St. LLC v. Fashion Transcript LLC
650331/0921st Century Diamond v. Int'l
151802/1721st Century Ins. Co. v. Jaime Gutierrez Md
654838/18320 West 115 Rlty. LLC v. Avant Capital 318-320 West
653057/1847 East 34th St. (NY) v. Bridgest. Worldwide, Inc.
850039/1873rd Park LLC v. 51 East 73rd St LLC
152639/15 Adames v. Gateway Belvedere
650025/16 Advanced 23 v. Chambers House Partners
650791/18 Afialo v. 338 West 19th St.
155672/18 Aig Prop. Casualty v. Lendlease (us) Const.
155688/18 Akhmedova v. Akhmedov
154510/15 Albanese v. SI Green Mgt.
152402/18 Alexopoulos v. 2 Rector St. (NY)
152855/18 American Transit Ins. v. Biggs
153980/18 American Transit Ins. v. Franco
151024/18 American Transit Ins. v. Garcia
655219/18 American Transit Ins. v. Old Republic General Ins.
159689/17 American Transit Ins. v. Ramdeen
161497/17 American Transit Ins. v. Reeves
158335/18 Amerimax Capital v. Rafalovich
654332/18 Andrews v. O'Donnell
654429/18 Arena Riparian (cay-man) v. Cds Aircraft Sales And
160232/14 Ashton v. Norfolk Southern Railway
158075/18 Atlantic Specialty Ins. v. B'way. 1384 LLC
654781/17 Audio Visual Services Group v. Albany
162297/15 Ayala v. NY Community Financial
160328/18 Ayash v. NYC
450033/17 Bakain v. NYC
654981/18 Baum v. Suzuki
653753/18 Bay Towers Associates v. Lichtenstein
150718/18 Bensusan v. Berlianshik
805222/16 Berrocal v. Mount Sinai West
155272/18 Board of Mgrs. of The v. Sullivan
158927/18 Board of Mgrs. of The 416 v. Seldman
190267/13 Bolhmann v. Baxter Healthcare Corp.
652875/18 Bonnick Finance LLC v. Capital Source 2000 Inc
160431/18 Buchanan v. Blasio
154094/14 Burkhardt v. Cahn
154202/18 Capo v. Global Experience
650965/16 Capstone Business Funding v. Samrat Container Lines

COURT NOTES

NEW NOTE NYS UNIFIED COURT SYSTEM

Housing Court Judge Candidates

The New York State Unified Court seeks comments to assist in the evaluation of the following Housing Court Judge candidates:

Clinton J. Guthrie, Esq.
Norma J. Jennings, Esq.
Jacob O. Madubuko, Esq.
Lauren Popper, Esq.
Malaika Scott-McLaughlin, Esq.
Malikah Sherman, Esq.
Susan R. Winograd, Esq.

Please send comments to the Hon. George J. Silver, Deputy Chief Administrative Judge for New York City Courts, 111 Centre Street, Room 1240, New York, NY 10013.

NEW NOTE FIRST DEPARTMENT

Appellate Division

Office of Committee on Character & Fitness Supreme Court of the State of New York 41 Madison Avenue, 26th Floor New York, NY 10010

The Committee on Character and Fitness will meet at the Offices of the Committee on Character and Fitness, located at 41 Madison Avenue, 26th Floor, corner of 26th Street, New York, NY 10010, on **Thursday, December 6.**

An applicant is required to inform the Committee in writing of any change in address or employment, or of any other information listed by the applicant in the personal questionnaire, since the date of verification of the questionnaire.

The Committee requests information concerning the moral character of the listed applicants for admission to the Bar. Such information may be communicated to any member of the Committee, or to the Clerk of the Court by corresponding to the above address.

Peter James Johnson, Jr. Chair
Hon. Betty Weinberg Ellerin Vice-Chair
Charles G. Moerdler Vice-Chair
Sofia Arguello
Erica Barrow
Hon. Ariel E. Belen
Helene E. Blank
Matthew K. Breitman
Hon. Herman Cahn
Hon. John Carro
Catherine A. Christian
Hon. Robert L. Cohen
Hon. Ellen M. Coin
William H. Cooper
Leslie D. Corwin
Hon. Barry A. Cozier
William J. Crabtree
Thomas J. Curran
Mirta Del Rio
Mauro J. Digirolamo
Stephen J. Fearon
Kevin P. Feerick
Michael A. Fernandez
Patricia Ferrari
William A. Gallina
William A. Garcia
David R. Gelfand
Julie Goldscheid
Hon. Arthur J. Gonzalez
Hon. Norman Goodman
Sandra Jefferson Grannum
Janice B. Grubin
Leon P. Hart
Vilia B. Hayes
Fran R. Hoffinger
Bruce A. Hubbard
Muriel S. Kessler
Hon. Gabriel M. Krausman
Marvin S. Lerman
Richard E. Lerner
Marjorie A. Lesch
Mark A. Levine
Naomi Levine
Jeffrey A. Lichtman
Hon. Harold J. Lynch
Thomas J. Maroney
Jules A. Martin
Hon. Marjorie A. Martin
Sharon L. McCarthy
Robert P. McGreevy
Francis C. McLaughlin, Jr.
Neil M. Merkl
Eileen D. Millett
Genevieve Nelson
John F. X. Peloso
Carlos Perez-Hall
David Rosenberg
Hon. Renee R. Roth
Nancy A. Rucker
Hon. Richard N. Runes
Hon. David B. Saxe
Harold Lee Schwab
Alexander W. Seligson
James T. Shed
Meryl Holt Silverman
Harvey I. Sladkus
Hon. Michael R. Sonberg
Michael Stolper
Michael P. Tempesta
James E. Tolan

450044/16 Carlton Group v. Prop. Markets Group, Inc.
160655/14 Castellano v. Ann/nassau Rlty. LLC
156150/16 Catalano v. Lippolis Electric Inc.
158343/18 Cdl (new York) Ltd. v. NYC Environmental
150119/18 Cepeda-Rodriguez v. NYC
159085/14 Chama v. NYC Dept. of
160001/16 Chung v. Galdava
155868/18 Citizens For Alternatives To v. State Univ. of New
160558/18 Coco One Stop, Inc. v. Lorelei Salas
654446/17 Colonial Funding Network, Inc. v. Emmanuel Transit, Inc.
157416/16 Con Ed Co. v. Fredante Const. Corp.
151340/16 Con Ed Co. v. Maspeth Supply Co. LLC
157679/17 Cordier v. Beautique Group
157423/18 Corrales v. New Blue Flowers Gourmet Corp.
161486/17 Country-Wide Ins. Co. v. Porter
152731/18 Cruz v. Sollazzo
159535/18 Cv Int'l Inc. v. Novita Fabrics & Furnishings
157267/18 Davidson v. Sollazzo
654027/13 Davis v. Scottish Re Group Ltd.
153594/18 Deci-Amparo v. 2 Elwood St.
651957/13 Deutsche Bank Nat. Trust v. Equifirst Corp.
159491/18 Dewey v. General Beverage Consulting
805662/15 Diaz v. Harlin RR.
805678/18 Drapkin v. M. Mjalli
155813/17 Dudhnath v. Con Ed Co.

150078/17 Dunn v. Flushing Commons Prop.
154301/17 Duran v. NYC
157938/18 Eastside Floor Supplies Ltd. v. Torres-Springer
159599/15 Herbert Moskowitz D/b/a v. Tury Burch LLC
153558/18 Hernandez v. Samouha
152551/17 Hertz Vehicles v. Advanced Orthopaedics
155438/17 Hill v. Novikov
450328/18 Hosten v. First Kid Inc.
155913/16 Huggins v. NYCTA
155647/18 Hyatt Hotels Corp. v. Lendlease (us) Const.
654357/18 In The Matter of The v. Sunrise Operations LLC
158862/15 Integrated Project Delivery v. Mt. Hawley Ins. Co.
157803/18 Izhaky v. Benjamin
157889/18 J's Contracting Corp. v. United Elite Group LLC
155057/16 Jakob v. 767 Fifth Partners
158147/18 James v. NYC Dept.
153460/15 Jimenez v. NYC
157127/17 Johnson v. NYCHA
159735/15 Joselyn Dudley Gordon As v. NYC
190118/16 Joyce v. Amchem Prods., Inc.
158054/18 Karmin v. Pepsico, Inc.
190196/17 Kilgallen v. A.O. Smith Water Prods. Co.
157162/12 Kostroff v. NYC
161284/15 Krieger v. 9 St. Marks Pl., Inc.
805100/17 L.M. v. Krushelnycky
156149/18 Lane v. Musy
157836/18 Langan Engineering v. Dev. Planning And
652962/16 Langer v. Leader Electric Co., Inc.
805011/18 Larry v. NY Presbyterian Well
153262/18 Levenson v. Dept. of Environmental

157684/18 Gyltsen v. NY County Dist., 9-30 A.M.
190150/18 Haley v. Abb, Inc.
157610/12 Harley v. NYC
159599/15 Herbert Moskowitz D/b/a v. Tury Burch LLC
153558/18 Hernandez v. Samouha
152551/17 Hertz Vehicles v. Advanced Orthopaedics
155438/17 Hill v. Novikov
450328/18 Hosten v. First Kid Inc.
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158054/18 Karmin v. Pepsico, Inc.
190196/17 Kilgallen v. A.O. Smith Water Prods. Co.
157162/12 Kostroff v. NYC
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805100/17 L.M. v. Krushelnycky
156149/18 Lane v. Musy
157836/18 Langan Engineering v. Dev. Planning And
652962/16 Langer v. Leader Electric Co., Inc.
805011/18 Larry v. NY Presbyterian Well
153262/18 Levenson v. Dept. of Environmental

Catherine Torres
Hector Torres
William Wang
Stephen A. Weiner
Harold Weisman
Robert H. Wolff

Committee on Character & Fitness
Susanna Rojas, Clerk of the Court

MORNING SESSION

To Appear at 9 A.M.
Agalarova, Aysel
Alvarez Sanz, Borja
Arslanian, Kayla N
Barriounevo Biselli, Rubens Dalney
Barry, Christopher David
Battaglino, Richard (On Motion)
Bitterly, Allison G
Bradna Ponzoni Herscovici Junqueira, Beatriz
Brewer, Barry Cameron
Brown, Faye Christine
Bryson, Melissa Colleen
Burger, Simon
Byhovskiy, Irene Ruth
Cannon, Christiane Nibley
Celt, Corey Michael
Chan, Lauren Liane
Chen, James Xinlu
Coates, Graham (On Motion)
Cromarty, Mia Ann Yokoyama
Cullen, Lauren Anne
Dahlgren, Jeffrey Michael
Damodar, Miju
De Wulf, Sarah Denise R
Fernandez, Christina Dianne
Fletcher, Allen Douglass
Fort, Jonathan Taylor
Gaeta, Stephen John
Goldstein, William Samuel Cox

To Appear at 9:30 A.M.
Disanto, Christopher Scott
Dorfman, Elizabeth Graff (On Motion)
Forr, Thomas Joseph (On Motion)
Gomis, John
Gonso, Elizabeth Grace
Grace, Nicholas Francis
Graham, Christopher Alan
Hah, Hyungjoon
Han, Guqiao
Haveric, Selma
Husa, Martti Johannes Helmer
Jang, Jessica
Juneja, Shrishta
Kapoor, Sonali
Kaul Barry, Sequoia Rey
Kennedy, Natalie Carol
Khuong, Luan
Kim, John Dyoung
Kim, Youwha
Kupitayanant, Prach
Lax, Chase Alexander
Leal-Holguint, Antonio
Ledingham, Jessica Jane
Lemons, Andres Perches
Levario, Michael Gaston
Linnen, Anneliese Elizabeth
Mandel, Alexander Martin
Marcus, Daniel Jacob
Marquesini Gonzales, Hellen Eize
Mcveigh, Colin Timothy

To Appear at 9:45 A.M.
Camara, Lassiney Kathann (Foreign Legal Consultant)
Cridde, Prudence Jane (Foreign Legal Consultant)
Morgan, Thomas Gregory (Foreign Legal Consultant)
Zhang, Qinghua (Foreign Legal Consultant)

To Appear at 10 A.M.
Kouassi, Philippe (On Motion)
Magalhaes E Silva, Pedro
Marino, Gregory Antony
Matystik, Jennifer Jean
Mcgeever, Cian Michael
Mendoza, Edgar
Mohler, Brittany (On Motion)
Muirhead, Roxanne
Mukambetova, Asel
Oliner, Elizabeth J (On Motion)
Park, Hayoung
Parrott, Andrew Tallie
Pattullo, Claire Louise
Pilkati, Ted
Porter, Kerry Michael (On Motion)
Rawlinson, Thomas Alan
Rho, Sohee
Rosario, Franklin
Sandstrom, Per Hugo
Sharif, Ismail Abdul-Wali
Shiner, Daniel John
Shon, Sanghoon
Silbereich, Sam Sullivan
Sirett, Olivia Rose
Soriano, Jose
Steinberg, Alexander
Su, Hung-Jie
Valavanidou, Anastasia
Vanto, Ida Johanna
Walker, Aaron Emerson
Wang, Xuezheng
Ward, Stacia Latrice
Wiener, Aaron Isidor
Wilk, Matthew M.
Wurtzbeach, Anne Macgregor
Yan, Edmund (On Motion)
Yuan, Yuan

Continued on page 12

653638/18 Pacific Western Bank v. Paul Apilado Dds
653465/18 Pacific Western Bank v. Smith
157447/16 Paget v. Pcvst-Dil
158521/12 Palania v. NYC
154671/16 Pellicier v. Martinez
150633/17 Pena Ramirez v. Culbreth
157536/18 Pennsylvania Higher v. Ehrhardt
451985/18 Perez v. Reliant Transportation, Inc.
450783/18 Perry v. NYC
652839/18 Pipe Select Fund v. Mkm Opportunity Fund
654697/18 Prism Healthcare Partners v. Whetsel
155687/18 Privilege Underwriters v. Lendlease (us) Services, Inc.
154839/17 Prounis v. Tang
190202/17 Raciti v. 4520 Corp Inc As Successor
158272/18 Reuter v. Board of Trustees of New
155315/15 Roistacher v. NYC
655529/18 Rose Hill Prop. Assoc. Inc. v. Bertha
152527/16 Ruff v. Scanlon
157140/14 Santana v. NYC
155710/16 Scott v. NYC
160188/18 Seacoast Nat. Bank v. Swift
160721/13 Seince III Wholesale v. Alzayadi Deli
161231/17 Sentinel Ins. Co. v. Shlomo
653635/18 Seoul Garden Bowery Inc v. Ng
653567/18 Serrone v. Southbridge Towers
653286/18 Shaoxing Bolang Garment Co. v. Wings Manufacturing
653241/18 Shabat v. Caridi
154454/15 Shabat v. Israel Venture Partners
158564/18 Sills Cummis & Gross P.C. v. Cohen
159187/18 Smith-Lee v. NYC Dept. of
150496/18 Sofi Consumer Loan Program v. Sun
651592/18 Sosnick v. Board of Mgrs. of
159740/18 Stengel v. Vance
655749/18 Stifel, Nicolaus & Co., Inc. v. Financial Indus.
654645/16 Strategic Funding Source, Inc. v. Accountant on The Go North
156237/15 Strategic Funding Source, Inc. v. U.S. Basketball
154372/16 Strathmore Ins. Co. v. Harleysville Preferred
805115/15 Tara v. Nicholas J. Morrissey
652875/17 Taylor v. Douglas Elliman
159127/16 Thompson v. NYC
653234/17 Toledo v. Sabharwal
153844/14 Toribio v. Faldor Billiards, Inc.
150912/17 Torre v. Pier Rlty. LLC
150210/17 Tower Ins. Co. of v. Johnson
152694/16 Tower Ins. Co. of v. Richardson
156628/18 Tower Nat. Ins. v. Garcia
655122/18 Tpr Hldgs. LLC v. Sivanen
155652/18 Travelers Excess And Surplus v. Lendlease (us) Const.
654384/18 Turn on Prods., Inc. v. St. Line, Inc.
157621/12 Uni-Rty Corp. v. NY Guangdong Finance
158654/18 United Federation of v. NYC
650475/15 Vanguard Const. And v. Kenry Contracting Inc.
152240/15 W. v. NYC
654343/13 Wachtel v. Cvr Energy, Inc.
158656/17 Walling v. Karlstein
160885/16 Warnert v. Red Entertainment Group

MONDAY, DEC. 10

150485/1810 West 57th St. Rlty. LLC v. Board of Standards And
160380/18110 Greene Fee Owner v. NYC Water Board
153929/17 1330 Third Ave. Corp. v. NYC
657266/17 193 Hooper St. Condo v. Wesco Ins. Co.
650603/14411 East 53rd St. v. Perlbinder
153801/16650 Sixth Ave. Condominium v. K-W 650 Associates LLC
153899/16 Ace American Ins. Co. v. Con Ed Co.
158698/18 Acropolis Associates LLC v. NYC Office of
154462/17 Adler v. Molner
154762/15 Admiral Indemnity Co. v. Lexington Hotel
155292/15 Admiral Indemnity Co. v. Teltemp Cooling Corp.
157963/18 Aiello v. License Div.
653000/18 Aldona Fire Protection, Inc. v. Jnvw 75 LLC
655562/18 Alts Group, Inc. v. Kirsh
653074/18 American Empire Surplus v. Top Link Contracting
155254/18 American Express Nat. Bank v. Chamberlayne
651496/18 American Express Travel v. C C H Int'l Group Inc.
652176/14 At Last Sportswear, Inc. v. Fishman
154644/15 Aurora Associates LLC v. Hennen
157196/14 Baldwin v. Wong
805267/15 Balogun v. Saint Joseph Hosp.
652268/18 Base NYC v. R&R Surplus, Inc.
155464/18 Bell v. McArthur Morgan
451569/18 Board of Education of The v. Summit Restaurant Repairs
154849/14 Board of Mgrs. of v. Davis
651959/14 Board of Mgrs. of 111 v. 111 Hudson St.
156543/18 Board of Mgrs. of The v. Daly
153064/15 Castlepoint Ins. Co. v. Bowford
159985/17 Charles v. Poole
651874/18 Chen v. Wang
195938/18 Chrikakis v. NYCTA
655680/16 Ciment v. Spantran, Inc.
850100/16 Citimortgage, Inc. v. Abreu
155594/18 Cronyn v. Zuckerman
160657/17 Cutchin v. Triborough Bridge And Tunnel
160344/17 D2d Hldgs. LLC v. Bridgemaker Associates
159503/18 Echevarria v. NYCTA
850038/18 Emigrant Bank v. Alibayof
160457/18 Espinal v. NYC Dept.
655626/16 Exportaciones Del Futuro v. Authentic Brands Group
155542/18 Fares v. Industrial Cooling Inc.
160459/18 Febles v. NYC Dept.
850202/18 Fed. Nat. Mortgage v. Crucey
157825/17 Melito v. Synt LLC F/W/a Supernova New
157007/18 Mendler v. Jose-Horatio LLC
652667/18 Modern Restaurant Corp. v. Lebowitz
159652/17 Moore v. Nat. September 11
158343/14 Murphy v. Jpmorgan Chase Bank
158511/18 Mvsk Equipment Sales Inc. v. B&G Mech LLC
450628/15 NYC Industrial v. F & T Rlty. Corp.
653113/18 Nkn Const., Inc. v. Dpc New York, Inc.
655417/18 Olsen v. First Nationale Solution
151629/18 Olsen v. NYC
158445/18 Ouattara v. NYS Div. of
155486/18 Pacific Indemnity Co. v. Lendlease (us) Const.

190026/15 Hutchings v. A.O. Smith Water Prods. Co.
850132/16 Jpmorgan Chase Bank v. Mannell Benson
154420/12K's Int'l Polybags v. M.T. Packaging Inc.
657013/17 Kaback Enterprises, Inc. v. Jtl Const. Corp.
159981/13 Klein v. Triborough Bridge And Tunnel
153506/14 Kurilic v. 1711 LLC
650419/18 La Scuola D'Italia
Guglielmo v. Gates Capital Corp.
156770/18 Lino v. Edison Spring St.
655604/17 Long Island Concrete, Inc. v. Jtl Const. Corp.
650270/18 Luxard Group v. Taylor
150649/16 Luzzon v. Jimenez
654377/12 Lynch v. Stewelman
652579/14 M.T. Packaging v. Kai Hoo
154816/17 Mangual v. NYCTA
159933/18 Martin & James Hldgs. LLC v. Tenenbaum
157659/16 Mazer-Marino v. Esplanade Gardens
160005/18 Merrill Lynch v. Nabli
151337/15 Molineaux v. NYCHA
159626/15 Morgillo v. Rector
652059/18 Newmark Retail LLC D/b/a v. Aj Rlty. Dev.
160676/17 Nnamani v. NYCHA

Court Calendars

C O U R T N O T E S

Continued from page 11

QUEENS COUNTY

Supreme Court

Holiday Recess 2018

Please be advised that Queens Supreme Court, Civil Term will be in recess from Dec. 26, 2018 through Jan. 1, 2019. During the recess period all parts located in Jamaica and Long Island City will be closed. An emergency judge will be available in the Jamaica Courthouse.

All emergency applications shall be presented to the emergency judge sitting in the Jamaica Courthouse located at 88-11 Sutphin Blvd, Jamaica NY 11435. Mental Hygiene Hearings scheduled at Creedmoor Psychiatric Center will be held on Dec. 26 and Dec. 27, 2018 as well as Jan. 2 and Jan. 3, 2019. Any matters made returnable during the recess period for I.A.S. parts, Medical Malpractice, Foreclosure Parts, Matrimonial Parts etc. will be administratively adjourned to an available date and the moving party will be responsible for ascertaining the new date and notifying all parties entitled to notice of the new court date. Additionally, please note that no foreclosure auctions will be held on Dec. 21 and Dec. 28, 2018.

Lastly, please note that the Court Help Center located at 88-11 Sutphin Blvd, Jamaica NY 11435 room 100 will close at 1 P.M. on Dec. 26, 2018.

APPELLATE TERM

First Department

Filing Dates for the January Term

The January 2019 Term of the Court will commence on January 3, 2019.

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

The Clerk's Return, record on Appeal, Appendices, Notice of Argument and Appellant's Briefs must be filed on or before November 7, 2018.

Respondent's Briefs must filed on or before November 29, 2018.

Reply Briefs, if any must be filed on or before December 7, 2018.

U.S. DISTRICT COURT

Southern District

Court Seeks Candidates for Criminal Justice Act Mentoring Program

The United States District Court for the Southern District of New York is seeking candidates for its Criminal Justice Act (CJA) Mentoring Program. Ideal candidates are attorneys with five or more years of experience litigating in state court, with fifteen felony trials to verdict as lead counsel or comparable in-court experience. Under the supervision of a member of the CJA Panel, CJA Mentees represent defendants in federal court who qualify for appointed representation under the Criminal Justice Act.

The purpose of the CJA Mentoring Program is to diversify the composition of the CJA Panel—a roster of private attorneys who are authorized to serve as appointed defense counsel pursuant to 18 U.S.C. §3006A—and to expose experienced state court practitioners to federal practice. While the mentee's initial 15 hours of service will be done pro bono, mentees may earn a reduced rate of \$65 per hour for their services after the pro bono requirement has been fulfilled.

Candidate interviews will be conducted in December. To apply for the program, please email your resume (include cell phone number) to:

Peter Enrique Quijano
peterq@qandelaw.com
Quijano & Ennis, P.C.
40 Fulton Street Floor 23
New York, New York 10038

"The Southern District's CJA Mentoring Program was the first of its kind in the country, and it is the model for similar programs nationwide. It offers experienced state court practitioners the opportunity to qualify for consideration for membership on our Criminal Justice Act Panel, both by exposing them to the legal and practical differences between state and federal criminal practice, and by giving them the opportunity to learn by doing in a federal courtroom under the tutelage of some of the finest federal criminal defense lawyers anywhere." Chief Judge Colleen McMahon

The mentorship program is open to anyone who qualifies, and women, minorities, and persons with disabilities are particularly encouraged to apply. Participation in the mentorship program does not guarantee appointment to the CJA Panel.

U.S. DISTRICT COURT

Southern District

Public Notice: Appointment of New Magistrate Judge

The United States District Court for the Southern District of New York is accepting applications for the position of one full-time Magistrate Judge 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 and evidentiary proceedings on delegation from the judges of the district court; (4) trial and disposition of civil cases upon consent of the litigants; and (5) assignment of additional duties not inconsistent with the Constitution and laws of the United States.

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

190267/16Lewis v. A.O. Smith Water Prods. Co.
154354/13Munk v. Shops At Columbus Circle
153185/15Nacimiento v. NYC
160701/18Nat. Assoc. of v. NYS
158153/17Nelson v. Zeyher
452556/16NYC School v. Fletcher
653421/18Newman Capital LLC v. Fortress Transportation And
156351/12Nicholson v. Sabey Data Center
655876/18Nt Ny v. Labella
850255/16NY Ace Hldgs. v. Marmott
153462/18NYCTL 2017-A Trust v. Arh Hldg. 1600 B'way LLC
655151/17O P Solutions, Inc. v. Buchanan Ingersoll & Rooney Pc
151293/16Ortiz v. P.E.Y. Rlty. LLC
653291/18Otoka Energy v. State St. Bank And Trust
159717/16Palencia v. NYC
160722/18Partnership For The v. NYC Dept.
655849/18Petrides & Co. LLC v. Yorktown Partners LLC
653039/18Phipps Sc v. Sa Sbs Myrtle Beach Managing
654911/18Polley v. Bilgin
651979/18Prime Hldgs. Ins. v. Starr Surplus Lines Ins. Co.
156391/18Quinan v. NYS Div. of 161958/15Rosales v. Szabo
651324/17Scarola Malone & Zubatov Llp v. Ellner
154415/18Sharipov v. NYC
156720/17Steinberg v. Bpp St Owner
805366/16Sullivan v. Snow
156822/15Swaney v. Academy Bus Tours of New
155843/18Syned Sol Group Ltd. v. Moderns Ltd.
159512/13Terry v. NYC
161506/17Thior v. Jetblue Airways Corp.
155724/14Vega v. NYC
150812/17Velasco Martinez v. Kingston 541
150542/17Vigliotti v. 950 Third Ave. LLC
154052/17Wamu Shamu LLC v. Minuto
153000/18Wapniak v. NYC

Adjourned for Working Copies Part

WEDNESDAY, DEC. 5
153563/15Belmar v. Vornado Realty
653668/16Bibliotechnical Athenaeum v. Nat. Lawyers Guild, Inc.
157077/18Cadlerock Joint Venture v. Charisma USA, Inc.
655296/17Coach USA, Inc. v. Travelers Indemnity
653890/18East 111 Associates LLC v. Rli Ins. Co. A/k/a
654158/18Emery Celli Brinkerhoff v. O'Brien
156502/16O'Rourke v. Nat. Foreign Trade
85007/17Ventures Trust 2013-I-H- R by v. Suggs

THURSDAY, DEC. 6

653320/1547 East 34th Street (ny) v. Bridgest. Corporate
161448/14Aaras v. B-U Rlty. Corp.
656268/16Dini Von Mueffling LLC v. Hg Contemporary Art Trading
652106/18Dustin's Choice, Inc. v. Ash B
654216/18Judson Mgt. Group, Inc. v. Williams
651336/16Lem Lee 58th Ltd. v. Baranzelli Silk Surplus Inc.
153936/15Leon v. Harlan
156373/15Lynch v. Rector
158986/14Massey v. NYC
151054/17Mordokh v. Zorrilla
655059/17Mri Const. of Nassau Envirochrome Interiors, Inc.
151849/17Mykon v. Leibowitz
157028/17Ortega v. Jabbar Rlty. Corp.
158579/13Ramade v. Malkin Hldgs. LLC
655299/18Renov Investments LLC v. Raznick
155267/18Scher v. Turin Housing Dev.
657290/17Village Green Mishavaka v. Romanoff
805135/12Villavicencio v. Acholou Jr.
850105/18Wells Fargo Bank v. 249 West 49th St.

FRIDAY, DEC. 7

153223/18Marrero v. Reddy

MONDAY, DEC. 10

65161/18Adelson Galleries, Inc. v. 730 Fifth Upper
653967/18American Express Nat. Bank v. Abc Restaurant Supplies
652938/18Asianet Communications Pvt Ltd v. United Media And
657597/17Brown v. Metro 130 Equities
152243/14Chen v. Lockett
650106/16First Manhattan Energy Corp. v. Meyer
651108/18First NY Securities v. Dobson
805487/16Grill v. Marks Janice M.D.
159142/15Independent Chemical v. Puthanpurayil
158145/16Kaplan v. Madison Entertainment
162290/15Leeds v. Manheimer
153991/17M.R.E. Hldgs. Corp. v. Brown
655107/18Mapeo La v. Kellas Bronson
651611/17Mdeg La v. Haier
653384/18Park Towers South Co. v. Lovetere
151763/16Porter v. Rodriguez
153748/13Ravinsky v. Greenthal Mgt.
158914/13Robinson Brog Leinwand v. Woodley
656154/17Xpal Power Inc. v. Leng

TUESDAY, DEC. 11

155012/18Barreto v. East Harlem Pilot Block
652278/18Business Resourt And v. East Harlem Cafe LLC
155159/18Carter v. Left Handed Libra
155328/18Guzman v. Maxrem Rlty. LLC
652810/18Hawkins v. Greg Cohen Promotions
654214/18Law Office of Wallace Neel v. Paul
157425/14Liberty Mutual Fire v. Flintlock Const.
150208/14Sande v. Trinity Centre LLC
150421/13Soltysiuik v. Husa Operating Co., LLC
155403/18Terry Hersher v. Hartman

Part 1

Justice Martin Shulman
60 Centre Street
Phone 646-386-5758
Room 325, 9:30 A.M.

TUESDAY, DEC. 11

Status Conference
401321/11202 Co., LLC v. Metro.—11 A.M.
805355/16D'Alonzo v. Mount Sinai Hosp.—9:30 A.M.
401320/11 East 72nd v. M.T.A.—11 A.M.

Motion

805109/18Rodriguez Del Rosario v. Phillips—9:30 A.M.

Part 3

Justice Eileen Branstetter
60 Centre Street
Phone 646-386-3287
Room 442

E-Filing Part

THURSDAY, DEC. 6

Pretrial

601425/03 Korff v. Corbett

FRIDAY, DEC. 7

Pretrial

651096/12American Home Assurance v. Port of Auth.

MONDAY, DEC. 10

Motion

650273/15First Equity Rlty. v. Harmony Group—10 A.M.

TUESDAY, DEC. 11

Status Conference

657076/17227 West 61st Associates v. Walsam 61 LLC—11:30 A.M.
651641/14Bio-Rad Laboratories, Inc. v. Paladin III—10:30 A.M.
653019/17Dmrj Group LLC v. West Loop South LLC—11:30 A.M.
652017/18Edelman Arts, Inc. v. NY Art World—10:30 A.M.
655341/17Hann v. Brighthouse Life Ins.—10:30 A.M.
161815/15Penny Port v. Metro. Transportation—10:30 A.M.
657015/17Petk, Inc. v. Fidelity And Deposit Co.—11 A.M.
654488/16Popeus v. Forexware—10:30 A.M.
653469/16Starr Indemnity & Liability v. U.S. Adjustment Corp.—10:30 A.M.
451615/17Yunda v. Birdie 141 B'way Associates—10:30 A.M.

Compliance Conference

651762/18Jenjo v. Collective, Inc.—10:30 A.M.
651004/16Nimkoff Rosenfeld v. American Guarantee And—10:30 A.M.

Motion

650131/18Jedecaux Airport, Inc. v. Securitypoint Media—10 A.M.
658287/16Superior Scaffold Services v. Smith
Restoration—11:30 A.M.

Part 7 Justice Gerald Lebovits

60 Centre Street
Phone 646-386-3746
Courtroom 345

E-Filing Part

WEDNESDAY, DEC. 5
153818/17American Express Centurion v. Vucetovic—2:15 P.M.

651705/16Ashlar Mechanical Corp. v. McGovern & Co.—2:15 P.M.
653240/18Flomenbaum v. Weill Cornell Medical College—2:15 P.M.

657416/17Gold v. Imperial Bag And Paper Co.—2:15 P.M.
653795/18Goldberg v. Jp Morgan Chase Bank—2:15 P.M.
156684/16Jones v. Four Five Six Restaurant—2:15 P.M.

Preliminary Conference

655926/17Liberty & Nassau Associates v. Cohn—2:15 P.M.
651755/16Strategic Funding Source, Inc. v. Green—11 A.M.

Status Conference

652506/13274 Madison Ave. Co. LLC v. Caam—10 A.M.

THURSDAY, DEC. 6

Status Conference

652506/13274 Madison Ave. Co. LLC v. Caam—10 A.M.

Part 9

Matrimonial Part
Justice Lori S. Sattler
60 Centre Street
Phone 646-386-3848
Room 222

WEDNESDAY, DEC. 5

305326/18Allmen v. Kimmel—4 P.M.
315505/14Ash v. Flores—2:30 P.M.
309656/14Beling v. Beling—11 A.M.
365021/18Farciert v. Desouza Farciert—10 A.M.
308965/16Friedlander v. Friedlander—2:30 P.M.
312907/13Hassan v. Andoh—11:30 A.M.
350053/15Krupa v. Claffey—9:30 A.M.
300165/18Lapointe v. Noriega—3 P.M.
306583/17Liu v. Chen—3 P.M.
313139/15Mitchell v. Mitchell—3:30 P.M.
350006/07Myles v. Myles—12 Noon
303105/09Nolfe v. Nolfe—9:30 A.M.
302173/18O'Hara v. Skaff—11:30 A.M.
315497/15Ross v. Blatt—11 A.M.
307751/17Shabayeva v. Shemel—10:30 A.M.
308483/16Siegel v. Miller—10:30 A.M.
302563/18Sino v. Shynchenko—9:30 A.M.
307453/16Tsvetkov v. Tsvetkov—2:30 P.M.
309906/15Ward v. Ward—10 A.M.

THURSDAY, DEC. 6

350059/15Jakob v. Jakob—10 A.M.

FRIDAY, DEC. 7

309484/17Heppell v. Heppell—11:30 A.M.
307498/18Steinberg v. Steinberg—10 A.M.

MONDAY, DEC. 10

305931/16Chang v. Lee—12 Noon
308046/18Natauri v. Natauri—10 A.M.
308956/18Oney v. Omobolaji—3:30 P.M.
306040/18Smith v. Oshrin—4:30 P.M.
301422/18Tang v. Yu—2:30 P.M.

TUESDAY, DEC. 11

306471/17Antill v. Antill—11 A.M.
311707/17Brennan v. Brennan—3 P.M.
311562/16Darnell v. Darnell—3:30 P.M.
309949/18Ene v. Veldhyzen—9:30 A.M.
308923/18Feder v. Feder—9:30 A.M.
312366/15Fouad v. Magdy—10 A.M.
653787/18Garg v. Patei—11:30 A.M.
307849/17Han v. Leung—11 A.M.
302473/18Housey v. Housey—2:30 P.M.
303642/17Jean v. Jean—10:30 A.M.
309607/17Lawrence v. Lawrence—2:30 P.M.
303355/15Parisi v. Parisi—10 A.M.
304674/18Pilarca-Cedeno v. Cedeno—3 P.M.
305236/18Rodriguez-Diaz v. Soriano—2:30 P.M.
350064/17Rosa v. Rosa—9:30 A.M.
311034/17Sardinha Bites v. Da Paixao—9:30 A.M.
311852/17Schlenoff v. Ames—11:30 A.M.
306635/16Silver v. Silver—3:30 P.M.
303645/15Slochowsky v. Slochowsky—11 A.M.
307717/16Spielfogel v. Spielfogel—10:30 A.M.
350249/07Spielfogel v. Spielfogel—10:30 A.M.

Part 11

Med Mal Part
Justice Joan Madden
60 Centre Street
Phone 646-386-3318
Room 351

This is an E-Filing Part.

THURSDAY, DEC. 6

119989/01Estrada v. NY Presbyterian Medical—11 A.M.
805456/16Howard v. Dewitt Rehabilitation And—4 P.M.

Preliminary Conference

805322/17Auterbridge v. Jurcisin—11 A.M.

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 the five persons whom it considers best qualified. The Court will make the appointment following an FBI and IRS investigation of the appointee. 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. The current salary of the position is \$191,360 per annum (effective 01/01/2018).

Candidates should submit applications to:

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 31, 2019**. Application forms are available on the Court's web site: www.nysd.uscourts.gov. (Multiple vacancies may be filled from this posting.)

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In addition to your resume, please provide the following information on a separate sheet as necessary:

I. Describe representative federal cases for at least the last five years with which you have been involved in terms of:

A. civil or criminal, title and judge assigned;
B. subject matter (e.g., securities, antitrust, personal injury);
C. particular matter litigated (e.g., trial, appeal, discovery issues, motions to dismiss or for summary judgment, etc.);
D. your role (e.g., if case was tried, were you lead counsel? If not, did you examine or cross-examine any witnesses? How long was the trial? Was case tried to verdict? Did you argue motions or evidentiary points, etc.? If case was not tried, did you argue motions? If so, describe. If case was appealed, did you argue the appeal?)

II. If the federal cases in which you have participated do not provide a representative sample of your work, supply the same information with respect to state court cases or administrative matters.

III. List your opposing counsel in the cases described above with addresses and phone numbers.

*** If the answer to any of the following questions is yes, please give particulars. ***

IV. Have you ever been convicted of a crime?

V. Have you ever been sued?

VI. Have you ever failed to file federal or state income tax returns?

VII. Are you now or have you ever been delinquent in the payment of taxes?

VIII. Have you ever been the subject of a contempt proceeding?

IX. Have you ever been the subject of Rule 11 sanctions?

X. Have you ever been the subject of a Bar disciplinary proceeding?

XI. Have you ever been investigated by any court-appointed person or committee with respect to any question of ethics?

Return To:

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SECOND DEPARTMENT

Appellate Division

Notice of Change of Circumstances: Responsibility of Counsel

Attorneys with causes pending in the Appellate Division, Second Department must notify the court immediately when (1) a matter or any issue therein has been settled, (2) a matter or any issue therein has been rendered moot, or (3) a cause should not be calendared because of the death of a party, bankruptcy or other appropriate event (see, 22 NYCRR 1250.2[c]). Any such notification shall be followed by an application for appropriate relief. Failure of counsel to promptly notify the court could result in the imposition of sanctions. Notice may be sent to the Clerk of the Court by facsimile transmission to (212) 419-8457, or by e-mail to ad2clerk@nycourts.gov

Calendaring Conflicts

Attorneys should notify the court, by letter filed at the same time as their brief, of any dates on which they will be unavailable for oral argument. Such information should be updated as new commitments arise. The court is now in the process of preparing calendars for the upcoming months. Attorneys who have requested oral argument on causes that have not yet been calendared should take the opportunity to inform the court of the dates of their unavailability during those months by reason of religious holidays, vacations, family or work commitments, etc. Such information may be sent by facsimile transmission to the attention of the court's calendar clerks at (646) 963-6460, or by e-mail to AD2-Calendars@nycourts.gov Once calendared, a cause will not be removed absent unusual circumstances (see, 22 NYCRR 670.15[d]).

WESTBURY VILLAGE

Justice Court

Court Announces 2019 Law Day Theme

Westbury Village Justice Thomas F. Liotti has announced the theme for the Sixth Annual Honorable John L. Molloy and Honorable Frank J. Santagata May 1, 2019 Law Day Program. The theme is taken from the American Bar Association which for 2019 has established the theme of Free Speech, Free Press, Free Society. Distinguished speakers will include professors, newsmakers, lawyers and other celebrities. The public is invited and admission is free

805283/18Brothers v. Harrington—11 A.M.
805050/18Goldsmith v. Atria Senior Living D/b/a—11 A.M.
805416/17Hargrove v. Cross Md—11 A.M.
805229/18Kritzberg v. Rambissoon—11 A.M.
805343/17McNeil v. Schlomit Sandler—11 A.M.
805175/17Valiskevicius v. Roofeh—10 A.M.
805403/17Wyche v. Terrance Cardinal Cook—11 A.M.

Status Conference

850011/1938 St. Nicholas Ave. v. 936-938 Cliffcrest Housing—10 A.M.
805023/17Ameziani v. Subramanyam—10 A.M.
106127/16Assad v. Presbyterian Hosp.—10 A.M.

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CITATION - FILE NO. 2018-1188 - SURROGATE'S COURT, NEW YORK COUNTY. THE PEOPLE OF THE STATE OF NEW YORK. By the Grace of God Free and Independent - TO: Crystalline Posze, 301 Beech Street, Apt. 5A, Hackensack, New Jersey 07601. Barbara Underwood, Attorney General of New York State and the Public Administrator of Bronx County and to the unknown heirs at law, and next of kin of Christine Johnides, deceased, if they be living, and if they be dead, to their Executors, Administrator, Creditors, and lienors, their husbands or wives or successors in interest. - A verified petition having been duly filed by GEORGE RAZIS, who is domiciled at 10 Cow Neck Road Sands Point, New York 11050.

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court of the BRONX COUNTY at the BRONX COUNTY COURT-HOUSE, 851 Grand Concourse, Room 406, Bronx, New York 10451, in the County of Bronx, on the 15th day of January 2019 at 9:30 a.m., of that day, why a decree should not be made in the estate of CHRISTINE JOHNIDES lately domiciled at 5112 Post Road, Riverdale, New York, in the County of Bronx, New York, admitting to probate a Will dated November 27, 2013, a copy of which is attached as the Will of CHRISTINE JOHNIDES, deceased, relating to real and personal property, and directing that [x] Letters Testamentary issue to: GEORGE RAZIS, ESQ. Dated, Attested and Sealed, November 14, 2018 HON. Nelida Malave-Gonzalez SURROGATE [L.S.] Michael P. Hausler Chief Clerk ELENA VILLAFANE ESQ. Attorney for Petitioner 516.671-5300 Telephone Number Polin, Prisco & Villafane Esqs. 400 Post Avenue, Suite 209, Westbury, New York 11590 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.] 0000362264 n21-W d12

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NOTICE OF FORMATION of 333 EAST 30TH STREET 5C LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County, Princ. office of LLC: 333 E. 30th St., Unit #5C, NY, NY 10016. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 58 Wheatley Rd., Trookville, NY 11545. Purpose: Any lawful activity. 0000362592 n21-w d26

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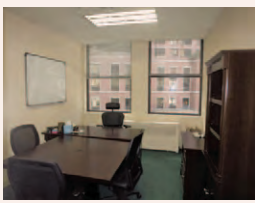
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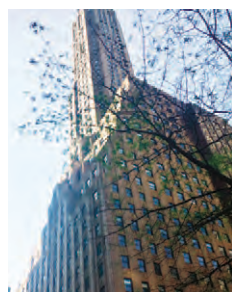
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CITATIONS NY

ACCOUNTING PROCEEDING FILE NO. 2017-4415/A CITATION THE PEOPLE OF THE STATE OF NEW YORK TO: Unknown Distributees, Attorney General of the State of New York, Dorothy Diaz, Rosemarie Bubane, Alois Dubach, Pia Huber, Agnes Eichenberger, William Fitzgerald, Constance Fallon, Joseph Fitzgerald, Jr., Frederick Fitzgerald, To Rosemarie Bubane, Alois Dubach, Pia Huber and Agnes Eichenberger, whose whereabouts are unknown, if living, 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, to the heirs at law, next of kin and distributees of Theodore Brunner a/k/a Theodore G. Brunner, if living, and if any of them be dead, to their heirs at law, next of kin, distributees, legatees, executors, administrators, assignees and successors in interest whose names and places of residence are unknown, to the heirs at law, next of kin and distributees of Theodore Brunner a/k/a Theodore G. Brunner, if living, and if any of them be dead, to their heirs at law, next of kin, distributees, legatees, executors, administrators, assignees and successors in interest whose names and places of residence are unknown, to the heirs at law, next of kin and distributees of Theodore Brunner a/k/a Theodore G. Brunner, if living, and if any of them be dead, to their heirs at law, next of kin, distributees, legatees, executors, administrators, assignees and successors in interest whose names and places of residence are unknown, to the heirs at law, next of kin and distributees of Theodore Brunner a/k/a Theodore G. 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SUMMONS

STATE OF NEW YORK
SUPREME COURT
COUNTY OF BRONX
CITIBANK N.A., Plaintiff,
vs. Any unknown heirs to
Estate of SHEILA RICHARD A/K/A SHEILA B. RICHARD, next of kin, devisees, legatees, distributees, grantees, assignees, creditors, lienors, trustees, executors, administrators or successors in interest, as well as the respective heirs at law, next of kin, devisees, legatees, distributees, grantees, assignees, creditors, lienors, trustees, executors, administrators or successors in interest of the aforesaid classes of persons, if they or any of them be dead, all of whom and whose names and places of residence are unknown to the Plaintiff.
NEW YORK CITY ENVIRONMENTAL CONTROL BOARD.
NEW YORK CITY PARKING VIOLATIONS BUREAU.
NEW YORK CITY TRANSIT ADJUDICATION BUREAU.
NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE.
UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; HENRY LANE; and "JOHN DOE" and "MARY DOE."
(Said names being fictitious, it being the intention of plaintiff to designate any and all occupants, tenants, persons or corporations, if any, who are claiming an interest in, or lien upon the premises being foreclosed herein.) Defendants.
Filed: 11/02/2018
Index No.: 15329/2018E
SUPPLEMENTAL SUMMONS AND NOTICE
Mortgaged Premises: 855 East 226th Street Bronx, City of New York NY 10466
"THE ABOVE NAMED DEFENDANTS: YOU ARE HEREBY SUMMONED to answer the Complaint in the above entitled action and to serve a copy of your Answer on Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. The United States of America, if designated as a Defendant in this action, may answer or appear within sixty (60) days of service hereof. In case of your failure to appear or answer judgment will be taken against you by default for the relief demanded in the Complaint.
NOTICE OF NATURE OF ACTION AND RELIEF SOUGHT THROUGHOUT the above captioned action is for the foreclosure of Mortgage bearing the date of February 28, 2007, executed by Sheila B. Richard to Citibank, N.A. to secure the sum of \$417,000.00 and interest and recorded in the Office of the Clerk of Bronx County on August 8, 2007 in CRFN: 2007000407420. The relief sought in the within action is a final judgment directing the sale of the mortgaged premises described above to satisfy the debt secured by the Mortgage described above.
Plaintiff designates Bronx County as the place of trial. The basis of venue is the County in which the Mortgaged Premises is situated.
Block: 4851
Lot: 11
DATED: 11/02/2018
222018
Rochester, New York
NOTICE YOU ARE IN DANGER OF LOSING YOUR HOME If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home. Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property. Sending a payment to the Mortgage company will not stop this foreclosure action. YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.
RAS BORISKIN, LLC Attorney for Plaintiff BY: DYZIO J. GUZIEROWICZ, ESQ.
900 Merchants Concourse, Suite 310 Westbury, NY 11590 516-280-7675 n14-W d5

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF DULKEITH ENTERPRISE LLC Arts of Org. filed with the State of NY (SSNY) on 10/19/18. Office location: NY County. Princ. office of LLC: 239 W. 135th St., Unit 4A, NY, NY 10030. SSNY designated as agent of LLC on whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity.
0000357643 o31-w d5

SUMMONS

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX INDEX NO. 35112/2018E FEDERAL NATIONAL MORTGAGE ASSOCIATION v. FANNIE MAE, A CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA, Plaintiff, Plaintiff designates BRONX as the place of trial situs of the real property vs. MARY LYONS A/K/A MARY E. LYONS; EMMET ALLEN A/K/A EMMET D. ALLEN; if living, and if he be dead, any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general or specific lien upon the real property described in this action; such unknown persons being herein generally described and intended to be included in the following description, namely: the wife, widow, husband, widower, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, assignees, lienors, and assignees of such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, assignees, lienors, and assignees of such deceased, any and all persons unknown to plaintiff; HSBC BANK USA, NA; BRONX SUPREME COURT; NEW YORK CITY ENVIRONMENTAL CRIMINAL COURT; OF THE CITY OF NEW YORK; PEOPLE OF THE STATE OF NEW YORK; UNITED STATES OF AMERICA, "JOHN DOE #1" through "JOHN DOE #12," the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the complaint, Defendants.
SUPPLEMENTAL SUMMONS
Mortgaged Premises: 3214 PAULDING AVENUE BRONX, NY 10469
To the above named Defendants
YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) in order to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.
NOTICE YOU ARE IN DANGER OF LOSING YOUR HOME If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home. Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property. Sending a payment to the Mortgage company will not stop this foreclosure action. YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.
RAS BORISKIN, LLC Attorney for Plaintiff BY: DYZIO J. GUZIEROWICZ, ESQ.
900 Merchants Concourse, Suite 310 Westbury, NY 11590 516-280-7675 n14-W d5

SALES

NOTICE OF SALE
COUNTY OF WESTCHESTER CITIBANK, N.A. AS TRUSTEE FOR AMERICAN HOME MORTGAGE ASSETS TRUST 2006-4, MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-1, Plaintiff, Against Index No.: 69600/2017 JONAH HOLDINGS, LLC, ET AL Defendant(s)
Pursuant to a Judgment of Foreclosure and Sale, duly entered 10/22/2018, I, the undersigned Referee, will sell at public auction in the lobby of the Westchester County Courthouse, 111 Dr. Martin Luther King Jr. Blvd., White Plains, NY 10601, on 1/7/2019 at 9:30 a.m., premises known as 122 Babbitt Road, Bedford Hills, NY 10507, and described as follows: ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Bedford, County of Westchester and State of New York, and designated on the tax maps of the Westchester County as Section 60.14 Block 3 Lot 53
The approximate amount of the current Judgment lien is \$463,646.97 plus interest and costs. The Premises will be sold subject to provisions of the aforesaid Judgment of Foreclosure and Sale; Index # 69600/2017.
If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee or the Mortgagee's attorney. Joseph G. Goubeaud, Jr., Esq., Referee.
Lecold & Associates, PLLC, 80 Business Park Drive, Suite 110, Armonk, NY 10504
Dated: 11/1/2018 RMR 0000363994 d5-W d26

SUMMONS

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX SUMMONS THE basis of venue is the location of real property in the Bronx County. INDEX NO. 32242/2018E, Filed: 10-26-2018 Plaintiff designates Bronx County as the place of trial. Plaintiff's principal office is located at 2000 East Tremont Ave. County of Bronx THE PARKCHESTER SOUTH CONDOMINIUM, INC., on behalf of the unit owners of the Parkchester South Condominium, Plaintiff, against EMILIO DELGADO, deceased, his respective heirs at law, next of kin, distributees, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors and successors in interest and generally all persons claiming or claiming under, by or through said defendants, any right, title or interest in the real property described in the complaint, MATILDA B. SANCHEZ, AS PUBLIC ADMINISTRATOR OF THE BRONX COUNTY CRIMINAL COURT OF THE CITY OF NEW YORK, NEW YORK CITY TRANSIT AUTHORITY, TRANSIT ADJUDICATION BUREAU, MAYA ECHEVARRIA, DELGADO, UNITED STATES OF AMERICA, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, "JOHN DOE" and "MARY DOE" 1 to 10, said names being fictitious, the name of said Defendants being unknown to Plaintiff, it being intended to designate non-purchasing tenants upon or persons in possession of the premises described in this complaint herein, if any, Defendants TO THE ABOVE NAMED DEFENDANTS: YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer on the Plaintiff's Attorneys within 20 days after service of this SUMMONS, exclusive of the day of service (or within 30 days after the service is complete if this SUMMONS is not personally delivered to you within the State of New York), and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint served herewith.
DATED: October 22, 2018 ROY, MONDELLO, LAROCCA & RISOTTO, ESQs Attorneys for Plaintiff 505 White Plains Road, Suite 113, Tarrytown, New York 10591 (914) 591-7722
This is an action to foreclose a lien for common charges recorded 7-10-2018 @ CRFN: 20180022600 on a Condominium Unit located in the Parkchester South Condominium known as 99 Metropolitan Oval #5G, Bronx, NY under Block 3937 Lot 2303 owned by Plaintiff, and by Emilio Delgado. The amount due upon the lien is the sum of \$6894.16 through 10-31-2018, which charges continue to accrue monthly. 0000364861 d5-W d26

SALES

PUBLIC AUCTION NOTICE OF SALE OF CO-OPERATIVE APARTMENT SECURITY BY VIRTUE OF DEFAULT in a security agreement executed on June 12, 2012 by DAVID J. MURRAY and MELISSA AMERSON, sellers, and in accordance with its rights as holder of the security, NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, by Kim Carrizos, Auctioneer, DCA # 1004275, will conduct a public sale of the security, consisting of 15 shares of common stock in 92 YORKVILLE HOUSING CORP., and all rights and title and interest in and to a Proprietary Lease between said corporation and debtor for Unit 1A of the building known as and by the street address, 333 EAST 92ND STREET, UNIT 1A, NEW YORK, NY 10128 together with fixtures and articles of personal property, now or hereafter affixed to or used in connection with Unit 1A on December 13, 2018 at 10:30AM in the Rotunda of the New York County Courthouse, 60 Centre Street, New York, NY, in satisfaction of an indebtedness in the principal amount of \$373,202.78 plus interest from February 1, 2015 and costs, subject to open maintenance charges. The secured party reserves the right to bid. Ten percent (10%) deposit by bank or certified funds required at Auction, payable to the attorneys for the secured party. Closing within 30 days. Sale shall be subject to the terms of sale. GROSS POLOWY, LLC 1775 Wehrle Drive, Suite 100 Williamsburg, NY 14221 716-204-1700 ATTORNEYS FOR SECURED CREDITOR 58633 0000362134 n21-W d5

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX JPMorgan Chase Bank, National Association, Plaintiff AGAINST Jose Sanchez; Jose Sanchez, Sr.; et al., Defendants Pursuant to a Judgment of Foreclosure and Sale duly dated December 7, 2017 I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 600, Bronx, New York on December 17, 2018 at 2:00PM, premises known as 3151 Gunther Avenue, Bronx, NY 10469. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of NY, Block 4769 Lot 6. Approximate amount of Judgment \$456,682.23 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 3555 6/2015E. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price. Leonard Alois, Esq., Referee Shapiro, DiCaro & Barak, LLC Attorneys for the Plaintiff 175 Elm Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: October 12, 2018 For sale information, please visit Se rvice1nkauction.com or call (866) 339-4173 58302 0000360306 n14-W d5

SALES

NOTICE OF SALE
SUPREME COURT COUNTY OF BRONX DJL MORTGAGE CAPITAL, INC. Plaintiff(s), Against SANDRA JAMES, Defendant, et al., Defendants Pursuant to a Judgment of Foreclosure and Sale, duly entered in the Bronx County Clerk's Office on 1/29/2016, I, the undersigned Referee will sell at public auction, at the Bronx County Courthouse, 851 Grand Concourse, Room 600, Bronx, NY on 1/7/2019 at 2:00 pm, premises known as 3626 Bronxwood Avenue, Bronx, New York 10469, and described as follows: ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of New York, City and State of New York and designated on the tax maps of the Bronx County Treasurer as Block 4684 and Lot 38. The approximate amount of the current Judgment lien is \$695,555.17 plus interest and costs. The premises will be sold subject to provisions of the aforesaid Judgment of Foreclosure and Sale; Index # 380317/2009. Jeffrey E. Dinowitz, Esq., Referee.
SHELDON MAY & ASSOCIATES Attorneys at Law, 255 Merrick Road, Rockville Centre, NY 11570 Dated: 11/6/2018 File number: 23677 MNB 0000363993 d5-W d26

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET SECURITIES CORPORATION, HOME EQUITY MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-EMX2, Plaintiff AGAINST EVETTE MADURO and ROBERT MADURO, et al., Defendant(s) Pursuant to a Judgment of Foreclosure and Sale duly dated April 04, 2015 I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, Room 711, 851 Grand Concourse, City of Bronx, NY on January 07, 2019 at 2:00PM, premises known as 3007 LA SALLE AVENUE, BRONX, NY 10461. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, BLOCK 5364, LOT 7. Approximate amount of judgment \$529,937.58 plus interest and costs. Only cash or certified funds payable to the referee will be accepted as deposit. Premises will be sold subject to provisions of filed Judgment for Index# 8912-13, Server I. Lubowitz, Esq., Referee Gross Polowy, LLC Attorney for Plaintiff 1775 Wehrle Drive, Suite 100 Williamsburg, NY 14221 58706 0000363312 d5-W d26

NOTICE OF SALE

SUPREME COURT, NEW YORK COUNTY BANK OF AMERICA, N.A., Plaintiff vs. AS GEM REALTY LLC, ET AL., Defendants.
Pursuant to a Judgment of Foreclosure and Sale entered November 5, 2018, I the undersigned Referee will sell at public auction in the Lobby of the Supreme Court of the State of New York, New York County, at the Courthouse located at 60 Centre Street, New York, NY 10007 on December 12, 2018 at 2:00 p.m. at premises known as 50 West 47th Street, Unit 18LM, 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, Block 1262 and Lot 1773, together with an undivided 1.696 percentage interest in the General Common Elements. Approximate amount of judgment is \$7,634,208.15 as of January 24, 2018, plus interest and costs. Premises will be sold subject to provisions of the filed Judgment Index # 850296/2015.
If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee's attorney, or the Referee.
Steven E. Weiss, Esq., Referee
Wilson Elser Moskowitz Edelman & Dicker LLP, 150 East 42nd Street, New York, NY 10017, Attorneys for Plaintiff 0000361502 n20-TWM d5

NOTICE OF SALE
SUPREME COURT — QUEENS COUNTY — THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2007-1, Plaintiff(s) vs. LEROY WALFORD; BEVERLY WALFORD; et al.; Defendant(s) Attorney (s) for Plaintiff (s): ROSICKI, ROSICKI & ASSOCIATES, P.C., 2 Summit Court, Suite 301, Fishkill, New York, 12524, 845.897.1600
Pursuant to judgment of foreclosure and sale granted herein on or about September 20, 2018, I will sell at Public Auction to the highest bidder at the QUEENS COUNTY SUPREME COURT, located at 89-11 Sutphin Boulevard, JAMAICA, NEW YORK 11435, in COURTROOM # 25, On December 14, 2018 at 10:00 am.
Premises known as 1442 33RD AVE, ASTORIA, NY 11106 Block: 528 Lot: 106 ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of New York, City and State of New York, particularly described in the judgment of foreclosure and sale.
Sold subject to all of the terms and conditions contained in said judgment and terms of sale.
Approximate amount of judgment \$1,338,252.06 plus interest and costs. INDEX NO. 22597/2009 Donna Furey, Esq., Referee 0000359999 N14-W D5

SALES

NOTICE OF SALE
SUPREME COURT COUNTY OF BRONX, WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO MORTGAGE, INC., Plaintiff, vs. MANUEL MARTINEZ, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly filed on January 06, 2016 and an order Appointing Successor Referee granted on December 22, 2017, I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, Room 711, 851 Grand Concourse, Bronx, NY on January 07, 2019 at 2:00 p.m., premises known as 2576 Poplar Street, Bronx, NY. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, County of Bronx, City and State of New York, Block 4079 and Lot 24. Approximate amount of judgment is \$403,573.76 plus interest and costs. The Premises will be sold subject to provisions of filed Judgment Index # 381643/09. Barry A. Cozier, Esq., Referee.
Knuckles, Kosmosinski & Manfro, LLP, 565 Taxter Road, Suite 590, Elmsford, NY 10523, Attorneys for Plaintiff 0000361513 d5-W d26

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX, STATE OF NEW YORK MORTGAGE, INC., Plaintiff, vs. ALBERT QUINONES, ET AL., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly filed on October 11, 2018, I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, Room 711, 851 Grand Concourse, Bronx, NY on December 17, 2018 at 2:00 p.m., premises known as 649E Avenue, Bronx, NY 10455. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, City and State of New York, Block 2617 and Lot 80. Approximate amount of judgment is \$358,084.90 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 380136/2013. Patrick J. Wynne, Esq., Referee Schiller, Knapp, Lefkowitz & Hertzell, LLP, 200 John James Audubon Parkway, Suite 202, Amherst, New York 14228, Attorneys for Plaintiff 0000358887 n14-W d5

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY THIRD AVENUE SPE LLC, Plaintiff, -against- 1989 3AVE LLC a/k/a 1989 3 AVE LLC, 1989 3AVE LLC, 1989 3AVE LLC, 1989 HOLDING LLC, BO JIN ZHU, YI HAN, THE CITY OF NEW YORK, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, NEW YORK CITY DEPARTMENT OF FINANCE, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT, RAYMOND THIRARD, ZILZ INC, CHUM SUM CHENG, 131 LL INC., ROOSEVELT SK PROPERTY CORP., and 55-59, INC. Defendants. Index No. 850163/2017
Pursuant to a JUDGMENT OF FORECLOSURE AND SALE of the Supreme Court of the State of New York, New York County duly entered in the office of the Clerk of the County, named court on October 24, 2018, I will sell at a public auction, on Wednesday, December 19, 2018 at 2:00 p.m. in Room 130 at the New York County Supreme Court Courthouse, 851 Grand Concourse, New York, New York, New York 10007, the premises known known as and all those certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being: 1985-1991 Third Avenue, New York, New York, Block 1659, Lot 1 (formerly knowns as Lots 1 and 2), in the County of New York, State of New York. As more particularly described in the Judgment of Foreclosure and Sale. Approximate amount of judgment \$10,321,785.44. Premises will be sold subject to provisions of Foreclosure and Sale. (Index No. 850163/2017. THOMAS ANSELMO, Esq. REFEE. PRYOR CASHMAN LLP Michael H. Levison 7 Times Square New York New York 10036 Tel: (212) 421-4100 mlevison@pryorcashman.com 0000362020 n27-TuWThF d14

NOTICE OF SALE
SUPREME COURT — COUNTY OF BRONX — NATIONSTAR Mortgage LLC, Plaintiff AGAINST Shirley LaLande, as surviving joint tenant, et al., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly dated June 28, 2017 I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 600, Bronx, New York on January 7, 2019 at 2:00PM, premises known as 3018 Laconia Avenue, Bronx, NY 10469. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of NY, Block 4580 Lot 17.
Approximate amount of judgment \$580,038.25 plus interest and costs.
Premises will be sold subject to provisions of filed Judgment Index# 380018-2012. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price.
Edward Zizmor, Esq., Referee Shapiro, DiCaro & Barak, LLC Attorneys(s) for the Plaintiff 175 Elm Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: October 29, 2018-#95923

NOTICE OF SALE
SUPREME COURT — COUNTY OF BRONX — NATIONSTAR Mortgage LLC, Plaintiff AGAINST Shirley LaLande, as surviving joint tenant, et al., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly dated June 28, 2017 I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 600, Bronx, New York on January 7, 2019 at 2:00PM, premises known as 3018 Laconia Avenue, Bronx, NY 10469. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of NY, Block 4580 Lot 17.
Approximate amount of judgment \$580,038.25 plus interest and costs.
Premises will be sold subject to provisions of filed Judgment Index# 380018-2012. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price.
Edward Zizmor, Esq., Referee Shapiro, DiCaro & Barak, LLC Attorneys(s) for the Plaintiff 175 Elm Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: October 29, 2018-#95923

NOTICE OF SALE
SUPREME COURT — COUNTY OF BRONX — NATIONSTAR Mortgage LLC, Plaintiff AGAINST Shirley LaLande, as surviving joint tenant, et al., Defendant(s). Pursuant to a Judgment of Foreclosure and Sale duly dated June 28, 2017 I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 600, Bronx, New York on January 7, 2019 at 2:00PM, premises known as 3018 Laconia Avenue, Bronx, NY 10469. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of NY, Block 4580 Lot 17.
Approximate amount of judgment \$580,038.25 plus interest and costs.
Premises will be sold subject to provisions of filed Judgment Index# 380018-2012. Only cash or certified funds payable to the Referee will be accepted as a deposit in the amount of ten percent of the purchase price.
Edward Zizmor, Esq., Referee Shapiro, DiCaro & Barak, LLC Attorneys(s) for the Plaintiff 175 Elm Crossing Boulevard Rochester, New York 14624 (877) 430-4792 Dated: October 29, 2018-#95923

SALES

SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF NEW YORK NATIONSTAR MORTGAGE LLC, V. VANESSA MARA BURDICK A/K/A VANESSA M. BURDICK, ET AL., NOTICE OF SALE
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated July 27, 2017, and entered in the Office of the Clerk of the County of New York, wherein NATIONSTAR MORTGAGE LLC is the Plaintiff and VANESSA MARA BURDICK A/K/A VANESSA M. BURDICK, ET AL. are the Defendants, I, the undersigned Referee, will sell at public auction at the SUPREME COURTHOUSE LOCATED AT 60 CENTRE STREET, NEW YORK, NY 10007 on January 9, 2019 at 2:00PM premises known as 1629 THIRD AVE. UNIT 36E, NEW YORK, NY 10128; Block 1537, Lot 2019; THE UNIT KNOWN AS UNIT 36E (THE "UNIT") AT THE STREET ADDRESS 1629 THIRD AVENUE, NEW YORK, NEW YORK 10128 IN THE CONDOMINIUM KNOWN AS THE RUPPERT YORKVILLE TOWERS CONDOMINIUM
PARCEL 1: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE CITY AND STATE OF NEW YORK
PARCEL 2: ALL THOSE PLOTS, PIECE OR PARCEL OF REAL PROPERTY, LYING AND BEING IN THE BOROUGH OF MANHATTEN, COUNTY, CITY AND STATE OF NEW YORK
TOGETHER WITH AN UNDIVIDED 0.037830% INTEREST IN THE COMMON ELEMENTS
Premises will be sold subject to provisions of filed Judgment Index # 850361/2013. Gregory Soumas, Esq., Referee. N. Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff. 0000363323 d5-W d26

NOTICE OF SALE

SUPREME COURT — BRONX COUNTY — PENNYMAC CORP., Plif. vs. ALEXANDER S. NEAR, et al, Defts. — Index #35175 /2014 — E.
Pursuant to judgment of foreclosure and sale dated May 11, 2017 and order appointing substitute referee dated Sept. 28, 2018, I will sell at public auction at the Bronx County Courthouse, Room 711, 851 Grand Concourse, Bronx, NY on Monday, Dec. 17, 2018 at 2:00 p.m.
Prem. k/a 949 East 232nd Street, Bronx, NY a/k/a Block 4868, Lot 16.
Approx. amnt of judgment is \$494,39 plus costs and interest.
Sold subject to terms and conditions of filed judgment and terms of sale. LEONARD C. ALOI, Referee.
BRENNEL LAMBERT WEISS WEISMAN & GORDON, LLP, Attys. For Plif., 53 Gibson Street, Bay Shore, NY, File No. 64369 - #95892 0000356330 N14-W D5

SALES

SUPREME COURT - COUNTY OF NEW YORK THE BOARD OF DIRECTORS OF THE FIFTH ANNUAL CITY RESISTANCE CLUB ASSOCIATION, INC., Plaintiff -against- BRUNZO Z. ORESAR, et al Defendant(s). Pursuant to a Judgment of Foreclosure and Sale dated August 28, 2018 and entered on November 1, 2018, I, the undersigned Referee will sell at public auction in Room 130 of the New York County Courthouse, 851 Grand Concourse, New York, NY on December 19, 2018 at 2:00 p.m. premises situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York known as Club Unit 1018 in the condominium known as "The Fifth and Fifty-Fifth Condominium" together with an undivided 4/52 Club interest in the Club Unit's undivided 0.4781% interest in the common elements. Block: 1290 Lot: 1235
Said premises known as 2 EAST 55TH STREET, NEW YORK, NY
Approximate amount of lien \$234,972.13 plus interest and costs.
Premises will be sold subject to provisions of filed Judgment and Terms of Sale.
Index Number 850133/2015. ELAINE SHAY, ESQ., Referee.
STARR ASSOCIATES LLP Attorneys(s) for Plaintiff 220 East 42 Street, Suite 3302, New York, NY 10017 0000359695 N14-W D5

SUPREME COURT - COUNTY OF BRONX NYCTL 2016-A TRUST AND THE BANK OF NEW YORK MELLON, AS COL-LATERAL AGENT AND CUSTODIAN, Plaintiffs -against- SHERIANN MCCARTHY-ROGERS A/K/A SHERIANN MCCARTHY ROGERS, et al Defendant(s). Pursuant to a Judgment of Foreclosure and Sale entered herein on October 9, 2018, I, the undersigned Referee will sell at public auction at the Bronx Supreme Courthouse, Room 711, 851 Grand Concourse, Bronx, NY on December 17, 2018 at 2:00 p.m. premises situate, lying and being in the Borough of the Bronx, County of Bronx, City and State of New York, known and designated as Block 3783 and Lot 14 on the Bronx County Tax Assessment Map.
Said premises known as 1260 NOBLE AVENUE, BRONX, NY
Approximate amount of lien \$21,947.99 plus interest & costs.
Premises will be sold subject to provisions of filed Judgment and Terms of Sale.
Index Number 27483/2017E. LEONARD ALOI, ESQ., Referee Phillips Lytle LLP, Attorneys(s) for Plaintiffs 28 East Main Street, Suite 1400, Rochester, NY 14614 0000359694 N14-W D5

NOTICE OF SALE

SUPREME COURT COUNTY OF BRONX JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff AGAINST JUSTINA M. PIMENTEL, et al. Defendant(s) Pursuant to a Judgment of Foreclosure and Sale entered 5-16-2018 I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, Room 711, 851 Grand Concourse, Bronx, NY on 1-7-2019 at 2:00PM, premises known as 1528 ROSEDALE AVENUE, BRONX, NY 10460. All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Borough and County of Bronx, City and State of New York, Section: Block: 3018 Lot: 13. Approximate amount of judgment \$415,025.68 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #3215 1/2015E. Only cash or certified funds payable to the Referee will be accepted as deposit. Orlando Molina, Esq., Referee Fein, Such & Crane, LLP Attorneys for Plaintiff 1400 Old Country Road, Suite C103 Westbury, NY 11590 XCHJN149 5827-0000363314 d5-W d26

SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF BRONX - DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF LONG BEACH MORTGAGE LOAN TRUST 2005-1, ASSET-BACKED CERTIFICATES, SERIES 2005-1, KEVIN JOSEPH, ET AL., NOTICE OF SALE
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated March 21, 2017, and entered in the Office of the Clerk of the County of Bronx, wherein DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF LONG BEACH MORTGAGE LOAN TRUST 2005-1, ASSET-BACKED CERTIFICATES, SERIES 2005-1 is the Plaintiff and KEVIN JOSEPH, ET AL. are the Defendants, I, the undersigned Referee will sell at public auction at the BRONX COUNTY COURTHOUSE, 851 GRAND CONOURSE, ROOM 711, BRONX, NY 10451, on January 9, 2019 at 2:00 p.m. premises known as 1718 PURDY ST 7B, BRONX, NY 10462; Block 3962, Lot 1114.
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS SITUATE, LYING AND BEING IN THE UNIT KNOWN AS APARTMENT NO. 7B (HEREINAFTER CALLED "THE UNIT") IN THE BUILDING KNOWN AS NUMBER N11 BY THE STREET 1718 PURDY STREET IN THE BOROUGH AND COUNTY OF THE BRONX, CITY AND STATE OF NEW YORK. Premises will be sold subject to provisions of filed Judgment Index # 35342/2014E. Larry Alfonso Arias, Esq. - Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff. 0000358829 d5-W d26

SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF BRONX - U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA NATIONAL ASSOCIATION AS TRUSTEE AS SUCCESSOR BY MERGER TO LASALLE BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR WAMU MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-0A5 TRUST, V. JOSEPH T. HIGGINS; ET AL. NOTICE OF SALE
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated December 7, 2015, and entered in the Office of the Clerk of the County of Bronx, wherein U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WAMU MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-0A5 TRUST is the Plaintiff and JOSEPH T. HIGGINS; ET AL. are the Defendants. I, the undersigned Referee will sell at public auction at the BRONX COUNTY COURTHOUSE, 851 GRAND CONCOURSE, ROOM 711, BRONX, NY 10451, on January 9, 2019 at 2:00PM, premises known as 3835 BAILEY AVENUE, BRONX, NY 10463; Block 3271, Lot 72.
ALL THAT CERTAIN PLOT PLACE AND PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE AND LYING AND BEING IN THE BOROUGH AND COUNTY OF NEW YORK, City and State of New York, known and designated as Block 3783 and Lot 14 on the Bronx County Tax Assessment Map.
Said premises known as 1260 NOBLE AVENUE, BRONX, NY
Approximate amount of lien \$21,947.99 plus interest & costs.
Premises will be sold subject to provisions of filed Judgment and Terms of Sale.
Index Number 27483/2017E. LEONARD ALOI, ESQ., Referee Phillips Lytle LLP, Attorneys(s) for Plaintiffs 28 East Main Street, Suite 1400, Rochester, NY 14614 0000359694 N14-W D5

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF SGRC 434 LLC. Arts of Org. filed with the State of NY (SSNY) on 10/02/18. Office location: NY County. LLC formed in Delaware (DE) on 10/01/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St

SALES

SUPREME COURT - COUNTY OF NEW YORK THE BANK OF NEW YORK MELLON TRUST COMPANY, NA, SUCCESSOR TO THE BANK OF NEW YORK TRUST COMPANY, NA, AS TRUSTEE FOR THE CHASE MORTGAGE FINANCE TRUST MULTICLASS MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-S4, Plaintiff, against: YOONHEE KIM, et al Defendants(s). Pursuant to a Judgment of Foreclosure and Sale entered on October 30, 2018, I, the undersigned Referee will sell at public auction at the Room #130 of the Supreme Court, New York County, 60 Centre Street, New York, N.Y., on the 9th day of January, 2019 at 2:00 p.m. premises described as follows: The Condominium Unit (the "Unit") in the Building known as Orion Condominium located at and known as and by Street Number 350 West 42nd Street, New York, New York, designated and described as Unit No. 8A in the declaration establishing a plan for Condominium ownership of said building and the land in which it is situate under the Real Property Law of the State of New York, dated 2/22/06 and recorded on 3/1/06 in the Office of the Register of the City of New York, County of New York under CRFN 2006000115052, said Unit also being designated as Tax Lot 1054 in Block 1032 of Section 4 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of the City of New York and on the Floor Plans of said Building, certified by John Celra, on 2/13/06 as Condominium Plan No. 1531 and also filed in the City Registers Office on 3/1/06 as Condominium 2006000115053. Together with an undivided 0.1479 percent in common elements of the Condominium as described in the Declaration.

"Fee" Parcel II (Tax Lot 57): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York bounded and described as follows: Beginning at the point on the southerly side of West 42nd Street, distant 175 feet easterly from the southeast corner of West 42nd Street and Ninth Avenue; Running thence southerly parallel with said Ninth Avenue, 98 feet 9 inches to the center line of the block between West 41st Street and West 42nd Street; Thence easterly along said center line and southerly parallel with West 42nd Street, 25 feet; Thence northerly again parallel with said Ninth Avenue, 98 feet 9 inches to said southerly side of West 42nd Street; Thence easterly along the southerly side of West 42nd Street, distant 175 feet easterly from the southeast corner of West 42nd Street and Ninth Avenue; Running thence southerly parallel with said Ninth Avenue, 98 feet 9 inches to the center line of the block between West 41st Street and West 42nd Street; Thence easterly along said center line and southerly parallel with West 42nd Street, 25 feet; Thence northerly again parallel with said Ninth Avenue, 98 feet 9 inches to said southerly side of West 42nd Street; Thence easterly along the southerly side of West 42nd Street, distant 175 feet easterly from the southeast corner of West 42nd Street and Ninth Avenue; Running thence southerly parallel with said Ninth Avenue, 98 feet 9 inches to the center line of the block; Thence easterly along said center line of the block, 93 feet; Thence northerly again parallel with said Ninth Avenue, 98 feet 9 inches to the southerly side of 42nd Street; Thence westerly along the southerly side of 42nd Street, distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

"Fee" Parcel II (Tax Lot 58): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street, distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

Overall Description (of Parcels I & II only): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

Overall Description (of Parcels I & II only): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

Overall Description (of Parcels I & II only): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

Overall Description (of Parcels I & II only): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

Overall Description (of Parcels I & II only): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

Overall Description (of Parcels I & II only): All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows: Beginning at a point on the southerly side of 42nd Street distant 82 feet easterly from the corner formed by the intersection of said southerly side of 42nd Street and the easterly side of 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue; as 41st Street, distant 100 feet easterly from the northeasterly corner of 41st Street and Ninth Avenue, 98 feet 9 inches to the center line of block; Thence easterly parallel with 42nd Street, 50 feet; Thence southerly parallel with Ninth Avenue, 98 feet 9 inches to the northerly side of 41st Street; Thence westerly along the northerly side of 41st Street, 50 feet to the point or place of beginning.

SALES

on August 15, 2002 in Reel 3585 Page 331. Said premises known as 350 West 42nd Street, #8A, New York, N.Y. 10036. (Block: 1032, Lot: 1054). Approximate amount of lien \$ 975,275.56 plus interest and costs. Premises will be sold subject to provisions of filed judgment and terms of sale. Index No. 850099-15. Paul Sklar, Esq., Referee. Eckert Seamans Cherin & Mellott, LLC Attorney(s) for Plaintiff 10 Bank Street, Suite - 700 White Plains, N.Y. 10606 (914) 942-2574 d5-W d26 0000364008

SUPREME COURT - COUNTY OF BRONX - ETHEL E. BAY, FORMERLY KNOWN AS TELEBANK, Plaintiff against EMANUEL DEL VALLE A/K/A EMANUEL DELVALLE, et al Defendant(s). Pursuant to a Judgment of Foreclosure and Sale entered on October 23, 2015, I, the undersigned Referee will sell at public auction at the Bronx County Courthouse, 851 Grand Concourse, Room 711, Bronx, N.Y., on the 7th day of January, 2019 at 2:00 p.m. Lying and being in the Borough of Bronx and State of New York. In the condominium known as "The Parkchester North Condominium" Together with an undivided 0.0300% interest in the Common Elements. Said premises known as 1503 Metropolitan Avenue, Unit 7B, Bronx, N.Y. 10463. (Block: 3944, Lot: 2558). Approximate amount of lien \$ 89,843.28 plus interest and costs. Premises will be sold subject to provisions of filed judgment and terms of sale. Index No. 380411-13. Betty Lugo, Esq., Referee. McCabe, Weisberg, & Conway, LLC Attorney(s) for Plaintiff 145 Huguenot Street - Suite 210 New Rochelle, New York 10801 (914) 636-8900 0000364001 d5-W d26

SUPREME COURT - COUNTY OF NEW YORK 40 BROAD STREET PORTFOLIO, LLC, Plaintiff against- LM REALTY 20A, LLC, et al Defendant(s). Pursuant to a Judgment of Foreclosure and Sale entered hereunder and dated March 28, 2018, I, the undersigned Referee will sell at public auction in Room 130 of the New York County Courthouse, 60 Centre Street New York, NY on January 9, 2019 at 2:00 p.m. premises situate, lying and being in the Borough of Manhattan, City and State of New York, known and designated as Unit No. 20A in the condominium known as the Setai Condominium, together with an undivided 0.3893% percentage interest in the common elements. Block: 24 Lot: 1069 Said premises known as 40 BROAD STREET, UNIT 20A, NEW YORK, NY. Approximate amount of lien \$325,344.29 plus interest & costs. Premises will be sold subject to provisions of filed Judgment and Terms of Sale. Index Number 850252/2017. RICARDO E. OQUENDO, ESQ., Referee Halperin Battaglia Benzija, LLP Attorney(s) for Plaintiff 40 Wall Street, 37th Floor, New York, NY 10005 Attention: Scott A. Ziluck, Esq. Email: sziluck@halperinlaw.net 0000363685 d5-W d26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of Division7, LLC, Fictitious Name: Division7 NY, LLC. Authority filed with Secy. of State of NY (SSNY) on 10/10/18. Office location: NY County. LLC formed in Delaware (DE) on 10/05/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o eResidentAgent, Inc. 99 Washington Ave., Ste. 805A, Albany, NY 12210, also the registered agent upon whom process may be served. Address to be maintained in DE: 1013 Centre Rd., Ste. 403S, Wilmington, DE 19805. Arts of Org. filed with Jeffrey W. Bullock, Secy. of State - Division of Corporations, John G. Townsend Bldg., 401 Federal St., - Ste. 4, Dover, DE 19901. Purpose: any lawful activities. 0000357674 n7-W d12

NOTICE OF QUALIFICATION of Steadman Investment Group, LLC, Authority filed with Secy. of State of NY (SSNY) on 10/19/18. Office location: Nassau County. LLC formed in Delaware (DE) on 03/13/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 672 Dogwood Ave., Ste. 308, Franklin Square, NY 11010. Address to be maintained in DE: United States Corporation Agents, Inc., 300 Delaware Ave., Ste. 210-A, Wilmington, DE 19801. Arts of Org. filed with the Secy. of State, State of DE, Division of Corporations, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activities. 0000357780 o31-W d5

NOTICE OF QUALIFICATION of LHP MSO, LLC, filed with the SSNY on 10/2/2018. Office loc: NY County. LLC formed in DE on 8/31/18. SSNY is designated as agent upon whom process against the LLC may be served and shall mail process to: The LLC, 485 Madison Ave., Ste. 202, NY, NY 10022. Address required to be maintained in DE: Corporation Service Company, 251 Little Falls Dr., New Castle, DE 19808. Cert of Formation filed with DE Sec. of State, Division of Corporations, PO Box 898, Dover, DE 19903. Purpose: any lawful act. 0000361291 n14-W d19

NOTICE OF FORMATION of SWING FENCE THE FENCES INVESTORS LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 6/7/2018. Office location, County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 26 Frank Ave., Farmingdale, NY 11735. Purpose: any lawful act 0000361294 n14-F d19

NAME CHANGE NY

NOTICE IS HEREBY given that an Order entered by the Civil Court, New York County on 06/27/2018, bearing Index Number NC-001185-18/NY, a copy of which may be examined at the Office of the Clerk, located at 111 Centre Street, New York, NY 10013, grants me (us) the right to: Assume the name of (First) ROSALBA (Last) MODESTO-SANTANA My present name is (First) ROSALBA (Middle) modesto (Last) SANTANA AKA ROSALBA MODESTO The city and state of my present address are New York, NY My place of birth is ALCOZAR, CA I AM GUERRERA A MEXICO The month and Year of my birth are October 1974 Assume the name of (First) ERICK (Middle) ALEJANDRO (Last) GONZALEZ-MODESTO My present name is (First) ERICK A E J A N D R O (Middle) GONZALEZ (Last) MODESTO (infant) The city and state of my present address are New York, NY My place of birth is LANHATTAN, NEW YORK The month and year of my birth are December 2013 0000329881 d5-W-1t

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of OGI SHARED SERVICE CENTER - ADVERTISING LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/19/18. Office location: NY County. LLC formed in Delaware (DE) on 01/26/17. Princ. office of LLC: 437 Madison Ave., NY 10022. 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 DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000362448 n21-W d26

NOTICE OF QUALIFICATION of THREE PARK BUILDING LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/19/18. Office location: NY County. LLC formed in Delaware (DE) on 10/10/18. Princ. office of LLC: c/o Cohen Brothers Realty Corporation, 750 Lexington Ave., 28th Fl., NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its Princ. office. DE addr. of LLC: c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, P.O. Box 898, Townsend Bldg., Dover, DE 19901. Purpose: Any lawful activity. 0000357647 o321-w d5

NOTICE OF QUALIFICATION of BOINGO LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: Nassau County. LLC formed in Delaware (DE) on 05/22/17. Princ. office of LLC: 10960 Wilshire Blvd., 22nd Fl., Los Angeles, CA 90024. 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, Div. of Corps., John G. Townsend Bldg., 401 Federal St., - Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000362403 n21-w d26

NOTICE OF QUALIFICATION of EMERALD DIGITAL ADVERTISING LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/23/18. Office location: NY County. LLC formed in Delaware (DE) on 10/22/18. 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 State of DE, Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000357638 o31-W d5

NOTICE OF QUALIFICATION of 37 GREENE LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/22/18. Office location: NY County. LLC formed in Delaware (DE) on 10/18/18. Princ. office of LLC: 225 Fifth Ave., Pkts. 1702M, New York, NY 10001. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: c/o CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000357637 o31-W d5

NOTICE OF QUALIFICATION of TG ATMS LLC. Authority filed with Secy. of State of NY (SSNY) on 9/21/18. Office loc: BX County. LLC formed in DE on 7/27/18. SSNY designated agent upon whom process may be served and shall mail process to: 2090 E. Tremont Ave. #3G, BX, NY 10462. DE address of LLC: c/o US Corp Agents, Inc. 300 Delaware Ave, #210-A, Wilmington, DE 19801. Cert. of LLC filed with Secy. of State of DE, PO BOX 898, Dover, DE 19903. Purpose: Any lawful activity. 0000350034 o31-w d5

NOTICE OF QUALIFICATION of 1295 Property LLC. Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/18/18. Office location: NY County. LLC formed in Delaware (DE) on 06/18/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o 18 W. 27th St., NY, NY 10001. DE address of LLC: c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808. Arts. of Org. filed with DE Secy. of State, Townsend Bldg., Dover, DE 19901. Purpose: any lawful activity. 0000358953 n7-W D12

LIMITED LIABILITY ENTITIES

1259 Leland LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 4/22/2004. Cty: Bronx. SSNY desig. as agent upon whom process against it may be served & shall mail process to PO Box 194, Westchester Station, Bronx, NY 10461. General Purpose. 0000364978 d5-W J9

1760 BOONE AVENUE PROPERTIES LLC. Arts. of Org. filed with the SSNY on 10/04/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o Tirades & Triades, 214-05 39th Avenue, Bay-side, NY 11361. Purpose: Any lawful purpose. 0000364951 d5-W J9

1834 Home Avenue LLC with SSNY on 3/23/15. Office: Bronx. SSNY desig as agent for process & shall mail to: 1834 Home Ave, Bronx, NY, 10461. Any lawful purpose. 0000364868 d5-w j9

15 WEST REALTY ASSOCIATES, LLC. Cert. of Conversion filed NY DOS 11/7/18. NY Co. S/S C/O The LLC 15 W 4th St, 9th Fl., NY, NY 10036. Purpose: in any lawful act or activity. Perpetual existence. Full indemnification. 0000362550 n21-W d26

18 WEST 75TH STREET LLC Articles of Org. filed NY Sec. of State (SSNY) 11/9/18. Office in NY Co. SSNY desig. agent of LLC whom process may be served. SSNY shall mail process to c/o Cornicello, Tendler & Baume - Cornicello, LLP, 2 Wall St., 20th Fl., NY, NY 10005. Purpose: Any lawful purpose. 0000362448 n21-W d26

1567 Viro LLC with SSNY on 12/13/16. Office: New York. SSNY desig as agent for process & shall mail to: 356 Broadway Suite B, NY, NY, 10013. Any lawful purpose. 0000362423 n21-w d26

1535 Mayflower Ave LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 11/6/2018. Cty: New York. SSNY desig. as agent upon whom process against it may be served. SSNY shall mail process to 501 East 74th St., Ste. 18A, NY, NY 10021. General Purpose. 0000361304 n14-W d19

1039 E REALTY LLC Articles of Org. filed NY Sec. of State (SSNY) 10/24/18. Office in Bronx Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail process to Xiaoxia Chen 1039 E 233rd ST Bronx, NY 10466. Purpose: Any lawful activity. 0000357650 o31-w d5

104-08 JAMAICA AVENUE LLC. Arts. of Org. filed with the SSNY on 10/23/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2030 Decatur Avenue, Bellmore, NY 11710. Purpose: Any lawful purpose. 0000357521 o31-W d5

2037AB Westchester LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 12/2/04. Cty: Bronx. SSNY desig as agent upon whom process against may be served & shall mail process to PO Box 194, Westchester Station, Bronx, NY 10461. General Purpose. 0000364979 d5-W J9

27 Locust 4N LLC. Filed 10/24/18. Office: Bronx Co. SSNY designated as agent for process & shall mail to: 837 Washington Ave 7h, Bronx, NY 10451. Purpose: General. 0000362605 n21-W d26

2508 OCEAN AVENUE, LLC. Arts. of Org. filed with the SSNY on 06/14/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served & shall mail process to 272 Swinton LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 11/14/2018. Cty: Bronx. SSNY desig. as agent upon whom process against may be served & shall mail process to 272 Swinton Ave., Bronx, NY 10465. General Purpose. 0000362484 n21-W d26

3044 Wallace Realty LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 9/14/2006. Cty: Bronx. SSNY desig. as agent upon whom process against it may be served & shall mail process to PO Box 194, Westchester Station, Bronx, NY 10461. General Purpose. 0000364980 d5-W J9

369 PACIFIC ST LLC Articles of Org. filed NY Sec. of State (SSNY) 11/13/18. Office in Nassau Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to The LLC 574 Middle Neck Rd Ste. 208 Great Neck, NY 11023. Purpose: Any lawful activity. 0000362562 n21-w d26

38 F&B LLC. Art. of Org. filed NY DOS 11/13/18. NY Co. S/S C/O Funda Realty Group 527 Madison Ave. 20th Fl, NY, NY 10022. To engage in any lawful act or activity. Perpetual existence. Full indemnification. 0000362555 n21-W d26

3312 Decatur CS LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 10/17/2018. Cty: Bronx. SSNY desig. as agent upon whom process against may be served & shall mail process to: 2436 Kingsland Ave., Bronx, NY 10469. General Purpose. 0000357794 o31-W d5

445 GERARD LLC. Arts. of Org. filed with the SSNY on 11/21/18. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o The Domain Companies, 11 Park Place, Suite 1705, New York, NY 10007. Purpose: Any lawful purpose. 0000364950 d5-W J9

VIVOS GROUP LLC. Filed 3/8/16. Office: NY Co. SSNY designated as agent for process & shall mail to: 150 E 83rd St #1d, New York, NY 10028. Purpose: General. 0000362637 n21-W d26

LIMITED LIABILITY ENTITIES

414 GERARD LLC. Arts. of Org. filed with the SSNY on 11/21/18. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, c/o The Domain Companies, 11 Park Place, Suite 1705, New York, NY 10007. Purpose: Any lawful purpose. 0000364949 d5-W J9

4650 TIC LLC. Authority filed SSNY 10/19/18. Office: NY Co. LLC formed 9/13/18. Exists in DE: c/o National Registered Agents, Inc., 160 Greentree Dr #101 Dover, DE 19904. SSNY designated agent upon whom process against the LLC may be served & mail to 850 Third Ave., Ste. 13D, NY, NY 10022. Cert of Formation Filed: Jeffrey W. Bullock, DE SOS, Townsend Bldg., 401 Federal St., NY, NY DE 19901. General Purpose. 0000362510 n21-W d26

591 3rd Ave LLC. Filed 10/18. Office: NY Co. SSNY designated as agent for process & shall mail to: 400 E 57th St Apt 7d, New York, NY 10022. Purpose: General. 0000362606 n21-W d26

51 CEDAR GC LLC. Arts. of Org. filed with the SSNY on 10/08/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 51 Cedar Swamp Blvd., Glen Cove, NY 11542. Purpose: Any lawful purpose. 0000362561 n21-W d26

70 Pine Ops LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 10/26/2018. Cty: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to: JZK Creative LLC, 16 E. 23rd St, Apt. 2R, NY, NY 10010. General Purpose. 0000357793 o31-W d5

83-87 AUDUBON AVENUE, LLC. Arts. of Org. filed with the SSNY on 01/03/11. Latest date to dissolve: 12/31/2081. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 31-10 37th Avenue, Suite 500, Long Island City, NY 11101. Purpose: Any lawful purpose. 0000362569 n21-W d26

95 REMODDY REALTY LLC, Arts. of Org. filed with the SSNY on 03/29/2018. Office loc: NY County. SSNY desig. as agent upon whom process against the LLC may be served. SSNY shall mail process to Inna Iovestok, 505 Park Ave 3rd Fl, NY, NY 10022. Purpose: Any Lawful Purpose. 0000361278 n14-W d19

Arlington Films, LLC Arts of Org filed with NY Sec of State (SSNY) on 11/28/18. Office: New York County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 2030 Decatur Avenue, Bellmore, NY 11710. Purpose: Any lawful purpose. 0000357521 o31-W d5

ALISON B. HAIMES, M.D., PLLC, a Prof. LLC. Arts. of Org. filed with the SSNY on 11/15/2018. Office location: NY Co. SSNY has been designated as agent upon whom process against it may be served. SSNY shall mail process to: C/O The PLLC, 360 East 72nd Street Apt. A211, NY, NY 10021. Purpose: The Profession of Medicine. 0000364972 d5-W J9

Andrew Fox 29, LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 7/25/2018. Cty: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to 100 Riverside Blvd, Apt. 9D, NY, NY 10024. General Purpose. 0000361306 n14-W d19

Abstraktes Bild LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 11/7/2018. Cty: New York. SSNY desig. as agent upon whom process against it may be served & shall mail process to: 1005 Park Douglas Blvd., C2, NY, NY 10030. General Purpose. 0000361305 n14-W d19

AVPA REALTY LLC, Arts. of Org. filed with the SSNY on 10/17/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served & shall mail copy of process to the LLC, c/o Garvey Schubert Barer, 100 Wall Street, 20th Floor, New York, NY 10005. ATTN: Alan A. Heller. Purpose: Any lawful purpose. 0000357519 o31-W d4

BOXWOOD STABLES LLC. Purpose: Org. filed with the SSNY on 1/08/18. Office: Westchester 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 674 Guard Hill Road, Bedford, NY 10506. Purpose: Any lawful purpose. 0000364444 d5-M J9

NOTICE OF QUALIFICATION of InBlock LLC. Authority filed with Secy. of State of NY (SSNY) on 10/11/18. Office location: NY County. LLC formed in Delaware (DE) on 08/29/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: InBlock LLC, 100 Park Ave., 30th Fl., NY, NY 10017. Attn: Andrew Philip. Address to be maintained in DE: THE CORPORATION TRUST COMPANY, CORPORATION TRUST CENTER 1209 ORANGE ST. WILMINGTON, DE 19801. Arts of Org. filed with the Secy. of State of DE, Division of Corporations, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357776 o31-W d5

NOTICE OF FORMATION of D

LIMITED LIABILITY ENTITIES

JESUP DEVELOPMENT, LLC Art. of Org. Filed Sec. of State of NY 7/31/2018. Off. Loc.: Westchester Co. SSNY designated agent upon whom process against it may be served. SSNY to mail copy of process to The Limited Liability Company, 39 Crosby Road, North Salem, NY 10560. Purpose: Any lawful act or activity. 0000357625 o31-W D5

K Y Swim LLC. Filed 3/8/18. Office: NY Co. SSNY designated as agent for process & shall mail to: Victor Qubrusi, 230 W 38th St Fl 8th, New York, NY 10018. Purpose: General. 0000362619 n21-W D26

Kashmir Productions, LLC. Art. of Org. filed with Sec. of State of NY (SSNY) on 11/14/2018. Cty: New York. SSNY design. agent upon whom process against may be served & shall mail process to 77 Ludlow St., 6N, NY, NY 10002. General Purpose. 0000362481 n21-W D26

Lux Landmark Property Holdings, LLC. Filed 8/31/18. Office: NY Co. SSNY designated agent for process & shall mail to: 460 Burkhard Ave, Williston Park, NY 11596. Purpose: General. 0000362640 n21-W D26

LIC 31st Place Hotel LLC. Arts. of Org. filed with the SSNY on 11/14/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 420 Great Neck Road, Great Neck, NY 11021. Purpose: Any lawful purpose. 0000362566 n21-W D26

LKW International Real Estate LLC. Arts. of Org. filed with Sec. of State of NY (SSNY) 9/10/2018. Cty: New York. SSNY design. as agent upon whom process against may be served & shall mail process to: Ms. Lika Williams, Apartment W0DE, Attn: 8th Fl., NY, NY 10028. General Purpose. 0000357797 o31-W d5

My Black Book LLC. Arts of Org. filed with Sec. of State of NY (SSNY) 11/27/2018. Cty: New York. SSNY design. as agent upon whom process against may be served & shall mail process to 212 Varro St., 25A, NY, NY 10282. General Purpose. 0000364981 d5-W J9

M&A HOME TRANSFORMATIONS LLC. Arts. of Org. filed with the SSNY on 08/06/2018. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 147 Main St, South Salem, NY 10590. Reg Agent: U.S. Corp. Agents, Inc. 7014 13th Ave., Ste 202, Brooklyn, NY 11228. Purpose: Any lawful Purpose. 0000364971 d5-W J9

MCTK HOLDINGS, LLC. Arts. of Org. filed with the SSNY on 11/27/2018. Office loc: Westchester County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 19 Pine Lane, Cortlandt Manor, NY 10567. Purpose: Any Lawful Purpose. 0000364970 d5-W J9

Mind Revise LLC. Filed 10/10/18. Office: NY Co. SSNY designated as agent for process & shall mail to: 160 Cramont Ave. #5b, New York, NY 10028. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave Ste 202, Brooklyn, NY 11228. Purpose: General. 0000362641 n21-W d26

Malone Creative Group, LLC. Pict. Name: Malone Creative Group NY, LLC. Filed: 12/12/18. Off. Loc: NY Co. Formed in DE: 12/6/16. SSNY designated as agent for process & shall mail to: Attn Lovanese Malone, 888 8th Avenue #2m, New York, NY 10019. Foreign add: C/O Corp Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful act or activity. 0000362608 n21-W D26

Mountain Road Advisors LLC. Filed: 8/27/18. Office: NY Co. Formed in DE: 08/20/2018. SSNY designated as agent for process & shall mail to: 46 W 64th St Apt 7b, New York, NY 10023. Foreign add: C/O Harvard Business Services, Inc., 16192 Coastal Hwy, Lewes, DE 19958. Arts. of Org. filed with Secy of State, 401 Federal St Ste 4, Dover, DE 19901. Purpose: General. 0000362607 n21-W D26

MAIN ON BREWSTER LLC Articles of Org. filed with Sec. of State of NY (SSNY) 10/10/2018. Office in Westchester Co. SSNY design. agent of LLC whom process may be served. SSNY shall mail process to 1459 Bassett Ave., Bronx, NY 10461, which is also the principal business location. Purpose: Any lawful purpose. 0000362584 n21-W D26

NOTICE OF QUALIFICATION of Rincon Point, LLC. Authority filed with Secy. of State of NY (SSNY) on 10/26/18. Office loc: NY County. LLC formed in NV on 4/18/17. SSNY designated agent upon whom process may be served mailed to: 140 Riverside Blvd #1522, NY, NY 10069. NV address of LLC: 4730 S. Ft. Apache Rd, #300, Las Vegas, NV 89147. SSNY design. agent with Secy. of State of NV loc: 202 N. Carson St, Carson City, NV 89701. Purpose: Any lawful activity. 0000364612 d5-w j9

Phantom Houseware LLC. Filed 9/18/18. Office: NY Co. SSNY designated as agent for process & shall mail to: Dib Lat, 230 W 38th St 8th Fl, New York, NY 10018. Purpose: General. 0000362617 n21-W D26

NOTICE OF FORMATION of REGEN FUTURES LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 7/30/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 2 Gold St, Apt 2101, NY, NY 10038. Purpose: any lawful act. 0000360557 N28-W J2

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of MANHATTAN MEDICAL ARTS PLLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/15/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against PLLC to 123 W 20th, NY, NY 10011. Purpose: any lawful act or activity. 0000363604 D5-W J9

NOTICE OF FORMATION of PAUL J. MORIMOTO LLC. Arts. Of Org. filed with Secy. of State of NY (SSNY) on 9/24/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to Legaline Corp Services Inc 1967 Wehrle Drive, STE 1 #086, Buffalo, NY 14221. Purpose: any lawful act. 0000364187 D5-W J9

NOTICE OF FORMATION of HHRT, LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/26/18. Office location: Nassau County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 40 Main St, Port Washington, NY, 11050. Purpose: any lawful act. 0000364194 D5-W J9

NOTICE OF FORMATION of OTTO AND FRIENDS, LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/5/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 10 E 138th St, Apt 5G, NY, NY 10037. Purpose: any lawful act. 0000364197 D5-W J9

NOTICE OF FORMATION of TALBET LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 8/14/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 100 W 57th St, NY, NY 10019. RG Agent: U.S. Corp Agents, Inc. 7014 13th Ave #202, BK, NY 11228. Purpose: any lawful act. 0000350724 D5-W J9

NOTICE OF FORMATION of LION KING TIRE SHOP LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/2/18. Office location: BX County. SSNY designated agent upon whom process may be served and shall mail copy of process against the LLC may be served and shall mail process to: 1306 E Gun Hill Rd, BX, NY 10469. Principal business address: Purpose: any lawful act. 0000364193 D5-W J9

NOTICE OF FORMATION of PAYOMETRIC LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 7/31/18. Office location: BX County. SSNY designated agent upon whom process may be served and shall mail copy of process against the LLC may be served and shall mail process to: 2892 Wellman Ave, BX, NY 10461.RG Agent U.S Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 0000363618 D5-W J9

NOTICE of formation of NALKI WATER LLC. Art. Of Org. filed with the Sec'ty of State of NY (SSNY) on 08/22/18. Office in Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 733 Craft Ave Franklin Square, NY 11010. Purpose: Any lawful purpose. 0000364970 d5-W J9

NOTICE OF FORMATION of MORGAN OIL & GAS, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/29/18. Office location: Nassau County. Princ. office of LLC: 3 N Locust St, Valley, NY 11560. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity. 0000365036 d5-w j9

NOTICE OF FORMATION of GRATEFUL LIVING, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 08/31/18. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207. Purpose: Any lawful activity. 0000365033 d5-w j9

NOTICE OF FORMATION of MIDTOWN SURGERY CENTER MANAGEMENT CO., LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/19/18. Office location: NY County. Princ. office of LLC: 305 E. 47th St., NY, NY 10017. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000365032 d5-w j9

NOTICE OF QUALIFICATION of 118 WEST HOLDINGS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/19/18. Office location: NY County. LLC formed in Delaware (DE) on 07/12/13. 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, 401 Federal St., #4, Dover, DE 19901. Purpose: Any lawful activity. 0000365031 d5-w j9

NOTICE OF QUALIFICATION of Ariadne Exhibitions, LLC. Authority filed with Secy. of State of NY (SSNY) on 11/19/18. Office loc: NY County. LLC formed in NV on 10/19/18. SSNY designated agent upon whom process may be served and mailed to: c/o Fabian VanCott, 411 E. 14th St, Apt. #402, Las Vegas, NV 89101. Cert. of LLC filed with Secy. of State of NV loc: 202 N. Carson St, Carson City, NV 89701. Purpose: Any lawful activity. 0000362953 d5-w j9

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of STRUCTURED REAL ESTATE CAPITAL, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/21/18. Office location: NY County. LLC formed in Delaware (DE) on 10/24/18. 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. DE addr. of LLC: 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 19903. Purpose: Any lawful activity. 0000365030 d5-w j9

NOTICE OF FORMATION of ZHPH CHILDREN LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Philip J. Michaels, c/o Norton Rose Fulbright US LLP, 1301 Ave. of the Americas, NY 10019. Purpose: Any lawful activity. 0000365027 d5-w j9

NOTICE OF QUALIFICATION of ARE-NY REGION NO. 3, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/27/18. Office location: NY County. LLC formed in Delaware (DE) on 11/19/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of DE, 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. 0000365026 d5-w j9

NOTICE OF FORMATION of PHIRRM WOODS ALQUITY LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/27/18. Office location: NY County. Princ. office of LLC: 60 Columbus Circle, NY, NY 10023. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000365020 d5-w j9

NOTICE OF FORMATION of Garden State Horticulture LLC Arts. of Org. filed with the Sec'ty of State of NY (SSNY) on 9/24/2018. Office location: County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: c/o The LLC, 178 Abbey St., Massapequa Park, NY 11762. Purpose: any lawful act. 0000364976 d5-w j9

NOTICE OF FORMATION of COUNTER BALANCE LLC Arts. of Org. filed with the Sec'ty of State of NY (SSNY) on 8/6/2018. Office location: County of Westchester. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 2 Murray Pl., South Salem, NY 10590. Purpose: any lawful act. 0000364975 d5-W J9

NOTICE OF FORMATION of Craze Hair Studio LLC Arts. of Org. filed with the Sec'ty of State of NY (SSNY) on 11/14/2018. Office location: County of Westchester. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 2 Murray Pl., South Salem, NY 10590. Purpose: any lawful act. 0000364975 d5-W J9

NOTICE OF FORMATION of REALTY HOLDINGS LLC. Arts. of Org. filed with Secy of State of NY (SSNY) on 11/19/18. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 40 Cutter Mill Rd., Ste. 504, Great Neck, NY 11021. Purpose: any lawful act. 0000364894 d5-w j9

NOTICE OF FORMATION of Talking To The Sun LLC. Arts. of Org. filed with SSNY on 6/11/18. Office location: New York. SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 61 Jane St, #17c, NY, NY, 10014. Any lawful purpose. 0000364879 d5-w j9

NOTICE OF QUAL. OF NOPENESAFI LLC. Auth. filed with SSNY on 0 9/07/18. Office location: New York. LLC formed in DE on 6/11/18. SSNY design. 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. Purpose: Any lawful activity. 0000364839 D5-W J9

NOTICE OF FORMATION of 145 WEST 86TH STREET LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 28/18. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o MD Albin Soliman, LLC, 6 Lowell Ave., New Hyde Park, NY 11040. Purpose: Any lawful activity. 0000364837 D5-W J9

NOTICE OF FORMATION of ANNEJ MILLERMD LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/30/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 151 W 86th St, Apt 9D, NY, NY 10024. Purpose: any lawful act. 0000358745 N14-W D19

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of 67 WEATHERBY, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/27/18. Office location: Nassau County. Princ. office: LLC: 1295 Northern Blvd., Ste. 10, Manhasset, NY 11030. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity. 0000364835 D5-W J9

NOTICE OF FORMATION of FF2 MEDIA LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/30/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Becker, Glynn, Muffy, Chassin & Hosiński LLP, Attn: Susanne von Turk, 299 Park Ave, 16th Fl., NY, NY 10017. Purpose: Any lawful activity. 0000364832 D5-W J9

NOTICE OF QUALIFICATION of JU HOLDING PROPERTY OWNER LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/09/18. Office location: NY County. LLC formed in Delaware (DE) on 10/15/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 18 E. 48th St., 7th Fl., NY, NY 10001. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000364829 D5-W J9

NOTICE OF QUALIFICATION of KINDRED EVENTS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/21/18. Office location: NY County. LLC formed in Delaware (DE) on 09/20/18. Princ. office of LLC: 117 Hudson St., Fl. #2, NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Primary Venture Partners at the princ. office of the LLC. DE addr. of LLC: c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000364827 D5-W J9

NOTICE OF QUALIFICATION of TURES IV, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/21/18. Office location: NY County. LLC formed in Delaware (DE) on 11/16/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000364826 D5-W J9

NOTICE OF FORMATION of 595 NEW YORK AVE NEWED LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/21/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. 0000364823 D5-W J9

NOTICE OF QUALIFICATION of HCICERBERUS PCNY WH TRS LLC Appl. for Auth. filed with Secy of State of NY (SSNY) on 11/08/18. Office location: NY County. LLC formed in Delaware (DE) on 10/29/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Highgate Capital Investments LP, 545 E. John Carpenter Frwy., Ste. 1400, Irving, TX 75062. DE addr. of LLC: 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with Secy. of State of DE, 401 Federal St., #4, Dover, DE 19901. Purpose: Any lawful activity. 0000364815 D5-W J9

NOTICE OF QUALIFICATION of HCICERBERUS PCNY WH TRS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/08/18. Office location: NY County. LLC formed in Delaware (DE) on 10/29/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Highgate Capital Investments LP, 545 E. John Carpenter Frwy., Ste. 1400, Irving, TX 75062. DE addr. of LLC: Cogency Global Inc, 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with Secy. of State of DE, 401 Federal St., #4, Dover, DE 19901. Purpose: Any lawful activity. 0000364814 D5-W J9

NOTICE OF QUALIFICATION of MACQUARIE LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/20/18. Office location: NY County. LLC formed in Delaware (DE) on 11/05/18. Princ. office of LLC: 125 W. 55th St., 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. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with DE Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St. - Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000364811 D5-W J9

NOTICE OF FORMATION of KURJ K LLC Arts. of Org. filed with the Sec'ty of State of NY (SSNY) on 11/5/2018. Office location: County of New York. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 444 E. 86th St., Apt. 19A, NY, NY 10028. Purpose: any lawful act. 0000362692 n21-W D26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION of RC FEEDER II, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/21/18. Office location: Nassau County. LLC formed in Delaware (DE) on 11/09/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. 0000364810 D5-W J9

NOTICE OF QUALIFICATION of Vintage Healthcare Opportunity Fund II, LLC. App. for Auth. filed with Secy. of State of NY (SSNY) on 11/5/18. Office location: NY County. LLC formed in Delaware (DE) on 7/11/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o J.P. Morgan Private Investments Inc., 270 Park Ave, 5th Fl., NY, NY 10017. Attn: Glenn Hill. DE address of LLC: 200 Bellevue Park Corporate Center, 200 Bellevue Pkwy, Ste. 210, Wilmington, DE 19809. Arts. of Org. filed with DE Secy. of State, Lockerman & Federal Sts, Dover, DE 19901. Purpose: any lawful activity. 0000364652 d5-w j9

NOTICE OF QUALIFICATION of Habitat Net Zero LLC. App. for Auth. filed with Secy. of State of NY (SSNY) on 11/20/18. Office location: NY County. LLC formed in Delaware (DE) on 11/19/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Habitat for Humanity New York City, Inc., Attn: John St., 23rd Fl., NY, NY 10038. Registered agent of LLC upon whom process may be served: United Corporate Services, Inc. (UCS), 10 Belvidere St., Ste. 560, White Plains, NY 10606. DE address of LLC: c/o UCS, 874 Walker Road, Ste. C, Dover, DE 19904. Arts. of Org. filed with DE Secy. of State, Townsend Bldg., Dover, DE 19901. Purpose: any lawful activity. 0000364650 d5-w j9

NOTICE OF FORMATION of 375 Amsterdam Avenue LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/19/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Union Square Hospitality Group LLC, 853 Broadway, 17th Fl., NY, NY 10003. Attn: Chief Legal Officer. Purpose: any lawful act. 0000364649 d5-w j9

NOTICE OF FORMATION of NY SUN LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 1/2/18. Office location: Nassau County. SSNY designated agent upon whom process may be served and shall mail copy of process against the LLC may be served. SSNY shall mail process to the DE address of LLC: c/o Intertrust Corporate Services Delaware Ltd., 200 Bellevue Pkwy, Ste. 210, Wilmington, DE 19809. Cert. of Form. filed with DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activity. 0000363050 n28-w j2

NOTICE OF QUALIFICATION of 1859 CAPITAL North America LLC. Authority filed with NY Dept. of State on 10/30/18. Office location: NY County. LLC formed in DE on 10/22/18. NY Sec. of State designated agent of LLC upon whom process against it may be served and shall mail process to: 412 W. 15th St., NY 10019. Principal business address: DE address of LLC: Cogency Global Inc., 850 New Burton Rd., Ste. 201, Dover, DE 19904. Cert. of Form. filed with DE Sec. of State, Townsend Bldg., Dover, DE 19901. Purpose: any lawful activity. 0000363529 n28-w j2

NOTICE OF FORMATION of 1162 SJF FUNDING LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/15/18. Office location: Nassau County. SSNY designated agent upon whom process against LLC to 15 W 26th St, Suite 901, NY, NY 10010. Global Settlement Corp, 1981 Marcus Ave, Suite E117, Lake Success, NY 11042. Purpose: any lawful act. 0000362883 N28-W J2

NOTICE OF FORMATION of KAHINDO HOLDINGS, LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 8/27/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 15 W 26th St, Suite 901, NY, NY 10010. Global Settlement Corp, 1981 Marcus Ave, Suite E117, Lake Success, NY 11042. Purpose: any lawful act. 0000364396 N28-W J2

NOTICE OF FORMATION of JOSHUA Z. TAL, PH.D. PSYCHOLOGIST, PLLC Arts. of Org. filed with Secy of State of NY (SSNY) on 9/18/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against PLLC to 265 W 12th St, Apt. 2, Astoria, NY 11012. Purpose: any lawful act. 0000358224 N28-W J2

NOTICE OF FORMATION of A&E RAZ, LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/21/18. Office location: Nassau County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 244 5th Ave, Suite P246, NY, NY 10001. RG Agent: 150 W 136th St, #3, NY 10030. Purpose: any lawful act. 0000364191 D5-W J9

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION of Eleven 11 Unlimited, LLC. Articles of Org. filed w/Secy. of State of NY (SSNY) on 10/15/18. Office location: Nassau County. SSNY designated as agent for service of process. SSNY shall mail process to: 2417 Jericho Turnpike, #181, Garden City Park, NY 11040. Purpose: Any lawful activity. 0000362551 n28-w j2

NOTICE OF FORMATION of 3146 SANDS PLACE LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/5/18. Office location: BX County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 3146 Sands PL, BX, NY 10461. Purpose: any lawful act. 00003626904 N28-W J2

NOTICE OF FORMATION of GROWTH XDESTRUCTION III, LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 8/27/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 546 Main St, Apt 530, NY, NY 10044. Purpose: any lawful act. 0000363009 N28-W J2

NOTICE OF QUALIFICATION of Don't Think Twice LLC. App. for Auth. filed with Secy. of State of NY (SSNY) on 11/9/18. Office location: NY County. LLC formed in Delaware (DE) on 2/13/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 40 Exchange Place, Ste. 1500, NY, NY 10005. DE address of LLC: 2035 Sunset Lake Road, Ste. B-2, Newark, DE 19702. Arts. of Org. filed with DE Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activity. 0000363053 n28-w j2

NOTICE OF BSCA II LLC. App. for Auth. filed with Secy. of State of NY (SS

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF FROEHLICH ASSOCIATES LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/09/18. Office location: NY County. LLC formed in Delaware (DE) on 09/25/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 7 Penn Plaza, Ste. 1100, NY, NY 10001. DE addr. of LLC: c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, John G. Townsend Bldg., 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. n21-w d26

NOTICE OF QUALIFICATION OF 48 WEST 25TH STREET PROPERTY INVESTORS IV, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/09/18. Office location: NY County. LLC formed in Delaware (DE) on 10/09/18. Princ. office of LLC: Savanna Asset Management, LLC, 430 Park Ave., 12th Fl., NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543, regd. agent upon whom process against it may be served. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State of DE, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. n21-w d26

NOTICE OF FORMATION OF BEAT GIRLS BRUNCH LLC Arts. of Org. filed with Secy of State of NY (SSNY) on 10/5/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 1037 Montgomery St, BK, NY 11213. Purpose: any lawful act. n21-W d26

NOTICE OF MARSHALL LEXINGTON, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/09/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. n21-w d26

NOTICE OF QUALIFICATION OF ATLAS V 110 LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/09/18. Office location: NY County. LLC formed in Delaware (DE) on 08/14/18. Princ. office of LLC: 450 Park Ave., 4th Fl., NY, NY 10022. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: c/o CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, Div. of Corps., John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Any lawful activity. n21-w d26

NOTICE OF QUALIFICATION OF 11 EAST 44TH STREET, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. LLC formed in Delaware (DE) on 11/05/18. Princ. office of LLC: Attn: Claudio Del Vecchio, 346 Madison Ave., NY, NY 1017. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the princ. office of the LLC, DE addr. of LLC: c/o corporation Service Co., 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. n21-w d26

NOTICE OF FORMATION OF ROCKAWAY SOUTH DEVELOPER, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. Princ. office of LLC: 60 Columbus Circle, NY, NY 10023. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. n21-w d26

NOTICE OF FORMATION OF NORTHGATE PRESERVATION GP, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. Princ. office of LLC: 60 Columbus Circle, NY, NY 10023. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. n21-w d26

NOTICE OF FORMATION OF NORTHGATE PRESERVATION CLASS B, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. Princ. office of LLC: 60 Columbus Circle, NY, NY 10023. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. n21-w d26

NOTICE OF QUALIFICATION OF NEW YORK DASH LLC Authority filed with Secy. of State of NY (SSNY) on 11/06/18. Office location: NY County. LLC formed in WASHINGTON (CA) on 10/22/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 155 108TH Ave. NE, Ste. 500, Bellevue, WA 98004, also the address to be maintained in WA. Arts. of Org. filed with the Secy. of State, Corporations Div., 801 Capitol Way S., Olympia, WA 98504. Purpose: any lawful activities. n21-w d26

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF NET@WORK CLOUD SOLUTIONS, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. LLC formed in Delaware (DE) on 06/12/18. Princ. office of LLC: 575 Eighth Ave., 10th Fl., NY, NY 10018. 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 DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: IT Consulting. n21-w d26

NOTICE OF KARP CUBED LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. Office location: NY County. Princ. office of LLC: 626 E. 20th St., #10H, NY, NY 10009. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. Purpose: Any lawful activity. n21-w d26

NOTICE OF FORMATION OF STORAGE HORSE LLC Art. Of Org. filed with the Sec'y of State of NY (SSNY) on 07/10/18. Office location: NY County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 55 Harvard Ave Rockville Centre, NY 11570. Purpose: Any lawful purpose. n21-w d26

NOTICE OF SONIC CAB, LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 11/5/2018. Office location, County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, c/o General Counsel, 225 Crossways Park Dr., Woodbury, NY 11797. Purpose: any lawful act. n21-W d26

NOTICE OF FORMATION OF FARE CAB, LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 11/5/2018. Office location, County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, c/o General Counsel, 225 Crossways Park Dr., Woodbury, NY 11797. Purpose: any lawful act. n21-W d26

NOTICE OF AIR CAB, LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 11/5/2018. Office location, County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, c/o General Counsel, 225 Crossways Park Dr., Woodbury, NY 11797. Purpose: any lawful act. n21-W d26

NOTICE OF Short Way 71 LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 3/8/2018. Office location, County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 16 Sherwood Gate, Oyster Bay, NY 11771. Purpose: any lawful act. n21-w d26

NOTICE OF FORMATION OF 101 H 733 Amsterdam LLC Art. of Org. filed with the Secy of State of NY (SSNY) on 11/14/18. Off. Loc.: NY County. SSNY has been design. as agent upon whom process against it may be served. The address to which the SSNY shall mail a copy to is: 111 8th Ave, NY, NY 10011. Reg. Agent: National Registered Agents, Inc., 111 8th Ave, NY, NY 10011. Purpose: Any lawful act. n21-w d26

NOTICE OF FORMATION OF AA 733 Amsterdam LLC Art. of Org. filed with the Secy of State of NY (SSNY) on 11/9/18. Off. Loc.: NY County. SSNY has been design. as agent upon whom process against it may be served. The address to which the SSNY shall mail a copy to is: 111 8th Ave, NY, NY 10011. Purpose: Any lawful act. n21-w d26

NOTICE OF FORMATION OF 64 ACRES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/07/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: The Company 145 Clinton St, 16C, NY, NY 10002. Purpose: any lawful activities. n21-w d26

NOTICE OF FORMATION OF S3 RE 276 Grand Concourse Funding LLC Art. of Org. filed with the Secy of State of NY (SSNY) on 10/22/18. Off. Loc.: NY County. SSNY has been design. as agent upon whom process against it may be served. The address to which the SSNY shall mail a copy to is: c/o Service Capital Partners, 444 Madison Ave, Flr. 41, New York NY 10022. Purpose: Any lawful act. n21-W d26

NOTICE OF FORMATION OF 26 E 63rd Street Apt 8 BCD LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/08/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Level Four Business Management LLC, 11812 San Vicente Blvd., 4th Fl., Apt. 4, Charles B. Clancy, Los Angeles, CA 90049. Purpose: any lawful activities. n21-W d26

NOTICE OF FORMATION OF J2RT, LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/7/18. Office location: NY County. SSNY designated agent upon whom process against it may be served and shall mail copy of process against LLC to 254 Canal St, Suite 3005, NY, NY 10013. Purpose: any lawful act. n21-W d26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF Pink Productions LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/31/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Pink Productions LLC, 220 East 63rd St, 12A, NY, NY 10065. Purpose: any lawful activities. n21-w d26

NOTICE OF INVESTMENT NEWS LLC Authority filed with Secy. of State of NY (SSNY) on 11/01/18. Office location: NY County. LLC formed in Delaware (DE) on 05/02/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: InvestmentNews LLC, c/o President, 665 Third Ave., 23rd Fl., NY, NY, 10017-4024. SSNY designated as agent in DE: 251 Little Falls Dr., Wilmington, DE 19808. Arts of Org. filed with the Secy. of State, Div. of Corporations, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activity. n21-W d26

NOTICE OF FORMATION OF HDH3.0 LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/31/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: The Company, c/o 375 Park Ave., Ste. 2503, NY, NY 10152. Purpose: Any lawful activities. n21-W d26

NOTICE OF QUALIFICATION OF 632-634 East 11th Street Owner LLC Authority filed with Secy. of State of NY (SSNY) on 10/31/18. 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 General Counsel, 225 Crossways Park Dr., Woodbury, NY 11797. Purpose: any lawful act. n21-W d26

NOTICE OF QUALIFICATION OF 88-92 Atlantic Avenue, East Overlook LLC Authority filed with Secy. of State of NY (SSNY) on 10/30/18. Office location: NY County. LLC formed in Delaware (DE) on 03/27/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Highpoint Property Group LLC, 64 2nd Ave., 2nd Fl., NY, NY 10003. Address to be maintained in DE: 402, Dover, DE 19901. Arts of Org. filed with the Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. n21-W d26

NOTICE OF QUALIFICATION OF 1600 N. State St., LLC Authority filed with Secy. of State of NY (SSNY) on 10/30/18. Office location: NY County. LLC formed in Delaware (DE) on 10/23/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Highpoint Property Group LLC, 64 2nd Ave., 2nd Fl., NY, NY 10003. Address to be maintained in DE: 402, Dover, DE 19901. Arts of Org. filed with the Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. n21-W d26

NOTICE OF JOE MHANY Cluster LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/18/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 588 Broadway, Ste. 1208, NY, NY 10012. Purpose: any lawful activity. n21-w d26

NOTICE OF FORMATION OF JOE FAC Cluster LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/7/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 588 Broadway, Ste. 1208, NY, NY 10012. Purpose: any lawful activity. n21-w d26

NOTICE OF FORMATION OF JOE BK Cluster LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/7/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 588 Broadway, Ste. 1208, NY, NY 10012. Purpose: any lawful activity. n21-w d26

NOTICE OF FORMATION OF Alexander Batkin Acupuncture PLLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/24/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Rodin Legal, P.C., 151 Lexington Ave., Ste. 3E, NY, NY 10016. Purpose: practice the profession of acupuncture. n21-w d26

NOTICE OF FORMATION of 7 Lincoln Street, Newburgh LLC Arts. of Org. filed with Secy. of State of NY (SSNY) 11/6/18. Office location: NY Co. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 45 Park Ter W Apt 4H, NY, NY 10034. Purpose: any lawful activities. n21-w d26

NOTICE OF FORMATION OF WEBER ROSSELLI & CANNON LLP Arts. Of Org. filed with Secy of State of NY (SSNY) on 8/8/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLP to 7 Skyline DR, Hawthorne, NY 10532. Purpose: any lawful act. n21-w d26

NOTICE OF QUALIFICATION OF POOL, LLC App. for Auth. filed with Secy. of State of NY (SSNY) on 10/4/18. Office location: NY County. LLC formed in Delaware (DE) on 9/24/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: National Registered Agents, Inc. (NRAD), 111 8th Ave, NY, NY 10011. DE address: 1600 N. State St., Ste. 101, Dover, DE 19904. Arts. of Org. filed with DE Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activity. n21-W d26

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF P. Global LLC Arts. of Org. filed with SSNY on 09/25/18. Office location: Nassau. LLC formed in DE on 3/7/17. SSNY desg. as agent of LLC upon whom process against it may be served. SSNY mail process to 301 N. Market St, Wilmington, DE, 19801. Arts. of Org. filed with DE SOS. Organization, Incp. 1050 Franklin Ave., Lakewood, DE 19901. Any lawful purpose. n21-w d26

NOTICE OF QUALIFICATION OF SNL XVII, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/09/18. Office location: Nassau County. LLC formed in Delaware (DE) on 01/18/18. Princ. office of LLC: 333 New York Park Rd, Ste. 200, Lake Success, NY 11042. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the princ. office of the LLC, DE addr. of LLC: c/o Corporation Service Co., 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. n21-w d26

NOTICE OF JFP NAIL SALON LLC Art. Of Org. filed with the Sec'y of State of NY (SSNY) on 11/15/18. Office location: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 340 Lexington Ave Oyster Bay, NY, 11771. Purpose: Any lawful purpose. n21-W d26

NOTICE OF QUALIFICATION OF STORE NO. 8, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 11/06/18. Office location: NY County. LLC formed in Delaware (DE) on 03/03/17. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: The Corporation Trust Co. corp. Trust Agents, 200 Orange St, Wilmington, DE 19801. Cert. of Form. filed with Jeffrey W. Bullock, DE Secy. of State, Div. of Corps., PO Box 898, Dover, DE 19903. Purpose: Any lawful activity. n21-w d26

NOTICE OF FORMATION OF LEE WORK WISE, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/14/18. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Charlotte Lee, 234 Ryder Rd., Manhasset, NY 11030. Purpose: Any lawful activity. n21-w d26

NOTICE OF FORMATION OF ECO-STAT LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 07/31/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 111 8TH AVENUE NY, NY 10011. Reg. Agent: National Registered Agents, Inc., 111 8th Ae, NY, NY 10011. Purpose: any lawful purpose. n21-w d26

NOTICE OF FORMATION OF 340 14th Residence, LLC Art. of Org. filed with NY Secy of State (SSNY) on 7/6/2017. Office location: NY County. SSNY designated agent upon whom process against it may be served. SSNY shall mail process to: 111 8TH AVENUE NY, NY 10011. Purpose: Any lawful act. n21-w d26

NOTICE OF FORMATION OF 99 Joralemon Bezz LLC Arts. of Org. filed with the Secy of State of NY (SSNY) on 11/13/18. Off. Loc.: NY County. SSNY has been design. as agent upon whom process against it may be served. The address to which the SSNY shall mail a copy to is: The LLC, 225 Broadway, 32nd Flr, New York, NY 10007. Purpose: Any lawful act. n21-w d26

NOTICE OF FORMATION OF PLAYCOOP LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 11/5/18. Office location: Nassau County. SSNY designated as agent upon whom process may be served and shall mail copy of process against LLC to 2865 Rockaway Ave, Oceanside, NY 11572. Purpose: any lawful act. n21-W d19

NOTICE OF FORMATION OF DORCAS CHURCHILL AVERY, LLC Arts. of Org. filed with Secy of State of NY (SSNY) on 6/12/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 45 Park Ter W Apt 4H, NY, NY 10034. Purpose: any lawful act. n21-W d19

NOTICE OF FORMATION OF VETTED THERAPEUTICS, LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/2/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 245 E 35th St, #2D, NY, NY 10016. Purpose: any lawful act. n21-W d19

NOTICE OF QUALIFICATION OF NY Bloom Interior LLC Authority filed with Secy. of State of NY (SSNY) on 10/23/18. Office location: NY County. LLC formed in Delaware (DE) on 10/22/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to 3 Longview Ln., Hamburg, NJ 07419. Attn: Carmen Cofrancesco. Address to be maintained in DE: National Registered Agents, Inc. 1600 N. State St., Ste. 101, Dover, DE 19904. Arts. of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. n21-w d19

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF ALBANESE 331 MARIN L-PRTRNR LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 6/7/2018. Office location: County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: c/o Albanese Organization, Incp. 1050 Franklin Ave., Garden City, NY 11530. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF Capocci Construction, LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 7/16/2018. Office location: County of Westchester. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, 20 1/2 Lincoln Ave., Rye Lake, NY 10573. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF ALBANESE 331 MARIN G-PRTRNR LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 6/7/2018. Office location, County of Nassau. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: c/o Albanese Organization, Inc., 1050 Franklin Ave., Garden City, NY 11530. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF ACA Partners LLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 10/24/2018. Office location, County of Westchester. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: c/o Albanese Organization, Inc., 1050 Franklin Ave., Garden City, NY 11530. Purpose: any lawful act. n14-W d19

NOTICE OF QUALIFICATION OF LIVEWELL CHOICE, LLC Appl. filed with the SSNY on 10/22/2018. Office loc: NY County. LLC formed in DE on 8/31/18. SSNY is designated as agent upon whom process against the LLC may be served and shall mail process to the LLC, 485 Madison Ave., Ste. 202, NY, NY 10022. Address required to be maintained in DE: Corporation Service Company, 251 Little Falls Dr., New Castle, DE 19808. Cert. of Form. filed with DE Sec. of State, Division of Corporations, PO Box 898, Dover, DE 19903. Purpose: any lawful act. n14-W d19

NOTICE OF QUALIFICATION OF Rivercon Consulting, LLC Authority filed with NY Secy of State (SSNY) on 11/1/18. Office location: New York County. LLC formed in Texas (TX) on 3/13/15. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 111 8th Ave, NY, NY 10011. T. Address of LLC: 2515 McKinney Ave, Dallas, TX 75201. Cert. of Formation filed with TX Secy of State, POB 13697, Austin, TXS 78711. Purpose: any lawful act. n14-F d19

NOTICE OF FORMATION OF TROY KRISTENSEN GP, LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 9/21/18. Office location: Westchester County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 1511 Central park Ave, Yonkers, NY 10710. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF TROY KRISTENSEN, P.C. Corp. LP filed with Secy of State of NY (SSNY) on 11/5/18. Office location: Westchester County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 11 Madison Ave, 7th Fl., NY, NY 10010. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF ERIC A. ANDERSON LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/24/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 11 Madison Ave, 7th Fl., NY, NY 10010. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF FALLING UPWARD, LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/31/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to Corp Service Company, 80 State St., Albany, NY 12207. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF NY FNC HOLDINGS LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 9/25/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 251 W 92ND St, 6F, NY, NY 10025. Purpose: any lawful act. n14-W d19

NOTICE OF FORMATION OF BSD 370 LEXINGTON, LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 9/28/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Broad Street Development LLC, 80 Broad St., 2nd Fl., NY, NY 10004. Purpose: any lawful activity. n14-w d19

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF HFP 3 LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/16/18. 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, 176 E. 77th, Apt. 4B, NY, NY 10075. The registered agent of LLC upon whom process may be served: United States Corporation Agents, Inc., 7014 13th Ave., Ste. 202, Brooklyn, NY 11228 Purpose: any lawful activity. n14-w d19

NOTICE OF QUALIFICATION OF BOC ST. Nicholas LLC App. for Auth. filed with Secy. of State of NY (SSNY) on 6/23/11. Office location: NY County. LLC formed in Delaware (DE) on 6/7/11. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 200 W. 138th St, NY, NY 10030. DE address of LLC: c/o United Corporate Services, Inc., 874 Walker Road, Ste C, Dover, DE 19904. Arts. of Org. filed with DE Secy of State, Townsend Bldg., Dover, DE 19901. Purpose: any lawful activity. n14-w d19

NOTICE OF FORMATION OF MONTU TRAINING LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/23/18. Office location: BX county. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 3318 Mickle Ave, BX, NY 10469. Purpose: any lawful act. n7-W D12

NOTICE OF FORMATION of William Reue Architecture PLLC Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 10/26/18. Office location: New York County. SSNY designated agent upon whom process against it may be served. SSNY shall mail process to: William Reue, The principal business address of the PLLC is: 1123 Broadway, Suite 904, NY, NY 10010. Purpose: Architecture. n7-W D12

NOTICE OF FORMATION OF QUANTUM LEAF NATURALS LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/12/18. Office location: Nassau County. SSNY designated agent upon whom process may be served and shall mail process to: The LLC, 485 Madison Ave., Ste. 202, NY, NY 10022. Address required to be maintained in DE: Corporation Service Company, 251 Little Falls Dr., New Castle, DE 19808. Cert. of Form. filed with DE Sec. of State, Division of Corporations, PO Box 898, Dover, DE 19903. Purpose: any lawful act. n7-W D12

NOTICE OF REAL GLORY SCOTT CONSULTING LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 9/21/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 29 W 138th St, #4G, NY, NY 10037. US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. n7-W D12

NOTICE OF FORMATION OF 10TH STREET MAINTENANCE LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 7/31/31. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 323 E 10th St, NY, NY 10009. RG Agent: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. n7 W D12

NOTICE OF FORMATION OF SEROPON, INC NEW YORK LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 8/20/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 202 W 92nd St, Apt 3R, NY, NY 10025. Purpose: any lawful act. n7-W D12

NOTICE OF FORMATION OF MEDICINE FOR THE SOUL YOGA, LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 8/30/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 316 E 84th St, NY, NY 10028. RG Agent: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. n7-W D12

NOTICE OF FORMATION OF STEWART HOLDINGS GROUP LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 10/23/18. Office location: NY County. SSNY designated agent upon whom process may

LIMITED LIABILITY ENTITIES

Baggotstown Realty LLC with SSNY on 11/09/18. Office: Nassau. SSNY desig as agent for process & shall mail to: 78 Rensselaer Rd., Garden City, NY, 11530. Any lawful purpose. 0000364871 d5-w j9

Brelvis In Motion, LLC. Filed 6/1/18. Office: NY Co. SSNY designated as agent for process & shall mail to: 400 W 43rd St Ste 27c, New York, NY 10036. Purpose: General. 0000362609 n21-W d26

Bookmobile Strategies LLC Art. of Org. filed 11/2/18. Office: New York Co. SSNY designated for service of process and shall mail to Reg. Agent: Thomas Law Firm, 175 Varick St, NY, NY 10014. Purpose: Any lawful activities. 0000362597 n21-W d26

Bryant Park Psychology, LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 10/22/2018. Cty: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to Jason Styka, 3734 24th St, Apt 3F, Long Island City, NY 11101. Purpose: Psychology. 0000361302 n14-W d19

FARWOOD LLC Articles of Org. filed NY Sec. of State (SSNY) 10/23/18. Office in Nassau Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process against the LLC to 9 Hicks Lane Great Neck, NY 11024. Purpose: Any lawful activity. 0000357651 o31-w d5

NOTICE OF FORMATION OF NYC VENUE SPACE LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 5/7/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 168-09 Jamaica Ave, Jamaica, NY 11432. Purpose: any lawful act. 00003552741 N28-W j2

NOTICE OF FORMATION OF N M L L L P 17TH STREET ASSOCIATES, LLC Arts. Of Org. filed with Secy. of State of NY (SSNY) on 11/08/18. Office location: NY County. Princ. office of LLC: 42 W. 17th St., Apt 3, NY 10011. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC at the addr. of its princ. office. The regt. agent, the company upon whom and at which process against the company can be served is Malcolm H. Davis, Esq., Levy, Davis & Maher, LLP, 39 Broadway, Ste. 1620, NY, NY 10006. Purpose: Any lawful activity. 0000362591 n21-w d26

NOTICE OF FORMATION OF Jerome 1769 Owner LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 11/13/18. 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, 463 Seventh Ave., 17th Fl., NY, NY 10018. Purpose: any lawful activity. 0000362459 n21-w d26

NOTICE OF FORMATION OF HOLLY CORBETT REPRESENTERS LLC. Arts. Of Org. filed with Secy. of State of NY (SSNY) on 10/16/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 420 W 46th St, Apt A3, NY, NY 10036. RG Agent: US Corp Agents, Inc. 7014 13th Ave, #202, BK, NY 11228. Purpose: any lawful act. 0000359296 N7-W D12

NOTICE OF QUALIFICATION OF MALEX 327 LLC. Authority filed with Secy. of State of NY (SSNY) on 10/02/18. Office location: NY County. LLC formed in Delaware (DE) on 10/01/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357777 o31-W d5

NOTICE OF QUALIFICATION OF 401 EAST OWNERS LLC. Authority filed with Secy. of State of NY (SSNY) on 10/02/18. Office location: NY County. LLC formed in Delaware (DE) on 10/01/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357777 o31-W d5

NOTICE OF QUALIFICATION OF SM COURT LOFTS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/16/18. 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, 463 Seventh Ave., 17th Fl., NY, NY 10018. Purpose: any lawful act. 0000359296 N7-W D12

NOTICE OF QUALIFICATION OF MALEK 327 LLC. Authority filed with Secy. of State of NY (SSNY) on 10/02/18. Office location: NY County. LLC formed in Delaware (DE) on 10/01/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357777 o31-W d5

NOTICE OF QUALIFICATION OF THE DRUG STORE HUDSON YARDS LLC. Authority filed with Secy. of State of NY (SSNY) on 10/16/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357777 o31-W d5

NOTICE OF QUALIFICATION OF WEST END BUSINESS ASSOCIATES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/2/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357777 o31-W d5

Notice of Formation of WEST END BUSINESS ASSOCIATES LLC Arts. of Org. filed with Secy. of State of NY (SSNY) on 10/2/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357777 o31-W d5

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LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF THE Drug Store Hudson Yards LLC. Authority filed with Secy. of State of NY (SSNY) on 10/16/18. Office location: NY County. LLC formed in Delaware (DE) on 09/27/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 95 Grand St., 5th Fl., NY, NY 10013. Address to be maintained in DE: 3500 S. Dupont Hwy, Dover, DE 19901. Arts of Org. filed with the Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357773 o31-W d5

NOTICE OF QUALIFICATION OF T+ink LLC. Authority filed with Secy. of State of NY (SSNY) on 10/1/18. Office location: NY County. LLC formed in Delaware (DE) on 09/25/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 119 West 57th St., Ste. 1015, NY, NY 10019. Attn: Andrew Belfer. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste. 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357772 o31-W d5

NOTICE OF QUALIFICATION OF Dance to Wellness, LLC. Authority filed with Secy. of State of NY (SSNY) on 10/04/18. Office location: Nassau County. LLC formed in Delaware (DE) on 10/03/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 885 School Dr., Baldwin, NY 11510. Address to be maintained in DE: 160 Greentree Dr., Ste. 101, Dover, DE 19904. Arts of Org. filed with the Secy. of State, 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: any lawful activities. 0000357771 o31-W d5

NOTICE OF FORMATION OF EJS FUTURE LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 9/25/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 2925 E Tremont Ave, BX, NY 10461. Purpose: any lawful act. 0000357606 o31-w d5

NOTICE OF FORMATION OF ELI 50 NY, LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 9/26/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 50 UN Plaza, Unit 14C, NY, NY 10017. Purpose: any lawful act. 0000357238 o31-w d5

NOTICE OF FORMATION OF ROYAL BOPSTERS LLC Arts. Of Org. filed with Secy of State of NY (SSNY) on 9/28/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 251 W 123rd St, Apt 5, NY, NY 10027. Purpose: any lawful act. 0000355909 o31-w d5

NOTICE OF FORMATION OF BADBUI LLC. Arts. Of Org. filed with Secy of State of NY (SSNY) on 7/13/16. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 747 10th Ave, NY, NY 10019. Purpose: any lawful act. 0000350731 o31-w d5

NOTICE OF QUALIFICATION OF SM COURT LOFTS LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 10/16/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000357634 o31-W d5

NOTICE OF QUALIFICATION OF THE DRUG STORE HUDSON YARDS LLC. Authority filed with Secy. of State of NY (SSNY) on 10/16/18. Office location: NY County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: Bettina Equities Management LLC, 230 East 85th St., NY, NY 10028. Address to be maintained in DE: National Registered Agents, Inc., 160 Greentree Dr., Ste 101, Dover, DE 19904. Arts of Org. filed with the DE Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: any lawful activities. 0000364953 d5-W j9

PPP Tribeca, LLC, App of Auth. filed with Sec. of State of NY (SSNY) 9/13/2018. Cty: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to Lehman Flynn Vollaro CPas's, 534 Broadhollow Rd., Ste. 302, Melville, NY 11220. General Purpose. 0000362487 n21-W d26

PHILLIP ROTHMAN LLC Articles of Org. filed NY Sec. of State (SSNY) 10/1/18. Office in NY Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to the Registered Agent: United States Corporation Agents Inc., 7014 13th Ave Ste 202 Brooklyn, NY 11228. Purpose: Any lawful activity. 0000362420 n21-W d26

QUEST PARTNERS TRADING LLC Filed 10/1/18. Office: NY Co. SSNY designated as agent for process & shall mail to: 126 E 56th St 25th Fl, New York, NY 10022. Purpose: General. 0000362644 n21-W d26

Rupen K, LLC, Arts of Org. filed with Sec. of State of NY (SSNY) 10/18/2018. Cty: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to Caputo & Associates, CPAS, P. C., 538 Westchester Ave., Rye Brook, NY 10573. General Purpose. 0000364982 d5-W j9

LIMITED LIABILITY ENTITIES

Rex of Corona LLC. Arts. of Org. filed with the SSNY on 11/27/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 420 Great Neck Road, Great Neck, NY 11021. Purpose: Any lawful purpose. 0000364948 d5-W j9

SHAANI LLC. Arts. of Org. filed with the SSNY on 11/27/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 1 Foxhunt Crescent, Syosset, NY 11791. Purpose: Any lawful purpose. 0000364961 d5-W j9

SHANDAKEN INN AND RESORT LLC Art. Of Org. Filed Sec. of State of NY 8/16/2018. Off. Loc. in Nassau Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to the LLC, 85 Crescent Beach Road, Glen Cove, NY 11542. Purpose : Any lawful act or activity. 0000364866 d5-w j9

SALSARONGA LLC, Arts of Org. filed with SSNY on 04/16/18. Off. Loc.: Bronx Co. SSNY desig. as agt. upon whom process may be served. SSNY shall mail process to: Wanda Guzman, 614 Broadway #7H Bronx, NY 10471. General Purposes 0000363211 n28-W j2

Sino Us Consulting LLC, Filed 8/29/18. Office: NY Co. SSNY designated as agent for process & shall mail to: 32 Broadway Ste 401, New York, NY 10004. Purpose: General. 0000362626 n21-W d26

SIGNED BY MCFLY LLC. Filed 1/26/18. Office: Bronx Co. SSNY designated as agent for process & shall mail to: C/O Jevaghu Williams, 3945a Dureya Ave, Bronx, NY 10466. Purpose: General. 0000362602 n21-W d26

SUDIO9 STAGING, LLC, Arts. of Org. filed with the SSNY on 11/08/2018. 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, 139 E 33rd St, Apt 4K, NY, NY 10016. Purpose: Any Lawful Purpose. 0000361282 n14-W d19

The Pont LLC. Filed 11/18/18. Office: NY Co. SSNY designated as agent for process & shall mail to: Edafe Okporo, 4 Manhattan Ave Apt 2b, New York, NY 10025. Purpose: General. 0000362636 n21-W d26

Timbers Rental, LLC. Filed: 8/30/18 . Office: NY Co. Formed in CO: 12/26/16. SSNY designated as agent for process & shall mail to: National Corporate Research, Ltd, 12649 W Warrant Ave, Lakewood, CO 80228. Principal Office: 225 Main St Unit 201, Carbondale, CO 81623. Arts. of Org. filed with Secy of State of NY (SSNY) on 9/26/18. Office location: NY County. SSNY designated agent upon whom process may be served and shall mail copy of process against LLC to 50 UN Plaza, Unit 14C, NY, NY 10017. Purpose: any lawful act. 0000362615 n21-W d26

THE TABLE COLLECTIVE, LLC. Filed 6/1/18. Office: Bronx Co. SSNY designated as agent for process & shall mail to: C/O Deborah D. Jenkins, 140 Alcott Pl Apt 28L, Bronx, NY 10475. Purpose: General. 0000362604 n21-W d26

THREE FINGERS, LLC. Arts. of Org. filed with the SSNY on 06/14/18. Office: Nassau County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 315 East Shore Road, Manhasset, NY 11030. Purpose: Any lawful purpose. 0000362557 n21-W d26

thejoyfulapproach LLC. Art. of Org. filed NY DOS 1/18/18, NY Co. S/S C/O Jenel Mgt. Corp. 275 Madison Ave., 1100 NY, NY 10017. 6.T. to engage in any lawful act or activity. Perpetual existence. Full indemnification. 0000362552 n21-W d26

The Halal Shack HowardU LLC filed Arts. of Org. with the SSNY on 10/16/18. Office location: 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, 26 Frenchs Mill Rd., Altamont, NY 12009. Purpose: any lawful act. 0000361293 n14-W d19

The It Circle LLC. Arts of Org. filed with Sec. of State of NY (SSNY) 8/15/2018. City: New York. SSNY desig. as agent upon whom process against may be served & shall mail process to: 330 E. 65th St., Apt. 2, NY, NY 10065. General Purpose. 0000357798 o31-W d5

WHY0 LLC Art. Of Org. Filed Sec. of State of NY 11/28/2018. Off. Loc. New York Co. SSNY designated as agent upon whom process against it may be served. SSNY to mail copy of process to the LLC, 164 West 25th Street, New York, NY 10001. Purpose : Any lawful act or activity. 0000364952 d5-W j9

XIX Collective LLC. Filed 10/4/18. Office: NY Co. SSNY designated as agent for process & shall mail to: 1277 3rd Ave #4c, New York, NY 10021. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave Ste 202, Brooklyn, NY 11228. Purpose: General. 0000362632 n21-W d26

York Avenue Owner LLC with SSNY on 10/24/17. Office: New York. SSNY desg as agent for process & shall mail to: 356 Broadway, Suite 1B, NY, NY, 10013. Any lawful purpose. 0000362429 n21-w d26

ZIONISTA LLC with SSNY on 10/19/18. Office: Nassau. SSNY desg as agent for process & shall mail to: 15 Vanderventer Ave., Ste. 255, Port Washington, NY, 11050. Any lawful purpose. 0000359771 N7-W D12

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New York County

Court Calendars Continued From Page 12

154265/17Hotz v. Tphg 419—11 A.M.
150055/17Jackson v. Larson—11 A.M.
155713/14Kensington Ins. Co. v. Fernandez—11 A.M.

158815/17Kline v. Tlc Partners, Inc. D/b/a Ntc—11 A.M.
151685/17Mehtrens v. Hawthorne Plaza LLC—11 A.M.
151157/17Michael v. Flanagan—11 A.M.
150937/17Molina v. Loft 124 Condominium—11 A.M.
158333/16Neff v. 500 Seventh Ave. LLC—11 A.M.
151182/17Hara v. Times Square Hotel Operating—11 A.M.

160733/17Paraison v. Daror Associates LLC—11 A.M.
154268/17Pipalia v. Villeneuve—11 A.M.
153529/15Schulman v. Town Sports Int'l—11 A.M.
157337/12Seto v. Seto—2:15 P.M.
156037/17Smith v. 233 West 99th St., Inc.—11 A.M.
158277/15Tower Nat. Ins. v. Palouras & Sons Inc—11 A.M.
450657/18Valdez v. De Schrijver—11 A.M.

450868/17Viera v. Bond & Walsh Const. Co.—11 A.M.
451708/15Yacavilla v. Goldman Sachs Headquarters LLC—11 A.M.
150343/14Zietz v. Wvh Housing Dev. Fund—11 A.M.

Compliance Conference
154168/18Aurricchio v. Memorial Hosp. For Cancer—11 A.M.
150539/18Batista v. Monadnock Const., Inc.—11 A.M.
157045/17Ditomaso v. Cohen—11 A.M.
16052/16Moreno v. Royal Charter—11 A.M.
156986/17Rios v. White Marsh Hldgs.—11 A.M.
160433/17Vegazo v. 700 W. 180th St—11 A.M.

Motion
152369/1740 Rector Owner LLC v. 50 West Dev. LLC—10 A.M.
15679/1899 Sutton LLC v. NYC Loft Board—10 A.M.
15503/18Acras v. Town Sports Int'l—11 A.M.
158795/17Aig Prop. Casualty v. 900 Park Properties—11 A.M.
151129/17Ansari v. East Fordham De LLC—11 A.M.
155355/17Burstion v. Turin Housing Dev.—10 A.M.

100323/18Bus Operator Daniel v. NYCTA—11 A.M.
152829/17Chica Garcia v. East Asia Land Fund—11 A.M.
100159/18Dejesus v. NYCHA—2:15 P.M.
151708/18Doe v. City Univ. of New—10 A.M.
152393/18Draughn v. Roker—11 A.M.
152667/17Ferrari v. South St. Seaport—11 A.M.

100764/18Gherardi v. NYC Dept of Health & Mental—2:15 P.M.
151666/18Harcourt v. Cohen—2:15 P.M.
10072/18Jones. Stacy v. NYCHA—2:15 P.M.
100778/18Leiva v. NYS Div. of Human Rights—2:15 P.M.
150655/18Mc General Const. Corp. v. Environmental Control—11 A.M.
102080/15Morgan-Gayle v. NYS Office of Children And—11 A.M.
158017/18NY Drilling, Inc. v. NYC—2:15 P.M.

100156/18Patterson v. NYC Dept of Finance/nycc—11 A.M.
154268/17Pipalia v. Villeneuve—11 A.M.
157337/12Seto v. Seto—2:15 P.M.
150752/15Sikorski v. Trustees of Columbia—10 A.M.
150133/15Trinidad v. Turner Const. Co.—2:15 P.M.
156221/15Vaughn v. Altaira—11 A.M.
159837/17Young v. Dept. of Education—10 A.M.

1502718/Zimbalist v. Battery Park City Auth.—11 A.M.
TUESDAY, DEC. 11
151826/17, v.—9:30 A.M.
650878/13485 Shur v. Ahuja—9:30 A.M.
154116/15All Saints Co. Rty. Kitay—9:30 A.M.
652440/17Alliance Legal Solutions v. Gilbert—9:30 A.M.
65307/13Amererision Research LLC v. Farquharson—9:30 A.M.
162525/15Asia Tv USA Ltd. v. Browde—9:30 A.M.
653950/12Aspen Specialty Ins. v. Zurich American Ins.—9:30 A.M.

155006/18Chartis Prop. Casualty v. A&J General Const.—9:30 A.M.
153663/17Chu & Lee Rty. Corp. v. 138 Emmut Properties LLC—9:30 A.M.
450439/17Comm'r. of The v. Chang—9:30 A.M.
155600/17Corporation-Wide Ins. Co. v. Andrews—9:30 A.M.
155798/17Cpw Towers v. Lambert—9:30 A.M.
150451/17Digital Chelsea LLC v. Jacques Jiha—9:30 A.M.

156771/16Esen Corp. v. Leg Resource Inc.—9:30 A.M.
101119/12Favaloro v. Port Auth. of NY—9:30 A.M.
152894/14Feinberg v. Teman—9:30 A.M.
152759/17Pletcher v. Columbia Univ. And The—9:30 A.M.
157659/12Half Moon Dev. v. Rebuildus—9:30 A.M.
153640/13Hickey v. Steven E. Kaufman—9:30 A.M.

162266/14Hsbk Bank USA v. W.S.I. LLC—9:30 A.M.
155043/17Joseph v. Sisca—9:30 A.M.
602360/09Land v. Melngailis—9:30 A.M.
653713/12Liberty Mutual Ins. v. Lipesman—9:30 A.M.
155984/15Macedo v. Harrah's Resort Atlantic City—9:30 A.M.
160970/15Mairs v. Weed—9:30 A.M.

152434/17One 21 St. Corp. v. Shillingford—9:30 A.M.
158249/16Pantoja v. Abramov—9:30 A.M.
450093/16Ramos v. NYC—9:30 A.M.
151459/12Repest Ins. Co. v. Orthoplus Prods., Inc.—9:30 A.M.
156136/17Rivera v. 530 W 47 LLC D/b/a 530 W 47—9:30 A.M.
150455/16Rodriguez-Pena v. Dynasty Cleaners Corp.—9:30 A.M.

150001/17Schor v. Western Beef Retail, Inc.—9:30 A.M.
151225/17Sealey v. Harlem Manor LLC—9:30 A.M.
154914/14Sevastos v. Lgb Family LLC—9:30 A.M.
158000/14Sienkiewicz v. Equinox Hldgs., Inc.—9:30 A.M.
153901/14Smilios v. Tishman/turn-er—9:30 A.M.

656728/16Thapar v. Almar Sales Co., Inc.—9:30 A.M.
Part 19
Justice Kelly O'Neill Levy
60 Centre Street
Phone 646-386-3979
Room 218

WEDNESDAY, DEC. 5
156180/13Abrego v. 451 Lexington Rty. LLC—9:30 A.M.
151031/14Balbuena v. 395 Hudson NY—9:30 A.M.
155887/14Burgund v. Cushman & Wakefield—9:30 A.M.

150050/13Connaughton v. Con Ed—9:30 A.M.
153276/14Filippone v. 725 West 184th St.—9:30 A.M.
154368/14Ghaly v. Farber—9:30 A.M.
157242/12Gonzalez v. NY Smsa Ltd.—9:30 A.M.
158123/14Hernandez v. Pinch Food Design LLC—9:30 A.M.
153202/13Kolmer v. Boston Properties—9:30 A.M.
152464/14Moore v. Fordham Univ.—9:30 A.M.

150038/11Ossendryver v. Ras-3- LLC—9:30 A.M.
150421/13Solysyuk v. Husa Operating Co. LLC—9:30 A.M.
152096/13Urena v. Auto Gallery Motors LLC—9:30 A.M.

Part 20 Matrimonial
Justice Deborah Ann Kaplan
60 Centre Street
Phone 646-386-3300
Courtroom 540
THURSDAY, DEC. 6
Pretrial
316232/12Schwartz v. Cenname—10:30 A.M.

FRIDAY, DEC. 7
Motion
106569/08Hirshman v. Roven
Part 24 Matrimonial Part
Justice Michael L. Katz
60 Centre Street
Phone 646-386-3285
Courtroom 543
WEDNESDAY, DEC. 5
Status Conference<

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