

NEW YORK
COUNTY

SUPREME COURT

IA PARTS

Justice Leland DeGrasse

Anaya v. Town Sports Int'l
(101027/03)—Motion Disposed As Indicated

Justice Helen E. Freedman

Banco Popular v. NYC School
(602441/04)—Motion Disposed As Indicated

Justice Gammnerman (JHO)

Denali Const. Corp. v. 243-245 West
19th (106651/04)—Case Disposed

Justice Edward Lehner

New York's Health & Human v.
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Justice Robert D. Lippmann

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& Desantis P.C. (110048/04)—Motion
Disposed As Indicated

Justice Richard B. Lowe

Foley v. Fiduciary Ins. Co. of America
(602448/03)—Motion Withdrawn
Saatchi & Saatchi North v. Chumko
(603313/02)—Motion Disposed As Indicated

SURROGATE'S COURT

Surrogate Preminger

ESTATE OF ROBERT MARCECA, deceased — Subsequent to the filing of a note of issue in this matter, this proceeding is referred to the Hon. Ira Gammnerman pursuant to SCPA § 506(1), to hear and report on the contested issues raised herein for the discovery and turnover of property allegedly withheld by respondent Goldie Rotenberg. (SCPA 2103)

This memorandum shall constitute the order of the Court, which the Clerk of the Court is directed to mail to the parties.

MATTER OF BRYAN ANTHONY ALLEN JONES — This is an application pursuant to SCPA Article 17 to appoint a successor guardian of the property of an infant. Based on testimony, documentary evidence, and the report of the guardian ad litem, the Court is satisfied that petitioner, the ward's natural mother, is a suitable guardian.

Successor letters of guardianship of the property of Bryan Anthony Allen Jones shall issue to Evangeline Atell upon her duly qualifying according to law. Submit decree.

ESTATE OF ENRIQUE COLON, deceased — The administrator's petition for leave to compromise a cause of action for decedent's personal injury and wrongful death is granted. The restrictions on the letters of administration issued by this court are removed. The administrator is authorized to collect the compromise proceeds and to execute such receipts and releases as may be required.

The fees and disbursements of petitioner's attorney are fixed.

The administrator is authorized to pay to himself the sum of \$4,515.00 in reimbursement of decedent's funeral expenses.

The net proceeds shall be distributed equally to decedent's children, Hendrick Colon, Pavel Colon and Jimenoa Colon, as directed in the decree.

Decree settling administrator's account signed.

ESTATE OF ARTHUR G. ALTSCHUL, deceased — The trustees, income beneficiary, and presumptive remaindermen of the trust under Article SIXTH of the will of Arthur G. Altschul have all petitioned for the division of the trust into two equal trusts, the conversion of each trust to a unitrust, and the appointment of an additional co-trustee of one of the newly created trusts.

Article SIXTH provides for a marital trust, with income payable to the testator's spouse Patricia Dey Altschul, and a discretionary power in the trustees to invade principal for her benefit. Upon the death of Patricia Dey Altschul, the remainder is to be divided into equal shares, such that there is one share for her son Whitney Sudler Smith, if living, but if not, for his issue per stirpes, and another share for the testator's issue per stirpes, subject to the continuing trust provisions of Article EIGHTH of the will. Article NINTH of the will provides for a distribution of the remainder to charity, in the event no issue of Patricia Dey Altschul or the testator survives her.

Article TENTH of the will names three trustees of the marital trust: Patricia Dey Altschul, Whitney Sudler Smith, and Spencer Davidson.

Letters of trusteeship were issued on August 16, 2002 to Patricia D. Altschul, Whitney Sudler Smith, and Spencer Davidson, as trustees of the marital trust, but on May 30, 2003, before the trust was funded, the Court granted Spencer Davidson's request for leave to resign; accordingly, at present, only the testator's spouse Patricia D. Altschul and her son Whitney Sudler Smith serve as trustees of the marital trust.

A Court may direct the establishment of two or more separate trusts for any reason not directly contrary to the pri-

Court Decisions

DECISIONS

First Judicial Department

mary purpose of the trust (EPTL 7-1.13[a][3]). Not only is the marital trust amenable to division along family lines (see e.g. Matter of Shapiro, NYLJ, Dec 3, 2003, at 28, col 2), the law expressly authorizes trustees, with the consent of all interested persons — all of whom are petitioners herein (see EPTL 7-1.13[h]) — to make such division without Court approval (EPTL 7-1.13[a][2]). Therefore, the application to divide the marital trust into two equal trusts, "Marital Trust A," of which the testator's issue per stirpes are the presumptive remaindermen, and "Marital Trust B," of which Whitney Sudler Smith is presumptive remainderman, is granted.

Petitioners also seek a direction to have the optional unitrust provisions of EPTL 11-2.4, rather than the uniform principal and income act of EPTL 11-A, apply to Marital Trusts A and B (see EPTL 11-2.4[e][2][B]). The application of the virtual representation provisions of SCPA 315 to the unitrust conversion statute (EPTL 11-2.4[e][3]) renders service of process upon contingent remaindermen unnecessary.

The trustees have represented to the Court that they have considered all factors relevant to the trusts and the trust beneficiaries — including the factors enumerated in EPTL 11-2.4(e)(5)(A) — and have concluded that unitrust conversions would effectuate the testator's intent, serve the interests of all trust beneficiaries, and facilitate administration of the trusts (see Matter of Despard, NYLJ, Aug 7, 2003, at 21, col 5). The conversion of a trust to a unitrust is presumptively reasonable (EPTL 11-2.4[e][5][B]); moreover all interested parties have joined in the request. Therefore, the Court determines that the optional unitrust provisions of EPTL 11-2.4 shall apply to each of the two marital trusts. Petitioners having taken no position as to the effective date of the conversion, the application of the unitrust statute shall have prospective effect, as of the first day of the year immediately following this decision (see EPTL 13-2.4[e][4][A]).

Finally, petitioners have requested that Spencer Davidson be appointed co-trustee of Marital Trust A, to serve in conjunction with Patricia Dey Altschul and Whitney Sudler Smith. Such appointment would effectuate the testator's direction, expressed in Article TENTH of

the will, and is therefore granted. Order signed.

ORDERS SIGNED: MELVIN A. BLOCK; Susan B. Fitzpatrick; Alexis Cherny; Josephine Goldsmith; Nikita Akiana-Jani Smalls Stewart; Elias J. Drexler; Adrinne Stradford Jackson; Elinor Tolbert; Dinh Toong; Mary Carcerano; Miriam Lasdon Gerrity; Mary Kohl; Linda Greene; Marion C. Baer; Aline M. Lane; Robert Thomajan; Edward P. Fahy; John Ma; Lexius Harper; John W. Dean; Beatrice Korn; Joseph H. Hess; Alice Hayden; Jenny Goldfarb; Camilla Cooper Hewitt; Frieda Clive; Gladys Goidell; Betram E. Kessler; Evan Arthur Stollar; Roslyn Zucker; Pearl Lerner; Heloise B. Hough; Bartlett Arkell; Dorothy Phillips; Belisario Rodriguez; Milton Jiler; Wendy Weiss; Ena Jones; Henry Silberschmidt; Chin Mei Chiu; Morris Podell; Jerold Gibbs; John Fitzsimmons; Avis E. Harvey; Raphael Kelly; Shirley Shiller; John P. Rosenthal; Phyllis Goldman; Basil Manly Briggs Jr.; Sally Gaiter; Sonia Francis; Catherine Stokes; Ebba Black; Helen B. Place; Mary Isabelle Larkin; Berniece Harris; Francisco Varela Gomez; John F. Thompson; Benjamin Van Duuren; Daquan Anthony Meadows; Dominique Delores Meadows; Quanasia Monique Meadows; Winston L. Hamilton; Sigrid U. Fenton; Adele B. Greenberg; Joseph Vincent Kaston; Edythe Feinberg; Ross W. Skipper; Morgan Guaranty Co. of New York; Catherine Owens Kirkpatrick; Pablo Velazquez Jr. (2); Eva L. Rothberg; Harvey B. Kaufman; Joel C. Newman; Hertha Wiesel; Edith Frankel; Jack Levinson; Tonya Perrine; Kamir King; Christine Megan Carrillo; Griselda Margaret Forbes Martineau; Ita Lyons; Robert W. Quine; Cynthia Howe Armour; Hortensia Gonzalez; Claire Kanyak; Carl Ruwalski; Catherine Maldonado; Guillermo Santiago; Cecil H. Saffern; James Lugo; Lenore K. Greenberg; Paul J. Bunzalk; Marie Macalena; Frederick H. Guterman; James Alfred Mohammed; Jerome Smalls; Ophelia Ethel Watson; Robert D. Gittler; David W. Ormes; Wynnee Wong; George E. Roth; Jeff Stith; Gloria Agostini.

(1) Cf. Matter of Ives, NYLJ, July 29, 2002, at 28, col 3, in which petitioners asked the Court to direct the application of the unitrust statute to a trust retroactively, as of the first day of the year in which the petition was granted.

(2) See also Matter of Heller, NYLJ, Jan 23, 2004, at 25, col 6, in which the Court ruled that a trustee's election to convert a pre-existing trust to a unitrust shall be effective as of the first day of the year commencing after the election is made.

Surrogate Roth

ESTATE OF EDITH PREISNER — After conference with the Court, this contested application to determine the validity of the claim of Paul Foster, Esq., against the estate of Edith Preisner was settled

Blake v. Perretta (6848/98)—Motion Denied

Clemmons v. Glicksman (15267/99)—Motion Granted

Collado v. Universal Ins. Co. (8041/02)—Withdrawn

Diallo v. Novalex Const. (16550/00)—Motion Granted

Gianfrancesco v. Wood (8142/98)—Motion Granted

Gonzalez v. 2435 Rity, Inc. (14327/01)—Withdrawn

Neizvestny v. Pjura (23816/93)—Stayed

State Farm Mutual v. Infante (8372/04)—Case Disposed

Travally v. 41 Elliot Pl. Corp. (25939/99)—Referred To Another Judge

Justice LaTia W. Martin

Sikentzoglou v. Mallios (4172/02)—Decision Rendered

Justice Douglas E. McKeon

Parkchester South v. Salomon (13204/02)—Pd - Motion Decided

Justice Betty O. Stinson

Grant v. Vita (13206/98)—Pd - Motion Granted

Matlib v. Davis (6278/04)—Case Disposed

Justice Nelson S. Roman

Bank One v. Henry (27061/03)—Case Disposed Settle Order

Betances v. 151 Nagle Rity. Corp. (7994/02)—Decision Rendered

Canales v. Santiago (26901/03)—Withdrawn

Edwards v. Orchard Biosciences, Inc. (24655/03)—Withdrawn

Hanley v. Nyp Hldgs. Inc. (28084/01)—Withdrawn

Lopez v. Avella (26804/02)—Decision Rendered

Padilla v. Montilla (13432/02)—Withdrawn

Justice Norma Ruiz

Terminelle v. Madison Plastic Surgery (8221/99)—Motion Granted/ext

Justice K. L. Thompson, Jr.

Velez v. Montefiore Medical (25022/98)—Special Preference Granted

Justice P. A. Williams

Carrasquillo v. Moss (16887/03)—Motion Granted/ext

Govt. Employees v. Alonzo (17082/04)—Motion Granted/ext

Lazcano v. Prioleau (26270/02)—Motion Granted on A Default

Tamondong v. Integra Const. (7408/00)—See Memo Decision

SURROGATE'S COURT

Surrogate Holzman

ESTATE OF RUTH KATZ, ALSO KNOWN AS RUTH A. KATZ, deceased — In this application for the issuance of letters of administration to the petitioner, the decedent's son, there was no appearance in opposition. However, it appears that the decedent's surviving spouse may be under a disability. If the default of the surviving spouse was caused by the alleged disability, it would also render him ineligible to serve as the fiduciary. Under the circumstances, a guardian of the estate

upon his filing a surety bond in the penal sum of \$125,000.00.

Submit decree.

ESTATE OF JASON ANGEL PEREZ, deceased — In this application by the administratrix, the decedent's mother, to compromise claims arising from the events leading to the decedent's death, the court authorized the entry of an interim decree permitting the collection of the settlement proceeds and directing that they be held in escrow (Matter of Perez, N.Y.L.J., December 15, 2003, p. 30, col. 2). The objections filed by the decedent's father have now been settled pursuant to a written stipulation filed with the court.

The decedent was involved in a motor vehicle accident and died intestate on April 24, 2002. The decedent's presumptive distributives are his parents. The New York State Department of Taxation and Finance has consented to the application. Under the circumstances presented, including that no debts or claims have been presented against the estate that are not being satisfied herein, the request to allocate the entire proceeds to the claim for wrongful death is approved.

Counsel fees and disbursements are allowed in the sum requested. The net distributable proceeds are to be paid according to the terms of the stipulation.

Decree signed.

ESTATE OF SOPHIE HUTNICK, deceased — In this application by an alleged creditor for the issuance of letters of administration to the Public Administrator, there was no appearance in opposition and the Public Administrator consented on the record in open court. Accordingly, a decree may be settled granting letters of administration to the Public Administrator.

ESTATE OF SONIA APOHUA LAWRENCE YEBARTH, also known as SONIA YEBARTH, deceased — This is an application by the decedent's spouse, the administrator, to compromise causes of action arising from the events leading to the decedent's death and to judicially account for the recovery, which takes the form of both up-front and deferred payments.

The decedent died intestate on November 2, 2001 from alleged medical malpractice. The decedent's distributives are the petitioner and two infant children. The guardian ad litem for the infants reports that she is satisfied with the amount of the settlement and the distribution of the net proceeds in the percentages set forth in her report (see Matter of Kaiser, 198 Misc. 582 [1950]). She also reports in favor of the proposed structured payments set forth in her report. Under the circumstances presented, including the consent of the New York State Department of Taxation and Finance and the lack of any debts or claims being presented that are not being satisfied herein, the request to allocate the entire proceeds to the cause of action for wrongful death is approved.

Disbursements are allowed in the reduced sum requested. Counsel fees are allowed in the share requested pursuant to Judiciary Law §474-a. The sum of \$10,493.49 is to be paid to the New York City Department of Social Services and shall be deducted from the share payable to the petitioner, as requested. The net distributable proceeds are to be paid as requested: 42 percent to the spouse, 32 percent to Kaelan Doudou.

Decisions of Interest

Company Properly Alleges That Its Marks Have
Become Associated With Its Diamond Products

Continued from page 23, column 6

motion to dismiss the Lanham Act claim is therefore denied.

Company Properly Alleges That Its Marks Have Become Associated With Its Diamond Products

Continued from page 23, column 6

Lanham Act Claim

Plaintiff brings trademark claims under the Lanham Act for unfair competition and false designation of origin. Section 1125 of the Act prohibits infringement of unregistered trademarks. 15 U.S.C.A. §1125(a) (2004). To prevail on a claim of trademark infringement under this section, a plaintiff must show that it owns a trademark that (1) is entitled to protection, and (2) the defendant's unauthorized use of similar marks in commerce is likely to cause confusion. See *Virgin Enterprises LTD v. Nawab*, 335 F.3d 141, 146 (2d Cir. 2003). The strength of the mark determines whether it is entitled to protection. The Second Circuit evaluates the strength of trademarks according to the test articulated in *Abercrombie & Fitch Co., Inc. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976). Marks are classified as (1) generic, (2) descriptive, (3) suggestive, (4) arbitrary, or (5) fanciful. Id. Generic marks are not entitled to protection; however, marks that are either inherently distinctive or have acquired distinctiveness through secondary meaning are protected. See *Two Pesos, Inc. v. Taco Cabana, Inc.*, 112 S. Ct. 2753, 2757 (1992). To establish secondary meaning, "a manufacturer must show that, in the minds of the public, the primary significance of a product feature or term is to identify the source of the product rather than the product itself." *Bristol-Myers Squibb Company v. McNeil-P.P.C., Inc.*, 973 F.2d 1033, 1041 (2d Cir. 1992) (citing *Inwood Laboratories v. Ives Laboratories*, 456 U.S. 844, 851 (1982)). Judge Friendly outlined factors in *Polaroid Corp. v. Polaroid Elecs. Corp.* that have been consistently used within the Second Circuit to determine whether a likelihood of confusion exists. 287 F.2d 492, 495 (2d Cir. 1961). The non-exclusive factors are (1) the strength of the mark, (2) the degree of similarity between the two marks, (3) the proximity of the products, (4) the likelihood the prior owner will bridge the gap, (5) actual confusion, (6) the defendant's good faith in adopting the mark, (7) the quality of the defendant's product, and (8) the sophistication of the buyers. Id.; see also *New York Stock Exchange, Inc. v. New York, New York Hotel, LLC*, 293 F.3d 550, 557 (2d Cir. 2002).

Defendant argues that Plaintiff's phrases are generic and descriptive and thus, even if they have acquired secondary meaning, they are not entitled to protection under the Lanham Act. (Memo. of Law in Supp. of Defs.' Mot. to Dismiss at 6-14.) Defendant also asserts a fair use defense, claiming that the wording is laudatory and therefore not entitled to protection. Id. The classification of a mark, however, is based on how the purchasing public for the particular good perceives the mark. *Courtenay Communications Corp. v. Hall*, 334 F.3d at 215. This initial classification, which is a requisite determination for a trademark infringement claim, is a factual determination. Id. As the Second Circuit recently explained:

It is usually true that the classification of a mark is a factual question, and that the question turns on how the purchasing public views the mark. The pleadings and documents necessarily relied upon by plaintiff's complaint, which were all that the district court could rightly consider in deciding the motion to dismiss for failure to state a claim, are insufficient for determining the critical fact of how the public views [a] mark.

Id. (internal citations omitted). Defendant's classification argument is thus premature.

Plaintiff's Amended Complaint alleges that the marks are entitled to protection as they have become associated with HOF's diamond products. (Amend. Compl. ¶21.) Plaintiff further alleges that Defendant's use of a similar mark without permission is likely to cause confusion among the public. (Id. ¶¶22, 25.) Plaintiff has pleaded that its phrases have acquired distinctiveness through continuous and exclusive uses since 1997 and that Defendant's phrase is likely to cause confusion. (Id. ¶¶21-22, 25-26.) Plaintiff has therefore pleaded facts supporting all elements of the Lanham Act cause of action asserted in the Amended Complaint. Accordingly, it does not appear beyond doubt that Plaintiff can prove no set of facts to support his claim for relief. The

motion to dismiss the Lanham Act claim is therefore denied.¹

Dilution Under Common Law

Plaintiff alleges that Defendant violated New York State General Business Law §3604. (Amend. Compl. ¶28.) To plead a successful cause of action under the New York dilution law, a plaintiff must prove (1) ownership of a mark that is distinctive or has acquired distinctiveness through secondary meaning, and (2) a likelihood of dilution through blurring or tarnishment.² See *New York Stock Exchange, Inc.*, 293 F.3d at 557-558. Six factors are often used to determine the likelihood of blurring: (1) similarity of the marks, (2) similarity of the products covered, (3) sophistication of the consumer, (4) predatory intent, (5) renown of the senior mark, (6) renown of the junior mark. See *Katz v. Modiri*, 283 F. Supp. 2d 883, 901 (S.D.N.Y. 2003) (citing *Deere & Co. v. MTD Products, Inc.*, 41 F.3d 39, 43 (2d Cir. 1994)).

Defendant moves to dismiss the common law dilution claim, asserting that Plaintiff's marks are not strong or distinctive, as required by statute, and are instead generic and descriptive. (Mem. of Law in Supp. of Defs.' Mot. to Dismiss at 15-16.) Plaintiff's Amended Complaint, however, alleges that the marks have acquired distinctiveness due to the public's strong association of the mark with Plaintiff's product. (Amend. Compl. ¶21.) Furthermore, the Amended Complaint alleges that Plaintiff's reputation has suffered due to confusion between the two products. (Id. ¶¶24-25.) Defendant therefore has not established beyond doubt that Plaintiff can prove no set of facts to support its New York dilution claim for relief. Defendant's motion to dismiss the New York State General Business Law §3604 claim is therefore denied.

Unfair Competition Under Common Law

Plaintiff alleges that Defendant committed unfair competition under common law. The elements of an unfair competition claim under New York law are the same as the Lanham Act elements listed above, with an added bad faith requirement. See *Genesee Brewing Company, Inc. v. Stroh Brewing Company, Inc.*, 124 F.3d 137, 149-150 (2d Cir. 1997). As previously explained, proof of a likelihood of confusion requires an analysis of the Polaroid factors, resolution of which would constitute premature fact finding inappropriate upon a motion to dismiss. See *Courtenay Communications Corp.*, 334 F.3d at 213. Similarly, any determinations regarding Defendant's potential bad faith, which would involve a factual inquiry, would also be premature. See *Castle Rock Entertainment v. Carol Publishing Group, Inc.*, 955 F. Supp. 260, 274 (S.D.N.Y. 1997). Plaintiff has made allegations sufficient to support a cause of action against Defendant for unfair competition. Additionally, the Amended Complaint asserts that Defendant has "willfully, intentionally, and knowingly used a designation confusingly similar" to Plaintiff's marks. (Amend. Compl. ¶37.) The Court therefore cannot conclude that there is no set of facts which would support the plaintiff's common law unfair competition claim for relief. Accordingly, Defendant's motion to dismiss the common law unfair competition claim is denied.

For the foregoing reasons, Defendant's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is denied in its entirety.

So Ordered.

(1) The Defendant has not challenged the contributory infringement claim asserted by Plaintiff in Count One of the Complaint. As the Lanham Act elements are critical to a finding of contributory infringement, the contributory negligence claim is also not ripe for dismissal according to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

(2) Blurring occurs when the defendant uses a mark that is the same or similar to the plaintiff's mark to identify its goods, causing a potential loss of distinctiveness of the plaintiff's mark to the plaintiff's product. See *New York Stock Exchange, Inc. v. New York, New York Hotel, LLC*, 293 F.3d 550, 558 (2d Cir. 2002).

(3) Tarnishment occurs when the defendant uses the mark in a way that dilutes the quality or prestige associated with the plaintiff's mark because of confusion between the two marks. See *New York Stock Exchange, Inc. v. New York, New York Hotel, LLC*, 293 F.3d 550, 558 (2d Cir. 2002).

ing trust to a unitrust shall be effective as of the first day of the year commencing after the election is made.

Surrogate Roth

ESTATE OF EDITH PREISNER — After conference with the Court, this contested application to determine the validity of the claim of Paul Foster, Esq., against the estate of Edith Preisner was settled pursuant to a stipulation entered into in open court.

Proceed accordingly.

ESTATE OF THEOCLITOS DEMETRIADES, deceased — After conference with the Court, this contested application to determine the validity of the claim of Mira Guberin against the estate of Theoclitos Demetriades was settled pursuant to a stipulation filed with the court.

Proceed accordingly.

ESTATE OF JOHN BARROW, deceased — Insufficient proof having been offered to establish the identity of the distributees of John Barrow, the Public Administrator is directed to deposit the net estate with the Commissioner of Finance of the City of New York for the benefit of decedent's unknown distributees subject to the further order of this Court.

Decree signed.

ESTATE OF MARIE JOYCE, deceased — Incident to her final accounting in the estate of Marie Joyce, the Public Administrator requests a determination of the identity of decedent's distributees.

Based upon the proof submitted at a hearing before a court attorney-referee, the court finds that decedent was survived as her sole distributees by a sister and a niece (issue of a predeceased sister).

Accordingly, decedent's net estate shall be distributed equally between Carolyn Cecelia Kent and Marianne Jean Treglia.

Settle decree.

ESTATE OF JACQUELINE CRESPI, deceased — At the call of the calendar, this application to compel the executrix of the estate of Jacqueline Crespi to account was granted. Gisele Pincus is directed to file an account of her proceedings, together with a petition for its judicial settlement, within 45 days after service of a copy of the order to be entered herein with notice of entry.

This decision constitutes the order of the court.

ORDERS SIGNED: PRAN NATH SHARMA; Jacqueline Crespi; Marie Joyce; John Barrow.

BRONX COUNTY

SUPREME COURT

Justice Stanley Green

Grant v. Vita (13206/98)—Pd—Referred To Another Judge

Justice Sallie Manzanet

Arciniega v. Rbg Mgt. Corp. (17020/01)—Withdrawn

er, the decedent's son, there was no appearance in opposition. However, it appears that the decedent's surviving spouse may be under a disability. If the default of the surviving spouse was caused by the alleged disability, it would also render him ineligible to serve as the fiduciary. Under the circumstances, a guardian ad litem will not be appointed for him in this proceeding. However, one will be appointed for him in any future proceeding if appropriate. Accordingly, the application is granted and letters of administration shall issue to the petitioner upon his filing a surety bond in the penal sum of \$125,000.00.

Submit decree.

ESTATE OF JASON ANGEL PEREZ, deceased — In this application by the administratrix, the decedent's mother, to compromise claims arising from the events leading to the decedent's death, the court authorized the entry of an interim decree permitting the collection of the settlement proceeds and directing that they be held in escrow (Matter of Perez, N.Y.L.J., December 15, 2003, p. 30, col. 2). The objections filed by the decedent's father have now been settled pursuant to a written stipulation filed with the court.

The decedent was involved in a motor vehicle accident and died intestate on April 24, 2002. The decedent's presumptive distributees are his parents. The New York State Department of Taxation and Finance has consented to the application. Under the circumstances presented, including that no debts or claims have been presented against the estate that are not being satisfied herein, the request to allocate the entire proceeds to the claim for wrongful death is approved.

Counsel fees and disbursements are allowed in the sum requested. The net distributable proceeds are to be paid according to the terms of the stipulation.

Decree signed.

ESTATE OF SOPHIE HUTNICK, deceased — In this application by an alleged creditor for the issuance of letters of administration to the Public Administrator, there was no appearance in opposition and the Public Administrator consented on the record in open court. Accordingly, a decree may be settled granting letters of administration to the Public Administrator.

ESTATE OF RUTH KATZ, ALSO KNOWN AS RUTH A. KATZ, deceased — In this application for the issuance of letters of administration to the petitioner, the decedent's son, there was no appearance in opposition. However, it appears that the decedent's surviving spouse may be under a disability. If the default of the surviving spouse was caused by the alleged disability, it would also render him ineligible to serve as the fiduciary. Under the circumstances, a guardian ad litem will not be appointed for him in this proceeding. However, one will be appointed for him in any future proceeding if appropriate. Accordingly, the application is granted and letters of administration shall issue to the petitioner

are allowed in the share requested pursuant to Judiciary Law §474-a. The sum of \$10,493.49 is to be paid to the New York City Department of Social Services and shall be deducted from the share payable to the petitioner, as requested. The net distributable proceeds are to be paid as requested: 42 percent to the spouse, 32 percent to Keelan Doudouyou and 26 percent to Kenny Doudouyou. The annuities approved by the guardian ad litem may be purchased. Any monies paid during the minority of the infant distributees shall be paid to the guardian of their property, jointly with the Guardian Clerk of this court, subject to the further order of this court. The restrictions imposed upon the petitioner and his counsel shall remain in full force in effect with regard to any remaining defendants and causes of action.

Settle decree.

Accounting Department

ORDERS SIGNED: ESTATE OF JAMES R. CARPENTER.

Miscellaneous Department

DECREES SIGNED: ESTATES OF RADAMES LOPEZ; Amadou Bailo Diallo.

ORDERS SIGNED: ESTATES OF RUTH WIMPFHEIMER; Victor Kwarkye.

Guardianship Department

APPLICATION FOR ORDER AUTHORIZING WITHDRAWAL OF INFANTS FUNDS, ORDERS SIGNED: MATTER OF RAMON EMILIO OVIEDO; Aura Elisa Oviedo; Carolyn Jaleceeth Oviedo; Kelliann-Marie Johnson; Dennis Edwards Poller, Jr.; Christopher Troy Hedrick; Zaini Arzu; Padamani D. Sukhrum; Vincent Shawndell Chambers; Hector F. Gonzalez Sanchez; Ismael Santiago.

APPLICATION FOR LETTERS OF GUARDIANSHIP DECREE SIGNED, MATTER OF TYESHA MONIQUE MEADOWS; Bryan Guzman; Helen Ann Donnelly; Titianna Deshane Alexander; Keshawn Will Alexander; Calvin James Walters, Jr.

LETTERS OF GUARDIANSHIP ISSUED, MATTER OF KESHAWN W. ALEXANDER; Titianna D. Alexander; Bryan Guzman; Tyesha M. Meadows.

APPLICATION FOR MISCELLANEOUS ORDERS SIGNED, MATTER OF ZHAMID ARZU; Janel R. Rock-Bennett; Pamela Graddic; Jennifer Fosse.

CIVIL COURT

Judge Rodriguez

EBES LONCAREVIC v. Zhang; GENESONI v. Waldorf Carting Corp. & Walston; WILLIAMS v. Scott-Jones—See memorandum on file.

Judge Sherman

HARTFORD INSURANCE COMPANY v. Lopez; LINTON v. Macias; REYES v. MVAIC; QUILTES v. Venditti; RODRIGUEZ v. Marte; FLEET NATIONAL BANK v. McKay Medical Transportation, Inc.; CITICORP v. Morales; JENKINS v. Trotman—See memorandum on file.

LOOKING FOR TEMPORARY HELP OR WORK?
SEE THE CLASSIFIED PAGES.

DECISIONS

Second Judicial Department

APPELLATE
DIVISION

By Altman, J.P.; Smith, Luciano, Adams and Cozier, JJ.

MCCLUSKEY res. v. AGUILAR ap-def — (INDEX NO. 25011/99) — In an action to recover damages for personal injuries, etc., the defendants Manuel Aguilar and Jose Herreros appeal, as limited by their brief, from (1) so much of an order of the Supreme Court, Kings County (Dabiri, J.), dated January 23, 2002, as denied their motion for summary judgment dismissing the complaint insofar as asserted against them on the ground that neither of the plaintiffs sustained a serious injury within the meaning of Insurance Law §5102(d), and (2) a judgment of the same court dated March 7, 2003, which, upon a jury verdict, is in favor of the plaintiffs and against them in the principal sum of \$160,000.

ORDERED that the appeal from the order is dismissed; and it is further,

ORDERED that the judgment is affirmed; and it is further,

ORDERED that one bill of costs is awarded to the plaintiffs.

The appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action (see *Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeal from the order are brought up for review and have been considered on the appeal from the judgment (see CPLR §501[a](1)).

The only issue raised on appeal by the defendants Manuel Aguilar and Joel Herreros (hereinafter the appellants) relates to the denial of their motion for summary judgment dismissing the complaint insofar as asserted against them on the ground that neither of the plaintiffs sustained a serious injury within the meaning of Insurance Law §5102(d). In support of their motion, they submitted reports prepared by the plaintiffs' treating chiropractor indicating that both plaintiffs exhibited restricted range of motion in their cervical and lumbar spines and that the injuries which the plaintiffs sustained were the result of the subject motor vehicle accident. Accordingly, the appellants failed to make a prima facie case for judgment as a matter of law (see *Chaplin v. Taylor*, 273 AD2d 188). Under these circumstances, we need not consider whether the plaintiffs' opposition papers were sufficient to raise a triable issue of fact (see *Chaplin v. Taylor*, supra).

ALTMAN, J.P., SMITH, LUCIANO, ADAMS and COZIER, JJ., concur.

By Ritter, J.P.; Florio, Smith and Miller, JJ.

FUENTES, ap. pif. v. BROOKHAVEN MEMORIAL HOSPITAL, res. CAYPINAR, ETC., del — (INDEX NO. 2477/95) — In

By Altman, J.P.; Miller, Cozier and Mastro, JJ.

DERISE, res. v. KREINIK, ap. — (INDEX NO. 18566/02) — In an action, inter alia, to recover damages for abuse of process and malicious prosecution, the defendant appeals, in part by permission, from an order of the Supreme Court, Queens County (Flug, J.), dated March 19, 2003, which, in effect, denied his motion to dismiss the complaint for failure to serve a notice of claim pursuant to Education Law §3813 and, sua sponte, relieved the Corporation Counsel of the City of New York as his attorney.

ORDERED that the order is reversed, on the law, with costs, the motion is granted, and the complaint is dismissed.

The plaintiff, a former school principal, commenced this action against the defendant Neil F. Kreinik, a district superintendent, to recover damages for abuse of process, malicious prosecution, and intentional interference with contract. The plaintiff alleged, inter alia, that the defendant willfully and maliciously preferred unfounded and false disciplinary charges against him, thereby injuring the plaintiff's career and reputation.

Thereafter, the defendant filed a pre-answer motion to dismiss the complaint on the ground that the plaintiff failed to serve a notice of claim in accordance with Education Law §3813. The Supreme Court, in effect, denied the motion, allowed the plaintiff to proceed against the defendant and, sua sponte, relieved the Corporation Counsel of the City of New York (hereinafter the Corporation Counsel), as the defendant's attorney.

Service of a notice of claim was a condition precedent to the commencement of the action against the defendant pursuant to Education Law §3813 (see *Philson Painting Co. v. Board of Educ. of City of N.Y.*, 133 AD2d 619). The Supreme Court erred, in effect, in denying the motion to dismiss the complaint and in allowing the action to proceed against the defendant since the plaintiff failed to serve a notice of claim prior to commencing the action, and the conduct complained of occurred during the discharge of the defendant's duties within the scope of his employment (see *Education Law §3813(2)*; *Smith v. Collins*, 221 AD2d 518; *Aguin v. Darmstadter*, 153 AD2d 600; *Cioffi v. Giannone*, 56 AD2d 620).

Further, the defendant was entitled to representation by the Corporation Counsel (see *General Municipal Law §50-k(2)*) and the Supreme Court erred in sua sponte relieving the Corporation Counsel as the defendant's attorney.

The plaintiff's remaining contention is improperly raised for the first time on appeal, and we decline to address it (see *Mann v. All Waste Sys.*, 293 AD2d 656; *Chiu v. Cross Westchester Dev. Corp.*, 130 AD2d 616).

ALTMAN, J.P., H. MILLER, COZIER and MASTRO, JJ., concur.

By Miller, J.P.; Goldstein, Luciano and Cozier, JJ.

FERNANDES pif-res. v. LAWRENCE ap. ADAMS, ap. del. — (INDEX NO. 2477/95) — In

ing, inter alia, that at the time of the accident there was a sign at the entrance to the pool area, which the plaintiff admittedly failed to read, indicating that diving was prohibited. There were also conspicuous depth markings and "no diving" admonitions along the perimeter of the pool deck. The campground appellants also demonstrated through the plaintiff's deposition testimony that he erroneously believed, based upon his experience at other pools, that the water into which he dove was nine feet deep. Under these circumstances, where the plaintiff failed to read the warnings and disregarded the risk, summary judgment dismissing the complaint insofar as asserted against the campground appellants is warranted (see *Anello v. Town of Babylon*, 143 AD2d 714; *Smith v. Stark* supra at 694). In opposition, the plaintiffs failed to raise a triable issue of fact.

The appellant Aqua-Jet Pools & Services, Inc. (hereinafter Aqua-Jet), established its prima facie entitlement to judgment as a matter of law by demonstrating that the pool was not negligently designed or constructed, and there were sufficient warning signs prohibiting diving. A representative of the Ulster County Health Department testified that the pool fully complied with the State Sanitary Code concluding that the pool's signage exceeded the applicable requirements (see 10 NYCRR 6-1.10, 6-1.29). Thus, the Supreme Court also erred in granting the plaintiffs' cross motion for leave to amend the complaint to add a cause of action based upon strict products liability against Aqua-Jet, since the proposed claim was also predicated on a failure to warn (see *Martin v. Hacher*, 83 NY2d 1, 9). In opposition, the plaintiffs failed to raise a triable issue of fact. Their reliance upon the American National Standards Institute Standards for Environmental and Facility Safety Signs known as ANSI Z35.2-1998 and Z35.2-1991 was misplaced as they failed to demonstrate that those standards represented the general custom or usage in the industry (see *Sawyer v. Dreis & Krump Mfg. Co.*, 67 NY2d 328, 337).

The parties' remaining contentions either are academic or without merit.

H. MILLER, J.P., GOLDSTEIN, LUCIANO and COZIER, JJ., concur.

By Gali Prudenti, P.J.; Ritter, Santucci, Florio and Goldstein, JJ.

MATTER OF SOVIERO, AN ATTORNEY AND COUNSELOR-AT-LAW, RESIGNOR — Resignation tendered pursuant to 22 NYCRR 691.9 by Clement M. Soviero, who was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on April 12, 1989.

Clement M. Soviero, Kings Park, N.Y., resignor pro se.

Robert P. Guido, Syosset, N.Y. (Stacey J. Sharpeletti of counsel), for the Grievance Committee of the Tenth Judicial District.

PER CURIAM. Clement M. Soviero has submitted an affidavit dated March 26, 2004, wherein he tenders his resignation as an attorney and counselor-at-law (see 22 NYCRR 691.9). Mr. Soviero was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on April 12, 1989.

Mr. Soviero has been informed by the Grievance Committee that evidence of his professional misconduct has been

M. Soviero is commanded to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further, ORDERED that if Clement M. Soviero has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and he shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10(f).

By Santucci, J.P.; Miller, Luciano, Crane and Spolizio, JJ.

SANTIAGO, ap. v. NEW YORK CITY HEALTH AND HOSPITALS CORPORATION, res. — (INDEX NO. 15785/01) — In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Knipfel, J.), dated November 5, 2003, which granted that branch of the defendant's motion which was to vacate a prior order of the same court (Rappaport, J.), dated June 30, 2003, conditionally granting the plaintiff's motion pursuant to CPLR 3216 to strike the defendant's answer, inter alia, for failure to appear for an examination before trial pursuant to a preliminary conference order of the same court dated January 2, 2003.

ORDERED that the order is reversed, on the law and as a matter of discretion, with costs, and that branch of the defendant's motion which was to vacate the order dated June 30, 2003, is denied.

The Supreme Court issued a preliminary conference order dated January 2, 2003, at a conference at which the defendant did not appear, scheduling the depositions of all parties, a compliance date for discovery, and a compliance conference. After the defendant, inter alia, failed to appear for an examination before trial pursuant to the order dated January 2, 2003, the plaintiff moved pursuant to CPLR 3216 to strike the answer. By order dated June 30, 2003, the Supreme Court conditionally granted the plaintiff's motion to strike the defendant's answer unless the defendant complied with all outstanding discovery demands. The defendant did not oppose the motion. By order to show cause dated September 15, 2003, the defendant moved, inter alia, to vacate the order dated June 30, 2003, asserting, among other things, that it did not receive timely notice of the plaintiff's motion to strike its answer. However, it did not controvert the plaintiff's affidavit of service.

To vacate its default, the defendant was required to demonstrate both a reasonable excuse for its default and a meritorious defense (see CPLR 5015[a](1)). *Kolajo v. City of New York*, 248 AD2d 512; *Roussodimou v. Zafiriadis*, 238 AD2d 568, 568-69; see also *Harper v. Edwards*, 301 AD2d 627; *Correa v. Tscherna*, 296 AD2d 476). While the determination of what constitutes a reasonable excuse for a default generally lies within the sound discretion of the trial court (see *Gutman v. Southgate At Bar Harbor Home Owners' Assn.*, 207 AD2d 526, 527; *Bardales v. Blades*, 191 AD2d 667, 668), reversal is warranted where the trial court improvidently exercises its discretion (see *Roussodimou v. Zafiriadis*, supra at 569). While

opposition, the plaintiffs failed to raise a triable issue of fact. The affidavit of the injured plaintiff submitted in opposition to the motion constituted an attempt to avoid the consequences of his earlier deposition testimony by raising feigned issues of fact with respect to the issue of notice, and thus, it was insufficient to defeat the motion for summary judgment (see *Krohn v. Melanson*, 298 AD2d 510; *Raisner v. City of New York*, 272 AD2d 460; *Garvin v. Rosenberg*, 204 AD2d 388).

Accordingly, the Supreme Court should have granted the appellants' motion for summary judgment dismissing the complaint insofar as asserted against them (see generally *Alvarez v. Prospect Hosp.*, 68 NY2d 320).

SANTUCCI, J.P., GOLDSTEIN, LUCIANO and MASTRO, JJ., concur.

By Ritter, J.P.; Goldstein, Mastro and Fisher, JJ.

RUPP res. v. CITY OF PORT JERVIS, APPELLANT def. — (INDEX NO. 7242/02) — In an action to recover damages for personal injuries, etc., the defendant City of Port Jervis appeals, as limited by its brief, from so much of an order of the Supreme Court, Orange County (McGuirk, J.), entered October 15, 2003, as denied its motion for summary judgment dismissing the complaint insofar as asserted against it and granted the plaintiffs' cross motion for leave to amend their notice of claim and complaint.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The appellant contends that it cannot be held liable for the alleged sidewalk defect since it did not receive written notice of the defect prior to the occurrence as required by Port Jervis City Charter §C11-2. In support of its motion, the appellant submitted, inter alia, an unnotarized, undated statement from the City Clerk, stating that he "conducted a search of records maintained by the City with respect to any written complaints or written notice pertaining to any alleged defective sidewalk condition or the need for repairs at the location now given as 24-32 Front Street in the City of Port Jervis" for the period prior to the accident, "and found that none exists." This statement was insufficient to establish the appellant's entitlement to judgment as a matter of law on the issue of notice (see *Winegrad v. New York Univ. Med. Ctr.*, 64 NY2d 851; *Clarke v. Brooklyn Union Gas Co.*, 297 AD2d 779).

In any event, the plaintiffs argued that an exception to the prior written notice rule applies on the ground that the appellant created the allegedly defective condition (see *Amabile v. City of Buffalo*, 93 NY2d 471, 474). Under the particular facts of this case, summary judgment on this issue would have been premature since substantial discovery remained outstanding (see CPLR 3212[f]; *Rengifo v. City of New York*, 7 AD3d 773; *Yadgarov v. Dekel*, 2 AD3d 631).

In addition, the Supreme Court properly granted the plaintiffs leave to amend their notice of claim and complaint to state the correct location where the accident allegedly occurred. At the hearing pursuant to General Municipal Law §50-h, the plaintiffs submitted photographs of the location of the accident and the injured plaintiff identified the site of the accident on one of the photographs. There was no evidence that the appellant suffered prejudice (see General Municipal Law §50-e[6]; *D'Alessandro v. Nassau County*, 29 NY2d 911, 912).

FLORIO, J.P., S. MILLER, RIVERA and LIFSON, JJ., concur.

By Luciano, J.P.; Cozier, Mastro and Spolizio, JJ.

CITIBANK, N.A., pif-res. v. KENNEY, JR., ETC. def. KENNEY ap, LAKE HIGHLANDS, L.P., def-res — (INDEX NO. 016062/00) — Michael S. Cox, Farmingdale, N.Y. for appellant.

Certilman Balin Adler & Hyman, LLP, East Meadow, N.Y. (Thomas J. McNamara of counsel), for plaintiff-respondent.

Daniel S. Komansky, Huntington Station, N.Y. (Gerry Carecchia Leonti of counsel), for defendant-respondent.

In an action to foreclose a mortgage, the defendant Renate Kenney appeals, as limited by her brief, from (1) so much of an order of the Supreme Court, Nassau County (Winslow, J.), entered December 22, 2002, as, upon granting the plaintiff's motion for summary judgment and denying her cross motion for summary judgment, established the order of priority in which the proceeds from the foreclosure sale were to be distributed, and (2) so much of an amended judgment of foreclosure and sale of the same court, dated February 25, 2003, as, in effect, directed that the junior liens held by Citibank, N.A., Renate Kenney, and Lake Highlands, L.P. attach to the surplus funds in order of their priority as set forth in the order entered December 22, 2002.

ORDERED that the appeal from the order dated December 22, 2002, is dismissed; and it is further,

ORDERED that the amended judgment is reversed insofar as appealed from, on the law, the order of priority of the liens attaching to the surplus funds is established as follows: (1) those funds attributable specifically to the sale of lots 62, 63, and 64 shall first be applied in satisfaction of the mortgage held by the defendant Renate Kenney, dated January 18, 1993, and recorded in the Nassau County Clerk's Office on March 10, 1993 in Liber 15001, Page 691; (2) if those funds are insufficient to satisfy that mortgage in full, then no portion of the deficiency on that mortgage shall be paid from the remaining surplus funds until the satisfaction of the mortgage held by the defendant Lake Highlands, L.P., dated March 5, 1993, and recorded in the Nassau County Clerk's Office on April 29, 1993 in Liber 15096, Page 458, as amended by the instrument recorded in the Nassau County Clerk's Office on June 6, 1994, in Liber 16345, Page 430 and the mortgage held by the plaintiff, Citibank, N.A., dated April 29, 1997, and recorded in the Nassau County Clerk's Office on May 12, 1997, in Liber 17926, Page 835, and the order entered December 22, 2002, is modified accordingly; and it is further,

ORDERED that one bill of costs is awarded to the appellant.

The appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of the amended judgment in the action (see *Matter of Aho*, 39 NY2d 241, 248). The issues raised on appeal from the order are brought up for review and have been considered on appeal from the amended judgment (see CPLR 501[a](1)).

The plaintiff, Citibank, N.A. (hereinafter Citibank), commenced this action in 2000 to foreclose a mortgage originally recorded in 1987, which was consolidated with a second mortgage in 1993 and

By Ritter, J.P.; Florio, Smith and Miller, J.J.

FUENTES, ap. plif, v. BROOKHAVEN MEMORIAL HOSPITAL, res. CAYPINAR, ETC., def. — (INDEX NO. 2477/95) — In an action to recover damages for medical malpractice, etc., the plaintiff Carmen Fuentes appeals from an order of the Supreme Court, Suffolk County (Werner, J.), entered March 19, 2003, which granted the motion of the defendant Brookhaven Memorial Hospital, in effect, for summary judgment dismissing the complaint insofar as asserted against it.

ORDERED that the order is reversed on the law, with costs, the motion is denied, and the complaint is reinstated insofar as asserted against the defendant Brookhaven Memorial Hospital.

The plaintiffs commenced this action to recover damages for medical malpractice allegedly arising from treatment rendered by the defendant Dr. Erol Y. Caypinar at the defendant Brookhaven Memorial Hospital (hereinafter Brookhaven). In 1997 the Supreme Court granted Dr. Caypinar's motion to dismiss the complaint insofar as asserted against him on the ground that the plaintiffs failed to serve a timely notice of claim upon him pursuant to General Municipal Law §50-d and judgment was entered dismissing the complaint insofar as asserted against him (see *Fuentes v. Brookhaven Mem. Hosp.*, 251 AD2d 540). Brookhaven contends that dismissal of the complaint insofar as asserted against it is warranted based on res judicata. Brookhaven argues that, because its alleged liability is vicarious only, dismissal of the complaint insofar as asserted against Dr. Caypinar requires dismissal of the complaint insofar as asserted against it. The Supreme Court granted the motion. We reverse.

The doctrine of res judicata holds that, as to the parties in a litigation and those in privity with them, a judgment on the merits by a court of competent jurisdiction is conclusive of the issues of fact and questions of law necessarily decided therein in any subsequent action (see *Ott v. Borash*, 109 AD2d 254). However, the dismissal of a complaint as against one party need not be given res judicata effect as against another vicariously liable for the same conduct when the dismissal was based upon a defense that was personal to that party (see *Restatement [Second] Judgments* §51[1][b]). Here, Brookhaven was not a "public institution" within the meaning of General Municipal Law §50-d and, therefore, no notice of claim pursuant to that section need have been served upon it (see *Thau v. Onyebekwe*, 294 AD2d 490). To the extent that our decision in *Fuentes v. Brookhaven Mem. Hosp.* (supra) may be read to the contrary, it should not be followed. Accordingly, the dismissal of the complaint as against Dr. Caypinar was on a basis personal to him that was not available to Brookhaven. Further, the dismissal was not based upon and did not determine the merits of the underlying allegations of medical malpractice (see *Siegel*, NY Prac §446 [3d ed.]; cf. *Perrone v. Grover*, 272 AD2d 312; *Matter of Edward Joy Co. v. Hudacs*, 199 AD2d 858, 860). Accordingly, application of the doctrine of res judicata to dismiss the complaint as against Brookhaven was not warranted.

By Ritter, J.P., Florio, Smith and H. MILLER, J.J., concur.

By Miller, J.P.; Goldstein, Luciano and Mastro, J.J., concur.

FERNANDES plif-res, v. LAWRENCE ap. AIELLO, SR., def-res — (INDEX NO. 29541/00) — In an action to recover damages for personal injuries, etc., (1) the defendants John Lawrence, Lazy River Campground, and Mountain Meadows Development Corporation appeal from so much of an order of the Supreme Court, Kings County (Ruchelsman, J.), dated October 21, 2002, as denied their motion for summary judgment dismissing the complaint insofar as asserted against them, and (2) the defendant Aqua-Jet Pools & Services, Inc., separately appeals (a), as limited by its brief, from so much of the same order as denied its motion for summary judgment dismissing the complaint insofar as asserted against it, and (b) from an order of the same court dated November 19, 2002, which granted the plaintiffs' cross motion for leave to amend their complaint to add a cause of action based upon strict products liability against it.

ORDERED that the appeal by the defendant John Lawrence is dismissed as abandoned (see NYCRR 670.8[e]); and it is further,

ORDERED that the order dated October 21, 2002, is reversed insofar as reviewed, on the law, the motions are granted, and the complaint is dismissed insofar as asserted against the appellants Lazy River Campground, Mountain Meadows Development Corporation, and Aqua-Jet Pools & Services, Inc., and it is further,

ORDERED that the order dated November 19, 2002, is reversed, on the law, the cross motion is denied; and it is further,

ORDERED that one bill of costs is awarded to the appellants Lazy River Campground and Mountain Meadows Development Corporation, and the appellant Aqua-Jet Pools & Services, Inc., appearing separately and filing separate briefs.

In an action alleging negligence arising out of a diving accident in a swimming pool, a defendant's motion for summary judgment should be granted where "the record eliminates any legal cause other than the reckless conduct of the plaintiff" (*Kriz v. Schum*, 75 NY2d 25, 34; see *Smith v. Stark*, 67 NY2d 693; *Boltax v. Joy Day Camp*, 67 NY2d 617). Summary judgment is an appropriate remedy in swimming pool injury cases when from his or her "general knowledge of pools, his [or her] observations prior to the accident, and plain common sense," the plaintiff should have known that, if he or she dove into the pool, the area into which he or she dove contained shallow water, and, thus, posed a danger of injury (*Smith v. Stark*, supra at 694; see *Mason v. Anderson*, 300 AD2d 551, 552).

The plaintiff Francisco Fernandes (hereinafter the plaintiff), a 29-year-old experienced swimmer and diver, was injured when, after sitting poolside for approximately 10 minutes, he dove head first into the four-foot deep swimming pool of the appellant Lazy River Campground. The appellants Lazy River Campground and Mountain Meadows Development Corporation (hereinafter the campground appellants) established their prima facie entitlement to judgment as a matter of law by demonstrat-

ing the bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on April 12, 1989.

Mr. Soviero has been informed by the Grievance Committee that evidence of his professional misconduct has been adduced by its ongoing investigation and that he would be the subject of charges in a disciplinary proceeding to be recommended to the court. Mr. Soviero admits that in May 2001, in his capacity as the seller's attorney, he received from the proposed purchaser signed contracts of sale and a down payment check in the amount of \$31,500 payable to him as escrowee. Pursuant to the contract of sale, the down payment was to be held in escrow until the closing or the termination of the contract. Mr. Soviero failed to turn over any of the \$31,500 when another attorney assumed representation of the seller prior to the closing or at the closing on July 23, 2001. Instead, he used it for personal expenses. The transaction concerned Mr. Soviero's former marital residence, which had been deemed to his then-wife in March 2001.

Mr. Soviero further admits that he was found in contempt of court more than once for his failure to pay child support, resulting in his incarceration and the suspension of his driver's license. Mr. Soviero also failed to post the undertaking ordered by the Family Court, Suffolk County.

Mr. Soviero acknowledges his inability to defend himself on the merits against any disciplinary charges and avers that his resignation is freely and voluntarily tendered and that he has not been subjected to coercion or duress by anyone.

Mr. Soviero has discussed his decision to resign with persons whose advice and counsel he respects. He is fully aware of the implications of submitting a resignation, including being barred by Judiciary Law §90 from seeking reinstatement for a period of at least seven years.

Mr. Soviero avers that his resignation is submitted subject to any application which could be made by the Grievance Committee to direct him to make restitution and/or to reimburse the Lawyer's Fund for Client Protection, pursuant to Judiciary Law §90(6-a). He acknowledges the continuing jurisdiction of the court to make such an order and specifically waives the opportunity afforded him by Judiciary Law §90(6-a)(f) to be heard in opposition thereto.

The Grievance Committee urges acceptance of the proffered resignation.

Inasmuch as the proffered resignation complies with all appropriate court rules, it is accepted, and effective immediately, Clement M. Soviero is disbarred, and his name is stricken from the roll of attorneys and counselors-at-law.

By PRUDENTI, P.J., RITTER, SANTUCCI, FLORIO and GOLDSTEIN, J.J., concur.

ORDERED that the resignation of Clement M. Soviero is accepted and directed to be filed; and it is further,

ORDERED that pursuant to Judiciary Law §90, effective immediately, Clement M. Soviero is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that Clement M. Soviero shall promptly comply with this court's rules governing the conduct of disbarred, suspended, and resigned attorneys (see 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law §90, effective immediately, Clement

disclosure of the unit court (see *Graham v. Southgate At Bar Harbor Home Owners' Assn.*, 207 AD2d 526, 527; *Bardales v. Blades*, 191 AD2d 667, 668), reversal is warranted where the trial court improvidently exercises its discretion (see *Rousssimou v. Zafiriadis*, supra at 569). While "[t]he court has discretion to accept law-office failure as a reasonable excuse ... a pattern of willful default and neglect" should not be excused" (*Rousssimou v. Zafiriadis*, supra at 569, quoting *Gannon v. Johnson Scale Co.*, 189 AD2d 1052 [citations omitted]; see *Incorporated Vil. of Hempstead v. Jablonsky*, 283 AD2d 553; *Espinal v. City of New York*, 264 AD2d 806; *Kolajo v. City of New York*, supra at 512).

Here, the defendant's failure to appear for the preliminary conference on January 2, 2003, and to comply with the preliminary conference order of the same date, and its failure to respond to the plaintiff's motion to strike its answer or to promptly move to vacate the order dated June 30, 2003, constituted "a pattern of willful default and neglect" which cannot be excused (*Rousssimou v. Zafiriadis*, supra at 569, quoting *Gannon v. Johnson Scale Co.*, 189 AD2d 1052 [citations omitted]; see *Kolajo v. City of New York*, supra at 512; see also *Incorporated Vil. of Hempstead v. Jablonsky*, supra at 554; *Espinal v. City of New York*, supra at 806).

Additionally, the defendant's affirmation in support of its motion failed to establish a meritorious defense (*Kolajo v. City of New York*, supra at 513; *Peterson v. Scandura Trucking Co.*, 226 AD2d 691, 692). Contrary to the defendant's contention, the allegations of the complaint were sufficiently specific that it was possible for it to demonstrate a meritorious defense prior to conducting discovery.

SANTUCCI, J.P., H. MILLER, LUCIANO, CRANE and SPOLZINO, J.J., concur.

By Santucci, J.P.; Goldstein, Luciano and Mastro, J.J.

KATZ res, v. SEMINOLE REALTY CORP. def, DITMAS MANAGEMENT CORP. ap — (INDEX NO. 24930/99) — In an action to recover damages for personal injuries, etc., the defendants Ditmas Management Corp. and Seminole Realty Co., appeal from an order of the Supreme Court, Kings County (Martin, J.), dated January 13, 2004, which denied their motion for summary judgment dismissing the complaint insofar as asserted against them.

ORDERED that the order is reversed, on the law, with costs, the motion is granted, and the complaint is dismissed insofar as asserted against them.

The injured plaintiff alleged that he slipped and fell due to the presence of water on a staircase located in a building owned by the defendant Seminole Realty Co., and managed by the defendant Ditmas Management Corp. To impose liability upon a defendant in a slip-and-fall case, there must be evidence tending to show the existence of a dangerous condition and that the defendant either created the defect or had actual or constructive notice of it (see *Gordon v. American Museum of Natural History*, 67 NY2d 836; *Sadosky v. 2175 Wantagh Ave. Corp.*, 281 AD2d 407; *King v. New York City Tr. Auth.*, 266 AD2d 354; *Patrick v. Cho's Fruit & Vegetables*, 248 AD2d 692). The appellants established their prima facie entitlement to judgment as a matter of law by demonstrating that they neither had notice of the condition complained of nor created it (see *Manzione v. Wal-Mart Stores*, 295 AD2d 484). In

the plaintiffs submitted photographs of the location of the accident and the injured plaintiff identified the site of the accident on one of the photographs. There was no evidence that the appellant suffered prejudice (see General Municipal Law §50-e[6]; *D'Alessandro v. New York City Tr. Auth.*, 83 NY2d 891, 893; *Miller v. New York City Tr. Auth.*, 6 AD3d 405; *Matter of Barrios v. City of New York*, 300 AD2d 480; *Herrera v. City of New York*, 211 AD2d 759).

The appellant's remaining contentions are without merit.

RITTER, J.P., GOLDSTEIN, MASTRO and FISHER, J.J., concur.

By Florio, J.P.; Miller, Rivera and Lifson, J.J.

SANZ, ETC., plif-res, v. DISCOUNT AUTO, ap, RAMSAY, def-res — (INDEX NO. 13891/02) — In an action, inter alia, to recover damages for wrongful death, the defendant Discount Auto appeals from an order of the Supreme Court, Kings County (Dowd, J.), dated October 31, 2003, which denied its motion for summary judgment dismissing the complaint and all cross claims insofar as asserted against it and granted the plaintiff's cross motion for summary judgment on the issue of ownership of the subject vehicle.

ORDERED that the order is modified, on the law, by deleting the provision thereof granting the cross motion and substituting therefor a provision denying the cross motion; as so modified, the order is affirmed, with one bill of costs to the defendant Discount Auto payable by the plaintiff-responder.

On April 5, 2000, the defendant Tonio Ramsay purchased a 1990 Lexus automobile from the defendant Discount Auto (hereinafter the appellant), at its business premises in Pennsylvania. To prove his status as an insured driver, Ramsay produced an insurance card, issued by Government Employees Insurance Company (hereinafter GEICO), showing that Ramsay had coverage for a 1989 Mazda. The appellant thus issued a 30-day temporary registration and paper license plate for the Lexus, and permitted Ramsay to drive the Lexus off the lot. Ramsay did indeed arrange for GEICO to cover the Lexus. Such coverage was in place when, on April 17, 2000, the Lexus, still bearing the temporary Pennsylvania license, struck and killed the plaintiff's decedent.

The Supreme Court erred in granting the plaintiff's cross motion for summary judgment on the issue of the ownership of the Lexus on the theory that the appellant was estopped from denying ownership because it breached its duty to verify that Ramsay possessed insurance to cover that vehicle (see *Brown v. Harper*, 231 AD2d 483), as the plaintiff improperly raised this argument for the first time in her reply papers (see *Canter v. East Nassau Med. Group*, 270 AD2d 381; *Pinkston v. Weiss*, 238 AD2d 393). As a result, the appellant was deprived of a fair opportunity to proffer Ramsay's GEICO policy to prove that it contained a provision covering the Lexus as required by 11 NYCRR 60-1.1(d)(1)(i), or otherwise to respond to the plaintiff's argument (see *McCarthy v. City of New York*, 5 AD3d 445; *Johnston v. Continental Broker-Dealer Corp.*, 287 AD2d 546). Insofar as this issue may be reviewed on this record, it appears that an issue of fact exists as to whether the appellant satisfied its insurance verification obligations.

considered on appeal from the amended judgment (see CPLR 5501[a][1]).

The plaintiff, Citibank, N.A. (hereinafter Citibank), commenced this action in 2000 to foreclose a mortgage originally recorded in 1987, which was consolidated with a second mortgage in 1993 and subsequently amended and restated in 1997 in the amount of \$113,150.95 (hereinafter the Senior Mortgage). The priority of the Senior Mortgage, which encumbers all of the subject premises (known as Section 63, Block 66, Lots 51 through 64 on the Nassau County Tax Map), is undisputed.

In 1987 Citibank also obtained and recorded a separate mortgage, in the amount of \$750,000, which encumbered only part (i.e., lots 51 through 61) of the subject premises (hereinafter the Original Mortgage). In 1993 the defendant Renate Kenney obtained and recorded a mortgage in the amount of \$170,000, which encumbered all of the subject premises (hereinafter the Kenney Mortgage). Approximately one month later, also in 1993, the defendant Small Business Administration (hereinafter the SBA) recorded a mortgage, which was later amended and restated in the amount of \$143,400, encumbering part of the subject premises (hereinafter the SBA Mortgage).

In 1994 Citibank's agent erroneously executed and recorded an instrument discharging the Original Mortgage. According to Citibank, this error was discovered in the latter part of 1996. Instead of seeking to reinstate the Original Mortgage to its former status and priority, Citibank, in 1997, obtained and recorded a new mortgage in the amount of \$694,753.73, encumbering all of the subject premises (hereinafter the Replacement Mortgage). For purposes of establishing the seniority of the Replacement Mortgage, Citibank attempted to contractually subordinate both the SBA Mortgage and the Kenney Mortgage. However, Citibank was unable to obtain a subordination agreement from the SBA, and has not produced a duly executed subordination agreement with respect to the Kenney Mortgage. In 2001 the SBA Mortgage was assigned to the defendant Lake Highlands, LLP (hereinafter Lake Highlands).

While conceding that the seniority of the Replacement Mortgage could not be established vis-à-vis Lake Highlands, Citibank contended that the Kenney Mortgage should be equitably subordinated to the Replacement Mortgage. The Supreme Court agreed and, in the order appealed from, determined that the Replacement Mortgage had priority over the Kenney Mortgage but not over the SBA Mortgage. As a result, the Supreme Court initially allowed the foreclosure sale to proceed with respect to the Senior Mortgage, and directed that such sale be free and clear of the Kenney Mortgage, but remain subject to both the Replacement Mortgage and the SBA Mortgage. However, pursuant to a stipulation entered into by the parties, the Supreme Court entered an amended judgment of foreclosure ordering the sale of the subject premises to proceed free and clear of the liens created, inter alia, by the Kenney Mortgage, the SBA Mortgage, and the Replacement Mortgage, and directing that such liens attach to any surplus funds arising from the sale, after repayment, inter alia, of the

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DECISIONS

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APPELLATE DIVISION

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Senior Mortgage. Therefore, the only remaining issue to be determined on appeal is the order of priority among the Replacement Mortgage, the Kenney Mortgage, and the SBA Mortgage for purposes of allocating the surplus funds.

Contrary to Citibank's contentions, the Supreme Court's determination to subordinate the Kenney Mortgage to the Replacement Mortgage was neither legally nor equitably equivalent to the reinstatement of the Original Mortgage, insofar as the scope of the Replacement Mortgage was broader than the scope of the Original Mortgage. Therefore, with respect to the new liens encumbering lots 62, 63, and 64, which were not included within the description of the Original Mortgage, Kenney's lien is senior to Citibank's by virtue of its prior recording date (see Real Property Law §291).

However, with respect to those lots that were encumbered both by the Original Mortgage and by the Replacement Mortgage (i.e., lots 51 through 61), the court correctly determined that Citibank's lien had priority over Kenney's. To be sure, when Citibank discovered in 1996 that the Original Mortgage had been erroneously discharged, it had the right to seek the reinstatement of the Original Mortgage to its former status and priority, as neither Kenney nor the SBA had changed their positions in reliance on the validity of the prior discharge (see *Application of Ditta*, Sup. Ct., Kings County, Oct. 11, 1961, Cohn, J.). Contrary to Kenney's contentions, however, Citibank's decision to enter into the Replacement Mortgage in lieu of moving to reinstate the Original Mortgage does not compel the conclusion that Citibank waived its seniority under the Original Mortgage. The inadvertent discharge of the Original Mortgage, without concomitant satisfaction of the underlying debt, did not extinguish Citibank's security interest; rather, it left Citibank with an unrecorded, equitable lien, which Citibank could have enforced by way of foreclosure (see *Federal Deposit Ins. Co. v. Five Star Mgt.*, 258 AD2d 15, 21; *Sullivan v. Corn Exchange Bank*, 154 App Div 292, 296). Moreover, the subsequent creation by Citibank of a duly perfected mortgage (i.e., the Replacement Mortgage) encumbering the same property and securing a restructured version of the same underlying debt did not, under the circumstances, operate as a waiver of Citibank's prior equitable lien or as a merger of such lien into the subsequent Replacement Mortgage. Accordingly, because Kenney never changed her position in reliance on the inadvertent discharge of the Original Mortgage, there was no basis in equity to deny the continued seniority of Citibank's equitable lien over the Kenney Mortgage with respect to

excuse is not fatal in this instance (see *Matter of Shapiro v. County of Nassau*, 5 AD3d 690). Under these circumstances, that branch of the petition which was for leave to serve a late notice of claim on AHP should have been granted.

In light of this determination we need not reach the petitioner's remaining contentions.

S. MILLER, J.P., SCHMIDT, RIVERA and SPOLZINO, JJ., concur.

By Florio, J.P.; Miller, Rivera and Lifson, JJ.

ORTIZ, ap. v. CORMIER, res. def. — (INDEX NO. 26182/01) — In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Suffolk County (Emerson, J.), dated June 10, 2003, which granted the motion of the defendant Karen Cormier for summary judgment dismissing the complaint insofar as asserted against her and denied the plaintiff's cross motion for leave to amend the summons and complaint.

ORDERED that the order is affirmed, with costs.

The plaintiff commenced this action against the respondent homeowner and "John Doe" Construction Company to recover damages for personal injuries allegedly sustained when he fell from the roof of a one-family home where he was engaged in construction work. According to his deposition testimony, a strong wind blowing against the plywood he was carrying caused him to lose his balance and fall from the roof. The plaintiff alleged common-law negligence and violations of Labor Law §§240 and 241.

The Supreme Court properly granted the respondent's motion for summary judgment dismissing the complaint insofar as asserted against her. The respondent demonstrated that, as the owner of a one-family home, she was entitled to judgment as a matter of law on the ground she did not direct or control the plaintiff's work within the meaning of Labor Law §§240 and 241 (see *Decavallas v. Pappantonio*, 300 AD2d 617, 618; *Angeliucci v. Sands*, 297 AD2d 764, 766; *Moran v. Janowski*, 276 AD2d 605, 606; *Lang v. Hailiche*, 272 AD2d 298; *Kelly v. Bruno and Son*, 190 AD2d 777, 778). The respondent also met her prima facie burden of demonstrating that she was not liable for common-law negligence because she did not owe a duty of care to the plaintiff (see *Sprague v. Peckham Materials Corp.*, 240 AD2d 392, 394). In opposition, the plaintiff failed to raise a triable issue of fact (see *Alvarez v. Prospect Hospital*, 68 NY2d 320, 324).

Further, the Supreme Court providently exercised its discretion in denying the plaintiff's cross motion for leave to amend the summons and complaint. The plaintiff failed to make the requisite evidentiary showing that a valid cause of action existed against the proposed additional defendant (see *Toscano v. Toscano*, 302 AD2d 453; *Bartone v. County of Nassau*, 286 AD2d 354, 356).

FLORIO, J.P., S. MILLER, RIVERA and LIFSON, JJ., concur.

By Smith, J.P.; Krausman, Adams and Skelos, JJ.

PRUS, plf. v. GLENCOTT REALTY CORP., def. THIRD-PARTY plf/res; ASBESTWAY ABATEMENT CORP., THIRD-PARTY def. INSURANCE

ceeding pursuant to Social Services Law §384-b to terminate the mother's parental rights on the grounds of permanent neglect and that she is presently and for the foreseeable future unable by reason of her mental retardation to provide proper and adequate care for the subject child, Angel Guardian Children and Family Services appeals from an order of the Family Court, Kings County (Lopez-Torres, J.), dated May 6, 2002, which, after a fact-finding hearing, denied the petition.

ORDERED that the order is affirmed, without costs or disbursements.

The Family Court properly found that the appellant failed to establish, by clear and convincing evidence, that the mother is "presently and for the foreseeable future unable, by reason of . . . mental retardation, to provide proper and adequate care" for the subject child (Social Services Law §384-b [4][c]; see *Matter of Edon F.*, 256 AD2d 577; *Matter of Erica J.*, 154 AD2d 595, 596).

Moreover, in order to terminate parental rights based upon permanent neglect, the appellant was required to establish that the mother failed, for a period of more than one year following the date the child came into the appellant's care, "substantially and continuously or repeatedly to maintain contact with or plan for the future of the child, although physically and financially able to do so, notwithstanding the agency's diligent efforts to encourage and strengthen the parental relationship" (Social Services Law §384-b[7][a]; see *Matter of Marielene TR.*, 253 AD2d 882, 882-883).

Assuming arguendo that the appellant demonstrated that it exercised diligent efforts to encourage and strengthen the parental relationship (see *Matter of Maria Ann P.*, 296 AD2d 574, 574-575; *Matter of Erica J.*, supra at 595), it did not establish, by clear and convincing evidence, that the mother failed "substantially and continuously or repeatedly to maintain contact with or plan for the future of the child, although physically and financially able to do so" (Social Services Law §384-b[7][a]). Although the mother, who suffers from mild mental retardation, did not avail herself of all the programs and opportunities the appellant offered her, and failed to appear at some scheduled meetings and appointments, the appellant's "UCR Risk Assessment and Service Plan" for the mother demonstrated that the mother successfully completed a parenting skills program, received an "Independent Living" award for showing "visible improvement" during a review period, cooperated with the appellant to obtain citizenship and to apply for social security benefits, was able to travel independently throughout the city, and did housekeeping and dressed appropriately. The mother's aunt, the subject child's caretaker, reported that the mother "frequently" visited the aunt and the child at the aunt's home and tended to the child "satisfactorily." Under these circumstances, we see no reason to disturb the Family Court's denial of the petition (see *Matter of Marielene TR.*, supra at 883).

BITTER, J.P., GOLDSTEIN, MASTRO and FISHER, JJ., concur.

By Florio, J.P.; Schmidt, Adams and Fisher, JJ.

MALDONADO, JR., ETC., res. v.

watch over her until someone arrived to take her home" (*Selleit v. Port Washington Police Dist.*, 215 AD2d 642, 643).

Accordingly, the officer's acts were not a proximate cause of the accident, and the Supreme Court erred in denying the defendant's motion for summary judgment.

FLORIO, J.P., SCHMIDT, ADAMS and FISHER, JJ., concur.

By Miller, J.P.; Goldstein, Luciano and Spolizio, JJ.

BAIZ, ap. v. BAIZ, res. — (INDEX NO. 15409/99) — In an action for a renewal judgment pursuant to CPLR 5014, the plaintiff appeals from an order of the Supreme Court, Suffolk County (Cohalan, J.), dated July 16, 2003, which denied her motion pursuant to CPLR 5019(a) to amend a renewal judgment of the same court (Hall, J.) entered January 8, 2001.

ORDERED that the order is affirmed, with costs.

On March 29, 1988, the plaintiff obtained a judgment against the defendant in the State of Texas in the sum of \$43,038, with interest at the rate of 10 percent per annum. On August 21, 1989, she filed the judgment with the Clerk of Suffolk County, pursuant to CPLR article 54. In July 1999 the plaintiff commenced an action for a renewal judgment, pursuant to CPLR 5014, asserting that the judgment had been partially satisfied, but that the sum of \$26,310.69 with interest at the rate of 10 percent per annum was still due. The defendant answered the complaint, but did not oppose the plaintiff's subsequent motion for summary judgment. As a result, on January 8, 2001, the proposed renewal judgment which the plaintiff prepared and submitted, in the sum of \$40,874.53, was entered.

In February 2003 the plaintiff made the instant motion, pursuant to CPLR 5019(a), to amend the renewal judgment. She contended that she had erroneously computed the amount due her by applying the defendant's partial payments to the principal balance of the loan, instead of applying those payments to interest then due. Based on her re-computation of the amount due her, this time applying the defendant's partial payments to interest first, the plaintiff sought an amended renewal judgment in the sum of \$78,326.10. The Supreme Court denied her motion and we affirm.

While the Supreme Court has the discretion to cure mistakes, defects, and irregularities in judgments that do not affect substantial rights of the parties (see CPLR 5019[a]; *Kiker v. Nassau County*, 85 NY2d 879; *Parkinson v. Bono*, 300 AD2d 640), here the plaintiff elected to apply the defendant's partial payments to the principal amount of the judgment. That she could have elected to apply those partial payments to interest first, did not render incorrect her original method of computing the amount due her in the renewal judgment which was entered (see 72 NY Jur 2d, Interest and Usury §41 ["in the absence of agreement. . . [a] creditor may apply partial payments to principal or to interest or to both, as and when he or she elects to do so"]). As such, her belated attempt to amend the renewal judgment, employing a more favorable computation method

appeal, by permission, from an order of the Supreme Court, Nassau County (Skelos, J.), dated July 18, 2003, which, upon adopting the report of a referee, directed the plaintiffs to respond to the discovery demand of the defendants Beatrice Degliuomini, Patrick Degliuomini, and Inter Metal Fabricators, Inc., dated July 12, 2002, and struck the plaintiffs' notices to admit. By decision and order on motion of this court dated September 3, 2003, enforcement of the order was stayed pending hearing and determination of the appeal.

ORDERED that the order is reversed, on the law, with costs, and the matter is remitted to the Supreme Court, Nassau County, for further proceedings in accordance herewith.

The Supreme Court erred in adopting the report of a referee, who was assigned to hear and report on various disclosure issues, prior to the expiration of the 15-day period during which the parties were permitted to move to confirm or reject the report in whole or in part (see CPLR 4403; *Matter of Brelaud v. Motor Vehicle Acc. Ind. Corp.*, 24 AD2d 881). Accordingly, we remit the matter to the Supreme Court, Nassau County, to afford the parties such an opportunity.

BITTER, J.P., H. MILLER, S. MILLER and CRANE, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Mastro, JJ.

MATTER OF STERNGASS, res-ap. v. TOWN BOARD OF TOWN OF CLARKSTOWN, ET AL., ap-res. — (MATTER NO. 1) (INDEX NO. 6929/99) MATTER OF LEATHER STOCKING ANTIQUES, INC., ET AL., res-ap. v. TOWN OF CLARKSTOWN, ET AL., ap-res. — (MATTER NO. 2) (INDEX NO. 6930/99) MATTER OF LEATHER STOCKING ANTIQUES, INC., ET AL., res-ap. v. ZONING ADMINISTRATOR OF TOWN OF CLARKSTOWN ap-res. — (MATTER NO. 3) (INDEX NO. 7281/00) — In related matters, inter alia, for a judgment declaring the rezoning of the petitioners-plaintiffs' properties from MF-3 to MF-1 null and void, and for a judgment declaring that the petitioners-plaintiffs' proposed development of lot 28 is exempt from Clarkstown Town Code §290-31(D) requiring site plan approval, (1) the Town of Clarkstown, Town Board of the Town of Clarkstown, and Clarkstown Planning Board appeal from stated portions of an order and judgment (one paper) of the Supreme Court, Rockland County (O'Rourke, J.), entered June 24, 2002, which, inter alia, denied that branch of their motion

which was for summary judgment dismissing the cause of action sounding in estoppel and, upon searching the record, granted the petitioners-plaintiffs summary judgment declaring that the rezoning of their property from MF-3 to MF-1 is null and void, (2) the Zoning Administrator of the Town of Clarkstown, the Building Inspector of the Town of Clarkstown, and the Town of Clarkstown separately appeal, as limited by their brief, from so much of the same order and judgment as declared that the proposed development of lot 28 is exempt from Clarkstown Town Code §290-31(D) requiring site plan approval and directed the issuance of a building permit. (3) the Town of Clarkstown, the Building Inspector of the Town of Clarkstown, and the Town of Clarkstown separately appeal, as limited by their brief, from so much of the same order and judgment as declared that the proposed development of lot 28 is exempt from Clarkstown Town Code §290-31(D) requiring site plan approval and directed the issuance of a building permit. (4) the Town of Clarkstown, the Building Inspector of the Town of Clarkstown, and the Town of Clarkstown separately appeal, as limited by their brief, from so much of the same order and judgment as declared that the proposed development of lot 28 is exempt from Clarkstown Town Code §290-31(D) requiring site plan approval and directed the issuance of a building permit. 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such men into the subsequent replacement mortgage. Accordingly, because Kenney never changed her position in reliance on the inadvertent discharge of the Original Mortgage, there was no basis in equity to deny the continued seniority of Citibank's equitable lien over the Kenney Mortgage with respect to those lots encumbered by the Original Mortgage (see *Payne v. Wilson*, 74 NY 348, 353-354).

The parties' remaining contentions are without merit.

LUCIANO, J.P., COZIER, MASTRO and SPOLZINO, J.J., concur.

By Miller, J.P.; Schmidt, Rivera and Spolizio, J.J.

MATTER OF SPEED, ap. v. A. HOLLY PATTERSON EXTENDED CARE FACILITY, ETC., res-res res — (INDEX NO. 9059/03) — In a proceeding pursuant to General Municipal Law §50-e for leave to serve a late notice of claim, the petitioner appeals, as limited by her brief, from so much of an order of the Supreme Court, Nassau County (Jones, J.), dated August 27, 2003, as denied that branch of the petition which was for leave to serve a late notice of claim on the respondent A. Holly Patterson Extended Care Facility.

ORDERED that the order is reversed insofar as appealed from, on the facts and as a matter of discretion, with costs, that branch of the petition which was for leave to serve a late notice of claim on the respondent A. Holly Patterson Extended Care Facility is granted, and the notice of claim is deemed served on that respondent.

A court may, in its discretion, grant a petition for leave to serve a late notice of claim under General Municipal Law §50-e(5). In so doing, the court shall consider whether or not the entity sought to be served received timely notice of the claim, whether or not it has been substantially prejudiced, and the reason for the delay (see *Matter of Valesiti v. City of New York*, 295 AD2d 619).

Here, the petitioner is seeking damages for claims sounding in medical malpractice from the respondent A. Holly Patterson Extended Care Facility (hereinafter AHP) for its failure to implement, observe, and take proper medical precautions in light of her known seizure disorder (see *Rey v. Park View Nursing Home*, 262 AD2d 624; *Stanley v. Lebelkin*, 123 AD2d 854; see also *Mossman v. Albany Med. Ctr. Hosp.*, 34 AD2d 263; cf. *Fields v. Sisters of Charity Hosp.*, 275 AD2d 1004). Contrary to its contention, AHP's medical records were sufficient to put it on notice of the claim in this matter (see *Medley v. Cichon*, 305 AD2d 643, 644-645; *Matter of Staley v. Piper*, 285 AD2d 601, 603; *Matter of Kurz v. New York City Health and Hosps. Corp.*, 174 AD2d 671, 673; *Matter of Charles v. New York City Health and Hosps. Corp.*, 166 AD2d 526, 527-528). Furthermore, AHP's conclusory allegations that it was prejudiced due to the mere passage of time was insufficient in light of the facts set out in the medical records and its failure to show what investigation if any, it undertook (see *Malcolm v. City of New York*, 2 AD3d 696, 697; *Matter of Tomlinson v. New York City Health and Hosps. Corp.*, 190 AD2d 806; *Matter of Kurz v. New York City Health and Hosps. Corp.*, supra). While the petitioner's excuse was insufficient, the lack of a sufficient

By Smith, J.P.; Krausman, Adams and Skelos, J.J.

PRUS, plf. v. GLENCOTT REALTY CORP., def. THIRD-PARTY plf-res; ASBESTWAY ABATEMENT CORP., THIRD-PARTY def, INSURANCE CORPORATION OF NEW YORK, THIRD-PARTY def-ap — (INDEX NOS. 4244/00 AND 75805/00) — In an action, inter alia, to recover damages for personal injuries, the third-party defendant Insurance Corporation of New York appeals, as limited by its brief, from so much of an order of the Supreme Court, Kings County (D. Schmidt, J.), dated February 4, 2003, as denied that branch of its cross motion which was for summary judgment dismissing the third-party complaint insofar as asserted against it.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The plaintiff commenced this action, inter alia, to recover damages for personal injuries allegedly sustained on November 11, 1999, at the workplace of the defendant third-party plaintiff, while the plaintiff was employed by the third-party defendant Asbestway Abatement Corp. (hereinafter AAC). At the time of the accident, AAC was covered under a general liability insurance policy issued by the appellant. The defendant commenced a third-party action against AAC and the appellant.

On the cross motion for summary judgment, the appellant contended that it timely disclaimed coverage of the accident based upon the insured's failure to immediately send it a copy of the summons and complaint in the action. However, by letter dated April 17, 2000, the appellant received notice that the action was pending. On June 19, 2000, the appellant disclaimed coverage solely based upon the insured's failure to promptly notify it of the action. This disclaimer was untimely as a matter of law (see *Pennsylvania Millers Mut. Ins. Co. v. Sorrentino*, 238 AD2d 491; *Matter of Allstate Ins. Co. v. Souffrant*, 221 AD2d 434; *Matter of Aetna Cas. & Sur. Co. v. Rosen*, 205 AD2d 684; *Matter of Nationwide Mut. Ins. Co. v. Steiner*, 199 AD2d 507). An insurer's justification for denying coverage is strictly limited to the grounds stated in the notice of disclaimer (see *General Acc. Ins. Group v. Cirucci*, 46 NY2d 862). Accordingly, an insurer, which denied coverage on a specific ground, may not later deny coverage on another ground known to it at the time of its disclaimer (see *Sisco v. Nations Tit. Ins. of N.Y.*, 278 AD2d 479; *Hubbell v. Trans World Life Ins. Co. of N.Y.*, 54 AD2d 94). Since the appellant knew at the time of its disclaimer that it had not received a copy of the summons and complaint, and based its disclaimer upon the insured's failure to promptly notify it of the action and not on this alternate ground, the appellant could not later rely upon this alternate ground to disclaim coverage.

SMITH, J.P., KRAUSMAN, ADAMS and SKELOS, J.J., concur.

By Ritter, J.P.; Goldstein, Mastro and Fisher, J.J.

MATTER OF DONOVAN R. (ANONYMOUS), ANGEL GUARDIAN CHILDREN AND FAMILY SERVICES, ap; AFFETTE R. (ANONYMOUS), res — (DOCKET NO. B-25269-98) — In a pro-

ceeding pursuant to the Domestic Relations Matter of Marielene T.R., supra at 883).

RITTER, J.P., GOLDSTEIN, MASTRO and FISHER, J.J., concur.

By Florio, J.P.; Schmidt, Adams and Fisher, J.J.

MALDONADO, JR., ETC., res. v. COUNTY OF SUFFOLK, ap — (INDEX NO. 11071/93) — In an action to recover damages for personal injuries and wrongful death, the defendant appeals from an order of the Supreme Court, Suffolk County (Catterson, J.), dated November 18, 2003, which denied its motion for summary judgment dismissing the complaint.

ORDERED that the order is reversed, on the law, with costs, the motion is granted, and the complaint is dismissed.

On April 5, 1992, at approximately 12:00 A.M., the plaintiff's decedent, Chun Cha Maldonado, was a passenger in a vehicle operated by a nonparty, Oksu Manete, on Veterans Memorial Highway in Hauppauge. A Highway Patrol Officer employed by the defendant arrested Ms. Manete for operating the vehicle while under the influence of alcohol and placed her in the rear of his patrol car. The officer concluded that Ms. Maldonado, who had also been drinking, was likewise incapable of driving. He therefore placed her in the front passenger seat of the patrol car and drove her to a diner located at Veterans Memorial Highway and Route 347 where she could telephone her husband. He watched her enter the restaurant before departing in order to transport Ms. Manete to the police station. Ms. Maldonado subsequently left the diner and walked out onto Route 347 where she was struck by an oncoming motorist and fatally injured, at approximately 12:30 A.M.

The plaintiff commenced this action to recover damages for personal injuries and wrongful death, and after joinder of issue and the completion of disclosure, the defendant moved for summary judgment dismissing the complaint. The Supreme Court denied the motion, finding a triable issue of fact as to whether the police officer's actions proximately caused Ms. Maldonado's injury and death. We reverse.

The law is well settled that "[once] a police officer arrests an intoxicated driver, that officer has a duty to exercise the degree of care necessary under the circumstances to assure the safety of a person in that condition" (*Johnson v. State of New York*, 253 AD2d 274, 277; see *Thomas v. State of New York*, 46 NY2d 1043, 1044). Similarly, in assisting Ms. Maldonado, the Highway Patrol Officer was also obligated to act with due care (see *Parvi v. City of Kingston*, 41 NY2d 553).

Here, the Highway Patrol Officer removed Ms. Maldonado from a potentially dangerous situation and escorted her to a secure public place where the officer knew, from personal experience, there was a telephone she could use to call her husband. He then made certain that she entered the restaurant before driving Ms. Manete to the police station (cf. *Walsh v. Town of Cheektowaga*, 237 AD2d 947, to denied 90 NY2d 889; *Parvi v. City of Kingston*, supra). Ms. Maldonado later wandered onto Route 347 where, approximately a half hour after Ms. Manete's arrest, she was struck by a passing motorist. The Highway Patrol Officer "had no duty to detain her and

Usury §41 ["in the absence of agreement... [a] creditor may apply partial payments to principal or to interest or to both, as and when he or she elects to do so"]. As such, her belated attempt to amend the renewal judgment, employing a more favorable computation method, was properly rejected.

The plaintiff's remaining contention is without merit.

H. MILLER, J.P., GOLDSTEIN, LUCIANO and SPOLZINO, J.J., concur.

By Gail Prudenti, P.J.; Ritter, Goldstein, Schmidt and Cozier, J.J.

PEOPLE, ETC., res. v. RAHIM THOMAS, ap — (IND. NO. 8183/01) — Lynn W. L. Fahey, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Cynthia Kean of counsel; James Killelea on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Fretog, J.), imposed March 11, 2003, on the ground that the sentence is excessive.

ORDERED that the sentence is affirmed. No opinion.

PRUDENTI, P.J., RITTER, GOLDSTEIN, SCHMIDT and COZIER, J.J., concur.

By Altman, J.P.; Crane, Fisher and Lifson, J.J.

MATTER OF MARY VERONICA R. (ANONYMOUS), SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES, res; JOAN R. (ANONYMOUS), ap — (DOCKET NO. N-1392/01) — In a proceeding pursuant to Family Court Act article 10, the mother appeals from an order of the Family Court, Suffolk County (Lehman, J.), dated May 6, 2003, which, after a hearing, extended placement of the subject child with the Suffolk County Department of Social Services for a period of 12 months, until April 1, 2004.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

The appeal from the order, which extended the placement of the child for a period of 12 months, must be dismissed as academic because the placement period has expired (see *Matter of Brandon S.*, 305 AD2d 609, 610; *Matter of Nehtaly R.*, 283 AD2d 579, 580; *Matter of Angelina E.*, 213 AD2d 346, 347; *Matter of Tonya M.*, 207 AD2d 656; *Matter of Byron A.*, 112 AD2d 30).

In any event, we note that the petitioner met its burden of establishing, by a preponderance of the evidence, that the mother was presently unable to care for her child and that the continuation of foster care was in the child's best interests (see *Family Ct Act §105(b)(1)(iv)(B)*; *Matter of Glenn B.*, 303 AD2d 498; *Matter of Antonelli v. Department of Social Servs.*, 155 AD2d 598, cf. *Matter of Commissioner of Admin. for Children's Servs. of City of N.Y.*, 254 AD2d 416).

ALTMAN, J.P., CRANE, FISHER and LIFSON, J.J., concur.

By Ritter, J.P.; Miller, Miller and Crane, J.J.

SIDOTI, ETC., ap. v. DEGLIUMINI res-def — (INDEX NO. 10460/02) — In an action, inter alia, to recover fees for legal services rendered, the plaintiffs

of Clarkstown separately appeal, as limited by their brief, from so much of the same order and judgment as declared that the proposed development of lot 28 is exempt from Clarkstown Town Code §290-31(D) requiring site plan approval and directed the issuance of a building permit, (3) the petitioners-plaintiffs cross-appeal, as limited by their notice of cross appeal and brief, from stated portions of the same order and judgment which, inter alia, dismissed the cause of action to recover damages for breach of contract, and (4) the petitioners-plaintiffs appeal from so much of an order of the same court dated September 23, 2002, as granted the motion of the Zoning Administrator of the Town of Clarkstown, the Building Inspector of the Town of Clarkstown, and the Town of Clarkstown for reargument, and upon reargument, modified the order and judgment by directing submission of a site plan application prior to the issuance of a building permit.

ORDERED that the appeal from so much of the order and judgment as directed the issuance of a building permit is dismissed as academic, without costs or disbursements, as that portion of the order and judgment was vacated by the order dated September 23, 2002, made upon reargument; and it is further,

ORDERED that the order and judgment is modified, on the law, by (1) deleting the provision thereof denying that branch of the motion which was for summary judgment dismissing the cause of action sounding in estoppel and, upon searching the record, granted the petitioners-plaintiffs summary judgment declaring that the rezoning of their property from MF-3 to MF-1 is null and void and (2) deleting the provision thereof declaring that the proposed development of lot 28 is exempt from Clarkstown Town Code §290-31(D) requiring site plan approval, and substituting therefor a provision declaring that the petitioners-plaintiffs' proposed development of lot 28 is not exempt from Clarkstown Town Code §290-31(D) requiring site plan approval; as so modified, the order and judgment is affirmed insofar as reviewed, without costs or disbursements, and the provision of the order dated September 23, 2002, which specified that the application for site plan approval for lot 28 be in conformity with MF-3 zoning is vacated; and it is further,

ORDERED that the order dated September 23, 2002, is affirmed insofar as appealed from, without costs or disbursements; and it is further,

ORDERED that the matter is remitted to the Supreme Court, Rockland County, for a hearing pursuant to CPLR 3212(b) on the framed issues of whether the rezoning of the property from MF-3 to MF-1 was barred by estoppel and/or bad faith.

Seeking to redevelop their property, the landowners applied for a zoning change from Multi-Family MF-1 to MF-3 designation, which would increase the allowable residential density for multi-family development on the property. In January 1996 the Town Board of the Town of Clarkstown (hereinafter the Town Board) approved the application for all the lots including lot 28 on condition that the Bobbin Inn, situated on lot 18, be demolished within 45 days, and sole access to Route 9W be provided

The Town's rezoning of the property from MF-1 to MF-3 invited invocation of the doctrine of vested rights by requiring the demolition of the Bobbin Inn within 45 days and requiring the acquisition of easements or adjoining parcels in order to develop the property in accordance with MF-3 zoning. The terms of the resolution mandated that the petitioners-plaintiffs change their position to their detriment in exchange for the rezoning to MF-3 (see *Matter of Ellington Constr. Corp. v. Zoning Bd. of Appeals*, supra).

The chronology of events indicates that the Town may have acted in bad faith (see *Matter of Pokoik v. Sitsdorf*, 40 NY2d 769; *Matter of Marasco v. Zoning Bd. of Appeals*, 242 AD2d 724). An income-producing building, which the Town regarded as a nuisance, was demolished in exchange for rezoning to MF-3. The Town may have implemented the rezoning to MF-3 as a ploy so the landowners, at their own expense, would do what the Town was unable to do.

However, the record is insufficient to determine these issues as a matter of law. Accordingly, the matter must be remitted to the Supreme Court, Rockland County, for a hearing on the framed issue of whether the rezoning of the property from MF-3 to MF-1 was barred by estoppel and/or bad faith.

We note that the Supreme Court erred in initially finding that the proposal to redevelop lot 28 was exempt from Clarkstown Town Code §290-31(D) by virtue of its status as a pre-existing nonconforming use. It is undisputed that by 1982, all existing structures on Lot 28 had been demolished. Clarkstown Town Code §290-23(C) provides that if a nonconforming use is discontinued for a continuous period of one year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. The protection of vested rights in a nonconforming structure existing at the time a prohibitory code is enacted does not extend to subsequent construction (see *Matter of Marx v. Humenik*, 302 AD2d 528; *Matter of Cucci v. Zoning Bd. of Appeals*, 154 AD2d 372). Upon reargument, the Supreme Court properly directed the landowners to file a site plan application for lot 28 prior to the issuance of a building permit. However, the question of whether a site plan application may be filed in conformity with the MF-3 zoning district may only be determined after the hearing and new determination as to whether the rezoning from MF-3 to MF-1 applies.

The remaining contentions of the parties are without merit or relate to matters which are pending and undecided by the Supreme Court (see *Katz v. Katz*, 68 AD2d 536).

RITTER, J.P., H. MILLER, GOLDSTEIN and MASTRO, J.J., concur.

By Altman, J.P.; Goldstein, Schmidt, Cozier and Skelos, J.J.

MATTER OF MACIAS, ETC., res. v. MOTOR VEHICLE ACCIDENT INDEMNIFICATION CORPORATION, ap — (INDEX NO. 5839/03) — In a proceeding pursuant to Insurance Law §5210 to compel the payment of a judgment, the Motor Vehicle Accident Indemnification Corporation appeals from an order of the Supreme Court, Queens County (O'Donoghue, J.), dated October 14,

2003, which denied its motion to vacate an order of the same court dated June 2, 2003, granting the petition to compel it to pay the petitioner the sum of \$77,266.52, upon its default in opposing the petition.

ORDERED that the order is reversed, on the law and as a matter of discretion, with costs, the motion is granted, and the order dated June 2, 2003, is vacated.

A court may vacate a default where the moving party demonstrates both a reasonable excuse for the default and the existence of a meritorious defense (see CPLR 5015[a][1]); *Ray Realty Fulton, Inc. v. Kwang Hee Lee*, 1 AD3d 772; *Orrell Bldg. Corp. v. Bessaha*, 5 AD3d 573; *Quis v. Bolden*, 298 AD2d 375). The appellant's attorney submitted sufficient evidence to substantiate his explanation for his failure to timely submit the papers in opposition to the petition (see CPLR 2005). Furthermore, the appellant demonstrated a meritorious defense to the petition to compel payment of the judgment (see *Insurance Law* §5208[a][3]; *Matter of McCray v. Motor Vehicle Acc. Indem. Corp.*, 232 AD2d 948; *Matter of Wilcox v. Motor Vehicle Acc. Indem. Corp.*, 187 AD2d 909; *Sain v. Forrest*, 130 AD2d 733). Accordingly, the Supreme Court should have granted the motion to vacate an order granting the petition entered upon its default in opposing the petition.

ALTMAN, J.P., GOLDSTEIN, SCHMIDT, COZIER and SKELOS, JJ., concur.

By Smith, J.P.; Miller, Adams, Rivera and Lifson, JJ.

CORDERO, ap. v. SALAZAR res — (INDEX NO. 6779/01) — In an action to recover damages for personal injuries, the plaintiffs appeal from (1) an order of the Supreme Court, Suffolk County (Underwood, J.), dated July 25, 2003, which granted the motion of the defendants Ingris Salazar and Maria I. Gutierrez and the separate motion of the defendant Yaira Y. Carranza for summary judgment dismissing the complaint insofar as asserted against them on the ground that neither plaintiff sustained a serious injury within the meaning of *Insurance Law* §5102(d), and (2) a judgment of the same court entered October 8, 2003, which, upon the order, dismissed the complaint.

ORDERED that the appeal from the order is dismissed; and it is further,

ORDERED that the judgment is reversed, on the law, the motions are denied, the complaint is reinstated, and the order dated July 25, 2003, is vacated; and it is further,

ORDERED that one bill of costs is awarded to the plaintiffs.

The appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action (see *Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeal from the order are brought up for review and have been considered on the appeal from the judgment (see CPLR 5501[a][1]).

When the defendants fail to meet their initial burden of establishing prima facie that neither of the two plaintiffs sustained a serious injury, "it is not necessary to consider whether the plaintiffs' papers in opposition to the defendants' motion were sufficient to raise a triable issue of fact" (*Coscia v. 938 Trading Corp.*, 283 AD2d 538; see *Mariaca-Olmos v. Mizryh*, 226 AD2d 437). In this particular case, one of the defendants' examining physicians identified limitations in the ranges of motion of the plaintiffs' cervical and lumbar spines, and in the shoulder of one of the plaintiffs sufficient to preclude a finding that the defendants

ALTMAN, J.P., CRANE, FISHER and LIFSON, JJ., concur.

By Luciano, J.P.; Mastro, Spolizino and Skelos, JJ.

MATTER OF CRYSTAL R. (ANONYMOUS), ap — (DOCKET NO. D-509-03) — In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Crystal R. appeals from an order of disposition of the Family Court, Richmond County (McElrath, J.), dated June 25, 2003, which, after a hearing, and upon a fact-finding order of the same court dated April 7, 2003, finding that the appellant committed acts which, if committed by an adult, would have constituted the crimes of assault in the third degree (two counts), adjudged her to be a juvenile delinquent and placed her in the custody of the New York State Office of Children and Family Services for a period of 12 months with credit for time spent in detention. The appeal brings up for review the fact-finding order dated April 7, 2003.

ORDERED that the appeal from so much of the order of disposition as placed the appellant in the custody of the New York State Office of Children and Family Services for a period of 12 months with credit for time spent in detention is dismissed as academic, as the period of placement has expired (see *Matter of Paul C.*, 5 AD3d 592; *Matter of Shamasia M.*, 4 AD3d 359); and it is further,

ORDERED that the order of disposition is modified, on the law, by vacating the provision thereof adjudging the appellant to be a juvenile delinquent based upon the finding that she committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree under Penal Law §120.00(3), and substituting therefor a provision dismissing the fourth count of the petition; as so modified, the order of disposition is affirmed insofar as reviewed, without costs or disbursements, and the fact-finding order is modified accordingly.

Viewing the evidence in the light most favorable to the presentment agency (see *Matter of Stafford B.*, 187 AD2d 649, 650; cf. *People v. Contes*, 60 NY2d 620), we find that it was legally sufficient to prove beyond a reasonable doubt that the appellant committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree under Penal Law §120.00(2). Resolution of issues of credibility, as well as the weight to be accorded the evidence, are primarily questions to be determined by the trier of fact, which saw and heard the witnesses (see *People v. Prabadat*, 295 AD2d 373). Its determination should be accorded great weight on appeal and should not be disturbed unless clearly unsupported by the record (see *People v. Garafolo*, 44 AD2d 86, 88; see also *Matter of James B.*, 262 AD2d 480; *Matter of Stephanie F.*, 194 AD2d 789). Upon the exercise of our factual review power, we are satisfied that the finding of guilt was not against the weight of the evidence (cf. CPL 470.15[5]).

However, as the presentment agency correctly conceded, the fourth count of the petition which alleged that the appellant committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree under Penal Law §120.00(3), should have been dismissed as inconsistent with the finding that the appellant committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree under Penal Law §120.00(2) (see CPL 300.40[5]; *People v. Prabadat*, 295 AD2d 373).

claim (see *People v. Doshi*, 93 NY2d 499, 506). Although the complainants were represented by an attorney during the defendant's trial, this attorney took steps to keep his clients' plans a secret, including having the notices of claim he filed against the school district kept confidential.

Furthermore, we agree with the defendant that the trial court improperly restricted the cross-examination of one of the complainants concerning a false police report that complainant allegedly had filed against his father. Since the issue of that complainant's credibility vis-à-vis that of the defendant was paramount, it was prejudicial error to have precluded this line of questioning on cross examination (see *People v. Mills*, 146 AD2d 810; *People v. Scoon*, 130 AD2d 597).

The defendant's remaining contentions either are unpreserved for appellate review or without merit.

ALTMAN, J.P., S. MILLER, LUCIANO and CRANE, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

PEOPLE, ETC., plf. v. GIL SHEARER, def — Motion by the defendant pro se pursuant to CPL 460.30 for an extension of time to take an appeal from a judgment of the County Court, Westchester County, rendered March 10, 2004, for leave to prosecute the appeal as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied. RITTER, J.P., S. MILLER, GOLDSTEIN, and SPOLIZINO, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

PEOPLE, ETC., res. v. TIMOTHY STUCKEY, ap — Motion by the respondent to dismiss as abandoned an appeal from a judgment of the County Court, Rockland County, rendered October 27, 1999.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the appeal is dismissed (see 22 NYCRR 670.8[f]; CPL 470.60[1]).

PRUDENTI, P.J., SMITH, ADAMS, and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

PEOPLE, ETC., res. v. MELVIN WHITEHURST, ap — Motion by the

respondent to dismiss as abandoned an appeal from a judgment of the Supreme Court, Kings County, rendered March 15, 1995.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the appeal is dismissed (see 22 NYCRR 670.8[f]; CPL 470.60[1]).

PRUDENTI, P.J., SMITH, ADAMS, and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

PEOPLE, ETC., res. v. DAMIEN WILLIAMS, ap — Motion by the respondent to dismiss as abandoned an

appeal from a judgment of the Supreme Court, Kings County, rendered May 12, 1994.

Upon the papers filed in support of the motion and no papers having been

filed in opposition or in relation thereto, it is further,

ORDERED that pursuant to County Law §722 the following named attorney is assigned as counsel to prosecute the appeal:

Raymond E. Kerno, Esq.
1527 Franklin Avenue
Mineola, New York 11501

and it is further,
ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (see 22 NYCRR 670.1, et seq.) and written directions; and it is further,

ORDERED that in the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or his representative access to the record for the purpose of preparing the appeal; such access shall include permission to copy the papers insofar as they pertain to the appellant; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken.

RITTER, J.P., S. MILLER, GOLDSTEIN, and SPOLIZINO, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

PEOPLE, ETC., res. v. LORENZO

MCFARLANE, ap — Motion by the appellant for leave to prosecute an appeal from a judgment of the County Court, Nassau County, rendered July 1, 2004, as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the stenographer of the trial court is directed promptly to make, certify, and file two transcripts of the proceedings of any pretrial hearings, of the plea of guilty or of the trial, and of the imposition of sentence in this action, except for those minutes previously transcribed and certified (see 22 NYCRR 671.9); and it is further,

ORDERED that in the event that the case was tried to a conclusion before a jury, the stenographer shall also make, certify, and file two transcripts of the minutes of proceedings during jury selection; and it is further,

ORDERED that the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (see CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

of the Supreme Court, Kings County, rendered January 7, 1994.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the appeal is dismissed (see 22 NYCRR 670.8[f]; CPL 470.60[1]).

RITTER, J.P., S. MILLER, GOLDSTEIN, and SPOLIZINO, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

A.B. MEDICAL SERVICES, PLLC ap. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, res — Motion by the plaintiffs for leave to appeal to this court from an order of the Appellate Term of the Supreme Court, Second and Eleventh Judicial Districts, dated February 10, 2004, which modified an order of the Civil Court, Kings County, entered November 22, 2002.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied. RITTER, J.P., S. MILLER, GOLDSTEIN and SPOLIZINO, JJ., concur.

REED, res. v. REED, ap — Appeal by George Hopp Reed from a judgment of the Supreme Court, Richmond County, dated November 14, 2003. The appellant's brief was served and filed on June 24, 2004, and the respondent's brief was served and filed on July 21, 2004. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the time of the law guardian to serve and file a brief on the appeal is enlarged until September 3, 2004.

MATTER OF JASON Z.

(ANONYMOUS), ap — Appeal by Jason Z. from an order of the Family Court, Orange County, dated December 17, 2003. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (see 22 NYCRR 670.4[a][2]) and by serving and filing the appellant's brief on the appeal is enlarged until September 3, 2004.

MATTER OF MEDOVAYA, res. v. MEDOVOY, ap — Appeal by Yuri Medovoy from an order of the Family Court, Kings County, dated May 7, 2004. By scheduling order dated June 10, 2004, the appellant was directed to file one of the following in the office of the clerk of the court, within 30 days after the date of the scheduling order:

(1) an affidavit or affirmation stating that there were no minutes of the Family Court proceedings to be transcribed for the appeal; or

(2) if there were such minutes, an affidavit or affirmation that the transcript was received, and indicating the date that it was received; or

(3) if the transcript was not received, an affidavit or affirmation stating that it was ordered and paid for, the date thereof and the date by which the transcript was expected; or

(4) if the appellant was indigent and could not afford to obtain the minutes or perfect the appeal, a motion in this court for leave to prosecute the appeal as a poor person and for the assignment of counsel.

MATTER OF MICHAEL ANGEL R. (ANONYMOUS), SALVATION ARMY, res. ROSELLA ELLEN R. (ANONYMOUS), ap — Appeal by Rosella Ellen R. from an order of the Family Court, Kings County, dated January 23, 2004. By decision and order of this court dated June 10, 2004, the appellant was granted leave to renew a motion for leave to prosecute the appeal as a poor person on or before July 28, 2004. The appellant has failed to do so. Pursuant to §670.4(a)(5) of the rules of this court (22 NYCRR 670.4[a][5]), it is

ORDERED that the parties or their attorneys are directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding by each filing an affirmation or affidavit on that issue in the office of the Clerk of this court and serving one copy of the same on each other on or before August 23, 2004; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this decision and order upon the parties or their attorneys.

MATTER OF KHERK T.

(ANONYMOUS), CHILD DEVELOPMENT SUPPORT CORPORATION, res. NABILA T. (ANONYMOUS), ap — Appeals by Macee P. and Nabila T. from an order of the Family Court, Queens County, dated August 29, 2003. The brief of the appellant Nabila T. was filed in the office of the Clerk of this court on May 6, 2004, and the brief of the appellant Macee P. Was filed on June 14, 2004. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the law guardian's time to serve and file a brief on the appeal is enlarged until August 16, 2004.

MATTER OF OLIPHANT, res. v.

OLIPHANT, ap — Appeal by Bryan Oliphant from an order of the Family Court, Westchester County, dated December 9, 2003. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (see 22 NYCRR 670.4[a][2]) and by serving and filing the appellant's brief on the appeal is enlarged until September 3, 2004.

MATTER OF FRENCH, ap. v. FRENCH, res — Appeal by Rollo French from an order of the Family Court, Kings County, dated December 17, 2003. The appellant's brief was filed in the office of the Clerk of this court on June 10, 2004. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the respondent's time to serve and file a brief on the appeal is enlarged until August 30, 2004.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

GURGITANO ap. v. PACE

UNIVERSITY, res (AND A THIRD-PARTY ACTION). — Motion by the appellants to enlarge the time to perfect an appeal from a judgment of the Supreme Court, Westchester County, dated June 17, 2003.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appellants' time to perfect the appeal is enlarged until September 7, 2004, and the record or appen-

sary to consider whether the plaintiffs' papers in opposition to the defendants' motion were sufficient to raise a triable issue of fact" (*Coscia v. 938 Trading Corp.*, 283 AD2d 538; see *Mariaca-Olmos v. Mitzny*, 226 AD2d 437). In this particular case, one of the defendants' examining physicians identified limitations in the ranges of motion of the plaintiffs' cervical and lumbar spines, and in the shoulder of one of the plaintiffs sufficient to preclude a finding that the defendants had met their initial burden of showing an entitlement to summary judgment.

Accordingly, the Supreme Court should not have granted the defendants' motions for summary judgment.

SMITH, J.P., S. MILLER, ADAMS, RIVERA and LIFSON, JJ., concur.

By Gail Prudenti, P.J.; Florio, Miller, Krausman and Mastro, JJ.

PEOPLE, ETC., res. v. JAMAL COX, ap — (IND. NOS. 287/03, 288/03, 289/03, AND 290/03) — Appeal by the defendant, as limited by his motion, from four sentences of the Supreme Court, Queens County (Chin-Brandt, J.), all imposed March 31, 2003, on the ground that the sentences are excessive.

ORDERED that the sentences are affirmed. No opinion.

PRUDENTI, P.J., FLORIO, H. MILLER, KRAUSMAN and MASTRO, JJ., concur.

By Altman, J.P.; Crane, Fisher and Lifson, JJ.

AMATO, res. v. LORD & TAYLOR, INC., ET AL., ap — (INDEX NO. 2420/02) — In an action to recover damages for personal injuries, the defendants appeal from an order of the Supreme Court, Westchester County (Bellantoni, J.), entered January 15, 2004, which granted the plaintiff's motion for leave to reargue their prior motion for summary judgment dismissing the complaint, which had been granted in an order of the same court entered August 4, 2003, and, upon reargument, in effect, vacated the order entered August 4, 2003, and denied the motion for summary judgment.

ORDERED that the order is reversed, on the law, with costs, the motion for leave to reargue is denied, and the order entered August 4, 2003, is reinstated.

The Supreme Court erred in granting the plaintiff's motion for leave to reargue. The plaintiff did not establish that the Supreme Court misapprehended the law or the facts in granting the defendants' prior motion for summary judgment dismissing the complaint (see CPLR 2221[d][2]; *Collins v. Stone*, ___AD3d___ [2d Dept, June 7, 2004]). Further, a motion for leave to reargue is not designed to provide an unsuccessful party with successive opportunities to present arguments different from those originally presented (see *McGill v. Goldman*, 261 AD2d 593, 594; *Matter of Mayer v. National Arts Club*, 192 AD2d 863, 865; *Foley v. Roche*, 68 AD2d 558, 567-568).

Here, the plaintiff did not originally present the argument regarding the applicability of the doctrine of *res ipsa loquitur*. In any event, even if we were to find that reargument was proper, the Supreme Court improperly found that a question of fact exists as to whether *res ipsa loquitur* may be invoked. The plaintiff's proof consisted only of the bare affirmation of his attorney who "demonstrated no personal knowledge of the manner in which the accident occurred" (*Zuckerman v. City of New York*, 49 NY2d 557, 563).

the petition which alleged that the appellant committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree under Penal Law §120.00(3), should have been dismissed as inconsistent with the finding that the appellant committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree under Penal Law §120.00(2) (see CPL 300.40[5]; *People v. Finkelstein*, 144 AD2d 250).

LUCIANO, J.P., MASTRO, SPOLZINO and SKELOS, JJ., concur.

By Altman, J.P.; Miller, Luciano and Crane, JJ.

PEOPLE, ETC., res. v. MARCI STEIN, ap — (IND. NO. 00-00575) — Appeals by the defendant (1) from a judgment of the County Court, Westchester County (Zambelli, J.), rendered October 30, 2001, convicting her of rape in the third degree, sodomy in the third degree (five counts), sexual abuse in the third degree (two counts), endangering the welfare of a child, and unlawfully dealing with a child in the first degree, upon a jury verdict, and imposing sentence, and (2), by permission, from an order of the same court dated July 29, 2003, which, after a hearing, denied her motion pursuant to CPL 440.10 to vacate the judgment of conviction.

ORDERED that the judgment and order are reversed, on the law and the facts, the motion is granted, the judgment is vacated, and a new trial is ordered.

Contrary to the findings of the hearing court, the defendant was denied a fair trial by the People's failure to disclose that two of the complainants had filed notices of claim with the defendant's employer, a school district, attempting to hold it responsible for the defendant's alleged criminal conduct (see *Giglio v. United States*, 405 US 150; *Brady v. Maryland*, 373 US 83). The hearing court ignored the testimony of the attorney for those two complainants that the attorney had told prosecutors about the notices of claim before the defendant's trial, and a letter from the school district faxed to the District Attorney's office almost three months before the trial commenced which acknowledged that two of the complainants had "civil claims against" the school district. "Negligent, as well as deliberate, nondisclosure may deny due process. Good faith, therefore, may not excuse even a negligent failure to disclose unrequested exculpatory evidence where that evidence is highly material to the defense" (*People v. Simmons*, 36 NY2d 126, 132).

Evidence that two of the complainants were seeking damages based on the defendant's conduct which only they had witnessed was highly relevant to the issue of their credibility (see *Giglio v. United States*, supra at 154; *People v. Novoa*, 70 NY2d 490, 496; *People v. Wallert*, 98 AD2d 47). The failure to turn over this evidence was aggravated by the prosecutor's argument during summation that there was no evidence that the complainants were bringing civil lawsuits as a result of the defendant's conduct (see *People v. Wallert*, supra). There is a reasonable probability that this failure to disclose affected the outcome of the trial (see *People v. Bryce*, 88 NY2d 124, 128; *People v. Baxley*, 84 NY2d 208, 212).

We reject the People's contention that the defendant should have known that the complainants had filed the notices of

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

PEOPLE, ETC., res. v. DAMIEN WILLIAMS, ap — Motion by the respondent to dismiss as abandoned an appeal from a judgment of the Supreme Court, Kings County, rendered May 12, 1994.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the appeal is dismissed (see 22 NYCRR 670.8[f]; CPL 470.60[1]).

PRUDENTI, P.J., SMITH, ADAMS, and RIVERA, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

PEOPLE, ETC., res. v. ROBERT WILSON, ap — Motion by the appellant for leave to prosecute an appeal from a judgment of the County Court, Nassau County, rendered April 15, 2004, as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and no papers having been filed in opposition and in relation thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the stenographer of the trial court is directed promptly to make, certify, and file two transcripts of the proceedings of any pretrial hearings, of the plea of guilty or of the trial, and of the imposition of sentence in this action, except for those minutes previously transcribed and certified (see 22 NYCRR 671.9); and it is further,

ORDERED that in the event that the case was tried to a conclusion before a jury, the stenographer shall also make, certify, and file two transcripts of the minutes of proceedings during jury selection; and it is further,

ORDERED that the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (see CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

ORDERED that upon service of a copy of this decision and order upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that in the event an issue as to the legality, propriety, or excessiveness of the sentence is raised on appeal,

assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

ORDERED that upon service of a copy of this decision and order upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that in the event an issue as to the legality, propriety, or excessiveness of the sentence is raised on appeal, or if assigned counsel cites or relies upon the probation report in a brief or motion in any other way, counsel shall provide a complete copy of such report and any attachments to the court and the District Attorney's office prior to the filing of such brief or motion; and it is further,

ORDERED that pursuant to County Law §722 the following named attorney is assigned as counsel to prosecute the appeal:

Robert Rountry, Esq.
396 Roosevelt Avenue
Freeport, New York 11520
and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (see 22 NYCRR 670.1, et seq.) and written directions; and it is further,

ORDERED that in the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or his representative access to the record for the purpose of preparing the appeal; such access shall include permission to copy the papers insofar as they pertain to the appellant; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken.

ITTER, J.P., S. MILLER, GOLDSTEIN, and SPOLZINO, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

PEOPLE, ETC., res. v. DOREEN MANNION, ap — (S.C.I. NO. 03-01625) — Motion by the respondent to dismiss an appeal from a judgment of the County Court, Westchester County, rendered April 26, 2004, on the ground that it was untimely taken.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted and the appeal is dismissed (see CPL 460.10[1]; 470.60[1]).

ITTER, J.P., S. MILLER, GOLDSTEIN, and SPOLZINO, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

PEOPLE, ETC., res. v. HAIRIO RENTARIA, a/k/a JAIRIO RENTARIA ap — Motion by the respondent to dismiss as abandoned an appeal from a judgment

received, an affidavit or affirmation stating that it was ordered and paid for, the date thereof and the date by which the transcript was expected; or

(4) if the appellant was indigent and could not afford to obtain the minutes or perfect the appeal, a motion in this court for leave to prosecute the appeal as a poor person and for the assignment of counsel, pursuant to the requirements of CPLR §101; or

(5) an affidavit or an affirmation withdrawing the appeal.

The appellant has failed to comply with the scheduling order. Pursuant to §670.4(a)(5) of the rules of this court (22 NYCRR 670.4[a][5]), it is

ORDERED that the parties or their attorneys are directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with the scheduling order dated June 10, 2004, by each filing an affirmation or affidavit on that issue in the office of the Clerk of this court and serving one copy of the same on each other on or before August 23, 2004; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this decision and order upon the parties or their attorneys.

MATTER OF GERALD W.

(ANONYMOUS), ap — Appeal by Gerald W. from an order of the Family Court, Queens County, dated March 16, 2004. The appellant's brief was filed in the office of the Clerk of this court on July 27, 2004. Pursuant to §670.4(a)(2) of the Rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the respondent's brief shall be served and filed within 45 days of the date of this order.

MATTER OF RONIS, res. v. ORGANJANOV, ap — Appeal by Victor Organjanov from an order of the Family Court, Kings County, dated May 21, 2003. The appellant's brief was filed in the office of the Clerk of this court on July 26, 2004. Pursuant to §670.4(a)(2) of the Rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the respondent's brief shall be served and filed within 45 days of the date of this order.

MATTER OF CORBY, ap, v. CORBY, res — Appeal by Joann Corby from an order of the Family Court, Suffolk County, dated April 1, 2004. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (see 22 NYCRR 670.4[a][2]) and by serving and filing the appellant's brief on the appeal is enlarged until September 3, 2004.

MATTER OF DALILIO, ap, v. DALILIO, res — Appeal by Natale D'Altilio from an order of the Family Court, Orange County, dated January 30, 2004. The appellant's brief was filed in the office of the Clerk of this court on June 18, 2004. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the respondent's time to serve and file a brief on the appeal is enlarged until September 15, 2004.

from a judgment of the Supreme Court, Westchester County, dated June 17, 2003.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appellants' time to perfect the appeal is enlarged until September 7, 2004, and the record or appendix on the appeal and the appellants' brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargements of time shall be granted.

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolizino, JJ.

MATTER OF LLOIDA W. (ANONYMOUS), ADMINISTRATION FOR CHILDREN'S SERVICES, res. MARIA W. (ANONYMOUS), ap — Motion by the counsel assigned to represent the appellant in a proceeding before the Family Court, Kings County, to be relieved, for the assignment of new counsel to prosecute an appeal from an order of the Family Court, Kings County, dated March 29, 2004, and for leave to the appellant to prosecute the appeal as a poor person.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the counsel assigned by the Family Court is relieved from representing the appellant on the appeal; and it is further,

ORDERED that said counsel is directed to turn over all papers in the action to the new counsel herein assigned; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellant, the respondent, and the Law Guardian, if any. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other (22 NYCRR 670.9[d][1][ii]; Family Ct Act §1116); and it is further,

ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish one of such certified transcripts to the appellant's counsel, without charge; in the case of transcription services, one transcript shall be filed with the clerk of the Family Court and one transcript shall be delivered to the assigned counsel. Assigned counsel is directed to provide copies of said transcripts to all of the other parties to the appeal, including the Law Guardian, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that pursuant to Family Court Act §1120 the following named attorney is assigned as counsel to prosecute the appeal:

Carol Kahn, Esq.
225 Broadway - Suite 1515
New York, New York 10007
(212) 227-0206

Continued on the following page

DECISIONS

Second
DepartmentAPPELLATE
DIVISION

Continued from preceding page

and it is further,

ORDERED that the assigned counsel shall prosecute the appeal expeditiously in accordance with any scheduling order or orders issued pursuant to §670.4(a) of the rules of this court (22 NYCRR 670.4(a)); and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the clerk of the court from which the appeal is taken.

RITTER, J.P., S. MILLER, GOLDSTEIN, and SPOLZINO, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolzino, JJ.

MATTER OF ISIAH C. (ANONYMOUS), SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES, res. MICHAEL L. (ANONYMOUS), ap — Motion by the appellant pro se for leave to prosecute an appeal from an order of the Family Court, Suffolk County, dated June 25, 2004, as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellant, the respondent, and the Law Guardian, if any. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other (22 NYCRR 670.9[d][1][ii]; Family Ct Act §1116); and it is further,

ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish one of such certified transcripts to the appellant's counsel, without charge; in the case of transcription services, one transcript shall be filed with the clerk of the Family Court and one transcript shall be delivered to the assigned counsel. Assigned counsel is directed to provide copies of said transcripts to all of the other parties to the appeal, including the Law Guardian, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that pursuant to Family Court Act §1120 the following named attorney is assigned as counsel to prosecute the appeal:

Noel C. Dillon, Esq.
191 New York Avenue
Huntington, New York 11743
(631) 673-7555

why the appeal should or should not be dismissed.

MATTER OF KENNETH D. (ANONYMOUS), ADMINISTRATION FOR CHILDRENS SERVICES, res. DELANO D. (ANONYMOUS), ap — Appeal by Delano D. from an order of the Family Court, Queens County, dated May 12, 2004. By decision and order of this court dated July 28, 2004 those branches of the appellant's motion which were for the assignment of counsel, free transcripts, and the waiver of the filing fee were denied. Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4(a)), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings in the Family Court, and the appellant shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the appellant shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of the Family Court proceeding to be transcribed for the appeal; or

(2) if there are such minutes, an affidavit or affirmation that the transcript has been received, and indicating the date that it was received; or

(3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4), above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

MATTER OF NIKSON D.

(ANONYMOUS), ap — Appeal by Nikson D. from an order of the Family Court, Kings County, dated March 9, 2004. By decision and order of this court dated July 28, 2004, the following attorney was assigned as counsel on the appeal:

Carol Kahn, Esq.
225 Broadway - Suite 1515
New York, New York 10007
(212) 227-0206

Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4(a)), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of

the date of this scheduling order; and it is further,

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeals; or

(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

(3) if the transcripts have not been received, an affidavit or affirmation stating that the order of this court dated July 28, 2004, has been served upon the clerk of the court from which the appeals are taken, the date thereof, and the date by which the transcripts are expected; or

(4) an affidavit or an affirmation withdrawing the appeals; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4), above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeals to show cause why the appeals should or should not be dismissed.

MATTER OF MOHAMMAD, res. v. MOHAMMAD, ap — Appeal by Abdul Qazi Mohammad from an order of the Family Court, Kings County, dated February 26, 2004. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4(a)[2]), it is

ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (see 22 NYCRR 670.4(a)[2]) and by serving and filing the appellant's brief on the appeal is enlarged until September 3, 2004.

MATTER OF SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES, o/b/o MARZOCCO, res. v. MARZOCCO, ap — Appeals by Robert Marzocco from two orders of the Family Court, Suffolk County, dated February 9, 2004, and April 23, 2004. By decision and order of this court dated July 28, 2004, those branches of the appellant's motion which were for the assignment of counsel, free transcripts, and the waiver of the filing fee were denied. Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4(a)), it is

ORDERED that the appeals in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings in the Family Court, and the appellant shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the appellant shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of the Family Court proceeding to be transcribed for the appeals; or

(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

ORDERED that the parties or their attorneys are directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with the scheduling order dated June 16, 2004, by each filing an affirmation or affidavit on that issue in the office of the Clerk of this court and serving one copy of the same on each other on or before August 23, 2004; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this decision and order upon the parties or their attorneys.

By Ritter, J.P.; Smith, Miller and Mastro, JJ.

SEIFERT, ETC. res. v. CITY OF NEW YORK, ap-def — Motion by the appellant for leave to reargue an appeal from a judgment of the Supreme Court, Kings County, entered August 21, 2001, which was determined by decision and order of this court dated May 24, 2004, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court. Cross motion by the respondents for the same relief or to enlarge their time to comply with the provision of the decision and order dated May 24, 2004, which directed a new trial unless the plaintiffs stipulate to reduce the verdict.

Upon the papers filed in support of the motion and cross motion and the papers filed in opposition thereto, it is ORDERED that the motion is denied; and it is further,

ORDERED that the cross motion is granted to the extent that the respondents' time to comply with the provision of the decision and order dated May 24, 2004, which directed a new trial unless they stipulate to reduce the verdict, is enlarged until September 7, 2004, and the cross motion is otherwise denied.

RITTER, J.P., SMITH, H. MILLER and MASTRO, JJ., concur.

By Santucci, J.P.; Krausman, Schmidt and Rivera, JJ.

MANNY, ap. v. GE MEDICAL SYSTEMS, res. — Motion by the appellant for leave to reargue an appeal from an order of the Supreme Court, Nassau County, dated January 30, 2003, which was determined by decision and order of this court dated May 24, 2004, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied. SANTUCCI, J.P., KRAUSMAN, SCHMIDT and RIVERA, JJ., concur.

MATTER OF PRICE, ap. v. BESWICK, res. — Appeal by Patricia Price from an order of the Family Court, Kings County, dated April 27, 2004. By decision and order of this court dated July 27, 2004, those branches of the appellant's motion which were for the assignment of counsel, free transcripts, and the waiver of the filing fee were denied. Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4(a)), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings in the Family

Court, and the appellant shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

(3) if the transcripts have not been received, an affidavit or affirmation stating that the order of this court dated July 27, 2004, has been served upon the clerk of the court from which the appeals are taken, the date thereof, and the date by which the transcripts are expected; or

(4) an affidavit or an affirmation withdrawing the appeals; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4), above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeals to show cause why the appeals should or should not be dismissed.

By Altman, J.P.; Miller, Krausman and Cozier, JJ.

JOSEPH, d/b/a ALPINE MEADOWS EXCAVATING & TRUCKING, ap. v. IANNACE res. — Motion by the appellant for leave to reargue an appeal from an order of the Supreme Court, Putnam County, dated May 21, 2002, which was determined by decision and order of this court dated April 12, 2004, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied, with \$100 costs.

ALTMAN, J.P., S. MILLER, KRAUSMAN and COZIER, JJ., concur.

MATTER OF SANTIAGO, ap. v. IBRAHIM, res. — Appeal by Osdila Santiago from an order of the Family Court, Queens County, dated April 22, 2004. By decision and order of this court dated July 27, 2004, the following attorney was assigned as counsel on the appeal:

Lewis S. Calderon, Esq.
90-50 Parsons Blvd. Suite 405
Jamaica, New York 11432
(718) 883-1560

Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4(a)), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or

(2) if there are such minutes, an affidavit or affirmation that the tran-

December 4, 2002, and cross motion by the respondents to dismiss the appeal.

Upon the papers filed in support of the motion and the cross motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appellants' time to perfect the appeal is enlarged until August 31, 2004, and the record or appendix on appeal and the appellants' brief must be served and filed on or before that date; and it is further,

ORDERED that the cross motion by the respondents to dismiss the appeal is denied.

RITTER, J.P., S. MILLER, GOLDSTEIN and SPOLZINO, JJ., concur.

By Krausman, J.P.; Luciano, Adams and Cozier, JJ.

PEOPLE, ETC., res. v. IVAN MICHAEL SUPHAL, a/k/a MICHAEL SUPHAL ap — Motion by the appellant pro se for leave to reargue an appeal from a judgment of the Supreme Court, Kings County, rendered May 7, 2001, which was determined by decision and order of this court dated May 3, 2004.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied. KRAUSMAN, J.P., LUCIANO, ADAMS and COZIER, JJ., concur.

By Miller, J.P.; Goldstein, Adams and Cozier, JJ.

BAJWA, res. v. SAIDA, INC., ap — Motions by Saidia, Inc., on appeals from a judgment of the Supreme Court, Kings County, entered September 12, 2002, an order of the same court dated May 1, 2003, and an amended judgment of the same court, entered May 18, 2004, (1) for leave to reargue the appeals from the judgment entered September 12, 2002, and the order dated May 1, 2003, which were determined by decision and order of this court dated April 12, 2004, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court, and (2) to stay enforcement of the amended judgment entered May 18, 2004, pending hearing and determination of that appeal and the motion for leave to reargue or for leave to appeal to the Court of Appeals.

Upon the papers filed in support of the motions and the papers filed in opposition thereto, it is

ORDERED that the motion for leave to reargue or for leave to appeal to the Court of Appeals is denied, with \$100 costs; and it is further,

ORDERED that on the court's own motion, the appeal from the amended judgment entered May 18, 2004, is dismissed, without costs or disbursements, on the ground that the issues raised on that appeal are barred by the doctrine of law of the case in light of this court's decision and order dated April 12, 2004 (see *Hall v. Cucco*, 5 Ad3d 631); and it is further,

ORDERED that the motion to stay enforcement of the amended judgment is denied as academic.

H. MILLER, J.P., GOLDSTEIN, ADAMS and COZIER, JJ., concur.

MORRISON, plf-res-ap, v. SARAGOSSI res. LOOK ENTERTAINMENT LTD. T/A SHOW TIME CAF, def-res-ap; PARLATO, ap-res — (ACTION NO. 1) PARLATO, ap-res, v. SARAGOSSI res. LOOK ENTERTAINMENT LTD., d/b/a SHOW TIME CAF, res-res — (ACTION NO. 2) MEDINA, plf, v. SARAGOSSI, ET AL., def — (ACTION NO. 3) DRELLOS, plf-ap-res, v. SARAGOSSI res. LOOK

ing the Law Guardian, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that pursuant to Family Court Act §1120 the following named attorney is assigned as counsel to prosecute the appeal:

Noel C. Dillon, Esq.
191 New York Avenue
Huntington, New York 11743
(631) 673-7555
and it is further,

ORDERED that the assigned counsel shall prosecute the appeal expeditiously in accordance with any scheduling order or orders issued pursuant to §670.4(a) of the rules of this court (22 NYCRR 670.4[a]); and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the clerk of the court from which the appeal is taken.

RITTER, J.P., S. MILLER, GOLDSTEIN and SPOLZINO, JJ., concur.

MATTER OF KAYLA C. (ANONYMOUS). SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES, pet-res. DARIA C. (ANONYMOUS), ap res — Appeal by Darla C. from an order of the Family Court, Suffolk County, dated April 14, 2004. By decision and order of this court dated July 28, 2004, the following attorney was assigned as counsel on the appeal:

Edward M. Gould, Esq.
374 Islip Avenue - Suite 104
Islip, New York
631-581-5497

Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4[a]), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or

(2) if there are such minutes, an affidavit or affirmation that the transcript has been received, and indicating the date that it was received; or

(3) if the transcript has not been received, an affidavit or affirmation stating that the order of this court dated July 28, 2004, has been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeal to show cause

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or

(2) if there are such minutes, an affidavit or affirmation that the transcript has been received, and indicating the date that it was received; or

(3) if the transcript has not been received, an affidavit or affirmation stating that the order of this court dated July 28, 2004, has been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

MATTER OF NICHOLAS FRANCIS K. (ANONYMOUS). WESTCHESTER DEPARTMENT OF SOCIAL SERVICES, res. EDWARD K. (ANONYMOUS), ap — **MATTER OF TABITHA JILLIAN K. (ANONYMOUS).** WESTCHESTER DEPARTMENT OF SOCIAL SERVICES, res. EDWARD K. (ANONYMOUS), ap — Appeals by Edward K. from two orders of the Family Court, Westchester County, both dated March 29, 2004. By decision and order of this court dated July 28, 2004, the following attorney was assigned as counsel on the appeals:

Darren DeUrso, Esq.
470 Mamaroneck Avenue - Suite 401
White Plains, New York 10605
(914) 946-9468

Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4[a]), it is

ORDERED that the appeals in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of the Family Court proceeding to be transcribed for the appeals; or

(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

(3) if the transcripts have not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof and the date by which the transcripts are expected; or

(4) an affidavit or an affirmation withdrawing the appeals; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeals to show cause why the appeals should or should not be dismissed.

MATTER OF KRAVITZ, res. v. KRAVITZ, ap — Appeal by Jeffrey P. Kravitz from an order of the Family Court, Nassau County, dated February 27, 2003. Pursuant to §670.4(a)(2) of the rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that the law guardian's time to serve and file a brief on the appeal is enlarged until September 10, 2004.

MATTER OF RIZZUTO, I/k/a LANDEN, res-ap. v. LANDEN, ap-res — Appeal and cross appeal from an order of the Family Court, Westchester County, dated February 23, 2004. The appellant-respondent's brief was filed in the office of the Clerk of this court on July 29, 2004. Pursuant to §670.4(a)(2) of the Rules of this court (see 22 NYCRR 670.4[a][2]), it is

ORDERED that within 45 days of the date of this order, the brief of the respondent-appellant shall be served and filed.

MATTER OF BERETERVIDE, ap. v. PHARR, res — Appeal by Regina Beretervide from an order of the Family Court, Orange County, dated April 28, 2004. By scheduling order dated June 16, 2004, the appellant was directed to file one of the following in the office of the clerk of the court, within 30 days after the date of the scheduling order:

(1) an affidavit or affirmation stating that there were no minutes of the Family Court proceedings to be transcribed for the appeal; or

(2) if there were such minutes, an affidavit or affirmation that the transcript was received, and indicating the date that it was received; or

(3) if the transcript was not received, an affidavit or affirmation stating that it was ordered and paid for, the date thereof and the date by which the transcript was expected; or

(4) an affidavit or an affirmation withdrawing the appeal.

The appellant has failed to comply with the scheduling order. Pursuant to §670.4(a)(5) of the rules of this court (22 NYCRR 670.4[a][5]), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings in the Family Court, and the appellant shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the appellant shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of the Family Court proceeding to be transcribed for the appeal; or

(2) if there are such minutes, an affidavit or affirmation that the transcript has been received, and indicating the date that it was received; or

(3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

MATTER OF DYSHAUN F. (ANONYMOUS), ap — Appeals by Dyshaun F. from two orders of the Family Court, Nassau County, dated April 22, 2004, and May 3, 2004, respectively. By decision and order of this court dated July 27, 2004, the following attorney was assigned as counsel on the appeals:

John M. Zenlr, Esq.
114 Old Country Road - Suite 216
Mineola, New York 11501
(516) 746-0180

Pursuant to §670.4(a) of the Rules of this court (22 NYCRR 670.4[a]), it is

ORDERED that the appeals in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel shall notify this court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeals; or

assigned counsel shall file in the office of the Clerk of this court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or

(2) if there are such minutes, an affidavit or affirmation that the transcript has been received, and indicating the date that it was received; or

(3) if the transcript has not been received, an affidavit or affirmation stating that the order of this court dated July 27, 2004, has been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

By Ritter, J.P.; Miller, Goldstein and Spolzino, JJ.

MATUSEWICZ, ap. v. PRYSOCK, res — Motion by the appellant to enlarge the time to perfect an appeal from an order of the Supreme Court, Suffolk County, dated June 11, 2003.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until September 7, 2004, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargements of time shall be granted.

RITTER, J.P., S. MILLER, GOLDSTEIN and SPOLZINO, JJ., concur.

By Santucci, J.P.; Goldstein, Luciano and Mastro, JJ.

KATZ res. v. SEMINOLE REALTY CORP. def. DITMAS MANAGEMENT CORP. ap — Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated January 13, 2004.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted, and the trial in the above-entitled action is stayed, pending hearing and determination of the appeal.

SANTUCCI, J.P., GOLDSTEIN, LUCIANO and MASTRO, JJ., concur.

By Ritter, J.P.; Miller, Goldstein and Spolzino, JJ.

HUERTERO, ETC. res. v. BLUE RIDGE INSURANCE COMPANY ap — Motion by the appellants to enlarge time to perfect an appeal from an order of the Supreme Court, Kings County, dated

MORRISON, plf-res-ap. v. SARAGOSSI res. LOOK ENTERTAINMENT LTD. T/A SHOW TIME CAF. def-res-ap. PARLATO, ap-res — (ACTION NO. 1) PARLATO, ap-res. v. SARAGOSSI res. LOOK ENTERTAINMENT LTD., d/b/a SHOW TIME CAF. res-res — (ACTION NO. 2) MEDINA, plf. v. SARAGOSSI, ET AL., def — (ACTION NO. 3) DRELLOS, plf-ap-res. v. SARAGOSSI res. LOOK ENTERTAINMENT LTD., T/A SHOW TIME CAF. res-ap. PARLATO, def-ap-res — (ACTION NO. 4) MORRISON, res-ap. v. KILLORAN ap-res — (ACTION NO. 5) INDEX NO. 16169/01 — Application by the appellant-respondent Michael Parlato, to withdraw his appeal from an order of the Supreme Court, Nassau County, dated February 9, 2004.

Upon the papers filed in support of the application and no papers having been filed in opposition or relation thereto, it is

ORDERED that the application is granted and the appeal by Michael Parlato is marked withdrawn.

ABENANTE res. v. STAR GAS CORPORATION, ETC., ap — Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a reply brief on an appeal from a judgment of the Supreme Court, Orange County, dated March 13, 2003.

ORDERED that the application is granted and the reply brief shall be served and filed on or before August 16, 2004.

MATTER OF THREE PARTNERS REALTY, ap. v. TOWN OF POUGHKEEPSIE PLANNING BOARD res — Application by the appellant to withdraw an appeal from an order and judgment (one paper) of the Supreme Court, Dutchess County, dated June 3, 2004.

Upon the papers filed in support of the application and no papers having been filed in opposition or relation thereto, it is

ORDERED that the application is granted and the appeal is marked withdrawn.

MATTER OF THREE PARTNERS REALTY, ap. v. TOWN OF POUGHKEEPSIE PLANNING BOARD res — Application by the appellant to withdraw an appeal from an order of the Supreme Court, Dutchess County, dated June 3, 2004.

Upon the papers filed in support of the application and no papers having been filed in opposition or relation thereto, it is

ORDERED that the application is granted and the appeal is marked withdrawn.

SPELLMAN, res. v. PAPILLON SALONS & COMPANY, INC., ETC. ap — Application by the appellants to withdraw an appeal from an order of the Supreme Court, Suffolk County, dated March 12, 2004.

Upon the papers filed in support of the application and no papers having been filed in opposition or relation thereto, it is

ORDERED that the application is granted and the appeal is marked withdrawn.

COOKE, res. v. COOKE, ap — Application by the appellant to withdraw an appeal from an order of the Supreme Court, Westchester County, dated June 30, 2004.

Thursday, August 12, 2004

Upon the papers filed in support of the application and no papers having been filed in opposition or relation thereto, it is

ORDERED that the application is granted and the appeal is marked withdrawn.

GESSMAN, plf-res, v. HERMAN def-ap, ECHHOUSE def-res — Separate applications by the appellants to withdraw their respective appeals from an order of the Supreme Court, Rockland County, dated December 24, 2003.

Upon the papers filed in support of the applications and no papers having been filed in opposition or relation thereto, it is

ORDERED that the applications are granted and the appeals are marked withdrawn.

MATTER OF CROMWELL, pet, v. GOORD, ETC., ap — Application by the petitioner pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect a proceeding pursuant to CPLR article 78 which was transferred to this court by order of the Supreme Court, Orange County, dated January 13, 2004.

ORDERED that the application is granted and the petitioner's time to perfect the proceeding is enlarged until September 13, 2004, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date.

PEOPLE, ETC., res, v. SCOTT FARRELL, ap — Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief on an appeal from a judgment of the County Court, Nassau County, rendered January 18, 2002.

ORDERED that the application is granted and the respondent's time to serve and file a brief is enlarged until August 20, 2004, and the respondent's brief must be served and filed on or before that date.

KOEPEL ap, v. CARLANDIA CORPORATION res, ET AL., def — Application by the respondents pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief on appeals from an order of the Supreme Court, Westchester County, dated December 12, 2003, and a judgment of the same court entered December 24, 2003.

ORDERED that the application is granted and the respondents' time to serve and file a brief is enlarged until September 13, 2004, and the respondents' brief must be served and filed on or before that date.

By Altman, J.P.; Smith, Krausman and Skelos, J.J.

CORRADO, res, v. CORRADO, ap — Appeal by the defendant from an order of the Supreme Court, Suffolk County, dated March 30, 2004. By decision and order on motion dated May 27, 2004, that branch of the appellant's motion which was to stay all proceedings in the above-entitled action pending hearing and determination of the appeal was granted on condition that the appeal was perfected on or before June 28, 2004. The appeal has not been perfected.

Now, on the court's own motion, it is ORDERED that the stay granted by the decision and order on motion dated May 27, 2004, is vacated forthwith, for failure to perfect the appeal by June 28, 2004.

ALTMAN, J.P.; SMITH, KRAUSMAN AND

missed, without costs or disbursements, as no appeal lies from a decision (see *Schicchi v. Green Constr. Corp.*, 100 AD2d 509); and it is further,

ORDERED that the application is denied as academic.

PRUDENTI, P.J.; SMITH, ADAMS and RIVERA, J.J., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, J.J.

MATTER OF SINGH, res, v. SINGH, ap — Appeal by Anjanee Singh from an order of the Family Court, Queens County, dated June 22, 2004.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as the order is not appealable as of right (see Family Ct Act §1112) and we decline to grant leave to appeal.

PRUDENTI, P.J.; SMITH, ADAMS and RIVERA, J.J., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, J.J.

MATTER OF SOLIWADA, ST. JOHNS QUEENS HOSPITAL, res, IWACHIW, ap — Appeal by Walter Iwachiw from an ex parte order of the Supreme Court, Queens County, dated May 11, 2004.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from an ex parte order (see CPLR 5701), and we decline to treat the appeal as an application pursuant to CPLR 5704.

PRUDENTI, P.J.; SMITH, ADAMS and RIVERA, J.J., concur.

By Gail Prudenti, P.J.; Ritter, Santucci, Florio and Smith, J.J.

LEE, ap, v. HENRY PHIPPS PLAZA SOUTH ASSOCIATES, L.P. RESPONDENTS def — Application to withdraw an appeal from an order of the Supreme Court, Queens County, dated December 12, 2002.

Upon the stipulation of the attorneys for the respective parties, dated July 23, 2004, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

PRUDENTI, P.J.; RITTER, SANTUCCI, FLORIO and SMITH, J.J., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, J.J.

MATTER OF PARKER, ap, v. MALFETANO, res — Appeal by Sandra Parker from an order of the Family Court, Westchester County, dated July 16, 2003.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as the order is not appealable as of right (see Family Ct Act §1112) and we decline to grant leave to appeal.

PRUDENTI, P.J.; SMITH, ADAMS and RIVERA, J.J., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, J.J.

MATTER OF MITCHELL, res, v. MITCHELL, ap — Appeal by Frederick Mitchell from an order of the Supreme Court, Westchester County, dated June 8, 2004.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from an order denying a motion for reargument.

PRUDENTI, P.J.; SMITH, ADAMS and RIVERA, J.J., concur.

By Gail Prudenti, P.J.; Ritter, Santucci,

dated February 10, 2004, on the ground that the appellant has been deported.

Upon the papers filed in support of the motion and the papers filed in opposition and relation thereto, it is

ORDERED that the appellant show cause before this court why an order should or should not be made and entered dismissing the appeal on the ground that the appellant is no longer available to obey the mandate of this court (see *People v. Hutchings*, 40 NY2d 836; *People v. Smith*, 115 AD2d 625; *People v. Davis*, 87 AD2d 578) by filing an affidavit on that issue in the office of the Clerk of this court on or before September 3, 2004; and it is further,

ORDERED that the motion by the appellant's assigned counsel is held in abeyance in the interim; and it is further,

ORDERED that the Clerk of this court, or his designee is directed to serve a copy of this order to show cause upon the appellant at the institution in which he is confined, upon his attorney, and upon the People, by ordinary mail pursuant to CPL 470.60(2).

ALTMAN, J.P.; KRAUSMAN, SPOLZINO and SKELOS, J.J., concur.

By Gail Prudenti, P.J.; Ritter, Santucci, Florio and Smith, J.J.

CARLINO, plf-res, v. SLOVAC ROMAN CATHOLIC CHURCH OF BF HOLY FAMILY, def THIRD-PARTY plf-ap; BUILDERS FOR THE FAMILY AND YOUTH DIOCESE OF BROOKLYN, INC., THIRD-PARTY def-res — Application by the appellant for leave to withdraw an appeal from an order of the Supreme Court, Kings County, dated October 28, 2004.

Upon the papers filed in support of the application, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

PRUDENTI, P.J.; RITTER, SANTUCCI, FLORIO and SMITH, J.J., concur.

By Smith, J.P.; Miller, Adams, Rivera and Lifson, J.J.

MATTER OF ALGERI, res, v. NEW YORK CITY HOUSING AUTHORITY, ap — Application to withdraw an appeal from an order of the Supreme Court, Kings County, dated November 12, 2003.

Upon the stipulation of the attorneys for the respective parties, dated June 21, 2004, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

SMITH, J.P.; S. MILLER, ADAMS, RIVERA and LIFSON, J.J., concur.

By Gail Prudenti, P.J.; Ritter, Santucci, Florio and Smith, J.J.

DROBNAK, res, v. ST. ANDREWS GOLF CLUB ap-res, SUPERIOR AIR SYSTEMS MECHANICAL CORPORATION, res-ap (AND A THIRD-PARTY ACTION). — Separate applications by the appellants-respondents and respondent-appellant for leave to withdraw appeals and cross appeals from two orders of the Supreme Court, Westchester County, dated April 11, 2003, and June 25, 2003, respectively.

Upon the papers filed in support of the applications, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the applications are granted and the appeals and cross appeals are deemed withdrawn, without

mental joint record containing the petition, the opposition to the petition, and the order of reference (see CPLR 5026); and it is further,

ORDERED that Allstate Insurance Company shall serve and file its answering brief, including its points of argument on the cross appeal, on or before September 27, 2004 (see 22 NYCRR 670.8(c)(3)); and it is further,

ORDERED that the motion is otherwise denied.

ALTMAN, J.P.; KRAUSMAN, SPOLZINO and SKELOS, J.J., concur.

APPELLATE TERM

SECOND & ELEVENTH JUDICIAL DISTRICTS

By: Pesce, P.J.; Golia and Rios, J.J.

MORRIS, ap., v. HOFSTRA UNIVERSITY, res — Appeal by plaintiff from an order of the Civil Court, Richmond County (P. Stranieri, J.), entered June 13, 2003, which granted defendant Hofstra University's motion for summary judgment.

Order unanimously reversed without costs and motion by defendant Hofstra University for summary judgment denied.

"The proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to eliminate any material issues of fact from the case.... In this slip-and-fall case, the defendant[] bore the initial burden of submitting evidence that [it] did not create the allegedly defective or dangerous condition, and did not have actual or constructive notice thereof" (*Avellino v. TrizecHahn Newport, Inc.*, 5 AD3d 519 [2004] [citations and internal quotation marks omitted]).

Viewing the testimony contained in the transcripts of the examinations before trial, which were annexed to the motion papers submitted by defendant Hofstra University, in the light most favorable to plaintiff, the non-moving party (see *Corvino v. Mount Pleasant Cent. School Dist.*, 305 AD2d 364 [2003]; *Torres v. Jeremias*, 283 AD2d 484 [2001]), Hofstra University's employees cut the grass one or two days before plaintiff fell, the grass clippings were intended to remain on the grass, albeit as mulch, and that if the grass was mowed while it was wet, clumps of grass could have formed. In addition, Hofstra University's director of grounds and landscaping and/or his assistant looked at the intramural field after it was mowed, but before plaintiff fell. As a result, the moving papers failed to establish, as a matter of law, that Hofstra University did not create the condition or possess notice of its existence. Moreover, plaintiff submitted an affidavit from a witness who stated that on the date of plaintiff's injury, she observed clumps of grass on the field, people slipping on clumps of grass before plaintiff fell and plaintiff falling after slipping on a clump of grass. In light of the foregoing, Hofstra University's motion for summary judgment should have been denied (see *Gordon v. American Museum of Natural History*, 67 NY2d 836 [1986]; *Winegrad v.*

generous condition upon the land itself.

As foolhardy as Ligon's conduct in the present case might have been, it does not rise to the level of an intervening act that becomes a superseding cause of his injuries. The rule of superseding cause has been stated as follows:

"Where the acts of a third person [or, as here, plaintiff himself] intervene between the defendant's conduct and plaintiff's injury, the causal connection is not automatically severed. In such a case, liability turns upon whether the intervening act is a normal or foreseeable consequence of the situation created by the defendant's negligence.... If the intervening act is extraordinary under the circumstances, not foreseeable in the normal course of events, or independent of or far removed from the defendant's conduct, it may well be a superseding act which breaks the causal nexus.... Because questions concerning what is foreseeable and what is normal may be the subject of varying inferences, as is the question of negligence itself, these issues generally are for the fact finder to resolve.

There are instances, to be sure, where only one conclusion may be drawn from the established facts and where the question of legal cause may be decided as a matter of law. Those cases generally involve independent intervening acts which operate upon but do not flow from the original negligence" (*Derdarian v. Felix Contr. Corp.*, 51 NY2d 308, 315 [1980] [citations omitted]).

Key to this determination is whether the "intervening act was divorced from and not the foreseeable risk associated with the original negligence" as well as whether "the injuries were different in kind than those which would have normally been expected" to occur as a consequence of such negligence (id.). If these conditions are met, defendant's putative negligence merely "furnish[es] the occasion for an unrelated act to cause injuries not ordinarily anticipated," cutting off causation by defendant's negligence (id.). Typical of this scenario is *Boltax v. Joy Day Camp* (67 NY2d 617 [1986]), in which the plaintiff, a young adult, entered a closed pool area, at night, and dove from a lifeguard's chair into the shallow end of the pool, which was not completely filled. Plaintiff admitted that he was fully familiar with the existence of all of these conditions, but dove anyway. Even if defendant were presumed to have negligently maintained the pool and its fence, and even if this negligence were presumed to be a causative factor, as a matter of law it was not reasonably foreseeable to defendant that a self-admittedly knowledgeable adult swimmer would act as plaintiff in that case (id. at 620).

There are limits to the doctrine of intervening acts and superseding cause, however. Even acts that the onlooker might consider foolhardy in the extreme do not necessarily cut off defendant's liability where the resulting injury is one that defendant might reasonably expect to result from its negligence, and plaintiff need not demonstrate that the precise manner in which the accident occurred was foreseeable to defendant (*Derdarian*, 51 NY2d 308, 315; *Mesick v. State of New York*, 118 AD2d 214, 218 [1986]). In *Mesick*, the 17-year-old plaintiff slipped while getting up speed to grab a rope swing attached to a tree, overhanging not only a creek but a cluster of jagged rocks, onto which plaintiff fell after missing the

after the filing of the respondent's brief.

FRANCOIS, res., v. SULNEY, ap — Motion by defendant-appellant seeking, in essence, to vacate dismissal of the appeal is granted on condition that the appeal is perfected by October 1, 2004; otherwise motion denied.

MISULOVIN, res., v. CHRISOMALIS, ap — Motion by plaintiff/respondent to enlarge time to submit a respondent's brief is granted, and said brief shall be served and filed within 21 days from the date of the order hereon.

Appellant, if he be so advised, may serve and file a reply brief within 14 days after the date of filing of the respondent's brief.

By: Aronin, J.P.; Patterson and Golia, J.J.

HEINZ, res., v. SERBAN, ap — Motion by defendants-appellants for reargument or in the alternative leave to appeal to the Appellate Division denied.

PEOPLE, res., v. YADEV BISNAUTH, ap — Motion by defendant-appellant for leave to appeal is denied.

By: Pesce, P.J.; Aronin and Patterson, J.J.

WESTERN ESTATES LLC, res., v. ROBERTS, ap — That branch of the motion by tenant-appellant seeking to be restored to possession pending appeal is granted on condition tenant-appellant pay landlord/respondent the sum of \$2,368.74 within 15 days of the date of the order hereon. Tenant-appellant shall be restored to possession forthwith upon making the payment. Any application for an enlargement of the time to make payment shall be accompanied by a commitment from the Department of Social Services or other proof of the ability to make payment.

That branch of the motion by tenant-appellant seeking a stay pending determination of the appeal granted on condition that tenant-appellant, after being restored, continue to pay rent and/or use and occupancy to landlord/respondent as it becomes due at the rate of \$789.58 per month for the period commencing with the date of her restoration to possession and on the further condition that she perfect the appeal by October 1, 2004.

That branch of the motion by tenant-appellant seeking to punish landlord/respondent for contempt is severed.

In this nonpayment proceeding, the petition, filed February 4, 2004, demanded \$1,453.91, consisting of alleged monthly rent of \$811.91 for January 2004, a December 2003 balance of \$537 and legal fees of \$105. The petition and notice of petition were served by conspicuous-place service. A default final judgment was entered on April 6, 2004, awarding landlord possession only, and a warrant issued that day. The warrant was executed on April 27, 2004. Tenant thereafter moved in the court below to be restored to possession, asserting, inter alia, that she had no notice of the proceeding prior to the eviction, that her mailbox had been broken into on several occasions; that she had made partial payments; and that she was being overcharged. The matter was set down for a traverse. After the traverse, at which the process server did not appear because he was allegedly out of the country, the court denied tenant's motion based on its finding that missing mail was not as big a problem as tenant asserted it to be.

On June 16, 2004, this court signed an order directing landlord to show cause why tenant should not be restored to possession pending appeal. The order to

lected.

Now, on the court's own motion, it is ORDERED that the stay granted by the decision and order on motion dated May 27, 2004, is vacated forthwith, for failure to perfect the appeal by June 28, 2004.

ALTMAN, J.P., SMITH, KRAUSMAN and SKELOS, JJ., concur.
By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

GIAGUARO S.P.A. ap. v. AMKO INTERNATIONAL TRADING, INC. res — Appeal by the plaintiffs from a decision of the Supreme Court, Kings County, dated December 10, 2003.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from a decision (see *Schicchi v. Green Constr. Corp.*, 100 AD2d 509).

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

MATTER OF MALDONADO, ap. v. CLOUDEN res — Appeal by Melissa Maldonado from an order of the Family Court, Kings County, dated June 24, 2004.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as the order is not appealable as of right (see Family Ct Act §1112) and we decline to grant leave to appeal.

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

MATTER OF CATHEDRAL FOURTH DEVELOPMENT CORP., res. v. BOARD OF ASSESSORS, ETC., ET AL., ap — Appeal by Board of Assessors and Assessment Review Commission of County of Nassau, County of Nassau, and Donald S. Clavin, Jr. from an order of the Supreme Court, Nassau County, dated December 17, 2003.

Now, on the court's own motion, it is ORDERED that the notice of appeal is treated as an application for leave to appeal to this court, and leave to appeal is granted (see CPLR 5701[c]).

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

DERASMO, res. v. DERASMO, ap — Appeal by the defendant from a decision of the Supreme Court, Nassau County, dated May 14, 2004.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from a decision (see *Schicchi v. Green Constr. Corp.*, 100 AD2d 509).

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

LEVIN, ap. v. STATE OF NEW YORK, res — (CLAIM NO. 102589) — Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a decision of the Court of Claims, dated December 18, 2003.

Now, on the court's own motion, it is ORDERED that the appeal is dis-

missed, without costs or disbursements, as no appeal lies from an order denying a motion for reargument.

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Ritter, Santucci, Florio and Smith, JJ.

GREENBERG ap. v. ASTORIA FEDERAL SAVINGS & LOAN ASSOCIATES res — Application by the appellants for leave to withdraw an appeal from an order of the Supreme Court, Queens County, dated August 13, 2003.

Upon the papers filed in support of the application, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

PRUDENTI, P.J., RITTER, SANTUCCI, FLORIO and SMITH, JJ., concur.

By Altman, J.P.; Krausman, Spolzino and Skelos, JJ.

MATTER OF GALLO, JR., res. v. GALLO, ap — Appeal by Donna L. Gallo from an order of the Family Court, Dutchess County, dated January 17, 2004.

By decision and order on motion of this court dated May 5, 2004, the court's own motion to dismiss the appeal was denied and the appellant was given until June 21, 2004, to perfect the appeal. The appeal has not been perfected.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, for failure to perfect the same in accordance with the decision and order on motion of this court dated May 5, 2004.

ALTMAN, J.P., KRAUSMAN, SPOLZINO and SKELOS, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

MATTER OF GONZALEZ, res. v. LOBAS, ap — Appeal by Robert Lobas from an order of the Family Court, Putnam County, dated June 17, 2004.

Now, on the court's own motion, it is ORDERED that the appellant's notice of appeal is treated as an application for leave to appeal to this court and leave to appeal is granted (see CPLR 5701[c]).

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Gail Prudenti, P.J.; Smith, Adams and Rivera, JJ.

MATTER OF IWACHIW, IWACHIW, ap — Appeal by Walter Iwachiw from a decision of the Supreme Court, Queens County, dated May 12, 2004.

Now, on the court's own motion, it is ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from a decision (see *Schicchi v. Green Constr. Corp.*, 100 AD2d 509).

PRUDENTI, P.J., SMITH, ADAMS and RIVERA, JJ., concur.

By Altman, J.P.; Krausman, Spolzino and Skelos, JJ.

PEOPLE, ETC., res. v. HOBLIN BULAYANA, ap — (S.C.I. NO. 797/02) — Motion by the attorney assigned to represent the appellant on an appeal from a determination of the County Court, Westchester County, dated February 10, 2004, inter alia, to dismiss the appeal and vacate the determination

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from an order denying a motion for reargument.

PRUDENTI, P.J., RITTER, SANTUCCI, FLORIO and SMITH, JJ., concur.

By Altman, J.P.; Krausman, Spolzino and Skelos, JJ.

TRIDE ASSOCIATES, INC., res. v. BOARD OF EDUCATION OF CITY OF NEW YORK, ap — Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a judgment of the Supreme Court, Kings County, dated January 20, 2004.

ORDERED that the application is granted and the appellant's time to perfect the appeal is enlarged until August 16, 2004, and the record or appendix on the appeal and the appellant's brief must be filed on or before that date; and it is further,

ORDERED that the respondent's brief shall be served and filed on or before September 30, 2004.

TROCHE, ETC. res. v. NEW YORK CITY TRANSIT AUTHORITY ap — Application by the appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Kings County, dated November 12, 2003.

ORDERED that the application is granted and the appellants' time to perfect the appeal is enlarged until September 7, 2004, and the record or appendix on the appeal and the appellants' brief must be served and filed on or before that date.

By Altman, J.P.; Krausman, Spolzino and Skelos, JJ.

MUNROE, res. v. NEPERA CHEMICAL CO., INC. ap — Motion by the appellant to stay the trial of the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Orange County, dated April 16, 2004.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied.

ALTMAN, J.P., KRAUSMAN, SPOLZINO and SKELOS, JJ., concur.

By Altman, J.P.; Krausman, Spolzino and Skelos, JJ.

MATTER OF ALLSTATE INSURANCE COMPANY, res.ap. v. LEACH, res. PROVIDENCE WASHINGTON INC., CO., ADDITIONAL res.ap.res ADDITIONAL res — Motion by Allstate Insurance Company on an appeal and cross appeal from a judgment of the Supreme Court, Queens County, dated February 19, 2004, inter alia, to strike the brief and joint record filed by Providence Washington Ins. Co. and dismiss the appeal on the ground that the joint record is incomplete, or, in the alternative, to direct Providence Washington Ins. Co. to serve and file a supplemental joint record, and to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted to the extent that on or before August 27, 2004, Providence Washington Ins. Co. is directed to serve and file a supple-

ment on clumps of grass before plaintiff fell and plaintiff falling after slipping on a clump of grass. In light of the foregoing, Hofstra University's motion for summary judgment should have been denied (see *Gordon v. American Museum of Natural History*, 67 NY2d 836 [1986]; *Winegrad v. New York Univ. Med. Ctr.*, 64 NY2d 851 [1985]; *Avellino*, 5 AD3d 519).

LIGON, res., v. SPRING CREEK ASSOCIATES, L.P., ap — Appeal by defendant from an order of the Civil Court, Kings County (L. Bailly-Schiffman, J.), entered August 14, 2003, denying defendant's motion for summary judgment.

Order unanimously affirmed without costs.

In this personal injury action, plaintiff alleged that Malekayah Ligon (Ligon) was injured while playing on a swing set on defendant's property when, while trying to execute a back flip, he fell from the swing onto a slab of rock or concrete beneath the swing set, breaking his arm. Defendant moved for summary judgment on the ground that Ligon's reckless behavior was the sole and superseding cause of the accident.

In opposition to defendant's motion, plaintiff introduced photographs, authenticated at Ligon's deposition, showing a readily visible rock or slab of concrete of significant size directly below the swing. Defendant's own evidence showed that Ligon broke his arm when it hit the rock or slab. The court below denied the motion.

While the behavior of Ligon, who was 10 years old at the time of his accident, in attempting to "back flip" off the swing may well have contributed to the accident, it cannot be said to be so extraordinary and unforeseeable as to constitute an intervening cause, cutting off defendant's liability. It has been noted that

"To speak of an intervening 'cause' is misleading, for the problem is not one of causation but policy concerning limitation of responsibility....The issue is, at what point is a defendant, whose negligent act or omission has contributed to an injury, to be relieved of liability by reason of the fact that after the act or omission a new and independent cause comes into operation" (1A NY PJ3d 360361 [2004]).

In the circumstances of the present case, this cutoff point has not been reached.

As a landowner, defendant "must act as a reasonable [person] in maintaining his [or her] property in a reasonably safe condition in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury and the burden of avoiding the risk" (*Peralta v. Hendrick*, 100 NY2d 139, 144 [2003], quoted in *Cupo v. Karfunkel*, 1 AD3d 48, 51 [2003]). While the trier of fact must determine whether and to what extent a particular duty of care was breached, whether a duty toward a particular plaintiff is owed is a question of law for the court, and the reasonable expectations of the parties and society generally "dictate that defendant owed a duty to plaintiff to maintain the play area in a reasonably safe condition (Tagle v. Jacob, 97 NY2d 165, 168 [2001]). In this regard, defendant's reliance on *Ascher v. Scarsdale School Dist.* (267 AD2d 339 [1999]) is misplaced; although strikingly factually similar to the present case, the issue raised in *Ascher* was defendant's alleged failure to supervise playground activities, not the existence of any dan-

ger to the country, the court denied tenant's motion based on its finding that missing mail was not as big a problem as tenant asserted it to be.

On June 16, 2004, this court signed an order directing landlord to show cause why tenant should not be restored to possession pending appeal. The order to show cause contained a stay of reletting and removal of tenant's possessions from the premises.

In support of her application, tenant asserts that she was at home at the times that the process server allegedly attempted service and no one knocked on her door. Tenant also documents her claim that she had lodged complaints with the Postal Service with respect to the stolen mail. She further claims that she is being overcharged (1) because her rent is \$789.58, consisting of base rent of \$767.62 and an increase for major capital improvements of \$21.96, and not \$811.91 as alleged by landlord, (2) because the MCI increase took effect in January 2004 and not December 2003 as demanded by landlord, and (3) because landlord demanded a November 2003 balance yet stipulated in a prior proceeding that all arrears due through November 2003 were paid. Tenant also shows proof that December 2003 rent of \$767.62 and January 2004 rent of \$796.26 were paid prior to issuance of the warrant. Tenant claims that she was denied her day in court because neither the process server nor his logs were produced.

Landlord opposes tenant's motion on the grounds that tenant delayed a month from the time of the Housing Court's order before seeking relief from this court; that the apartment has been renovated and re-let, and that tenant's pattern is to fall deeply into arrears and to delay eviction proceedings by bringing on numerous orders to show cause before she finally makes payment.

In reply, tenant, inter alia, denies that the alleged new tenant has entered into possession of the apartment.

By order to show cause dated July 6, 2004, tenant moved to punish landlord and its attorneys for contempt for violating the stay contained in this court's order to show cause dated June 16, 2004 by, inter alia, removing her possessions from the apartment on June 21, 2004. The order to show cause consolidated the two motions for disposition, directed service at the premises upon the alleged new tenant, directed landlord and its attorneys to appear at a hearing and enlarged the return date of the first order to show cause. The alleged new tenant has not appeared. Landlord and its attorneys failed to appear at the hearing. At the hearing, tenant submitted photographic proof that the apartment is undergoing renovations and is not occupied.

We now grant tenant's motion to be restored to possession pending appeal (see *Brooklyn Props. v. Shade*, NYLJ, Feb. 11, 2003 [App Term, 2d & 11th Jud Dists]).

Inasmuch as the minutes of the traverse hearing have not yet been transcribed, we are unable to determine whether tenant has established a likelihood of success with respect to her application to vacate the default.

However, tenant, at the very least, has shown a likelihood of success in that she has asserted, and landlord has acknowledged, that she paid a total of \$1,563.68 toward the December 2003 and January

was foreseeable to defendant (*Derdarian*, 51 NY2d 308, 315; *Mesick v. State of New York*, 118 AD2d 214, 218 [1986]). In *Mesick*, the 17-year-old plaintiff slipped while getting up speed to grab a rope swing attached to a tree, overhanging not only a creek but a cluster of jagged rocks, onto which plaintiff fell after missing the rope. Finding this scenario not unforeseeable, the Appellate Division, Third Department held the State of New York, which had known of and tolerated the swing's existence and use, liable for plaintiff's accident, albeit while attributing substantial comparative fault to plaintiff.

Likewise, Ligon's acts in the present case cannot be said, as a matter of law, to be a superseding cause of his accident. In the circumstances, it was or should have been reasonably foreseeable to defendant that a child could fall and be injured on the rock or slab under the swing (see e.g. *Kriz v. Schum*, 75 NY2d 25 [1989]) [finding respective plaintiffs' behavior in sliding headfirst down a slide into the shallow end of the pool and diving from a pool slide into water of unknown depth not unforeseeable and therefore not superseding cause of their respective injuries].

THE DIME SAVINGS BANK OF NEWYORK, F.S.B., ap. v. HARPAL, def — Appeal by plaintiff from an order of the Civil Court, Queens County (S. Gottlieb, J.), entered June 5, 2003, which denied its motion for summary judgment as against defendant Manpreet Kaur.

Order unanimously affirmed without costs.

Plaintiff, as assignee, commenced this action to recover upon an unpaid motor vehicle retail instalment sales contract. Defendant Manpreet Kaur admitted that she stopped making payments, but she claimed that the vehicle was defective and was returned to the used car dealer who agreed to make the monthly payments upon the loan. After the car was repossessed at plaintiff's behest, it was sold at what plaintiff claims was a public auction.

Although plaintiff moved for summary judgment to recover a deficiency judgment against Kaur, plaintiff's moving papers did not set forth sufficient evidence in admissible form to establish that the collateral was disposed of in a commercially reasonable manner (see UCC 9-610). It is well settled that "[a] secured party of the collateral bears the burden of showing that the sale was made in a 'commercially reasonable manner' (*Mack Fin. Corp. v. Knoud*, 98 AD2d 713, 714 [1983]; see also *Associates Commercial Corp. v. Liberty Truck Sales & Leasing*, 286 AD2d 311, 312 [2001]; *Ford Motor Credit Co. v. Hernandez*, 210 AD2d 656 [1994]). Consequently, plaintiff's motion for summary judgment was properly denied because plaintiff failed to satisfy its burden of demonstrating its entitlement to summary judgment (see *Winegrad v. New York Univ. Med. Center*, 64 NY2d 851 [1985]; *Zuckerman v. City of New York*, 49 NY2d 557 [1980]; *Associates Commercial Corp.*, 286 AD2d at 312-313; *Ford Motor Credit Co.*, 210 AD2d 656; *Mack Fin. Corp.*, 98 AD2d at 714).

CHI-AM REALTY LLC, res., v. GUD-DAHL, ap — Motion by landlord-respondent for enlargement of time to submit respondent's brief granted, and said brief shall be served and filed within 21 days of the date of the order hereon.

Appellants, if they be so advised, may serve and file a reply brief within 14 days

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2004 rent prior to the issuance of the warrant. The petition sought only \$1,453.91 and, upon a default, this is the maximum amount of rent that was and could have been found to be owed, even if a money judgment had been awarded (*Murray v. Rudolf Bass, Inc.*, 226 AD2d 1068 [1996]; *Port Chester Hous. Auth. v. Turner*, 189 Misc2d 603 [2001]). Inasmuch as tenant paid landlord more than the amount of rent sought in the petition and these payments were not earmarked toward another obligation, it appears at this juncture that the warrant should not have issued (RPAPL 751 [1]; *Bentone Realty v. Jimenez*, NYLJ, Mar. 28, 1991 [App Term, 9th & 10th Jud Dist]; *Matter of Valle v. Moritt*, 222 NYS2d 290 [1961]).

In view of the fact that landlord has not responded to tenant's assertions with respect to the proper amount of the legal regulated rent, we condition restoration upon payment of arrears only at the rate of \$789.58 per month.

Pesce, P.J., and Aronin, J., concur. Patterson, J., taking no part.

NINTH AND TENTH JUDICIAL DISTRICTS

By: McCabe, P.J.; Rudolph and Angiolillo, JJ.

PEOPLE, res., v. DWAN PRINCE, ap — Motion by defendant-appellant to vacate dismissal of the appeal is granted on condition that the appeal is perfected by October 1, 2004; otherwise motion denied.

PEOPLE, res., v. ROBERT MACHO, ap — Motion by the People to enlarge their time to serve and file a respondent's brief is granted, and said brief shall be served and filed within 21 days of the order hereon.

Defendant, if he be so advised, may serve and file a reply within 14 days of the filing of the respondent's brief.

CASCIO, ap., v. HALL, res. — Motion by plaintiff-appellant for reargument, or in the alternative, leave to appeal to the Appellate Division denied.

PEOPLE, res., v. HARRY RICHARDSON, ap — That branch of the motion by defendant-appellant seeking to vacate dismissal of the appeal granted on condition the appeal is perfected by September 3, 2004; otherwise motion denied.

That branch of the motion seeking to reinstate and continue the stay of execution of judgment pending determination of appeal is granted.

PEOPLE, res., v. DOREEN BRADY, ap — Motion by defendant-appellant for an extension of time to take an appeal is granted on condition the appeal is taken

"septic and water system," the record establishes that tenant agreed to pay for said expenses pursuant to the lease extension entered into in January 2002. The expenses incurred in defending the criminal proceeding cannot be recovered since the evidence adduced at trial established that landlord provided tenant with a "drywell and drywell pump" in good working order pursuant to the original lease and that it was the over use of the system by tenant that resulted in the criminal proceeding commenced against it.

It is noted that while landlord continues to hold the security deposit, tenant did not assert a counterclaim for said deposit which, in any event, would have exceeded \$3,000 (UJCA 208). However, tenant is not without a remedy as it can commence a plenary action to recover the security deposit.

In view of the foregoing, we pass upon no other issue raised on appeal.

ONORINO BROTHERS, INC., res., v. SERGIO DeCHIARA, def — Appeal by defendant Benito DeChiara from a decision of the City Court, City of New Rochelle, Westchester County (V. Ripa, J.), dated June 27, 2002, and an amended decision of the same court, dated July 26, 2002, deemed an appeal from a judgment entered August 5, 2002 (see CPLR 5520(c)) which awarded plaintiff the sum of \$16,383.24.

Judgment unanimously affirmed with \$25 costs.

Plaintiff commenced this action to recover for work it performed. After trial, a judgment was entered against defendant Benito DeChiara (appellant). On appeal, appellant contends that he is not liable to plaintiff because, among other things, he never entered into a contract with plaintiff.

"It is well settled that where, as here, a case has been tried without a jury, this Court's 'power to review the evidence is as broad as that of the trial court, bearing in mind, of course, that due regard must be given to the decision of the Trial Judge who was in a position to assess the evidence and the credibility of the witnesses.'... Moreover, the trial court's determination will not generally be disturbed on appeal unless it could not have been reached under any fair interpretation of the evidence...." (*Koslowski v. Koslowski*, 297 AD2d 784, 784-785 [2002] [citations omitted]; see also *Vizzari v. Hernandez*, 1 AD3d 431 [2003] [same]).

"A contract implied in fact may result as an inference from the facts and circumstances of the case although not formally stated in words... and is derived from the 'presumed' intention of the parties as indicated by their conduct" (*Jemzura v. Jemzura*, 36 NY2d 496, 503-504 [1975] [citations omitted]; *Matter of Argersinger*, 168 AD2d 757, 758 [1990]). However, a court cannot find the existence of a contract implied in fact if the facts are inconsistent with its existence (see *Lubeck Realty v. Plintkote Co.*, 170 AD2d 800 [1991]; see also 22A NY Jur. 2d, Contracts §510).

The evidence adduced at trial established that plaintiff's president and appellant had a long-standing business and personal relationship with each other during which a considerable amount of

LANDMARK PROPERTIES, res., v. EDWARD OLIVO, ap — Appeal by tenant Edward Olivo from a decision and order of the District Court, Nassau County (J. Asarch, J.), entered December 26, 2003 after trial, deemed an appeal from the final judgment of possession entered May 14, 2003, which brings up for review an order (K. Gartner, J.), entered July 25, 2002, vacating a decision and order on stipulated facts dismissing the petition and setting the matter down for trial.

Final judgment unanimously affirmed without costs.

In this holdover summary proceeding, landlord and tenants originally proceeded upon a stipulation of agreed facts, including that tenants had harbored, and continued to harbor, a dog; that this was in violation of the lease; that tenants had had the dog for approximately six years; and that "The only issues involved herein are whether as a matter of law the harboring of a dog as prohibited by the lease agreement is a violation of a substantial obligation of the tenancy so as to entitle the petitioner to recover possession of the apartment and whether a failure to offer a renewal lease and/or comply with a rent reduction order or orders [sic] prohibit the petitioner from bringing the within proceeding." Based upon the parties' submission, the court (K. Gartner, J.) dismissed the petition, finding, inter alia, that landlord's prolonged toleration of the dog indicated that the lease's no-pet clause was not a substantial obligation of the tenancy.

Landlord moved to "reargue" and in connection with the motion submitted affidavits and documentary evidence to the effect that it had attempted on multiple occasions to obtain compliance with the no-pet clause. The court (K. Gartner, J.) granted this motion and ordered a trial, following which final judgment in favor of landlord was entered on May 14, 2003 (J. Asarch, J.).

The court below properly vacated its decision and order based upon the stipulation of facts and set the matter down for trial, as the stipulation was insufficient to enable the court to enter judgment (see CPLR 3222 [b] [5]). The stipulation of facts was silent as to landlord's course of conduct concerning tenants' dog, and the court properly concluded that it could not determine therefrom that landlord had failed to act to remove the dog despite knowledge of its presence "by inference from the facts stipulated" (CPLR 3222 [b] [4]).

"No-pet" clauses have been held to be enforceable and to be substantial obligations of the tenancy (*Pollack v. Green Constr. Corp.*, 40 AD2d 996 [1972], aff'd 32 NY2d 720 [1973]; *Matter of Paulsen Real Estate Corp. v. Grammick*, 244 AD2d 340 [1998]). The lease contains a provision that its terms may be waived only by written agreement, and it is undisputed that landlord and tenants in this matter did not enter into such an agreement. While even a nonwaiver clause may be waived in some circumstances, generally as evidenced by the conduct of the parties, beyond the mere acceptance of rent (see e.g. *Dice v. Inwood Hills Condominium*, 237 AD2d 403 [1997]), the evidence adduced at trial, including providing the lease to tenants with the no-pets clause

Fitzgerald, J.), entered on December 30, 2002, awarding plaintiff the principal sum of \$460.

Judgment unanimously reversed without costs and action dismissed.

In this small claims action to recover \$1,150 for breach of an agreement to hire a chauffeured limousine, plaintiff has no standing to sue the defendant since she was not a party to the agreement or a third-party beneficiary thereto. Moreover, to the extent that the court below awarded plaintiff the sum of \$460, such an award appears to be a compromise verdict. In light of the foregoing, the judgment is reversed and the action dismissed inasmuch as the judgment did not render substantial justice between the parties according to the rules and principles of substantive law (see UJCA 1807).

BRESLIN, res., v. REALTY ROOFING INC. and REALTY ROOFING OF MINEOLA, INC., ap — Appeal by defendants from an order of the District Court, Nassau County (J. Spinola, J.), entered July 18, 2003, denying their motion to dismiss the complaint.

Order unanimously modified by granting defendants' motion to the extent of dismissing the complaint as against defendant Realty Roofing of Mineola, Inc., and by dismissing the first cause of action as against defendant Realty Roofing Inc.; as so modified, affirmed without costs.

Plaintiffs hired defendants to remove the existing roof, and install a new roof, on their premises. In or about March 2003, plaintiffs commenced this action seeking \$15,000 in damages for each of their three causes of action, sounding in negligence, breach of contract and breach of warranty. Defendants moved to dismiss the complaint on various grounds including that the statute of limitations had expired, the damages sought by plaintiffs exceeded the court's subject matter jurisdiction, and that documentary evidence established that the action was interposed against an improper party, to wit, defendant Realty Roofing of Mineola, Inc. By order entered July 18, 2003, the court below denied defendants' motion.

An action for property damage against contractors arising out of the performance or nonperformance of obligations under a contract is governed by the six-year contract statute of limitations (see *Sears, Roebuck & Co. v. Enco Assoc.*, 43 NY2d 389, 395 [1977]; *Bank of Nova Scotia v. Structure-Tone, Inc.*, 303 AD2d 273 [2003]; see also *Cabrini Med. Center v. Desina*, 64 NY2d 1059, 1061 [1985]; *Ruffin v. Union Carbide Corp.*, 308 AD2d 526 [2003]). Since plaintiffs' first cause of action sounding in negligence is based on the contract between the parties, and it is uncontested that defendants completed the work by May 21, 1999, the court below properly determined that the statute of limitations had not expired as to said cause of action (see CPLR 213 [2]). However, inasmuch as both the first and second causes of action assert identical reach of contract claims, the first cause of action is dismissed as duplicative.

The monetary jurisdictional limit of the District Court is \$15,000, exclusive of

Kaufman v. Silbert's Bungalow Colony (33211/03)—Marked Off
Krzepitowska v. Kanster (24016/02)—Motion Withdrawn
Livshits v. Dcc Inc. (26249/03)—Motion Granted
Morgan v. Lutheran Medical Center (9524/04)—Motion Withdrawn
Partenio v. Partenio (16725/03)—Motion Granted
Paul v. Andre's Trucking (46953/03)—Motion Granted
Pimentel v. Pimentel (53157/02)—Motion Denied
Pimentel v. Pimentel (53157/02)—Motion Granted
Plascencia v. Quinn (1761/04)—Motion Granted
Rakhman v. Al Omary Limo. Service (6253/03)—Motion Granted
Ruffin v. Mar Leasing Inc. (18165/03)—Marked Off

Rispoli v. Clyde Rity. Corp. (12446/04)—Motion Granted
Smith v. NY Fun Factory (12268/03)—Marked Off
Thompson v. Chambers (27558/03)—Motion Granted
Vital v. Ramos Trucking Co. (26035/03)—Motion Granted
Volov v. Rodriguez (14233/04)—Motion Withdrawn
White v. Walker (486/04)—Motion Granted
Williams v. Pierre (14231/04)—Motion Withdrawn
Williams v. Queens Network Cable Corp. (31514/03)—Motion Granted
Yaroshenko v. Lamonica (33401/01)—Motion Granted
Mercado v. Madden (4391/04)—Motion Withdrawn
Moncaca v. Porter (47544/03)—Motion Withdrawn
Lorquet v. Express New Way Deli (5942/04)—Motion Granted
Louy v. Nri Plumbing & Heating (4216/04)—Motion Granted

Non-Jury Settlement Trial Pt

Barrios v. Farkas (44935/99)—Motion Granted
Perkins v. Kilgore (17819/03)—Motion Withdrawn

Central Compliance Part

Birnbaum v. Rabbit Messenger, Inc. (16585/03)—Grant Ext Short Form Order
Charles v. Kamco Supply Corp. (5935/02)—Grant Ext Short Form Order
Geyer v. Interfaith Medical Center (49062/02)—Motion Withdrawn
Hanna v. NYCHA (4936/97)—Grant Ext Short Form Order
Lopez v. Reyes (38165/02)—Motion Withdrawn
Lorente v. Prestij Transporation, Inc. (46107/01)—Case Disposed
Martinez v. Rodriguez (47060/02)—Grant Ext Short Form Order
Moore v. NYCH&C (34112/03)—Grant Ext Short Form Order
Neil v. Thayer (3527/03)—Restored in Regular Order
Nelson v. Mondesir (22099/96)—Grant Ext Short Form Order
Petretic v. Axelrod (39012/03)—Restored in Regular Order
Santana v. Barker (8476/03)—Grant Ext Short Form Order

Greenbaum v. NYC (17314/02)—Motion Withdrawn
Hochman v. NYC (44232/01)—Motion Granted
Kornfeld v. NYCTA (699/99)—Grant Ext Short Form Order
Linton v. NYC (39338/01)—Motion Granted
Mannino v. NYC (8540/95)—Motion Granted
Mohamed v. NYC (11652/01)—Motion Granted
Montesi v. Caruso (16785/02)—Restored in Regular Order
Morejon v. NYC (7637/00)—Motion Granted
Osovets v. Ammach (45408/03)—Motion Granted
Osovets v. NYC (13675/02)—Consolidated With
Paul v. NYCTA (15531/04)—Case Disposed
Romano v. NYC (11466/01)—Motion Withdrawn
NYC v. 155 Ave. O (16595/04)—Motion Withdrawn
Tsaklidis v. NYC (1000/99)—Motion Withdrawn
Tsaklidis v. NYC (1000/99)—Motion Denied

Justice Joseph S. Levine

Ameriquest Mortgage v. Gaffney (28915/03)—Motion Granted
Birkelund v. Quinones (1671/04)—Motion Withdrawn
Clermont-Lundy v. Zimbalist (4950/03)—Motion Withdrawn
Clermont-Lundy v. Zimbalist (4950/03)—Motion Denied
Dignotti v. Plawes (42166/02)—Motion Granted
Dixon-Gray v. Dicesare (4481/04)—Motion Granted
Dzenis v. Maimonides Medical Center (24248/99)—Motion Granted
Dzenis v. Maimonides Medical Center (24248/99)—Motion Withdrawn
First Mutual Corp. v. Davis (29238/03)—Motion Withdrawn
Gill v. Lieber (48308/02)—Motion Granted
Harris v. Joseph (10040/03)—Motion Withdrawn
Herbert v. Bove (40955/02)—Motion Granted
Holder v. (18923/04)—Case Disposed
Jacobs v. Board of Elections in The City (23313/04)—Case Disposed
Knight v. NY Eye & Ear Infirmary (47587/01)—Motion Granted
Kolacki v. Aishei Avraham (11279/03)—Motion Granted
Kuznetsov v. Kingsbrook Jewish Medical (7929/99)—Motion Withdrawn
Lora v. Roslin (44258/01)—Motion Granted
Miniel v. NYCH&C (17868/04)—Motion Granted
Moore v. NYCH&C (34112/03)—Motion Granted
Murat v. Board of Elections in The City (23304/04)—Case Disposed
Nickles v. St. Mary's Hosp. (28120/03)—Motion Withdrawn
NYCTL 1998-2 Trust v. Davis (19462/01)—Motion Granted
Parris v. Jast (19165/04)—Motion Denied
Rodriguez v. Greenberg (23962/03)—Motion Granted
Russo v. St. Vincent's Catholic Medical (23130/04)—Motion Granted
Tenenbaum v. Padilla (39014/03)—Motion Granted
Tenenbaum v. Padilla (39014/03)—Motion Withdrawn
Welcome v. Genevieve Reilly

non or judgment pending determination of appeal is granted.

PEOPLE, res. v. DOREEN BRADY, ap — Motion by defendant-appellant for an extension of time to take an appeal is granted on condition the appeal is taken within 30 days of the order herein.

PEOPLE, res. v. TIFFANY ALLEN, ap — Motion by defendant-appellant for poor person relief and assignment of counsel is denied.

Defendant was convicted of a violation and is not subject to incarceration (cf. *People v. Farinaro*, 36 NY2d 283).

PEOPLE, res. v. CHARLES W. CHANG, ap — Motion by defendant-appellant seeking to stay execution of the judgment of conviction pending determination of the appeal is granted on condition that the appeal is perfected by October 1, 2004; otherwise stay vacated.

BARILE, ap. v. CARTWRIGHT TENNIS & PARTY RENTALS, INC., res — Appeal by landlord from (1) a final judgment of the Justice Court, Town of Carmel, Putnam County (J. Spofford, J.), entered on January 16, 2003, which dismissed the petition and awarded tenant the principal sum of \$39,339.95 on its counterclaim, (2) an amended final judgment of said court, entered on May 2, 2003, which reduced the amount of the award in favor of tenant to the sum of \$19,382.50, and (3) an amended final judgment of said court, entered on July 14, 2003, which further reduced the award to tenant to the sum of \$13,687.50.

Appeal from the final judgment entered on January 16, 2003 and the amended final judgment entered on May 2, 2003 unanimously dismissed as superseded by the amended final judgment entered on July 14, 2003.

Final judgment entered on July 14, 2003 unanimously reversed without Costs, petition reinstated, final judgment directed to be entered in favor of landlord awarding it possession and the principal sum of \$5,965, and counterclaim dismissed.

In this nonpayment proceeding, the record establishes that the parties had contemplated the possibility that the repairs they had agreed to undertake, with landlord paying for labor and tenant paying for parts, might not be successful and that in such event, tenant could terminate the lease early thereby relieving each other from any further obligations pursuant thereto. However, rent for the month of March is owed to landlord since tenant did not vacate the premises until March 31. Moreover, even if there had been a breach of the lease by landlord, tenant's duty to pay March rent was not suspended since there was no express provision in the lease declaring the circumstances under which the tenant may withhold rent (Westchester County Indus. Dev. Agency v. Morris Indus. Bldrs., 278 AD2d 232 [2000]; 3 Raschi, New York Landlord and Tenant Summary Proceedings §43:31 at 128 [4th ed]) and a defense of constructive eviction is not available to a tenant who continues to occupy the demised premises (see *West Broadway Glass Co. v. I.T.M. Bar*, 245 AD2d 232 [1997]). In view of the agreement between the parties to terminate the lease, there is no basis to award tenant damages for relocation expenses and loss of business. As to the portion of the counterclaim relating to the reimbursement costs incurred to repair the

Contracts §510).

The evidence adduced at trial established that plaintiff's president and appellant had a long-standing business and personal relationship with each other during which a considerable amount of work was performed by plaintiff on behalf of appellant. No written contract was ever entered into and the work was billed on a time and material basis. Further, the record contained credible evidence that appellant caused plaintiff to be chosen to do the work, that he showed plaintiff the job site, provided plaintiff with the architectural plans and gave plaintiff a \$5,000 cash payment shortly after work began. In addition, appellant spent a couple of hours at the job site almost every day and he approved work which was beyond the scope of the architectural plans. Thus, the record contains legally sufficient evidence to support a finding that appellant entered into an implied contract with plaintiff (see *Cohen v. Hallmark Cards*, 45 NY2d 493, 499 [1978]; *Jemzura*, 36 NY2d at 503-504; *Matter of Argersinger*, 168 AD2d at 758). Moreover, inasmuch as a fair interpretation of the evidence supports the court's determination that there was an implied contract, the court's determination that plaintiff was entitled to a judgment against appellant should not be disturbed (see *Vizzari*, 1 AD3d at 431; *Koslowski*, 297 AD2d at 785). Appellant's remaining contentions lack merit.

Accordingly, the judgment should be affirmed.

AVALONBAY COMMUNITIES, INC., res. v. BETTS, ap — Appeal by tenant from a final judgment of the District Court, Suffolk County (C. Hackling, J.), entered June 4, 2003, awarding landlord possession and the sum of \$3,460.

Final judgment unanimously reversed without costs and petition dismissed.

Real Property Law §232-c provides that the tenancy created by an acceptance of rent after the expiration of a lease term "shall be a tenancy from month-to-month commencing on the first day after the expiration of such term." Real Property Law §232-b provides that a month-to-month tenancy outside the City of New York may be terminated by a landlord "by notifying the [tenant] at least one month before the expiration of the term of his election to terminate." To be effective, the termination notice must terminate the tenancy at the expiration of the rental month (*People ex rel Botsford v. Darling*, 47 NY 666 [1872]; *Witherbee, Sherman & Co. v. Wykes*, 159 App Div 24 [1913]; *Ferro v. Lawrence*, 195 Misc 2d 529 [2002]; *Hunt v. Hart*, 188 Misc 534 [1947]).

In the instant case, it was stipulated that tenant's lease expired on September 24, 2002. Landlord claims that only a month-to-month tenancy arose thereafter and that it terminated the month-to-month tenancy by serving a notice on December 28, 2002 effective January 31, 2003. Assuming, as landlord contends, that only a month-to-month tenancy arose, the tenancy month ran from the 25th of the month to the 24th of the next month. Inasmuch as landlord's termination notice did not terminate the tenancy one month prior to the expiration of a tenancy month and did not terminate the tenancy on its expiration date, the notice was defective. Accordingly, the petition must be dismissed. We reach no other issue.

beyond the mere acceptance of rent (see e.g. *Dice v. Inwood Hills Condominium*, 237 AD2d 403 [1997]), the evidence adduced at trial, including providing the lease to tenants with the no-pets clause highlighted, telephone calls to tenants and discussions with them, numerous mailings of notices regarding the dog, the commencement of two prior summary proceedings (dismissed on technical grounds), and landlord's attempt (held barred by the ETPA in a prior administrative proceeding) to refuse to renew the lease, supports the court's conclusion following trial that landlord did not waive the no-pets clause in the lease at issue.

The court properly found that tenant Olivo failed to establish that he was entitled to keep a dog for therapeutic reasons as a reasonable accommodation pursuant to the Fair Housing Act (42 USC §3601 et seq.), as he failed to introduce sufficient evidence to establish his handicap and the necessity of keeping a dog to use and enjoy the apartment (see *Doc v. New York Univ.*, 666 F2d 761 [2d Cir 1981]; *Crossroads Apts. Assoc. v. LeBoo*, 152 Misc 2d 830 [Rochester City Ct 1991]; *Ocean Gate Assoc. Starrett Systems v. Dopico*, 109 Misc 2d 774 [Civ Ct, Kings County 1981]).

As pertinent hereto, the Fair Housing Act (42 USC §3602) provides: "(h) 'Handicap' means, with respect to a person (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment. . . ."

A refusal "to make reasonable accommodations in the rules, policies, practices or services, when such accommodation may be necessary to afford such person equal opportunity to use and enjoy a dwelling. . . ." constitutes discrimination pursuant to the Fair Housing Act (42 USC §3604 [3]; 24 CFR 100.204).

The tenant in LeBoo, cited by tenant Olivo, raised an issue of fact as to his entitlement to accommodation by submitting three expert affidavits, from a treating psychiatrist, his clinical social worker and a certified pet-assisted therapist, stating that LeBoo's pet was necessary to his use and enjoyment of the subject premises and demonstrating the existence of an issue of fact as to his "emotional and psychological dependence on the [pet] which requires him to keep the [pet] in the apartment" (*LeBoo*, 152 Misc 2d at 834). In contrast, tenant Olivo submitted only the ambiguous statement of his physician that depressed people may benefit from having pets and notes from his medical records that he was anxious about possibly losing his dog. Furthermore, even assuming arguendo that tenant Olivo's anxiety, depression and physical ailments as described in the record constitute a "physical or mental impairment which substantially limits one or more of [his] major life activities," the record is not sufficient to demonstrate that keeping a dog would in fact be necessary to his enjoyment of the subject premises (see generally *One Overlook Avenue Corp. v. N.Y. State Div. of Human Rights*, __ AD3d __ [2d Dept, June 1, 2004]).

GRIFFIN, res. v. FANTASY LIMOS, ap — Appeal by defendant from a small claims judgment of the Justice Court, Town of Hyde Park, Dutchess County (M.

reach of contract claims, the first cause of action is dismissed as duplicative.

The monetary jurisdictional limit of the District Court is \$15,000, exclusive of interest and cost (UDCA 201, 202, cf. UDCA 208 [b]). It appears that the causes of action set forth in the complaint were intended as alternative theories of recovery on which plaintiffs could only recover the maximum of \$15,000 (see *Segel, Practice Commentaries, McKinney's Cons Laws of NY, Book 29A, CCA 211 at 89, UDCA 211 at 477*). Accordingly, the complaint does not seek to recover an amount in excess of the court's monetary jurisdictional limit.

Since it is uncontested that plaintiffs did not enter into a contract with Reality Roofing of Mineola, Inc., that part of the motion seeking dismissal of the complaint as to this defendant is granted. Defendant Reality Roofing Inc.'s remaining contentions lack merit.

KINGS COUNTY

SUPREME COURT

Justice Tha

Lasalle Nat. Bank v. Martin (33095/99) — Motion Withdrawn

Default Judgement Motion Part

Arama v. Consol. Bus Co. (13700/04) — Motion Granted

Archer v. Grimes (10509/04) — Motion Withdrawn

Arroyo v. Madison Square Garden (40164/03) — Motion Granted

Azov v. Morales (20778/03) — Motion Granted

Baucicaut v. Anella (29826/03) — Motion Granted

Benoit v. Jules (4426/03) — Motion Granted

Bentley v. Ansar (15430/03) — Motion Withdrawn

Blair v. Bec New Communities (9706/04) — Motion Withdrawn

Bueno v. Rich (32451/03) — Motion Granted

Castro v. Rivas (10527/04) — Motion Withdrawn

Collimore v. Rundell (6513/04) — Motion Withdrawn

Cook v. White (7908/04) — Motion Granted

Coussa Int'l v. Int'l Fine Foods (4455/04) — Motion Granted

Daniels v. Interfaith Medical Center (47476/03) — Motion Withdrawn

Doriman v. Trump Village Section 3 Inc (27812/03) — Motion Withdrawn

Elie v. Pierre (669/03) — Motion Granted

Falade v. Hall (5105/04) — Motion Withdrawn

Genao v. Frazier (28756/03) — Motion Granted

Gonzalez v. Kevin & Richard Hardware Corp. (29448/03) — Motion Granted

Hartford v. Leiya (32675/03) — Motion Granted

Ivanowski v. Mega Builders, Inc. (13609/04) — Motion Withdrawn

Justice Yvonne Lewis

Tenenbaum v. Padilla (39014/03) — Motion Granted

Tenenbaum v. Padilla (39014/03) — Motion Withdrawn

Welcome v. Genevieve Reilly (48579/03) — Motion Withdrawn

Justice Yvonne Lewis

Beaumont v. James (4134/04) — Motion Withdrawn

Brown v. Governele (19261/03) — Motion Denied

Charnyy v. Wing (7353/02) — Motion Granted

Coppola v. Saadeddin (32687/03) — Motion Granted

Davlatov v. Grunwald (15682/02) — Marked Off

Ferguson v. I.H.B. Rly., Inc. (15570/95) — Restored in Regular Order

Friedman v. Nichols (23888/02) — Motion Granted

Gallina v. Barone Properties, Inc. (12744/04) — Motion Withdrawn

Gambrell v. Gyan (30867/03) — Motion Granted

Gonzalez v. Fiallo (16892/03) — Marked Off

Hardwick Elevator Corp v. Boyard Mgt. Corp (2628/04) — Marked Off

Hightower v. Samantha's Cab Corp. (9738/02) — Motion Deemed Moot

Holloman v. Holloman (9352/04) — Marked Off

Horsley v. Tamnat (11337/03) — Marked Off

Mann v. Lafayette (5847/04) — Case Disposed

McCall v. Atlantic Paratrans of NYC (46714/03) — Motion Granted

Melnikov v. Dong (38140/02) — Motion Granted

Mondestin v. Williams (23279/02) — Motion Withdrawn

NY Central Mutual Ins. Co. v. Chandler (17060/04) — Motion Granted

Ojofitimi v. Samuels (1153/04) — Motion Granted

Progressive Northeastern v. Forde (15449/04) — Motion Granted

Rayev v. Kestenbaum (26092/01) — Motion Granted

Romero v. Lerman (6253/04) — Motion Denied

Shoaib v. Quijano (48465/03) — Motion Granted

Silvetti v. Gulotta (20138/03) — Motion Granted

Justice Larry D. Martin

Dragonetti v. Chase Manhattan Auto Finance (28942/02) — Denied Short Form Order

Granda v. Lehr Const. Corp (26940/99) — Denied Short Form Order

Granda v. Lehr Const. Corp (26940/99) — Granted Short Form Order

Sabbagh v. Nezhnik (45205/98) — Denied Short Form Order

Justice Mark I. Partnow

Casaie v. NYC (20/97) — Motion Granted

NYC v. Castelli (21257/04) — Motion Granted

Donovan v. NYC (43822/03) — Motion Withdrawn

Feliciano v. NYC (18285/00) — Motion Withdrawn

Guan v. Tucas Dairy Farms (25873/98) — Motion Granted

Guerilus v. NYCTA (18998/00) — Granted Short Form Order

Heiden-Johnson v. NYC (21667/04) —

Fleck v. NYC (15311/04) — Case Disposed

Gong v. Sub Surface Leasing (37899/02) — Motion Granted

Motion Granted
Hinkson v. NYCTA (21797/04)—Motion Denied
Igounnova v. NYC (13674/02)—Motion Denied
Joseph v. NYC (36406/03)—Motion Granted
Lima v. NYCTA (10127/03)—Grant Ext Short Form Order
Maclean v. Schwartz (24297/02)—Motion Denied
Marte v. NYC (21989/00)—Motion Denied
Ortiz v. NYC (14911/03)—Granted Short Form Order
Richardson v. NYCTA (53287/02)—Motion Withdrawn
Rivera v. Nynex (7550/95)—Marked Off
Rivera v. NYC (27537/93)—Motion Granted
Rosenstein v. NYC (26245/03)—Motion Granted
Simmons v. NYC (38896/99)—Motion Granted
Skefalidas v. City & Dot (10772/98)—Motion Granted
Sterling v. NYC (42174/02)—Marked Off
Washington Mutual Bank v. Gustave (4589/04)—Motion Withdrawn
Williams v. Cabrera (5282/98)—Motion Granted
Wittels v. NYC (17195/04)—Motion Denied
Justice Francois A. Rivera
Baillargeon v. Kings County Waterproofing (50648/01)—Motion Denied
Chi v. Nicholas (48258/03)—Motion Granted
Frankel v. Podrigal (46970/03)—Marked Off
Gilot v. Elrac, Inc. (26978/02)—Marked Off
Gilot v. Elrac, Inc. (26978/02)—Motion Withdrawn
Gurary v. 779 East NY Ave. (24720/02)—Marked Off
Kofman v. Midland Associates (49180/03)—Marked Off
Lee v. Exxon Mobil Corp. (31705/02)—Motion Denied
Legotte v. Pepsico Bottling Co. (7292/04)—Case Disposed
Miranda v. Huertas (9529/04)—Motion Granted
NYC Central Mutual Fire v. White (4106/04)—Motion Granted
Riddy v. Hsbc USA Inc (1661/03)—Motion Denied
Robeson v. Memorial Hosp. For Cancer (33384/03)—Motion Granted
Shapiro v. Levyr Taxi, Inc. (32383/98)—Marked Off
Simpson v. Quincy Amusements (1096/04)—Motion Granted
Traktman v. Deangelis (14936/04)—Motion Granted
Traktman v. Deangelis (14936/04)—Motion Denied
Justice Howard A. Ruditzky
Hazel v. Nat. RR. Passenger (26802/01)—Motion Withdrawn
Justice Martin Schneider
189 Stanhope St. Rlty. v. NYC (16004/04)—Motion Withdrawn
American Transit Ins. v. Luna (19620/04)—Motion Granted
Bfp 300 Madison LLC v. Seasons Contracting (7089/03)—Marked Off
Boston v. Zaidman (28554/03)—Motion Granted
Castor v. Millette (24176/03)—Motion Granted
Dacruz v. Towmasters of Nj, Inc. (34251/00)—Motion Granted
Dacruz v. Towmasters of Nj, Inc.

QUEENS COUNTY

SUPREME COURT

Justice Phyllis O. Flug
Blake v. Bradley (17147/04)—Case Disposed
Bradley v. Blake (16799/04)—Case Disposed
Tsabbar v. 17 East 89th St. (17842/04)—Osc-Declined
Justice Alan Levine
Cambiero v. St. Vincent's Hosp. (16019/97)—Motion Granted
Jangarathis v. James C. Jangarathis (26046/96)—See Decision
Oparaji v. Brone (6372/99)—Motion Denied W/leave
Justice R. Rosengarten
Hahn v. Edwards (4037/02)—Motion Denied
Justice Martin J. Schulman
Natarajan v. Formans East Freight Inc. (11095/02)—Motion Denied
Simmons Patsy A. v. Golar (16787/04)—Appearance Closed

RICHMOND COUNTY

SUPREME COURT

Justice Christopher J. Mega
Cocozello v. Nikezi (13261/98)—Motion Moot
Justice Alan Lebowitz
NYCTL 1999-1 Trust v. Estate And Heirs (10946/00)—Settle Order on Notice
Justice B. Panepinto
Candela v. Kiel (5014/01)—Pd - Motion Denied
Tromello v. Tromello (5879/03)—Granted
Justice Eric N. Vitaliano
Berardi v. Potenza Pizzeria & Restaurant (10436/03)—Short Form Order
Catanzaro v. Staten Island Univ. (10317/01)—Settle Order on Notice
Eng v. Amboy Rlty., Inc. (10698/03)—Short Form Order
Fed. Nat. Mortgage v. Scott (10461/04)—Submit Order
Gorman v. Tazbar Corp. (10338/03)—Submit Order
Greenpoint Bank v. Zelter (11005/98)—Submit Order
Kingwood v. Allstate Ins. Co. (8228/03)—Motion Denied
Mortgage Electronic v. Figueroa (10818/04)—Order Signed
Schuster v. Travelers Indemnity Co. (8222/04)—Motion Withdrawn

NASSAU COUNTY

(204456/00)—Pd - Motion Decided
Seltzer v. Seltzer (203264/03)—Motion Decided
Justice E. Jackson Stack
Charles v. Charles (24371/98)—Motion Decided
Rivera v. Rivera (201829/03)—Motion Denied
Justice Burton S. Joseph
Ajmeri v. None (2375/04)—Motion Granted
Capuano v. Gagliardo (19357/02)—Motion Denied
NY Hosp. v. NY Central (5811/02)—Motion Granted
North Shore Univ. v. Dann (6274/03)—Motion Denied
Russell v. Cottage (15251/01)—Motion Granted
Justice Leonard B. Austin
Adkins v. Lipner, Godron & Co. (761/02)—Motion Decided
Fleet Nat. Bank v. Garbitelli (14996/02)—Motion Granted
Justice Roy S. Jahl
Jp Morgan v. Jml Prod.ions (13383/03)—Motion Decided
Mortgage Electronic v. Parris (13355/03)—Motion Granted
Justice Daniel Martin
Gritten v. Wolcott (17653/01)—Motion Withdrawn
Justice Edward W. McCarty
Beyene v. Lagos (8170/03)—Motion Withdrawn
Justice Daniel R. Palmieri
Henderson v. Sansur (1273/03)—Case Disposed
Justice Anthony L. Parga
Medrano v. Rhoades (16441/01)—Pd - Motion Denied
Medrano v. Rhoades (16441/01)—Motion Granted
Vohra v. Lund (1253/03)—Motion Decided
Washington Mutual Bank v. Lassegue (2389/04)—Case Disposed
Justice Thomas P. Phelan
Chase Manhattan Mortgage v. Whitener (409/03)—Case Disposed
Justice Robert Roberto, Jr.
NY And Presbyterian v. Elias Cab Corp. (17349/03)—Motion Decided
Justice Robert A. Ross
Smart v. Smart (202414/03)—Pd - Motion Withdrawn

SUFFOLK COUNTY

SUPREME COURT

Justice Paul J. Baisley, Jr
Atkins Nutritionals Inc. v. Lexington Ins. Co. (02/17177)—Motion Decided
Eastern Long Island v. Lancer Ins. Co. (02/30722)—Motion Granted
Land v. Scanlon (03/7163)—Motion Granted
Piegaro v. Hempstead (03/21223)—Case Disposed/withdrawn
Rlty. 2001 Corp. v. Sofia (03/19558)—Motion Denied
Justice Edward D. Burke
Collins v. Town of Mamaroneck (10034/04)—Case Disposed
Corigliano v. Zoning Board of Appeals of The (5623/04)—Case Disposed
Crosland v. Westchester County Health (3130/02)—Motion Granted
George v. Westchester County (8432/04)—Case Disposed
Harris Trust And Savings Bank v. Taylor (15503/02)—Pd - Motion Granted
Jacobson v. Metro North RR. Co. (12528/03)—Case Disposed
Mbn America Bank v. Drucker (9425/04)—Case Disposed
Moshman v. Taylor (18742/99)—Case Disposed
Parra v. Royal Ahold Av (20630/02)—Motion Withdrawn
Smith v. Hernaiz (13577/03)—Case Disposed
Justice Mark Dillon
Balis v. Balis (14947/92)—Pd - Motion Withdrawn
Justice John R. LaCava
Cacv of Colorado v. Miller (2208/04)—Case Disposed
Ellspermann v. Braun (870/02)—Motion Withdrawn
Garr v. Hill (10296/00)—Motion Withdrawn
Lunapiena v. Henderson (640/04)—Motion Granted
McNamara v. First Deposit Nat. (10074/04)—Motion Denied
Justice Aldo A. Nastasi
3d Development Llc v. Bank One (3425/03)—Pd - Motion Granted
Bennett v. Hoshika (5614/04)—Case Disposed
Countrywide Home Loans, Inc. v. Kovitz-Fields (20209/03)—Pd - Motion Granted
Green Tree v. Harvey (6870/04)—Pd - Motion Denied
Justice Robert A. Spolizno
Dorazio v. Dorazio (13068/02)—Closed Motion
Uncontested Matrimonial Part
Boulin v. Vaughn (11213/04)—Case Disposed
Carrasco v. Martinez (3399/04)—Case Disposed
Clarke v. Watson-Clarke (18533/03)—Case Disposed
Culleton v. Culleton (14578/01)—Case Disposed
Derizzio v. Lewis (4354/04)—Case Disposed
Detrich v. Detrich (11257/04)—Case Disposed
Gonzalez v. Bonilla (3080/04)—Case Disposed
Kassim v. Ibrahim (11212/04)—Case Disposed
Kitcher v. Cudeto Amate (11217/04)—Case Disposed
Konadu v. Torres (11218/04)—Case Disposed
Lange v. Lange (10356/04)—Case Disposed
Luna v. Hall (19637/03)—Case Disposed
Macias v. Macias (3164/04)—Case Disposed
Malik v. Edwards (9367/04)—Case Disposed
Marone v. Marone (9724/04)—Case Disposed
Matute v. Lanausse (19832/03)—Case Disposed
McMahon v. McMahon (8337/04)—Case Disposed
Polesse v. Ruppert (7787/04)—Case Disposed
Ramirez v. Rodriguez (4481/04)—Case Disposed

SOUTHERN DISTRICT

Judge Baer
Boyce v. Soundview-Tech; Virgin Ent. v. Sorid; Rosen v. Webb; Star Industries v. Bacardi—Memorandum endorsed.
Lewis v. Menifee; Foreman v. United States of America; Hymes v. Beaver; Valjean Manufact. v. Michael W.—Orders signed.
Wolynier v. Flextrade Sys Inc.—Stipulation.
Judge Batts
Facella v. Federation of Jewish—Judgment.
Judge Berman
Nextg Networks of NY v. NYC—Dec. & Order.
United States of America v. Epps; Traore; Rastogi; Skelly; Grimaldi v. Barclays Bank; Gulf Insurance v. Zeff Design; Martinez v. Ashcroft; Gulf Insurance v. Zeff Design; Ruderman v. NYS Dept. of M.V.; United States of America v. Salazar; T. Hilfiger Licensing v. Anchor Group—Memorandum endorsed.
Inre Lee; Zurich A. I. Co. v. C. Duret Gallery—Orders signed.
Marathon Ashland v. Equili Co.; Robinson v. NYCDCC; Czech Republic v. 345 E. 73 Owners—Stipulation.
Judge Briant
Davis v. Reade; Irizarry v. Conway; Carrion v. Bendheim; Gelormino v. Bd of Ed of Hyde Park Central; Irizarry v. Conway; Carrion v. Bendheim; Davis v. Burge; Jones v. Artus—Memorandum/orders signed.
Giggles World Corp. v. Town of Wappinger; Gelormino v. Bd of Ed of Hyde Park Central; Camacho v. Bureau of Prisons; Loyal Tire & Auto Center v. Town of Woodbridge; Lindsey v. Crown Equipment Corp.; De Salto v. Village of Dobbs Ferry—Orders signed.
Ford v. Consumers Union; Garent v. Old Dominion; Sylcott v. Home Depot USA, Inc.; Delman v. Stop & Shop Supermarket—Stipulation/order.
Judge Casey
United States of America v. Liebowitz; Alvarez-Callejas; In re Terrorist Attacks 9/11/01—Memorandum endorsed.
Bahar v. Allstate Insurance—Memorandum & order.
U.S. Bank v. J.P. Morgan Chase; Steinnetz v. Grey Global Group—Stipulation.
Judge Cedarbaum
United States of America v. Sanchez—Order signed.
Judge Chin
Bacque v. Menifee; Kimble v. TD Waterhouse, Inc.; Luis v. American Home Produce; Liebman-Rube v. American Home; Carpenter v. American Home Prod.; Carey v. American Home Prod.; United States of America v. Peterson; Johns v. The Home Depot USA; Ynoa v. N.Y. Presbyterian; Kristensons v. Seacock Tanker Co.; Mattis v. Ashcroft; Mason v. NYCTA; Tomney v. Intl. Center; Mattis v. Intl. Center; Mattis v. Ashcroft; Haji v. Dept. of Treasury; Bronx Dough v. Dunkin Donut; Fleming v. Kinney—Memorandum endorsed.
United States of America v. Perez; Villanueva; Geoghegan; Pillina v. TVT Records; S.C. Chimekim v. Velco

Smith v. Coll. Info.; Ye v. NYC—Stipulation.
Judge Kaplan
Trans Wrks. v. Trans Express—Judgment.
One Twelve Inc. v. Clear Channel; United States of America v. Chambers; Pruitt v. Lewy; SEC v. Beacon Hill Asset; Wyman v. NYC; One Twelve Inc. v. Clear Channel—Memorandum endorsed.
Montblanc N.A. v. A.T. Cross Co.; Pfizer Inc. v. Dr. Reddy's Lab; In re Rezukin Products Liab (4); Megias v. Mbengoe; SEC v. Beacon Hill Asset; Gannaway v. Div. of Parole Bd; United States of America v. Best; Sancha v. Sears—Orders signed.
Judge Keenan
I Create International v. Mattel—Opinion.
Judge Koeltl
Sempira Energy v. Covanta Union; United States of America v. All Right Title—Judgment.
NYC Dist. Council v. Marques Construction—Memorandum endorsed.
Bonilla v. Portuondo; R.A. Mackie & Co. v. Petrocor; Marcus v. Continuum Group—Opinion.
J.T. Cleary v. Arcorp Prop. Inc.; Marcus v. Continuum Group; NYC Dist. Council v. Marques Construction—Orders signed.
Judge Leisure
United States of America v. Nektalov—Memorandum endorsed.
Downtown Athletic v. Hauser-Kuppinn Group; New Hampshire Ins. v. Gen. Star Intl.—Stipulation.
Judge Maas
Gaus v. Conair Corp.; Oteri v. Kerik—Memorandum endorsed.
Fireman's Fund v. General Co.; Oteri v. Kerik—Orders signed.
Judge McKenna
In re Appl of Grabski Investecy—Memorandum endorsed.
Colkitt v. First United Equities—Order signed.
Judge McMahon
Matthews v. Regina Malkus Westchester Med.; Rose v. Six Flags, Inc.; Joao v. Sleepy Hollow Bank; Exxonmobil Inter-America v. Advanced Info; United States of America v. Luna-Garcia; Martinez—Memorandum endorsed.
Sava v. Ornelas; Transpo Industries v. Sigma Industries; Design Sales Associates v. Cesar Color; Mills v. Etan Industries; Serio v. S.I.R. Services-NY Inc.; Carruthers v. Flauin; Al-Khaja v. The Simputer Trust—Orders signed.
Hill v. Taconic Development; CSC Holdings, Inc. v. Enma—Stipulation/orders.
Judge Mulasey
Bettis v. Kelly—Opinion.
SR International v. World Trade Center; SEC v. McDermott; United States of America v. Hickman; Shaw—Orders signed.
Harris v. NYC—Stipulation.
Judge Peck
United States of America v. Abreau; Doe v. NYC—Memorandum endorsed.
Rodriguez v. Comm. of SS; Petraglia v. Home Depot USA, Inc.; Feneo v. Best

(19620/04)—Motion Granted
 Blp 300 Madison LLC v. Seasons Contracting (7089/03)—Marked Off
 Boston v. Zaidman (28554/03)—Motion Granted
 Castor v. Millette (24176/03)—Motion Granted
 Dacruz v. Towmasters of Nj, Inc. (34251/00)—Motion Granted
 Dacruz v. Towmasters of Nj, Inc. (34251/00)—Motion Denied
 Delorenzo v. Jomay Auto Repair (32008/03)—Marked Off
 Fantroy v. Antwest Associates (8778/04)—Motion Withdrawn
 Farrell v. Hines (5648/03)—Motion Granted
 Gonsalvez v. Barone (32256/03)—Motion Granted
 Gonzalez v. Trinity Communications Corp (46649/02)—Motion Granted
 Graci v. 53 Richards St. Rlty. Corp (50005/01)—Motion Denied
 Graneto v. Richfield Properties (14921/04)—Motion Granted
 Haran v. Turner Const. Co. (11384/04)—Motion Withdrawn
 Maritato v. Forem (25767/03)—Motion Granted
 Ng v. Lazar (14806/04)—Motion Granted
 Patterson v. Holden (51648/02)—Motion Granted
 Phoenix Ins. Co. v. Kim (21445/04)—Motion Granted
 Progressive Northeastern v. Thelmaque (19959/04)—Motion Granted
 State Farm Mutual Automobile v. Collins (20529/04)—Motion Granted
 Taniewska v. Lee (20415/02)—Motion Denied
 Torres v. Rodriguez (22939/03)—Marked Off
 Washington Ins. v. Anthony Sciarri Apparel (11948/03)—Motion Granted
 Zontak v. Gross (2447/04)—Motion Withdrawn
T.A.P. Judge Med Mal
 Wertenteil v. NY Eye & Ear (5079/02)—Motion Granted
Justice Virginia E. Yancey
 Welz v. Welz (10532/04)—Motion Granted

SURROGATE'S COURT

Surrogate Feinberg

Administration Department

DECREES SIGNED: ESTATES OF THEODORA DEGRAFFE; Beatrice F. Baker; Thomas Moran; Luise Grafakos; James Jack Farrell, Jr.; Dorothy Tilton; Judith Witriol; Karl Johansson; Jin Hong Wang; Xiaoni Ni; Sabina Gutman; Inocencio Collazo; John Farrell; Bettie Cox.

Probate Department

ORDER SIGNED: ESTATE OF CHRISTINA CHERRY.

DECREES SIGNED: ESTATES OF DOROTHY CLARK; Selwyn Pierre; Ethel Shaywitz; Petal Maria Clarke; John J. Perrotta; Anthony Puglisi; Alexander Zablotzki; Robert G. Wiggberg aka Robert Wiggberg; Nicholas J. Grecco; Sylvia Veltry; Faye Liebman; Walter Nejedly aka Walter Peter Nejedly aka Walter P. Nejedly; John Guthy.

Guardian Accounting Department

ORDERS SIGNED: ESTATES OF RUANN ELBASSYOUNI; Mohamed Elbassyouni.

Mortgage Electronic v. Figueroa (10818/04)—Order Signed
 Schuster v. Travelers Indemnity Co. (8222/04)—Motion Withdrawn

NASSAU COUNTY

SUPREME COURT

Post Judgment Mat Judge

Levine v. Arpino (201765/04)—Pd - Motion Withdrawn

Justice Antonio I. Brandveene

Ciolino v. Ahmed (3670/04)—Motion Decided
 Schindler v. Wengler (2814/04)—Motion Decided

Justice R. Bruce Cozzens, Jr.

Frontier Ins. Co. v. Atco Energy Corp. (3221/01)—Motion Withdrawn

Justice Kenneth A. Davis

Caparelli v. Streicher (17623/03)—Motion Granted
 Caristo v. Standard Fire Ins. (18043/02)—Case Disposed
 Caristo v. Standard Fire Ins. (18043/02)—Motion Denied
 Kwasnick v. Beno (1764/03)—Motion Denied

Local Union 580 v. Standard Door & Elevator (5863/04)—Motion Granted
 Local Union No. 580 v. Standard Door (5613/04)—Motion Granted
 Russo v. Village of Valley Stream (4124/04)—Motion Granted
 Tems v. Bassiouny (6480/03)—Motion Granted

Wells Fargo Home v. Hernandez (11775/03)—Pd - Motion Granted
 Zatto v. Great Neck Water (2600/04)—Case Disposed

Justice Arthur M. Diamond

Canzoneri v. Ketover (10209/04)—Case Disposed
 Defelice v. Janowitz (10275/04)—Case Disposed

Giordano v. Ferzola (10205/04)—Case Disposed
 Giordano v. Rischer (10203/04)—Case Disposed
 Green Thomas R. v. St. George (10208/04)—Case Disposed
 Green v. Chaikin (10204/04)—Case Disposed

Palmieri v. Robbins (10210/04)—Case Disposed
 Peragine v. Tini (10207/04)—Case Disposed

Pontillo v. Zimmerman (10202/04)—Case Disposed
 Rotter v. Rotter (202696/02)—Motion Granted

Rotter v. Rotter (202696/02)—Motion Decided
 Tini v. Reilly (10276/04)—Case Disposed

Zimmerman v. Pontillo (10277/04)—Case Disposed

Justice John P. Dunne

Village of Port v. Raimondo (4407/03)—Motion Decided

Justice Anthony J. Falanga

Germain-Staton v. Staton

Easter v. Long Island v. Lancer Ins. Co. (02/30722)—Motion Granted
 Land v. Scanlon (03/7163)—Motion Granted
 Pegare v. Hempstead (03/21223)—Case Disposed/withdrawn
 Rlty. 2001 Corp. v. Sofia (03/19558)—Motion Denied

Justice Edward D. Burke

Empire World Trade Center v. None (04/19151)—Case Disposed

Justice Peter Fox Cohalan

Bock v. Babylon (03/1801-MV)—Motion Denied
 Goldblum v. Kology (02/21927)—Motion Denied
 Smith v. Libardi Island Landscaping (03/4408)—Motion Granted
 Yanofsky v. Yanofsky (04/9884)—Motion Granted
 Zuber v. Smith (02/7319)—Motion Granted

Justice James F. X. Doyle

Greenpoint Bank v. Pocchia (99/1266)—Motion Granted

Justice Patrick Henry

Havens v. Guzman (02/15915)—Motion Withdrawn

Justice Martin J. Kerins

Mangiapanella v. Iregbulem (03/2322-MV)—Motion Denied

Justice Daniel J. Loughlin

Geico v. Disanto (04/14695)—Case Disposed

Justice Marion T. McNulty

Bologna v. Bologna (02/1290-CM)—Referred To Hearing

Leskiewicz Fka Garcia v. Garcia (95/962)—Motion Decided

Messana v. Messana (03/1138-UM)—Referred To Hearing

Schultze v. Schultze (02/704-CM)—Referred To Hearing

Justice Michael F. Mullen

Greenpoint Mortgage v. Garrido (00/9651)—Motion Granted

Justice Joseph C. Pastorella

Mullen v. Mullen (04/943-CM)—Motion Withdrawn

Justice Emily Pines

Cashel v. Cashel (04/15578)—Referred To Another Judge

Mercurio v. Rooney (04/15204)—Referred To Another Judge

Justice Thomas F. Whelan

Burke v. Burke (04/876-CM)—Motion Withdrawn

Dilegame v. Leave To Change Name (04/18059)—Case Disposed
 Dochtermann v. Dochtermann (04/930-CM)—Motion Withdrawn

WESTCHESTER COUNTY

SUPREME COURT

Justice Louis A. Barone

Behette v. 807 Hldg. Group Corp. (3239/04)—Pd - Motion Decided

Disposed
 Matute v. Lanausse (19832/03)—Case Disposed
 McMahon v. McMahon (8337/04)—Case Disposed
 Poiese v. Ruppert (7787/04)—Case Disposed
 Ramirez v. Rodriguez (4481/04)—Case Disposed
 Robertson v. Robertson (9283/04)—Case Disposed
 Rodriguez v. Rodriguez (6238/04)—Case Disposed
 Rodriguez v. Rodriguez (10612/04)—Case Disposed
 Saviola v. Saviola (4372/04)—Case Disposed
 Soley v. Soley (9623/04)—Case Disposed
 Villa v. Villa (8983/04)—Case Disposed

SURROGATE'S COURT

Surrogate Scarpino

ESTATES OF ANTHONY JAMES DIAZ; Laurie Juliana Weiner — The applications for the appointment of a guardian of the person and/or property of the above name infants or mentally retarded persons are granted as requested. Decrees signed.

ESTATES OF DAWN K. COCKER; Charles R. Hotaling; Rose J. Lasenza; Joseph Ludvik; James S. Sabatino; Harold Thomas Baldwin; Kenneth Hamilton; Dorothy Light; Mary McMahon; Mary Wistar O'Connor; William G. O'Toole, deceased — The respective propounded instruments appear to have been duly executed in accordance with the formal statutory requirements. The competency of the respective decedents to make a will and their freedom from restraint have been established, the decrees admitting the respective propounded instruments to probate as the wills of the respective decedents have been signed.

ESTATES OF ANTHONY PALOMBO; John Pellegrino, Esme Miller; Mavis Ridgill, Olive P. Heyden; John William Matherly, deceased — Applications for Letters of Administration. Decrees signed.

UNITED STATES COURTS

SECOND CIRCUIT

COURT OF APPEALS

Tancredi v. Metropolitan Mutual—Reversed.

Critchlow v. First Unum Life—Reversed remanded.

Wells Fargo Northwest v. Varig S.A.—Affirmed.

LOOKING FOR TEMPORARY
 HELP OR WORK?
 SEE THE CLASSIFIED PAGES.

Mattis v. Ashcroft; Mason v. NYCTA; Tomney v. Intl. Center; Mattis v. Intl. Center; Mattis v. Ashcroft; Haji v. Dept. of Treasury; Bronx Dough v. Dunkin Donut; Fleming v. Kinney—Memorandum endorsed.

United States of America v. Perez; Villanueva; Geoghegan; Pillina v. TVT Records; S.C. Chimesim v. Velco Enterprises; Marchisella v. The Govt. of Japan; Hidas v. Bureau of Prisons; Bacque v. Menifee—Orders signed.

Shadowy Men v. Win Media; Mangia v. Art in Construction—Stipulation.

Judge Daniels

Unique Ind. v. Unique Design—Judgment.

Judge Eaton

Malkasian v. The Port Authority; American Intl. v. Greenwich Insurance—Orders signed.

Molina v. R&A East 16th Assoc.—Rep & rec.

Judge Ellis

Williams v. Greene; McCoy v. Greiner; Chang v. Safe Horizons—Orders signed.

Judge Fox, K.n.

Daniels v. St. Luke's; Loman v. Senise; Sabra v. Shafer; Gonzalez v. NYC—Memorandum endorsed.

Bronner Intl. v. Medeiros—Orders signed.

Judge Mark D. Fox

Robinson v. Sarreck—Order signed.

Judge Griesa

Rolex Watch v. Marvis; Malletier v. Marvis—Judgment.

United States of America v. Duarte—Memorandum endorsed.

Kushner v. Reliance Group Hldgs.—Memorandum.

Jackson v. Broadcast Music Inc.—Stipulation.

Judge Hellerstein

Porr v. Daman; The McGraw-Hill v. Chi Mercantile; Infante-Peralta v. Ashcroft; United States of America v. Local 1804-I; Nav Ins. Co. v. M/V Aurora; Lombard Shpgownrs v. Odessos Shprepair; Allah v. Artuz; Peralta v. Rockefeller Univ.; Lattimore v. Rowe; In re September 11 Litigation; In re World Trade Center Disaster; United States of America v. Local 1804-I—Memorandum endorsed.

Wilson v. McGinnis—Opinion.

United States of America v. Nikitov; Vetere v. Walsh; Ansoumana v. Gristedes Operating; In re World Trade Center Disaster; United States of America v. Schussler; Velez v. Kuhlmann—Orders signed.

Judge Holwell

Jackson v. Goord—Opinion.

Hudson v. Casablancos; Federal Ins. Company v. PK Carrier Corp.—Order signed.

Judge Jones

United States of America v. Evans; Greenes v. Adornato; Garrett v. Mazza—Memorandum endorsed.

In re Omeprazole Patent—Opinion.

Brown v. Fischer; Tensolite Co. v. Flextronics Intl. Ltd.; Mallard v. NYC—Orders signed.

States of America v. Hickman; Shaw—Orders signed.

Harris v. NYC—Stipulation.

Judge Peck

United States of America v. Abreau; Doe v. NYC—Memorandum endorsed.

Rodriguez v. Comm. of SS; Petraglia v. Home Depot USA, Inc.; Fenga v. Best Buy Co., Inc.; Brown v. AXA Corporate; Torres v. Gristenders Operating—Orders signed.

Judge Preska

United States of America v. Hundley; Clarke; German; Plank; Fachler; Abdallah; Zane; Colon; Morales; Gaines v. Bristol-Myers Squibb; Elegant USA v. Carr Tattoos; Rodriguez v. Downstate Corr Fac.; McDougal v. NYC—Memorandum endorsed.

United States of America v. Pizzi; Reeves; Pizzi; A.J. Sheepskin v. USF Insurance Co.; Pederos v. Tate Ent. Group; Dantata v. Dist. Attny; Continental Ins. Co. v. M/V Violet; Pezzola v. Avon, Inc.—Orders signed.

Spruill v. G.E. Capital Corp.; Bell v. Davis & Partners; Daniels v. NYC—Stipulation.

Judge Rakoff

Ivory v. NYC—Judgment.

United States of America v. Marion; Tongalson v. The Dreyfus Corp.—Memorandum endorsed.

United States of America v. Cheln; Reznor v. J. Artist Mgmt. Inc.; Tongalson v. The Dreyfus Corp.; Joseph v. Commissioner of SS—Orders signed.

In re Ephedra Product Liab Lit.; United States of America v. Cheln; Wallstreet Sys v. Lemence—Stipulation.

Judge Scheindlin

Fordham v. Sanders—Judgment.

Judge Smith

Rose v. Six Flags, Inc.; Lantigua v. NYC—Memorandum endorsed.

Judge Stanton

Mosallam v. Matrix Intl. Log.—Memorandum endorsed.

Riggs v. Termeer—Stipulation.

Judge Stein

Pena v. Guzman; Diamond v. Painewebber—Memorandum endorsed.

Ellis v. Chao—Opinion.

United States of America v. Brown; Levy v. Qnet Corporation; Betesh v. Alitalia Linee; Knight v. Abaca Press; Diaz v. Amsterdam & Lewinter; Radio City Trademarks v. Payless; Gitter v. Natl. Van Lines Inc.; Ferrostaal Inc. v. M/V An Ping—Orders signed.

Cabrera v. Barnhart—Stipulation.

Judge Swain

Time Warner Cable v. Phelina's Suds—Judgment.

Judge Wood

Watson v. E.S. Sutton, Inc.—Memorandum endorsed.

United States of America v. Abney; Rodriguez v. Schulta—Orders signed.

Judge Yanthis

Lease v. Valley Central School—Memorandum endorsed.

Desir v. Duncan—Rep. & rec.

New York County

Court Calendars Continued From page 16

Part 32

Justice Fitzgerald
Phone 212-374-8622
Fax 212-401-8261
111 Centre Street
Room 763, 9:30 A.M.

Part 33

Justice Atlas
Phone 212-374-4762
Fax 212-401-9257
100 Centre Street
Room 1130, 9:30 A.M.

Part 34

Justice Weizel
Phone 212-374-4774
Fax 212-374-9125
100 Centre Street
Room 1301, 9:30 A.M.

THURSDAY, AUGUST 12

Edward Thomas

Part 37

JHO Adlerberg
Phone 212-374-1361
Fax 212-401-9065
100 Centre Street
Room 1609, 9:30 A.M.

THURSDAY, AUGUST 12

Robert Lesser

Part 39

Justice L. Stone
Phone 212-374-4446
Fax 212-374-9071
111 Centre Street
Room 687, 9:30 A.M.

Part 41

Justice Yates
Phone 212-374-4767
Fax 212-401-9262
100 Centre Street
Room 1333, 9:30 A.M.

THURSDAY, AUGUST 12

Androsky Adams
Rudolph Anderson
Robin Ashley
Edward L. Burke
Joseph S. Campbell
Robert Claudio
Hector Cordero
Jason Cruz
Michael Dubitz
Roger Edervaria
Tyronne Farmer
Hector Figueroa
Nelson Gatum
Anibal Garcia
Anthony George
Contracting I. Gibraltar
Inc. Gibraltarwaterpro
Calvin T. Gill
Alex Gomez
Victor A. Gomez
May E. Grabanick
Derrick Graves
Dimitry Gulkarov
Marshall A. Herron
Anthony Hill
Rochelle Huger
Ronald Jackson
Jason A. Jones
Nicholas Jones
Constantin Kheyba
Stephanie Kennedy
Jose Lopez
Mario Martinez
Sara McGriff
Paula J. Mitto
Rafael Miranda
Andrea Orsola

Timothy D. Boisseau
Indira M. Bradford
Gerard Bryant
Charles Carridine
Lloyd E. DeLoatch
Jermal Dixon
Thomas Fampong
Nelly Fung
Jose Gonzalez
Ronald Hobbs
Ryan A. Iglesias
Gregory Johnson
Aliza T. Koszrak
Michael Lewis
Sean H. Lopes
Mario McGregor
Plinio Montas
Robert L. Murray
Sharon J. Pasternak
Herbert Rivera
Bruce Rivers
Fred Robinson
Luz Romero
Rafael Sanabria
Janett G. Serafin
Stephanie Stile
Clyde Thompson
Miguel A. Velazquez
Angel A. Verdejo

Part 53

Justice Carruthers
Phone 212-374-2840
Fax 212-410-9094
100 Centre Street
Room 1300, 9:30 A.M.

THURSDAY, AUGUST 12

Elijah Bell
Julio Clark
Ronald Franklin
Lamark Martin
Norman Schonfeld

Part 55

Justice Bradley
Phone 212-374-3028
Fax 212-401-9088
111 Centre Street
Room 1023, 9:30 A.M.

THURSDAY, AUGUST 12

Mark Briggs

Part 58

Justice Tejada
Phone 212-374-4766
Fax 212-401-9093
100 Centre Street
Room 1536, 9:30 A.M.

Part 61

Justice Wittner
Phone 212-374-4381
Fax 212-401-9266
111 Centre Street
Room 733, 9:30 A.M.

THURSDAY, AUGUST 12

Christophe Collado
Vocarie Garcia

Part 62

Justice White
Phone 212-374-2901
Fax 212-401-9267
100 Centre Street
Room 1307, 9:30 A.M.

THURSDAY, AUGUST 12

John Shute

Part 66

Justice Pickholz
Phone 212-374-3029
Fax 212-401-9097
111 Centre Street
Room 1047, 9:30 A.M.

THURSDAY, AUGUST 12

Malik Brown
Jason A. Brown
Daniel E. Figueroa
Daniel E. Figueroa
Leonard Hanschman
Jose Lopez
Mario Martinez
Sara McGriff
Paula J. Mitto
Rafael Miranda
Andrea Orsola

Part 67

Justice Torres

Court Calendars

Part 73

Justice Corriero
Phone 212-374-8195
Fax 212-401-9116
111 Centre Street
Room 724, 9:30 A.M.

THURSDAY, AUGUST 12

Earl L. Baker
Akeem McGee
Akeem McGhee
Ricky McKinnon
Quansha Miles
Shamick William

Part 76

Justice Sudolnik
Phone 212-374-6482
Fax 212-401-9124
111 Centre Street
Room 1247, 9:30 A.M.

Part 81

Justice Scherer
Phone 212-374-4773
Fax 212-401-9270
100 Centre Street
Room 1317, 9:30 A.M.

THURSDAY, AUGUST 12

Su K. Lee

Part 82/88

Justice Solomon
Phone 212-374-3033
Fax 212-401-9255
100 Centre Street
Room 1313, 9:30 A.M.

THURSDAY, AUGUST 12

Thomas Barnes
Arnh Kee
Robert McGraw
David Tavernier

Part 83

Justice Cataldo
Phone 212-374-2902
Fax 212-401-9149
100 Centre Street
Room 1306, 9:30 A.M.

Part 85

Justice Hayes
Phone 212-374-4993
Fax 212-401-9113
111 Centre Street
Room 621, 9:30 A.M.

Part 93

Justice McLaughlin
Phone 212-374-4757
Fax 212-401-9152
100 Centre Street
Room 1530, 9:30 A.M.

Part 94

Justice Grella
Phone 212-374-3031
Fax 212-401-9148
111 Centre Street
Room 1021, 9:30 A.M.

Part 95

Justice Straus
Phone 212-374-3893
Fax 212-401-9137
111 Centre Street
Room 1234, 9:30 A.M.

Part N-SCT

Justice Ward
Phone 212-374-5886
Fax 212-401-9272

Part PA-2

Judge TBA
9:30 A.M.

Part P2

Judge Edmead
Room 550, 9:30 A.M.

MONDAY, AUGUST 16

Pre Arbitration Conference

04NY01382 Canagat Cab Corp. v. Holman
04NY05790 Chester Cab Corp. v. Grelatia Const. Inc.
04NY01216 Country Wide Ins. Co. v. Gabriel
04NY05816 Encompass Ins. Comp. v. Kiruna Cab Corp.
04NY01360 L.L.G. Cab Corp. v. Bell
03NY04974 Lisan Medical Supplies I v. Hanover Ins. Co.
04NY05777 Maryland Casualty Co. v. La Porte Trucking Co. Inc.
04NY05785 Nationwide Mutual Insura. v. Manquillo
04NY05778 Ortho Labs Inc. v. Travelers Ins. Co.
04NY04110 Precision Diagnostic Ins. v. General Assurance Insura
04NY01989 Prudential Prop. & Ca. v. Outeira
04NY02491 Remco Maint. Corp. v. Real Estate Mgt. G.
04NY05783 Systematic Pest Eliminat. v. 396-97 West East Corp.
04NY04111 T&G Medical Supplies Inc. v. General Assurance Insura
04NY04080 NYC v. Douglas
04NY04109 NYC v. Fields
04NY04107 NYC v. Wong
03NY06611 The Comm'r. of The v. Williams
04NY04026 Time Warner Cable Inc. v. Sound Communications Inc.
04NY05786 U.S. Fidelity v. Singh
04NY05781 Wldw-Tv v. Sound Communications Inc.

Part P2A

Judge Edmead
9:30 A.M.

Part P2B

Judge Edmead
9:30 A.M.

Part P2C

Judge TBA
9:30 A.M.

TUESDAY, AUGUST 17

Pre Arbitration Conference

04NY02067 Allstate Ins. Comp. v. NYC
04NY02069 Allstate Ins. Comp. v. NYCTA Au
04NY02072 Allstate Ins. Comp. v. NYC
03NY09060 Allstate Ins. Comp. v. NYC
04NY02075 Allstate Ins. Comp. v. NYC
04NY02083 Allstate Ins. Comp. v. NYC
04NY02073 Amica Mutual Ins. Co. v. NYC
04NY02168 Continental Ins. Co. v. NYC
04NY02432 Deerebook Ins. Comp. v. NYC Dept.
03NY09992 Govt. Employees Ins. v. NYC
03NY08857 Govt. Employees Ins. v. NYC
03NY09992 Govt. Employees Ins. v. NYC
04NY02470 Abc Rity. Corp. v. Lee
04NY04054 Chubb Group Ins. Co. v. Goldberg
04NY04814 Comm'n. of State I. v. Triple "C" Contracting Co.
04NY06931 Edil Express v. Basic Wear Inc.
04NY05562 Graphic Art Supply LLC v. Extreme Digital Inc.
04NY06842 Herald Towers LLC v. Gomez
04NY06830 Herrick Feinstein Lip. v. Krinsky
04NY05770 Nationwide Ins. Com. v. Sunlight Inc.
04NY06860 Nationwide Mutual Insura. v. NYC

Part P6

Judge TBA
9:30 A.M.

Part P7

Judge TBA
9:30 A.M.

Part P8

Judge TBA
9:30 A.M.

Part P9

Judge TBA
9:30 A.M.

Part P11

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Bench Trial

04NY01910 Bigl Mgt. Co. Inc. v. Oracle
04NY02288 Liberty Mutual Ins. v. Desai
04NY05539 Rity. Service Associate v. Branescu
04NY05830 Recognition Systems Inc. v. Vovis

FRIDAY, AUGUST 13

Bench Trial

04NY05915 Batze v. T-Mobile Wireless
04NY05861 Bethea v. Green
04NY02827 Brown v. Benitz
04NY05373 Citibank (south Dakota) v. Bouwman
04NY03750 Citibank (south Dakota) v. Dalton
04NY05858 Comm'n. of State I. v. Markantonatos
04NY05856 Neo Portfolio Mgt. v. Matthews

Part P11C

Judge TBA
9:30 A.M.

Part P12

Judge TBA
9:30 A.M.

Part P12J

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Inquest

04NY07008 Abc Rity. Corp. v. Lee
04NY04054 Chubb Group Ins. Co. v. Goldberg
04NY04814 Comm'n. of State I. v. Triple "C" Contracting Co.
04NY06931 Edil Express v. Basic Wear Inc.
04NY05562 Graphic Art Supply LLC v. Extreme Digital Inc.
04NY06842 Herald Towers LLC v. Gomez
04NY06830 Herrick Feinstein Lip. v. Krinsky
04NY05770 Nationwide Ins. Com. v. Sunlight Inc.
04NY06860 Nationwide Mutual Insura. v. NYC

Part P15C

Judge TBA
9:30 A.M.

Part P18

Judge TBA
9:30 A.M.

Part P21

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Jury Trial

04NY02242 Galecki v. Trebushs Rity. Co Inc
04NY05165 Nebel v. Meadows Office Supply Co

FRIDAY, AUGUST 13

Jury Trial

04NY02829 Abrams v. Port Auth. Trans Hud
04NY03681 Diallo v. Diallo
04NY06989 Grant v. Valerio
04NY07052 Soriano v. Davis

Part P22

Judge TBA
9:30 A.M.

Part P23

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Jury Trial

04NY01379 Brown v. NYC
04NY07033 Brown v. NYC
04NY06855 Campo v. NYC
04NY04070 Robles v. NYC

Part P24

Judge TBA
9:30 A.M.

Part P25

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Pre Note Conference

A/c Printing Inc. v. Zero Hour Records Inc.
Cgu Ins. Co. v. Kaos Stores Inc.
Estrella v. Columbia Univ.
George v. U.S. Movers

FRIDAY, AUGUST 13

Pre Note Conference

Abrams v. Port Auth. Trans-Hud Block v. Ruppert Towers Housing C
Mieczarek v. Ruben

Part P30

Judge TBA
Room 325, 9:30 A.M.

THURSDAY, AUGUST 12

Procedural Motion

Apple Industries Inc. v. 543 B'way Corp.
Bellevue Hosp. Center v. Sangro
Chicorp Na v. Schwartz
Comm'n. of State I. v. Yoshi Design NY Inc
Comprehensive Care of NY v. Metro. Prop.
Ellen Hongstock Archite. v. Urban Apts. Inc.
Essex Temporary Services v. Fleet Radio Dispatch Cor

FRIDAY, AUGUST 13

Procedural Motion

Joseph v. Nissan North America Inc

Part P31C

Judge J.H.O.
Room 325, 9:30 A.M.

Part P32

Judge TBA
Room 325, 9:30 A.M.

THURSDAY, AUGUST 12

Non Procedural Motion

Balsam Felber & Goldfield v. Panetti
Barrister Reporting Serv. v. Minsley
Citibank (south Dakota) v. Cohn
Gramercy Leasing Service v. Tone
Makers Inc.
Mercado v. Rockaway Rity. Associat
Mercy College v. Arupio
Rasco Graphics Inc. v. L2r Creative
West Side Trading Check v. Marketing Solution Inc
Calabrese v. NYC Pol
Cit Tech. Services v. Philip J. Dinhofer LLC
Copetco Capital Inc. v. East Harlem Council For
Galecki v. Trebushs Rity. Co Inc
Kds Research & Developme v. Polo Electric Corp.
Jessilyn Personnel Inc. v. Ddc-Usa Inc
Liriano v. NYCHA Au
Manhattan Newspaper Group v. Raika
Mona America Bank N.A. v. Link
Monteire v. Ansonia Associates Inc
Qpc Com Inc. v. Goldsmith
Sensomart Electronics v. Forman's of Orchard St I
Thermo Electron Corporat v. Builders Group Inc
Transcontinental Printin v. 8th Floor Artists Corp.
Weller v. Arbor
York Publishing v. Panaweb Inc

Procedural Motion

American Equity Insurance v. Fed. Metal & Glass Co
04NY01379 Brown v. NYC
04NY07033 Brown v. NYC
04NY06855 Campo v. NYC
04NY04070 Robles v. NYC

FRIDAY, AUGUST 13

Non Procedural Motion

Kahan v. Roxborough Apts Corp
The Hartford Ins. Co. v. Otis Elevator
Mieczarek v. Ruben
Public Service Mutual in v. Fong
Traveler Indemnity Comp. v. Mutunsky
Urena v. Soto

Part P24

Judge TBA
9:30 A.M.

Part P25

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Jury Trial

04NY01379 Brown v. NYC
04NY07033 Brown v. NYC
04NY06855 Campo v. NYC
04NY04070 Robles v. NYC

Part P24

Judge TBA
9:30 A.M.

Part P25

Judge TBA
9:30 A.M.

THURSDAY, AUGUST 12

Pre Note Conference

A/c Printing Inc. v. Zero Hour Records Inc.
Cgu Ins. Co. v. Kaos Stores Inc.
Estrella v. Columbia Univ.
George v. U.S. Movers

FRIDAY, AUGUST 13

Pre Note Conference

Abrams v. Port Auth. Trans-Hud Block v. Ruppert Towers Housing C
Mieczarek v. Ruben

Part P30

Judge TBA
Room 325, 9:30 A.M.

THURSDAY, AUGUST 12

Procedural Motion

Apple Industries Inc. v. 543 B'way Corp.
Bellevue Hosp. Center v. Sangro
Chicorp Na v. Schwartz
Comm'n. of State I. v. Yoshi Design NY Inc
Comprehensive Care of NY v. Metro. Prop.
Ellen Hongstock Archite. v. Urban Apts. Inc.
Essex Temporary Services v. Fleet Radio Dispatch Cor

836604 Malta v. Vasquez
835504 Marc Rity.

Part E

Judge Cavallo
Phone 374-128
Room 107, 9:30 A.M.

Part F

Judge Elsner
Phone 374-4517
Room 830, 9:30 A.M.

THURSDAY, AUGUST 12

717856/04 12 B'way Rty, LLC v. Russell
805738/04 129th St Cluster A LP v. Gomez
8597703 144 H'way. Associates LLC v. Dominguez
7658/04 1484 Associates LLC v. Lora
825730/04 156th St Rty LLC v. Davis
791869/04 157 W. 123rd St. Housing Develop. v. McDewine
808517/04 2200 Amsterdam Associates v. Fernandez
815540/04 320 East 6th St. LLC v. Leon
657940/04 320 Rty. St. v. Skov
66198/04 51 West 106th St. Tenants Assocs. v. Wyche
819050/04 515 West Rty. Associates LLC v. Cruz
785290/04 D&L Equities Inc. v. Cheulman
785640/04 Drax Rty Corp A NY Corp. v. Sneed
753840/04 Edo Houses Assoc., LP v. Porch
7924/04 Fives 160th LLC NY Ltd. Liabil. v. Santos
826110/04 Four Park Ave. Assoc. v. Sub
7712/03 Gibson v. Marini
7335/04 Halmont Rty. Corp. v. Miller
82283/04 Hawthorne v. Ramos
746100/04 Independence Plaza Assoc. LP v. Sirico
687370/04 M & Rly. Co. LLC v. Brunfield
818612/03 M&E 245 Mulberry LLC v. Nunez
799480/04 Manhattan Ave. Associates v. Gonzalez
81158/04 Mesopotamia Hldg. Co. LLC v. Lindsay
82026/04 Morningside I Assoc. v. Townes
5753/04 Mrg Partners LP v. Hampton
75259/04 Mt. Carmel Associates LP v. Bishop
773740/04 Nussbaum Rty. Co. LLC v. Kramer
78552/04 Prina Rty. Assocs. v. Francover
59863/04 Quisqueya Housing Co II LP v. Martinez
987214/03 Sids II Housing Dfc. Inc. v. O'Brien-Lopez
80045/04 Sing Partners v. Solomon/Gauthier-Sol
81894/04 Two Bridgeste Associates v. Rosado
79564/04 Vermeija Ave. Assoc. v. Valerio
54924/04 Victor Sanchez Hdc v. Hayes
74587/04 Wadsworth Terrace Rty. LLC v. Dalmacio
58253/04 West 184th LLC v. Mejera
2 P.M.
82289/04 Allen House LLC v. Parra
81257/04 Clio Tech Manufacturing Inc. v. Pastor
82284/04 Chosen Rty. Corp. v. Alvarez
82800/04 E.G.A. Associates, Inc. v. Conlon
80687/04 East Rty. Co A Partnership v. Nastasia
80084/04 Eco West Associates Housing Develop. v. Burston
82444/04 Heywood Towers Assoc. LP v. Tranberg
82185/04 Housing 2000 LP v. Germany
82176/04 Supreme Co. I LLC v. Albarello
80956/04 Wadsworth Terrace Associates v. Greiner

815510/04 1881 Amsterdam Ave. Corp. v. Goins
804510/04 230 West 71st St. Inc. v. Sanders
92433/03 324 Grand Rty. Corp. v. Rivera
718469/04 336 E 95th St Rty A Partnership v. Almond
82546/04 413-415 W. 22 LLC v. McCurn
78260/04 435 E. 9th St. LLC v. Fitzgerald
73716/04 501 East 87th St. Rty. Co. LLC v. Janowitz
504155/04 566 West Assets, Inc. v. Rodriguez
107117/03 526 West 158th St. Hdc v. Ratner
81429/04 559 West 190th St., LLC v. Fuentes
75501/04 600-602 10th Ave. Rty. Corp. v. Twity
90389/02 718 W. 178th St. LLC NY Develop. v. Garcia
98606/01 B'way. Ventura LLC v. Hood
10002/03 Bruno Bissasi LLC v. Gomez
73507/04 Cromwell Associates v. Salgado
81336/04 Ellis v. Flowers/Johnson
87922/03 Frawley Plaza Houses Inc. v. Smith
10625/03 Heights Rty. Co. LLC v. Bush
73292/04 Hlj 152 Corp. v. Coyer
80975/04 Jdm Washington St. LLC v. O'Connor
78025/04 Jerwin Prop. Corp v. Canty
80680/04 King Davis Ltd.
Partnership v. Williams
78129/04 L.M. Academy Rty LLC v. Vargas
78648/04 Lloyd Anthony Mattis v. Ortiz
74522/04 Mae v. Eller
80483/04 Northtown Phase III Houses, Inc. v. Rodriguez & Mares
Ray & Eric
108415/03 Phyc. Housing Co., L.P. v. Sosa
82785/04 Pinnacle Uptown, LLC v. De Leon Grace
79329/04 Shrike 75 Co. LLC v. Parrillo
81970/04 Site 13 Apt. Owners LLC v. Rodriguez
106491/03 Trust BBA Evelyn G. Cymen v. Piazza
71874/04 Wadsworth Terrace Associates v. Valerio
76030/04 Wimbledon Properties Corp. v. Perez
100030/03 Yorkshire Towers Co. v. Welt
80085/04 Zora Neale Hurston Houses v. Jacobs
2 P.M.

82263/04 186 Norfolk, LLC v. Bartlett
81310/04 259 W. 132nd St., LLC v. Ruzi & Cassel Sylvia & Emmett
81776/04 431 E31 LLC v. Muller
82007/04 Aaval Rty Corp v. Galan
82433/04 Rachel Bridge Corp v. Quiles
82722/04 Rustone Rty Co v. Rodriguez
82512/04 Shalyn Rty Corp A- NY Corp. v. Escoto
82264/04 Sherman/Nagle Rty. Corp. v. Caro
82359/04 The Leftbank Co. v. Ozenne
II George
82132/04 Wadsworth Terrace Rty. LLC v. Taveras
2 P.M.

Part J

Judge Lai
Phone 374-3030
Room 851, 9:30 A.M.

THURSDAY, AUGUST 12

82114/04 205 Rty. LLC v. Horne
68336/04 342 Lenox Associates v. Bush
82281/04 390 E. 8th St. H.D.E.C. v. Brown
78530/04 603 West Rty. Corp. v. Mendoza-Aria
57790/04 612 Rty. LLC v. Taner-Rosa
82580/04 Bldg Mgmt Co Inc. v. Correa
81623/04 B'way. Rty Co I LLC v. Jimenez

Phone 374-3750
Room 854, 9:30 A.M.

Part R

Judge Wendt
Phone 374-3727
Room 855, 9:30 A.M.

THURSDAY, AUGUST 12

93070/03 Hamilton v. Wannamaker

Part S

Judge Klein
Phone 374-4533
Room 820, 9:30 A.M.

Part T

Judge Bedford
Phone 374-2240
Room 1164A, 9:30 A.M.

THURSDAY, AUGUST 12

68914/03 Sun Rty. Group Inc. v. Reyes

Part U

Judge Martino
Phone 360-4123
9:30 A.M.

THURSDAY, AUGUST 12

251176/04 100 E. 123rd St. LLC v. Bathly
251706/04 122nd St., LLC v. Bello
250374/04 127th St. Cluster v. Joyne
251070/03 1624 Madison Ave / 2310 1st Ave Mq v. Pellegrino
251783/04 1775 Housing Associates, LP v. Citron
251779/04 1775 Housing Associates, LP v. McClair
250643/04 215 East 117th St. Corp. v. Cano
251797/04 Bothane Tower Housing Co. v. Rivers Rice
251756/04 Burachio / Guleta Anthony / Lindsay v. Cherif
251710/04 Casade Houses For The Elderly v. Garced
251736/04 Delano Village Associates LLC v. Danielle
252198/04 Delano Village Associates LLC v. Stinson
251390/04 Delano Village Assoc LLC v. Applewhite
252800/03 Delano Village Assoc LLC v. Chase Washington Jacquetta
251289/04 Delano Village Assoc LLC v. Nelson
252736/03 East Harlem Pilot Block Bldg III v. Martin
251625/04 El Barrio Tenant's In Action, Hdc v. Silva
251628/04 Falcon Restoration Lit Partnership v. Garcia
251766/04 Fifth Lenox Terrace Associates v. Griffin
251765/04 Fifth Lenox Terrace Associates v. Smith
251595/04 Fifth Lenox Terrace v. Harris
251001/04 Fifth Lenox Terrace v. Middleton
251005/04 Fifth Lenox Terrace v. Sutherland
250300/04 Fifth Lenox Terrace Assoc. v. Witherpoon
251694/04 Fourth Lenox Terrace Assoc. v. Cole
251004/04 Fourth Lenox Terrace v. Dunbar
251135/04 Franco Neri Ltd. v. Sosa
253089/03 Harlem Housing Associates v. Fox
251720/04 Impac Associates v. Chairman
250385/04 K.N.W. Associates v. Harrison
250673/04 K.N.W. Associates v. McCrear
251910/02 Ksky Rty. Corp v. Arias
251317/04 M.S. Housing Assoc. v. Clark
251502/04 Madison Court Assoc. v. Rondon Carlos / Santiago Marise
252556/03 Maple Court Hdc v. Dorsey
251476/04 Manie Plaza Hdc v. Hill

Wir
81044/04 3868 B'way. Rty. LLC v. Mt Ford Center Inc
73629/04 50 B'way. Rty. Corp v. Pc Help Services, Inc
81022/04 Anne Fairfax Ellett Richard Sammons v. Wabi Inc. Dba Luca & Co.
87911/03 Cambridge Acquisition N LP v. Levy
78050/04 Chelsea Piers L.P. v. Chelsea Brewing Co. LLC
94102/04 College Overlook, LLC v. Marmolejos
75814/04 DeJesus v. Claudia
Harlin's Wed Ding Library LI
82707/04 Eto Equity LLC v. Lunney's Ph, Inc.
80269/04 Gilanco Hdc. LLC v. Munoz
65301/04 L.S.T.A. West. 35th - St. LLC v. Sabcut Consultants
76634/04 Kabuti Enterprises v. Dmi Seventh Enterpr. LI and David Chon
78280/04 Midtown Graphic Arts Center Assoc. v. Bashaw
801159/04 Mortien Rty. Corp. v. Carmona
74156/04 O & O Properties Corp. v. Zito Networks Inc
741550/04 O & O Properties Corp. v. Zito Networks Inc
79863/04 Pinzon LLC v. Elmes
80029/04 Roc-Ladyette Assoc. LLC v. Hal Baled Prod- ions, Inc
79404/04 Rodeo Drive Realities v. Margaret Hendricks D/B/A Sascho
97227/08 Royal Rty. Corp. v. Bbh, New York Inc. Dba Bruegers Bagel
82156/04 Temara Properties Inc. Grimaldis v. 91 Charles St. Rest. Inc.
10825/03 Terranova v. Pellicane-Lee
7263/04 Thayer Rty LLC v. Rosa Marmolejos Dba Coffee Shop
107147/01 The Rector, Church-Wa Rdens & Vestrym v. Chung King
79722/04 Vega v. Amanda Biasi
70822/04 Victorian v. Planning Plus Ltd
8161104 Vivien Leguina, LLC v. Nurgury Lines Ltd
84200/04 Volpe/Cesio v. Morton St Assoc. LLC R.A. Cohen & Assoc
827240/04 Weiss v. Mzomo

Bronx County**SUPREME COURT**

Note: Effective Monday, February 9, 2004, Mortgage Foreclosure Sales in Supreme Court, Bronx County will no longer be conducted in Room 118M.

Mortgage Foreclosure Sales in Supreme Court, Bronx County are no longer conducted in Room 118M. All Mortgage Foreclosure Sales in Supreme Court, Bronx County are now conducted in Room B-129 (Ground Floor). Sales will be conducted on Mondays, Tuesdays, Wednesdays and Fridays at 2 P.M. No Mortgage Foreclosure Sales shall be conducted in Bronx County on Thursdays

EX PARTE AND URGENT MOTIONS PART
Justice Thompson
Phone 590-3657
Room 306

TRIAL TERM
UNSAFE BUILDING

Individual Assignment Parts
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 returned in the court

18859/04 Santivanez v. M.Y.A.L.C. - Gonzalez
18294/04 Settlement Funding v. Johnson - Renwick
Preliminary Hearing
6724/04 Appice v. A & L Sheet Metal - Williams
13522/04 Bejarano v. Grant - Salerno
6705/04 Braunstein v. Park Reservoir Housing - Targum
25691/02 Cabrera v. Saibale - Williams
12616/03 Cardona v. NYCHA - Katz
13468/04 Cepedez v. Presnacio - Renwick
13706/01 Cunningham v. Blimpies, White All Co. - Owen Stein
7998/04 Daniel v. Riverbay Corp. - Salerno
14583/04 Garcia v. Kentish - Friedlander
13753/04 Gonzalez v. Svaby - McKoon
17987/04 Grace v. Brown - McKoon
13422/04 Grant v. Seraphim - Katz
7197/04 Gutierrez v. Fashion Beauty Salon - Katz
20430/04 Hartford Accident v. Hudson Towers Associates - Williams
6126/04 Heredia v. Odell Inc. - Katz
27854/03 Hunter v. Domino's Pizza - Thompson
13862/04 Jenkins v. Roadi - Renwick
13527/04 Janias v. Gedlia Rly. Corp. - McKoon
16133/04 Lynch v. Braun Mgt. - Thompson
7263/04 Mallette v. Best - Friedlander
8806/04 Martin v. Torres - Thompson
16377/04 McCabe v. Lally - Saks
17475/04 McDonald v. Horlick - Silver
8954/04 Mendez v. Queens Plumbing Supply - Renwick
29306/02 Mendoza v. Rosario - Targum
15807/04 Menash v. Parkchester South - Katz
3519/04 Pabon v. Mulero - Martin
18850/03 Perez v. Tavaraz - Thompson
6089/04 Phillips v. Corrente - Targum
28073/03 Phipps v. Pw Hdg. Corp. - Salhan
6810/04 Rodriguez v. Cruz - Silver
23977/02 Ruff v. Ramon - Saks
18381/02 Sanchez v. 212 St. Ann's Rty. - Salerno
15888/04 Santiago v. Werner - Saks
23396/03 Santos v. Chantal Mgt. LLC - Friedlander
5680/04 Saxe Davis v. Mackool - Thompson
17085/03 Sefukosa v. Fontana - Williams
13586/04 Solo v. Park Ave. Car - McKoon

Day Calendar

Court Notices
Key to Submission
Motion Calendar

SUBMITTED on this date in the above part. All cases referred to the marked date for oral argument in the above calendar part. Answering papers are to be submitted on the original return date in Room 217.

MENTAL HYGIENE PART
Justice Bertram Katz
A Supreme Court calendar will be called and Mental Hygiene Hearings will be conducted at Jacobi Hospital, Pelham Parkway and Eastchester Road, Room 1025, and North Central Bronx Hospital, 3424 Kossuth Avenue, Room 12C, on alternate Wednesdays commencing at 9:30 A.M.
A Supreme Court calendar

22052/03 Acevedo v. Foodtown Supermarket - sub
16903/03 Caceres v. Altern - adj 8/26
25473/03 Rabin v. Nickerson Terrace - adj 9/8
24768/03 Thompson v. Scott - adj 8/26
49786/02 Guzman v. Koo Koo's - adj 8/30 - CDDM
2705/03 Villa v. Krumholz - sub
25655/01 Caglie v. Piscano - sub
FRIDAY, AUG. 13
6239/04 Deluca v. Deluca - sub
7923/03 Greenpoint Mortgage Funding v. Piscopo - sub
13860/03 Mannings-Harris v. Samphal sub
13731/04 NHPE v. Azon - sub
24505/03 Rosa v. AT&T Wireless Svc. - adj 8/30 - PCDM
7964/04 Singletary v. Nimham Realty Corp. - adj 8/30 - PCDM
25473/03 Concourse Rehab. v. Novels - adj 8/30
26024/02 Ramon v. Vicenty - adj 8/30 - CDDM
22233/02 Restrepo v. MKJR Auto Corp. - sub
28031/01 Smith v. Shawe - sub
16034/03 State Farm Mutual v. Centeno - sub
13205/01 Velazquez v. Arielle Perala - sub
13205/01 Velazquez v. Arielle Perla - sub
7357/02 Bruce v. NYC - adj 9/2 - 3DM
27063/02 Cheevers v. NYC - sub
20491/01 Estate of Bonifilio M. Garcia v. NYCHH Corp. - sub
25539/02 Flores v. NYC - sub
16037/04 Gibbs v. NYC - sub
18082/04 Morel v. MABSTOA - sub
24753/01 Nunez v. NYC - sub
18777/00 Pages v. NYC - adj 9/2 - 3DM
17978/96 Pandian v. NYCHH Corp. - sub
20285/95 Perez v. Best Transit Corp. - sub
23644/03 Pesante v. NYC - adj 9/2 - 3DM
14985/02 Rhano v. NYC - sub
27594/03 Rivas v. NYC - sub
14749/03 Stanford v. NYC - sub
16265/04 Diaz v. Smith - sub
22275/03 Lightbody v. Elgrisy - sub
16162/02 Marsh v. Sing - sub
15157/04 NYCTV, 1998-2 Trust v. UAB of New Life - sub
20101/02 Robinson v. Lim
21855/02 Atlagracia Martinez v. Martinez - adj 8/30 - CDDM
25394/01 Loran Realty Corp. v. Calogero - adj 8/23 - 5M
14831/04 NY Central v. Acevedo - adj 8/26 - PCDM
27670/02 Reeve v. Yshua - adj 8/30 - CDDM
13451/03 Bank One NA v. Aquino - adj 9/23 - SMA
16115/98 Sutherland v. Oxable - adj 8/30 - CDDM
7846/03 DeJesus v. Oliveras - adj 8/31 - PCDM
8856/02 Flores v. Bekimi Assoc. - sub
28653/01 Froese v. Weiner - sub
8655/04 Geathers v. Labiners - adj 8/31 - PCDM
18366/03 Harris v. EE Cruz 7 Co. - adj 8/31 - CDDM
13258/03 Newman v. Cohill - adj 8/31 - PCDM
27681/01 Remekie v. 740 Corp. - sub
27807/03 Tejada v. Flood-Sukhdoo - adj 9/9 - CDDM
7504/04 Devineante v. 139 Realty Corp. - adj 8/30 - PCDM
25037/02 Greenpoint Mortgage Funding v. Samuro - sub
14335/02 Morcin v. Smith - sub
28372/97 Armstrong v. Zeneca Inc. - sub
26372/97 Armstrong v. Zeneca Inc. - sub
16439/03 Carrillo v. Garner - sub
14350/03 Green v. LIP Inc. - sub
28285/03 Santamaria v. Marwed Realty Corp. - adj 8/30 - PCDM
8462/04 Scott v. Saa - sub
2806/03 Anderson v. Sue - adj 8/31 - PCDM

sub
21713/03 Progressive v. Solo - sub
26804/00 Bolla v. Bolla - sub
25473/03 Calderin v. Mercado Asencio - adj 8/30 - PCDM
17192/04 Highlands Ins. v. Dunbar - sub
20768/02 Irving v. Bradley - adj 8/30 - CDDM
13414/04 Martinez v. Undercliff Realty Corp. - sub
27749/03 Ovalles v. Lopez - adj 8/30 - PCDM
13222/02 Pascal v. Stephenson - sub
277101 Grijalva v. Joel Enterp. - adj 8/19 - CDDM
18163/02 Marsh v. Sing - adj 8/30 - CDDM

Special Trial Part

Justice Stanley Green
Phone 590-3747
Room 705, 9:30 A.M.

This is a Special Trial Part for Non New York City cases in Bronx County. Trial calendars consisting of cases pending in Bronx County more than 15 months from the date of the filing of the note of issue will be called in this trial, located in Room 705 at 851 Grand Concourse, Bronx County. Calendars will be called promptly at 9:30 A.M. Only counsel fully familiar with the file and authorized to make binding concessions, settle, or try the action shall appear at the call of these trial calendars. If the matter is not disposed of at the calendar call, counsel should be prepared to select a jury immediately and proceed to trial. Counsel are further advised that they must bring their complete file, including the bill of particulars and marked pleadings to the calendar call and that clients must be immediately available upon telephone notification. Failure to appear at the call of any calendar may result in an request for dismissal pursuant to Section 202.27 of the Uniform Civil Rules for the Supreme Court and County Court.

THURSDAY, AUGUST 12**Ready Trial**

18284/96 Abreu v. Kardash Rty. 25022/01 Raig v. Barbarin
24250/01 Berisha v. Bishop
27057/99 Bishop-Evans v. Sartana
13904/02 German v. Operation Prisoner Capt
21973/01 Keelon v. Horton
Transportation
22687/98 Lehman v. Montefiore Medical Center
19595/99 Leiner v. Gold
17820/98 Maldonado v. 262 Rty. LLC
23278/00 Peralta v. Santos
18009/00 Sullivan v. Massachusetts Mutual
26398/03 Wiley v. 141st St.
27876/02 Blanco v. T.K. Trucking
22694/03 Estate of Mary Kay v. Yuret
16091/00 Martinez v. 2265 Davidson Rty.
21221/99 Escobar v. Allen
27111/01 Alkoh v. Olmstead
6047/01 Alba v. Lopez
20016/01 Brown v. Lopez
18022/99 Cantej v. 441 East 187th Associates
23157/01 Carrasquillo v. Niro
26949/90 Castillon v. Elbow
7189/02 De Santos v. O'Keefe
23024/01 Demoya v. Kebe
25599/01 Diaz v. Palazzolo Mgt.
16542/00 Foster v. Molina
23713/01 Grijalva v. Schreidmeyer
17339/01 Gonzalez v. Schreidmeyer
26223/99 Izamim v. Pinksaw
6722/00 Jones v. Empire City Subway Co.
20745/99 Melendez v. Parkchester Preservation
8533/00 Melendez v. NYCHA
16335/01 Nolasco v. Vidali

17813/01 Bright v. NYC & NYCHA
17615/04 Campodonat v. NYC
25396/00 King v. NYC
27289/04 Molina v. NYCTA
18046/96 Monroe v. NYC
24444/02 Rockledge Scaffold Corp. v. Durant
20645/04 Rodriguez v. NYC
13070/98 Santana v. NYC
23897/00 Fabel v. NYCHA
8292/04 Jones v. NYC
16925/04 Martell v. NYC
15352/04 Quidius v. NYC
17628/04 Wells v. NYC
22704/03 Williams v. NYC

TUESDAY, AUGUST 17**Ready Trial**

6343/99 Advance Carpentry, Inc. v. Croton Housing
22669/00 Badiaga v. 1180 Anderson Properties
8841/00 Bermudez v. 447 Willis Corp.
18791/00 Bonilla v. Espinal
16269/02 Christian v. Christian John L.
25383/01 Coles v. Landy
21594/01 Coulbaly v. Landy
17543/00 Jackson v. Parkchester South
6367/02 Jackson-Fairman v. Rothenberg
14580/01 Lima v. 1975 La Fontaine
18543/00 Melendez v. NYC
20064/00 Miller v. The Home Depot
24288/00 Mitchell v. Argus Rty. Co.
21718/00 Nazario v. Khan
18640/01 Press Chan v. Calapai
20860/00 Rios v. 1824 Weeks Ave.
27444/99 Rivera v. Ayala
14535/99 Rivera v. Lavanburg Community Inc.
15712/99 Rodriguez v. Sheridan Ave.
24353/01 Smollen v. Av Polo Run Associates
13905/92 Thomas v. Bronx Cross County
26719/98 Williams v. Citywide Auto Leasing
14339/99 Zequiraj v. Titiratos Const.
23859/01 Abardo v. Riverbay Corp.
8816/00 Bolkadano v. Angelou Associates
6665/02 Bastone v. Sunness
3579/02 Bermudez v. Schnebly
7914/01 Fernandez v. Ariss
15463/02 Justiniano v. Froner
20415/01 McCabe v. 15 Offic II L.L.C.
23119/01 Mensali v. Fernandez
20821/01 Ramsay v. 3868 Barnes Corp.
25554/01 Seraphin v. Mattia
6060/00 Serrano v. East Bay Auto Paris
27588/01 Sigornini v. Guerrino
24877/00 Jays v. Lazarou
WEDNESDAY, AUGUST 18
Ready Trial
23204/99 Baichu v. Taylor Pink
13994/02 Bedoya v. New Line Rty. V. Corp.
8021/01 Caputi v. Kiddell Brothers, Inc.
21770/00 Colon v. Alvarez
24886/00 Diaz v. Nimmuth
7099/01 Gerber v. Beckerman
25130/00 Gomez v. Horowitz Mgt.
26502/01 Hatzidimitrios v. Bishop
784/03 Hypolyte v. Henry
23402/01 Knight v. Stern
26859/00 Murchugh v. Citicorp Center
17725/94 Ortega v. St. Luke's Roosevelt
23711/01 Perez v. Fanny Grumborg
18047/01 Pianto v. Garay
16012/99 Rios v. Louis Madrigal Inc.
14574/00 Rivas v. Sean Cab Corp.
22630/00 Sazon v. Harris
20456/01 Santiago v. Knowles
26499/01 Yale Univ. v. Brancero
17720/00 Yonay v. Sauced
13199/01 Diaz v. Simon
23177/00 Zellerbach-Pray v. Rushing Hosp. Medical
28652/01 England v. 189 Rty. Corp.
20147/01 Fortuna v. Peabo
13634/00 Jones v. Ab & Sons Industries, Inc.
25675/98 Kulter v. Waldbaums Inc.
8153/02 Lugo v. Mbl I Associates
27501/02 Navas v. 40 South Highland Ave.

15004/01 Aguilar v. NYC
24081/00 Alston v. NYCHREIL
16899/96 Alvarez v. Shkreli Corp.
20947/03 Baker v. NYC
28252/02 Berishaj v. NYC
22740/02 Cash v. NYC
18449/02 Cavaliere v. NYC
18075/00 De'Ammed v. NYC. Board Education
17897/00 Daniel v. NYC
20591/98 Esteve v. NYCHA
49442/02 Ferrer v. NYCHA
18059/99 Flowers DeJesus v. NYC
15128/98 Fraley v. NYCTA
7186/00 Galvan v. NYCTA
49346/02 Gardiabide v. NYC.H. & I. Corp.
24380/01 Goldner v. NYCTA
28475/03 Gonzalez v. NYC
6791/02 Green v. NYC
22307/98 Grullon v. Board of Education
16769/00 Johnson v. NYC
20592/99 Logomayo v. NYC
24701/01 Lavayen v. NYC
25763/94 Lawrence v. NYCTA
8934/03 Longo v. NYC
14340/04 Manso v. NYC
20101/01 Martinez v. NYC
28964/01 Martinez v. NYC
22679/98 McNeal v. NYC
8386/01 Media v. NYC
13801/01 Morales v. NYC
21867/04 Moss v. MABSTOA
13122/02 Moss v. NYC
15378/95 Munoz v. 147 Corp.
24370/03 Myers v. NYC
21760/00 Nieves v. NYC
13869/00 Pagan v. NYC
18434/02 Peralta v. NYCTA
14515/02 Pineda v. MABSTOA
15322/02 Qui v. Molina Deli-Grocery, Inc.
15230/02 Ramirez v. Gaughan
28847/02 Rizi v. NYC
21857/01 Rodriguez v. NYC
20262/02 Rosado v. NYC
25592/95 Rosal v. NYC
8610/01 Santos v. NYCTA
14080/01 Santiago v. Russell
6161/01 Scatchnio v. NYC
50522/02 Strung v. NYC
15259/02 Vasquez v. NYC
24419/94 Vizarcondo v. Board of Ed.
13879/99 Walovich v. NYC
7152/99 Warren v. NYC
17574/99 Wilkerson v. Richardson
6936/03 Williams v. NYC
21256/02 Arzeno v. Travelers Prop. Casually
13350/99 Henderson v. NYC
21839/01 Noriga v. Board of Education
20849/03 Oleniak v. NYC
23501/02 Powell v. NYC
49516/02 Silva v. NYC

Discovery Motion

15004/01 Aguilar v. NYC
24081/00 Alston v. NYCHREIL
16899/96 Alvarez v. Shkreli Corp.
20947/03 Baker v. NYC
28252/02 Berishaj v. NYC
22740/02 Cash v. NYC
18449/02 Cavaliere v. NYC
18075/00 De'Ammed v. NYC. Board Education
17897/00 Daniel v. NYC
20591/98 Esteve v. NYCHA
49442/02 Ferrer v. NYCHA
18059/99 Flowers DeJesus v. NYC
15128/98 Fraley v. NYCTA
7186/00 Galvan v. NYCTA
49346/02 Gardiabide v. NYC.H. & I. Corp.
24380/01 Goldner v. NYCTA
28475/03 Gonzalez v. NYC
6791/02 Green v. NYC
22307/98 Grullon v. Board of Education
16769/00 Johnson v. NYC
20592/99 Logomayo v. NYC
24701/01 Lavayen v. NYC
25763/94 Lawrence v. NYCTA
8934/03

USE L.L.C., 1400 WEST 117TH ST.,
Farmingdale, NY 11735. Purpose:
any lawful activity.
472112 jy29-Th s2

NOTICE OF FORMATION
OF HELBERG ELECTRIC
CABLE SUPPLY LLC, Art. of
Org. filed Secy. of State
(SSNY) 5/29/03. Office loca-
tion: Nassau County, SSNY
designated as agent of LLC
upon whom process may be
served. SSNY shall mail copy
of process: 310 West Stearns
Ave., Freeport, NY 11520.
Purpose: any lawful purpose.
476711 aus-Th s8

NOTICE OF FORMATION
OF HORIZON DEVELOP-
MENT GROUP, LLC, Art. of
Org. filed Secy. of State
(SSNY) 7/7/04. Office location:
Nassau County, SSNY desig-
nated as agent of LLC upon
whom process may be served.
SSNY shall mail copy of pro-
cess: 160 Harborview South,
Lawrence, NY 11559. Purpose:
any lawful purpose.
476708 aus-Th s9

NOTICE OF FORMATION
OF RRM LLC, Art. of Org.
filed Secy. of State (SSNY)
6/23/04. Office location: Nas-
sau County, SSNY designated
as agent of LLC upon whom
process may be served. SSNY
shall mail copy of process: 74
Whitehall Road, Rockville
Center, NY 11570. Purpose:
any lawful purpose.
470282 jy8-Th au12

NOTICE OF FORMATION
OF DEERFIELD REAL-
TY PARTNERS, LLC, Arts. of
Org. filed with Secy. of State
of N.Y. (SSNY) on 06/04/04.
Office location: Nassau County.
SSNY designated as agent
of LLC upon whom process
against it may be served.
SSNY shall mail process to:
580 Main Street, Suite 606,
New Rochelle, NY 10801. Purpose:
any lawful activity.
476419 aus-Th s9

SE PROPERTIES, LLC Articles
of Org. filed with Secy. of
State (SSNY) 07/06/04. Office
in Nassau Co. SSNY desig-
nated as agent of LLC upon
whom process may be served.
SSNY shall mail a copy of any
such process served to: The
L.L.C. 25 Leroy Place, New
Rochelle, NY 10801. Purpose:
any lawful purpose.
474274 jy22-Th au26

GOTAN LLC

NOTICE OF FORMATION
of the above Limited
Liability Company ("LLC").
Articles of Organization filed
with the Secretary of State of
NY ("SSNY") on 07/12/2004
under the name—Office loca-
tion: County of Westchester.
SSNY has been designated as
agent of the LLC upon whom
process against it may be
served. SSNY shall mail a
copy of any such process
served to: The L.L.C. 17 Lake
Avenue, Tuckahoe, NY 10707.
Purpose: any lawful act.
473393 jy22-Th au26

HALBEQUIN LLC

NOTICE OF FORMATION
of the above Limited Liabil-
ity Company ("LLC"). Articles
of Organization filed with
the Secretary of State of NY
("SSNY") on 07/14/2004
under the name—Office
location: County of Westches-
ter. SSNY has been designat-
ed as agent of the LLC upon
whom process against it may
be served. SSNY shall mail a
copy of any such process
served to: c/o The Vincent A.
Delorio Law Firm, 2975 West-
chester Avenue, Purchase,
NY 10577. Purpose: any law-
ful act.
475639 jy29-Th s2

NOTICE OF FORMATION
of Limited Liability Com-
pany LEE WEINTRAUB
LANDSCAPE ARCHITEC-
TURE LLC (the "LLC") filed
Articles of Organization with
N.Y. Sec. of State on July 6,
2004. Office is in Westchester
Co., Sec. of State designated
as agent for service of pro-
cess, a copy of which it shall
mail to the LLC at Edge-
cliffe Terrace, Yonkers, NY
10705. The purpose of the LLC
is any legal purpose.
475172 jy29-Th s2

1901000 REAL ESTATE MORTGAGE ASSOCI-
ATE, INC., 11735.
24339/03 Hudson Ins. Co. v. Martin v.
8615/04 Nationwide Mutual v.
Fernandez
8433/01 Rodriguez v. Galicia
14629/04 The Harlem Yacht Club v. NYC
Ed
8383/04 U.S. Bank Nat. v. Sanchez
7163/03 Washington Mutual Bank v.
Brown

Part 6

Justice Howard R. Silver
Phone 590-3652
Room 405A, 9:30 A.M.

MONDAY, AUGUST 16

Motion

14229/03 Morales v. Edwin Robbins

Part 7

Justice Barry Salzman
Phone 590-3854
Room 408, 9:30 A.M.

MONDAY, AUGUST 16

Motion

32280/94 Bx. Ctr. Form. Servs. Inc. v.
18819/04 Hodge v. The NYCHA
14501/02 Harding v. Jimenez Rly. Corp.
13551/03 Moran v. Yao
22124/03 Peerless Ins. Co. v. Lora

LIMITED LIABILITY

ENTITIES

STUDIO 315, LLC

NOTICE OF FORMATION
of the above Limited
Liability Company ("LLC").
Articles of Organization filed
with the Secretary of State of
NY ("SSNY") on 07/01/2004.
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 a copy of any
such process served to: The
LLC, 25 Leroy Place, New
Rochelle, NY 10801. Purpose:
any lawful act.
473328 jy22-Th au26

YOUNG & BARTLETT, LLP

**NOTICE OF REGISTRA-
TION** of the above Regis-
tered Limited Liability Part-
nership ("LLP"). Certificate
of Registration was filed with
the Sec. of State of NY
("SSNY") on 08/25/2004. The
location of the principal of-
fice will be in the County of
Westchester. SSNY has been
designated as agent of the
LLP upon whom process
against it may be served.
SSNY shall mail a copy of any
such process served to the LLP
at the LLP, 81 Main St., White
Plains, NY 10601. The pur-
pose of the LLP is to practice
law.
475178 jy29-Th s2

LIMITED LIABILITY

ENTITIES

**NOTICE OF CONVER-
SION** of Cimantob Realty
Co., L.P. to Cimantob Realty
Co., LLC. Certificate filed
with Secy. of State of NY
(SSNY) on 3/12/04. Office loca-
tion: NY County, SSNY desig-
nated as agent of LLC upon
whom process against it may
be served. SSNY shall mail
process to: 312 5th Ave., NY,
NY 10001. Purpose: any law-
ful activities.
478710 au12-Th s16

MISCELLANEOUS

NOTICE IS HEREBY given
that a license number
(Pending) for on-premises
liquor has been applied for
by the undersigned to sell
liquor at retail in a Restau-
rant, under the Alcoholic
Beverage Control Law at 210
West 55th Street, New York,
NY 10019 for on-premises
consumption. 210 West 55th
479137 au12-11

23256/03 Arias v. Bah
6556/04 Francis v. Ryder Truck Rental
Inc.
25921/03 Fuller v. Brescio
26912/01 Garcia v. Delich
26270/03 Martens v. Bret
18274/03 Moe v. Omane
20885/99 Ormit v. SRM Construction
26277/03 Simpson v. Burford

Compliance Conference

22671/03 Als v. Als
24121/00 Amaral v. Metro-North
Commuter
14915/03 Baez v. Jones
21184/03 Bailey v. Rose
15910/03 Barron v. Jones
1691/03 Benson v. Ayala
20882/99 Brown v. 733 Arnow Rly. Co.
20409/03 Cameron v. Domino Transport
22741/03 Cummings v. Mejia
15794/03 Delalaba v. Callahan
16129/03 Diaz v. Crotona VIII Housing
20110/03 Dubro v. Brown Printing Co.
Inc.
13403/01 Dubro v. Cook Pony Farm Rel
6835/03 Esposito v. Lynch
24230/03 Ewell v. Lafayette-Boynton
Housing
20512/03 Flores v. 2701 Grand
Associates
27993/02 Jones v. Antero
16157/03 Junior v. Concourse Plaza
23517/03 Justino v. Hemingway
16757/03 Khalil v. Mejia
14753/03 Lophin v. Groves
18656/02 Lago v. NYCHA
7067/03 Martinez v. Port Authority
25966/02 Norfolk & Dedham Mutual v.
2000-2020 Davidson
20895/98 Ormit v. SRM Construction
16484/03 Plaut v. Aliright Parking
13848/03 Quinones v. Alardo
7680/04 Rada v. Manaster
21717/03 Samuels v. Godel
16155/03 Seize v. Verion
Communications
27854/02 Singh v. Singh
18531/03 Teti v. Falsetta
29704/02 Vague v. Mazin
15117/03 Zak v. Nextst Realty II Corp.
18486/02 Zorilla v. San Juan Health
Center
8425/01 Zuccala v. Ael

Discovery Motion

64900/03 Batalla v. Alicea
25272/02 Best v. 1275/1291 Bdw.
18197/99 Best v. Alvarado
18532/03 Clarke v. Sebastian
29921/02 DeWolfe v. Herrera
13356/03 Delvino v. Payne
21530/02 Diaz v. Doe
6329/03 Hart v. Mangum
7538/04 Jung v. McMahon
6109/01 King v. Bay Plaza Apple
23181/02 Lauture v. 119 E. 96th St.
18549/01 Mangier v. Weiler
14189/03 Mariano v. Weiler
6834/02 Montes v. Berde
26853/02 Munet v. Nukalapati
16478/01 Nova v. Houghbiter
25432/00 Pacheco v. Empire City
Subway
7987/03 Rahman v. Bute Taxi Corp.
22985/98 Rampersant v. NY Medical
Group
49578/02 Roman v. Rodriguez
7490/02 Rosario v. Davis
6953/08 Torres v. Gonzalez
23355/02 Torres v. PKG. Packing Corp.
6733/03 Villanueva v. Morales
14156/03 Zuberman v. Capellinid

FRIDAY, AUG. 13

Preliminary Conference

7710/04 Alejandro v. 2343 Inc.
25175/03 Avila v. Hall
27939/03 Basciano v. Borrelli
17350/02 Balista v. Nwanjio
21247/03 Nwanjio v. Ortega
14741/03 Britbiter v. Siertanza
14964/04 Canela v. Rangel
13406/04 Caraballo v. Montefiore
Medical Center
28450/03 Cochran v. Cuevas-Penas
14453/04 Doran v. James
13573/04 Gant v. Marsalculo
20895/03 Jimenez v. Lopez
16023/04 O'Connor v. Bob-Ski Realty
Co.
21623/01 Paschetti v. MGS Associates,
Inc.

21877/03 Davis v. Gira
7496/03 Day v. Arco Mgmt. Corp.
23223/03 Dinamo v. Ana Distribution, Inc.
16932/03 Che Banks v. Rosario
17953/03 Sankar v. Worldwide Sport
13597/03 Garcia v. Smith
20660/03 Grant v. Community Food
6834/03 Infante v. Marie
20665/02 Jimenez v. Yelish Inc.
27948/02 Jones v. Sako
18611/03 Joyner v. Avery
15094/03 Marciano v. Montefiore Med. Ctr.
18378/01 Marino v. Garcia
15991/03 Mitchell v. 135th St. Realty
Corp.
22991/03 Moore v. Chambers Paper
Fibers
23728/03 Morgan v. Cerezo
8456/03 Navarro v. Owens Bros. Tree
Service
20613/03 Norman-Campos v. Cabrera
18204/03 Pena v. Arrieta
6042/03 Penzine v. Reyes
23205/03 Ramirez v. Ayalz
20369/01 Robinson v. Barrera
24230/03 Rodriguez v. Daily News
7086/95 Rodriguez v. Beth Israel
Medical Center
23892/03 Shartsis v. Schwartz
7022/03 Sullivan v. Tallander
20039/03 Tchermon v. 33 Bre Inc.
20768/03 Tejada v. Mejia
24254/03 Torres v. Kim
22925/03 Torres v. 620 LLC
18656/03 Villanueva v. St. Barnabas
Hospital
15806/03 Wint v. U-Haul Co. of Texas
Inc.

Discovery Motion

8505/03 Campos v. Khan
24118/02 Campos v. Port Authority of NY
6158/03 Cauco v. 735 Realty Co.
16315/02 Caviness v. Sanchez
18442/02 Lee v. Burger King
17359/00 Morningside Fuel Corp. v.
Associates Fuel Oil, Inc.
20480/03 Mounsey v. Manzari
24155/03 Pagan v. Perez
6042/03 Penzine v. Alzal
15041/02 Perez v. McParlane
14266/03 Rodriguez v. Vargas
6915/03 Torres v. Secareanu
6922/00 Vanliner Insurance v. Harlem
River Parking
21364/02 Washington v. Albaracin
14506/02 Zorilla v. Marci

TUESDAY, AUG. 17

Preliminary Conference

18428/03 Abramova v. Albert Einstein
College
18873/03 Bellaro v. Lin
22824/02 Burke v. Castillo
16084/04 Capital One Auto Finance v.
Young
7417/04 Cespedes v. Bah
20902/02 Colon v. Jimmy's Bronx Caf.
25704/02 Dalcioles v. Reiko Group Ltd.
49311/02 Delmonico v. Sierra Bronx
Seaford Corp.
25145/03 Depre v. Last Second Agents,
Inc.
28355/03 Durand v. 2200 Morris Realty
Co.
14510/02 Edwards v. NY Presbyterian
25032/03 Fajardo v. Deivo
22004/01 Gopal v. Z.A. Trading, Inc.
26967/03 Irizarry v. Garcia
6422/03 Kanoute v. Liguori
22273/03 Kingsbridge v. Kerrigan
18841/03 McNeil v. Crump
28715/01 Mejia v. Kamal
25743/03 Mejia v. Duran
25599/02 Morales v. Jimmy's Bronx Caf.
22505/03 NY Central v. Berges
6730/04 In re Nguyen
21309/03 Pacheco v. Kew Garden Hills
15653/03 Richs v. Classe
23548/03 Roberts v. McGregor
27938/03 Rodriguez v. Beth Abraham
Health
17281/03 Rodriguez v. Jamaica Hospital
13988/03 Said v. Buccafusca
6696/02 Sierra v. Tirado
14162/03 Smallwood v. Beatrice Bus Inc.
22602/01 Tejada v. Vasquez
17228/03 Torres v. Rojo
20023/03 Torres v. Resosmo v. Artwork
Corporation
14223/03 Tow Hametovic Corp. v. St. Paul
Fire & Marine
27141/03 Vargas v. Garcia
13637/04 Zohar v. Smith

13056/02 Sabala v. Cano
15231/01 Serrano v. Flores
21111/03 Spence v. Angeles
15724/02 Thompson v. Verizon Public
Inc.

WEDNESDAY, AUG. 18

Preliminary Conference

28399/03 Abreu v. Antonio
21927/03 Alvarez v. Varsity Transit Inc.
28135/03 Ayala v. Quirindongo
25577/03 Bruce v. Grand Concourse East
20319/03 Burke v. Gotham Constr.
28175/02 Cabral v. Marzan
7378/04 Destine v. Concor
27834/03 Detres v. Hull Assoc.
14852/04 Diaz v. Abreu
6210/01 Elzababi v. Elzababi
7613/03 Frederick v. halpern
24264/02 Fulton v. Allstate Ins.
16907/03 Gaton Int. LTD v. PC
Development Group
24763/01 Hernandez v. Jaipersaud
76104 Khebeck v. Esposito
28111/03 Kye v. Solano
17550/03 Liberty Mutual Group v. Allen
13852/04 Lopez v. Martinez
22466/03 Mangual v. Mazaara
20076/01 Marrore v. Romad Realty Inc.
24719/03 McKinney v. Fieldston Lodge
Care Ctr.
23923/03 Muniz v. Milea Truck Sales
Corp.
7192/04 Murphy v. Mejias
20872/03 Nunez v. M&T NY Corp.
16086/04 Olaveria v. MVAIC
7734/04 Philip v. Guzman
25959/02 Pizarro v. Munoz
29594/02 Polanco v. Yapor
25348/01 Pritchard v. Rivera
6550/04 Surjeko v. McFadden
13726/04 Takamashi v. Beatre
28925/01 Ten v. Lopez
14372/04 Torres v. River Distributors
25294/02 Vilaria v. Armenteros

PC Discovery Motion

14910/04 Anello v. Velez
7077/04 Bancel v. Beck St. Realty
24559/03 Bramble v. Keyspan Corp.
29522/02 Burnett v. Sinclair
21959/03 Corbett v. Christino
14791/04 Cruz v. 960 Inc.
7884/03 DeJesus v. Oliveras
15394/04 Estela Ruth Williams v.
Morningside House
13594/04 Estate of Ruth Williams v.
Morningside House
24522/03 Figueroa v. 600 W 218th St.
Assoc.
6665/04 General Assurance Co. v.
Stewart
28223/03 Hines v. Dockery
16065/03 Kilsopoulos v. Muhieddine
23838/03 Luciente v. Riverbay Corp.
25257/03 McTaggart v. Pichardo
8860/04 Melendez v. Budget Rent a Car
Inc.
27511/03 Miranda v. Healthwave Inc.
18424/03 Nunes v. Young Men's Christian
26119/03 Ruthledge v. Natal
16415/02 Silva v. Reynolds
28911/02 Simson v. Nwou
28708/03 Thomas v. MSDW 745 LLC
28912/03 Whitehouse v. Apuzzo
8434/04 Wingate v. Mathews
27485/03 Zhang v. Tordem Equip. Co.
Stewart

28223/03 Hines v. Dockery
16065/03 Kilsopoulos v. Muhieddine
23838/03 Luciente v. Riverbay Corp.
25257/03 McTaggart v. Pichardo
8860/04 Melendez v. Budget Rent a Car
Inc.
27511/03 Miranda v. Healthwave Inc.
18424/03 Nunes v. Young Men's Christian
26119/03 Ruthledge v. Natal
16415/02 Silva v. Reynolds
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28912/03 Whitehouse v. Apuzzo
8434/04 Wingate v. Mathews
27485/03 Zhang v. Tordem Equip. Co.
Stewart

15876/03 Abreu v. Bx. Lebanon Hosp. Ctr.
22494/03 Aguilera v. 3550 Blackstone
Assoc.
18039/03 Aybar v. Shavish
13649/03 Badger v. Montefiore Med.
Center
16079/02 Buonagura v. Ahn
12640/02 Cabasa v. Castillo
25421/01 Fernandez v. Mojica
21464/03 Cain v. Medical Support Inc.
23994/01 Carroll v. Henderickson
21944/03 Chinedo v. Brownstone Radio
Group
21787/03 Colon v. Shiva Ambulette v. Svc.
21769/03 Concepcion v. Orlando
25498/03 Deleon v. Reyes
24002/03 Diaz v. United Limousine Svc.
17661/03 Dorfman v. 2132-38 Wallace
Ave. Corp.
18096/00 Edmonds v. NYC
20019/03 Frias v. 1480 Popham Realty
15129/03 Frias v. Montesleoca
15537/03 Gill v. Perez
23610/03 Gill v. Gibbons
24000/03 Grinberg v. Antiagel

25224/02 Harris v. Butler
13863/03 Hirsch v. Riverdale Car Wash
49866/02 Jasar v. Audi Financial Services
21111/03 Spencer v. Angeles
15724/02 Thompson v. Verizon Public
Inc.

28399/03 Abreu v. Antonio
21927/03 Alvarez v. Varsity Transit Inc.
28135/03 Ayala v. Quirindongo
25577/03 Bruce v. Grand Concourse East
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28175/02 Cabral v. Marzan
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28111/03 Kye v. Solano
17550/03 Liberty Mutual Group v. Allen
13852/04 Lopez v. Martinez
22466/03 Mangual v. Mazaara
20076/01 Marrore v. Romad Realty Inc.
24719/03 McKinney v. Fieldston Lodge
Care Ctr.
23923/03 Muniz v. Milea Truck Sales
Corp.
7192/04 Murphy v. Mejias
20872/03 Nunez v. M&T NY Corp.
16086/04 Olaveria v. MVAIC
7734/04 Philip v. Guzman
25959/02 Pizarro v. Munoz
29594/02 Polanco v. Yapor
25348/01 Pritchard v. Rivera
6550/04 Surjeko v. McFadden
13726/04 Takamashi v. Beatre
28925/01 Ten v. Lopez
14372/04 Torres v. River Distributors
25294/02 Vilaria v. Armenteros

WEDNESDAY, AUG. 18

16317/03 Ancrum v. Twenty-Three One-
Naught
13357/02 Bravo v. Soto
27522/02 Bui v. East Manor Inc.
25281/01 Burnet v. Shabani
26866/02 Carrillo v. Renall Realty Group
7619/03 Cummings v. Everlast Sports
23214/98 Daniels v. Philsland Rly.
6538/03 Diallo v. Sanchez
25429/01 Diaz v. NYCHA
14536/01 Feliciano v. Jack D. Weiler
Hosp.
17530/00 Garcia v. Hope Ambulette
Service
13749/03 Gill v. Encarnacion
49114/02 Gonzalez v. 18 East 199th Street
23864/02 Green v. Bedford
24289/00 Griev v. Ford Motor Credit Corp.
7670/02 Hammond v. Rosario
7455/03 Jones v. Colon
23840/02 Lantigua v. El Brooks
Enterprises
13515/02 Lopez v. Park Avenue Assoc.
20962/00 Marrore v. Michy Assoc.
13679/03 McKenzie v. Crotona park West
7398/02 Motto v. Miah
18963/02 Naidu v. Pierson
23315/02 Obeso v. Smith
21684/00 Posner v. Othman
10170/00 Rivera v. Dynamic Appliances
8433/01 Rodriguez v. Galicia
6769/96 Sanchez v. Cuevas
16048/03 Santos v. Kelly
8434/02 Shein v. Cohen
22755/02 Smith v. Diallo
15170/02 Smith v. Graveney
16786/02 Sornath v. Reyes
16766/02 Sornath v. Reyes
15499/03 Weick v. Edgewater Park
Owners
22379/02 Wabab v. Aponte
15160/02 Waite v. Whitley

16317/03 Ancrum v. Twenty-Three One-
Naught
13357/02 Bravo v. Soto
27522/02 Bui v. East Manor Inc.
25281/01 Burnet v. Shabani
26866/02 Carrillo v. Renall Realty Group
7619/03 Cummings v. Everlast Sports
23214/98 Daniels v. Philsland Rly.
6538/03 Diallo v. Sanchez
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14536/01 Feliciano v. Jack D. Weiler
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7398/02 Motto v. Miah
18963/02 Naidu v. Pierson
23315/02 Obeso v. Smith
21684/00 Posner v. Othman
10170/00 Rivera v. Dynamic Appliances
8433/01 Rodriguez v. Galicia
6769/96 Sanchez v. Cuevas
16048/03 Santos v. Kelly
8434/02 Shein v. Cohen
22755/02 Smith v. Diallo
15170/02 Smith v. Graveney
16786/02 Sornath v. Reyes
16766/02 Sornath v. Reyes
15499/03 Weick v. Edgewater Park
Owners
22379/02 Wabab v. Aponte
15160/02 Waite v. Whitley

PC Discovery Motion

14910/04 Anello v. Velez
7077/04 Bancel v. Beck St. Realty
24559/03 Bramble v. Keyspan Corp.
29522/02 Burnett v. Sinclair
21959/03 Corbett v. Christino
14791/04 Cruz v. 960 Inc.
7884/03 DeJesus v. Oliveras
15394/04 Estela Ruth Williams v.
Morningside House
13594/04 Estate of Ruth Williams v.
Morningside House
24522/03 Figueroa v. 600 W 218th St.
Assoc.
6665/04 General Assurance Co. v.
Stewart
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16065/03 Kilsopoulos v. Muhieddine
23838/03 Luciente v. Riverbay Corp.
25257/03 McTaggart v. Pichardo
8860/04 Melendez v. Budget Rent a Car
Inc.
27511/03 Miranda v. Healthwave Inc.
18424/03 Nunes v. Young Men's Christian
26119/03 Ruthledge v. Natal
16415/02 Silva v. Reynolds
28911/02 Simson v. Nwou
28708/03 Thomas v. MSDW 745 LLC
28912/03 Whitehouse v. Apuzzo
8434/04 Wingate v. Mathews
27485/03 Zhang v. Tordem Equip. Co.
Stewart

15876/03 Abreu v. Bx. Lebanon Hosp. Ctr.
22494/03 Aguilera v. 3550 Blackstone
Assoc.
18039/03 Aybar v. Shavish
13649/03 Badger v. Montefiore Med.
Center
16079/02 Buonagura v. Ahn
12640/02 Cabasa v. Castillo
25421/01 Fernandez v. Mojica
21464/03 Cain v. Medical Support Inc.
23994/01 Carroll v. Henderickson
21944/03 Chinedo v. Brownstone Radio
Group
21787/03 Colon v. Shiva Ambulette v. Svc.
21769/03 Concepcion v. Orlando
25498/03 Deleon v. Reyes
24002/03 Diaz v. United Limousine Svc.
17661/03 Dorfman v. 2132-38 Wallace
Ave. Corp.
18096/00 Edmonds v. NYC
20019/03 Frias v. 1480 Popham Realty
15129/03 Frias v. Montesleoca
15537/03 Gill v. Perez
23610/03 Gill v. Gibbons
24000/03 Grinberg v. Antiagel

25224/02 Harris v. Butler
13863/03 Hirsch v. Riverdale Car Wash
49866/02 Jasar v. Audi Financial Services
21111/03 Spencer v. Angeles
15724/02 Thompson v. Verizon Public
Inc.

Part 15

Part T15

Justice B. Newman
Phone 718-590-3736
Room 505, 9:30 A.M.

THURSDAY, AUGUST 12

John Doe
Thomas Ellis

Part T16

Justice R. Price
Phone 718-590-3737
Room 621, 9:30 A.M.

THURSDAY, AUGUST 12

Sammy Cruz
Rene Martinez
Susan Mooney
Robert Nazario

Part T17

Justice R. Snowball
Phone 718-590-3742
Criminal Court Building
Room 1M2A, 9:30 A.M.

Part T18

Justice H. Silverman
Phone 718-590-3744
Room 710, 9:30 A.M.

Part T19

Justice D. Stadtmauer
Phone 718-590-3741
Room 708, 9:30 A.M.

Part T22

Justice Talmier
Phone 718-590-3727
Room 401, 9:30 A.M.

Part T23

Justice Farber
Phone 718-590-3749
Room 402, 9:30 A.M.

THURSDAY, AUGUST 12
Surajit L. Kasin

Part T24

Justice Sackett
Phone 718-590-3734
Room 507, 9:30 A.M.

THURSDAY, AUGUST 12
William Sierra

MOTION AND CONFERENCE PARTS

Part M20

Justice L. Bernstein
Phone 718-590-3688
Room 607, 9:30 A.M.

THURSDAY, AUGUST 12

Michael James
Jessie Jones
Robert Jones
Bruce Laspinia
Willi Nunn
Rahshatnab Pack
Miri Pataut
Paul Person
Dil A. Pickney
Raymond Rivera
John Tracz
Shamel Walker
Keneth Williams

Part M30

Justice W. Mogulescu
Phone 718-590-3730
Room 415, 9:30 A.M.

Part M40

Justice T. Webber
Phone 718-590-3751

Part M90

Justice Ingram
Phone 718-590-3687
Monday and Friday:
Room 600, 9:30 A.M.

Tuesday and Wednesday:

Room 600, 2 P.M.

Thursday:

Room 607, 2 P.M.

THURSDAY, AUGUST 12

Mark Abbott
Angel Aponte
Samuel Asidu
Dwayne Bolton
Tracey Bolton
Gary Clark
Gary Clarke
Orlando Gotozalez
William Hamner
Lardner Hinton
Steven Holmes
Triscan Hubbard
Matthew Johnson
Dwayne McEachin
Angel Morales
Edwin Nazario
Jose Odio
Damon L. Patillo
Gregory Perez
Peter Rameshar
Robert Rivera
Woodrow S. Stokes
David Turner
Luis Valle
Bobbie Williams

TUESDAY, AUGUST 17

Conference

04BCV7169 Phys. Mafes v. Shabben O'Connell
04BCV7168 Tony Mafes v. Shabben O'Connell

Part 15

Room B129, 9:30 A.M.

FRIDAY, AUGUST 13

Conference

04BCV3241 Bib Medical Supply v. Aiu Ins. Co.
04BCV3233 Boulevard Multispec v. Aiu Ins. Co.
04BCV3239 Bronx Adv. Medical v. Aiu Ins. Co.
04BCV3235 Bronx Advanced v. Aiu Ins. Co.
04BCV3238 Bronx Advanced v. Aiu Ins. Co.
04BCV3240 East Coast Medical v. Aiu Ins. Co.
04BCV3208 Freedom Medical v. State Farm Mutual
04BCV3210 Freedom Medical v. Travelers Ins.
04BCV3205 Heights Medical Care v. Atlantic Mutual
04BCV3229 Howard M. Rombom v. Liberty Mutual
04BCV3230 Jacob Nir Md v. Govt.
04BCV3236 Jeffrey L. Rubin Ph. v. General Assurance
04BCV3237 Jeffrey L. Rubin v. Lumbermans Mutual
04BCV3212 Maritza Colon v. Karen Casada
04BCV3203 Metro. v. General Assurance
04BCV3213 Metro. v. General Assurance
04BCV3206 Modern Diagnostic v. Eagle Ins.
04BCV3207 Park Slope Medical v. Travelers Prop.
04BCV3204 Precision Diagnostic v. General Assurance
04BCV3231 Professional v. Lumbermans Mutual
04BCV3232 Professional v. Lumbermans Mutual
04BCV3228 West Tremont Medical v. Lumbermans Mutual

Part 1

Room 216, 9:30 A.M.

Part 5

Room 701A, 10:00 A.M.

THURSDAY, AUGUST 12

Conference

04BCV2737 Bronx Radiology v. Progressive
04BCV2749 Jerome Ave Physical v. Allstate Ins.
04BCV2757 Vladimir Zlatnik Md v. Allstate Ins. Co.

Part 6

Room 521, 10:00 A.M.

Part 10

Room Window, 9:30 A.M.

Part 11

Room B129, 10:30 A.M.

MONDAY, AUGUST 16

Conference

04BCV7178 American Express v. Man Li
04BCV7179 Arrow Financial v. Margaret Rodriguez
04BCV7178 Asset Acceptance v. Terrance Howell
04BCV7127 Capital One Bank v. Beatrice Glass
04BCV7176 Capital One Bank v. Lorna McGregor
04BCV7179 Cavalry Portfolio v. Martine Angelos
04BCV7179 Cavalry Portfolio v. Martine Angelos

Part 13

Room B129, 10:30 A.M.

Part 20

Room 701A, 10:00 A.M.

THURSDAY, AUGUST 19

Conference

04BCV2904 Al Toun Ly v. Mohammad Ali

Part 12

Room B129, 9:30 A.M.

Part 14

Room B129, 10:30 A.M.

MONDAY, AUGUST 16

Inquest

04BCV7184 Zeneida Pena v. Jesus Calderon

TUESDAY, AUGUST 17

Conference

04BCV7169 Phys. Mafes v. Shabben O'Connell

04BCV7199 Sulayman Noruddeen v. Guaranty Residential
04BCV7209 Touro College v. Steven B Vergara
04BCV7221 Unifund Ccr v. Calvin L. Miles
04BCV7220 Unifund Ccr v. Niurduls Puentes

Part 12

Room B129, 9:30 A.M.

Part 14

Room B129, 10:30 A.M.

MONDAY, AUGUST 16

Inquest

04BCV7184 Zeneida Pena v. Jesus Calderon

TUESDAY, AUGUST 17

Conference

04BCV7169 Phys. Mafes v. Shabben O'Connell
04BCV7168 Tony Mafes v. Shabben O'Connell

Part 15

Room B129, 9:30 A.M.

FRIDAY, AUGUST 13

Conference

04BCV3241 Bib Medical Supply v. Aiu Ins. Co.
04BCV3233 Boulevard Multispec v. Aiu Ins. Co.
04BCV3239 Bronx Adv. Medical v. Aiu Ins. Co.
04BCV3235 Bronx Advanced v. Aiu Ins. Co.
04BCV3238 Bronx Advanced v. Aiu Ins. Co.
04BCV3240 East Coast Medical v. Aiu Ins. Co.
04BCV3208 Freedom Medical v. State Farm Mutual
04BCV3210 Freedom Medical v. Travelers Ins.
04BCV3205 Heights Medical Care v. Atlantic Mutual
04BCV3229 Howard M. Rombom v. Liberty Mutual
04BCV3230 Jacob Nir Md v. Govt.
04BCV3236 Jeffrey L. Rubin Ph. v. General Assurance
04BCV3237 Jeffrey L. Rubin v. Lumbermans Mutual
04BCV3212 Maritza Colon v. Karen Casada
04BCV3203 Metro. v. General Assurance
04BCV3213 Metro. v. General Assurance
04BCV3206 Modern Diagnostic v. Eagle Ins.
04BCV3207 Park Slope Medical v. Travelers Prop.
04BCV3204 Precision Diagnostic v. General Assurance
04BCV3231 Professional v. Lumbermans Mutual
04BCV3232 Professional v. Lumbermans Mutual
04BCV3228 West Tremont Medical v. Lumbermans Mutual

Part 1

Room 216, 9:30 A.M.

Part 5

Room 701A, 10:00 A.M.

THURSDAY, AUGUST 12

Conference

04BCV2737 Bronx Radiology v. Progressive
04BCV2749 Jerome Ave Physical v. Allstate Ins.
04BCV2757 Vladimir Zlatnik Md v. Allstate Ins. Co.

Part 6

Room 521, 10:00 A.M.

Part 10

Room Window, 9:30 A.M.

Part 11

Room B129, 10:30 A.M.

MONDAY, AUGUST 16

Conference

04BCV7178 American Express v. Man Li
04BCV7179 Arrow Financial v. Margaret Rodriguez
04BCV7178 Asset Acceptance v. Terrance Howell
04BCV7127 Capital One Bank v. Beatrice Glass
04BCV7176 Capital One Bank v. Lorna McGregor
04BCV7179 Cavalry Portfolio v. Martine Angelos
04BCV7179 Cavalry Portfolio v. Martine Angelos

Part 13

Room B129, 10:30 A.M.

Part 20

Room 701A, 10:00 A.M.

THURSDAY, AUGUST 19

Conference

04BCV2904 Al Toun Ly v. Mohammad Ali

Part 12

Room B129, 9:30 A.M.

Part 14

Room B129, 10:30 A.M.

MONDAY, AUGUST 16

Inquest

04BCV7184 Zeneida Pena v. Jesus Calderon

TUESDAY, AUGUST 17

Conference

04BCV7169 Phys. Mafes v. Shabben O'Connell

Part 32

Room B129, 9:30 A.M.

Part 34

Room B129, 9:30 A.M.

Part 35

Room B129, 9:30 A.M.

Part 45

Judge Guzman
Room B129, 6:00 P.M.

Part 47

Judge Alessandro
Room B129, 2:00 P.M.

THURSDAY, AUG. 12

Adjournments

Lane v. Syria's Restaurant
Trade v. Rivera
Wright v. Daniels

Motions

Agymang v. Bee

New Cases

Johnson v. Jesus
Zane v. Knolls Crescent 2 Inc.
Schlangier v. Dr. Piscano
6 P.M.

Adjournments

Reyes v. Siga
Rivello v. Wide World Home
Improvement Inc.
Bizzoco v. Garofalo
Roman v. M&W Rent R Us Rity.
Roman v. Leras
Conte v. Rosenthal
Miliano v. M&W Rent R Us Rity.
Payton v. Storage Deluxe
Pia v. Diaz
Martinez v. Frente Independiente
State Farm Mutual
Wood v. Sanchez
Alonso v. Pradhan
Cohen & Kramer v. Tavaraz
Cohen & Kramer v. Cand
Manowar Hldg. Corp. v. Perri

New Cases

Schaffer v. Seumans Furniture
Morgan v. Reid
Ortiz v. Delarosa
Johnson v. NY Plumbing Heating
Cooling Corporation
Mintzer v. Dr. Robbins
Neil v. Toornit
Campbell v. Dulhaney
Powell v. Sturind
Cherry v. Henry
Hicks v. Morrison
Vila v. Rivera
Aurichitaroon v. Montalvo
Casado v. Bronx Zoo Rama Inc.
Green v. Imperial Auto Coach, Inc.
Green v. Cox
Dixon v. Sykes
Maz Trucking Inc. v. Cruz
Farm Fresh Inc. v. 1383 Webster
Food Corp.

Landlord and Tenant Housing Part

Part A

Judge Rashford
Phone 718-466-3030
Room 230, 9:30 A.M.

THURSDAY, AUGUST 12

6595063 Bronx Beulah Housing v. Jackson
424904 NYCHA-1162 Washington v. Banks
5094104 NYCHA-Adams v. Bethina
5092804 NYCHA-Adams v. Vera
4823804 NYCHA-Andrew Jackson v. Guerra
5389704 NYCHA-Baychester v. Wilkerson
5083504 NYCHA-Betances v. Johnson
475204 NYCHA-Boston-Secor v. Johnson

Part 13

Room B129, 10:30 A.M.

Part 20

Room 701A, 10:00 A.M.

THURSDAY, AUGUST 12

Conference

04BCV7169 Phys. Mafes v. Shabben O'Connell
04BCV7168 Tony Mafes v. Shabben O'Connell

Part 15

Room B129, 9:30 A.M.

Part 17

Room B129, 10:30 A.M.

Part 20

Room 701A, 10:00 A.M.

THURSDAY, AUGUST 12

Conference

04BCV2904 Al Toun Ly v. Mohammad Ali

Part 12

Room B129, 9:30 A.M.

Part 14

Room B129, 10:30 A.M.

MONDAY, AUGUST 16

Inquest

04BCV7184 Zeneida Pena v. Jesus Calderon

TUESDAY, AUGUST 17

Conference

04BCV7169 Phys. Mafes v. Shabben O'Connell

2019304 NYCHA-Morris Hses v. Villegas
4863504 NYCHA-Morrisiana Air v. Williams
4914204 NYCHA-Mott Haven v. Ramos
4140204 NYCHA-Mott Haven v. Simmons
4802604 NYCHA-Parkside v. Aybarren/Ponce
3181704 NYCHA-Parkside v. Baker
4060804 NYCHA-Parkside v. Douglas
1191504 NYCHA-Parkside v. Pfeffer
1870404 NYCHA-Patterson v. Bennett
4935504 NYCHA-Patterson v. Cartagena
4070704 NYCHA-Patterson v. DeJesus
1185404 NYCHA-Patterson v. Flits
4936004 NYCHA-Patterson v. Louviere
4931104 NYCHA-Patterson v. Morales
2584404 NYCHA-Patterson v. Pitts
1870604 NYCHA-Patterson v. Robinson
4092704 NYCHA-Pelham Pkwy v. Aiken
3338804 NYCHA-Pelham Pkwy v. Moore/Baker
4180604 NYCHA-Sack-Wern v. Jenkins
4926804 NYCHA-Sack-Wern v. Simmons
2529404 NYCHA-So Bx Site 402 v. Taylor
4954304 NYCHA-Soundview v. Cantres
4243904 NYCHA-Soundview v. Jones
4951004 NYCHA-Soundview v. Santiga
5136804 NYCHA-St Mary's Park v. Coward
5138304 NYCHA-St Mary's Park v. Keitt
5136904 NYCHA-St Mary's Park v. Santana
5364504 NYCHA-Genue Estate Inc. v. Deleon
2625604 NYCHA-Gotham Assocs LLC v. Rodriguez
5455404 Jo & He Properties LLC v. Ledasma
3512904 Inwood Heights Hldc v. Testman
1035803 Kingsbridge Decatur I Assocs v. Soto
3638004 Lafayette-Morrison v. Harris
2748604 74 Rity. v. Sierra
2928704 Michry Assoc. LLC v. Hernandez/Aquino
3639004 Mickey Assoc LLC v. Brown/Bucknor
5340104 Colon v. NYCHA-Bronx River
2268204 Cuelho v. Fried
5471604 Damper v. NYCHA-Mitchell
5367704 DHPD v. 2185 Grand
Concourse LLC
5367904 DHPD v. Parkash
5340104 DHPD v. Vishnveja Real Estate Corp.
5174404 Diaz v. Dowland
5039904 Dphd v. 336 East 166 LLC
5055404 Guzman v. Parkash 1718 LLC
5522204 Hyton v. Andover Capital
5358004 Khan v. NYCHA-Throggs Neck
128604 Lopez v. Gutierrez
5352804 Lucas v. Gjonaj
4651604 McNeill v. Bredel
5458204 Modesti v. Zam Rity. Mgmt.
5498404 Moynaux v. Rental Masters
2835704 Oliveras v. Banunis
1537604 Oviera v. Morgan
5513404 Padilla v. 3138 Rity.
1341404 Picon v. Perez
5514804 Ruiz v. Mt. Hope Housing Comp.
5517504 Stinson v. Jerome Associates
4603004 Strong v. Cincenni
5465504 Tatum v. NYCHA-Patterson
5467704 Theobald v. 150 W. 179th St. Assoc.
4411404 Thomas v. 909 Rity. Co.
5458004 Thompson v. Parkash
5513704 Valentin v. 55 Inc.
5532504 Weeks v. Brewster
4913204 Williams v. South Bx Community
5527404 Woods v. Kingsbridge Court
5532604 Zackery v. Escobar

Part 12

Room B129, 9:30 A.M.

Part 14

Room B129, 10:30 A.M.

Reinhold Williams

Part M30

Justice W. Mogulescu
Phone 718-590-3730
Room 415, 9:30 A.M.

Part M40

Justice T. Webber
Phone 718-590-3730
Room 103, 9:30 A.M.

THURSDAY, AUGUST 12

Jorge A. Barales
Jaime Baiza
Franklyn Brown
Duran Davis
Terrell Fussell
Ramon Gonzalez
Raymond Hernandez
Jonathan Mapp
Erin Massapiero
Stacy T. McMarus
Nissim Mantolavo
Dave Morris
Adam Ozoria
Wayne Roberts
Ernestyles Santana
Ernest Smith
Raphael Then
Santos Torres
Angel Turro
Andre Wilson

Part M50

Justice InCovetta
Phone 718-590-3738
Room 624, 9:30 A.M.

THURSDAY, AUGUST 12

Timothy Coleman
Steven Moritt
Jamarr Simmons
Andrew Smart
Eddie Tarafa

Part M60

Justice S. Barrett
Phone 718-590-3731
Room 414, 9:30 A.M.

THURSDAY, AUGUST 12

Carlos H. Lemus

Part M70

Justice Lorenzo
Phone 718-590-3750
Room 101, 9:30 A.M.

THURSDAY, AUGUST 12

Isaiah Britton
Deborah Colon
Janet Harvey
Ricardo Kelly
Kimberly McCall
Angel M. Pino
Moises Ramos
Julio Rivera
Miguel Rivera
Hector M. Romero
Sharif Seymour
Tina Smith
Andrew Taylor
Ricardo Torres
Gregory Watson

Part M80

Justice E. Alvarado
Phone 718-590-3659
Room 102, 9:30 A.M.

THURSDAY, AUGUST 12

Abimael Baez
Chris Barrow
Daneen Cohen
Jermaine Cole
John Earl
Thomas Fabian
Christine Fergus
Priscilla James
Alejandro Lopez
Omar Miller
Jorge Oquendo
Norberto Pollot
Trevor Rodd
Trevor Rodd
Mayra Rosario
Luis Valentin

Reinhold Williams

Manila
04BCV7174 Arrow Financial v.
Margaret Rodriguez
04BCV7118 Asset Acceptance v.
Terrance Howell
04BCV7127 Capital One Bank v.
Beatrice Giese
04BCV7178 Capital One Bank v.
Lorna A. McGregor
04BCV7179 Cavalry Portfolio v.
Marino Angeles
04BCV7170 Cavalry Spv I v. Jose
Coda
04BCV7186 Chase Manhattan v.
Luis E. Jimenez
04BCV7161 Concor Capital Corp. v.
Edna Frost
04BCV7181 Credit Growth v. Keswal
C. Graham
04BCV7171 Erin Capital v. Aaron
Johnson
04BCV7183 Erin Capital v. Joselyn
Ortega
04BCV7171 Erin Services Co., LLC v.
Bernadette Rosado
04BCV7175 Grote St. v. Enaida
Torres
04BCV7185 Lr Credit v. Edwin
Perez
04BCV7182 Metro Portfolios v.
Santiago D. Bueno
04BCV7115 Municipal Credit v.
Monica
04BCV7177 Neo Attorney v. Sarojini
Singh
04BCV7180 Palances Collection v.
M. James
04BCV7167 Rab Performance v.
Tahesha Bradley
04BCV7147 Winsome Winnifred v.
Balkis Lawrence

WEDNESDAY, AUGUST 17**Conference**

04BCV7198 Dag Financial Trust v.
Robert W. White
04BCV7190 Erin Capital v. Andria P.
Zabukas
04BCV7192 Erin Capital v. Daniel
Doroguski
04BCV7201 Erin Capital v. Lamont
Wilds
04BCV7197 Erin Capital v. Saint
Chair Drakes
04BCV7191 Fairlane Credit v.
Derrick Torres
04BCV7194 Leasecontm v. Rossey
C. Jimenez
04BCV7195 Leshawn Warren v.
Ronald G. Timmons
04BCV7196 Select Credit, Inc. v.
Dorcas D. Darko
04BCV7120 Tcollect/Hrith I v. Tasha
Monique

WEDNESDAY, AUGUST 18**Conference**

04BCV7211 North Fork Bank v.
Abiodun Olagunju
04BCV7213 Boulevard Manor Inc. v.
Mireia Rosario
04BCV7219 Erin Capital v. Matilde
Nunez
04BCV7212 Erin Capital v. Nicole
Best
04BCV7208 Erin Services Co., LLC v.
Lydia Zenquis
04BCV7152 Fifth Ave Dev Co. v.
Marilyn Schiller
04BCV7207 Lr Credit v. Lydia
Zenquis
04BCV7206 Lr Credit v. Gregory
Brown
04BCV7114 Lr Credit v. Rosemarie
Caban
04BCV7200 Lr Credit v. Silvia
Santana
04BCV7216 Lr Credit v. Tracy
Hazelwood
04BCV7210 Midland Credit v.
Yvonne Hodge
04BCV7205 Nassau Asset v. Liana
Salas
04BCV7202 North American v.
Renault Charver
04BCV7153 Rockaway One v. Susan
King
04BCV7094 Rose Vegliante v.
Catherine E.
04BCV7203 Sherman Acquisition v.
Karen T. Grayson
04BCV7128 St. Joseph Medical v.
Carmen Franco

Room B129, 10:30 A.M.**Part 20****Room 701A, 10:00 A.M.****THURSDAY, AUGUST 19****Conference**

04BCV2904 Al Tuan Ly v.
Mohammed Bah
04BCV2828 Ana Santos v. Amado A.
Jimenez
04BCV2901 Angel Brea v. Kenya M.
Rodriguez
04BCV2950 Bodh Kumar Persaud v.
Dewey Enterprise
04BCV2902 Carmen Sabino v.
Calhoun
04BCV2824 Celnike Dembo v.
Perrab Rity Co.
04BCV2951 Cherno Touray v.
Penske Truck Co.
04BCV2813 Christine Reese v. Hobbs
Osorio Jorge
04BCV2935 Cleonie Barnett v. Ivan
Adames
04BCV2825 Comfort Ado v. Nathan
Industries
04BCV2822 David Encarnacion v.
Wilfredo Paulino
04BCV2845 David Guarino v.
Edward Harley
04BCV2956 Denise Barrow v.
Vernell Cheesboro
04BCV2814 Deon A. Bonnick v.
Willie Bailey
04BCV2906 Eddie Pacheco v. U.E.I.
Inc.
04BCV2894 Evli Malbranche v. Billy
Joe
04BCV2955 Penton Bradford v.
Monroe Business
04BCV2973 Fismik Gashi v. Diane G.
Corino
04BCV2892 Giuseppe Maglieri v.
Tri-State Elevator
04BCV2957 Hiram Algarin v. Mazda
Automobile of
04BCV2846 Ivette Pulgarin v.
Norway Associates
04BCV2953 Jose Moreno v. Robert
Strain
04BCV2924 Jose Ventura Jr. v.
Alfredo Della-Rocca
04BCV2830 Katia Zapata v. 931 Fox
St.
04BCV2812 Leonardo Zambrano v.
Ricky Cab Corp.
04BCV2918 Margarita Gomez v.
Diogenis Martinez
04BCV2956 Maria D. Robles v.
Steven Castro
04BCV2823 Michael A. Holder v.
B.G. Cab Corp.
04BCV2931 Miriam Cadiz v. Jesus D.
Prias
04BCV2941 Nehla Mitchell v.
Carmelo Fontanez
04BCV2975 Nery Canales v. Nora
Collazo
04BCV2911 Oscar Cintron v. Edward
Mayda
04BCV2931 Rosa Couvertier v.
Johnny Silverio
04BCV2893 Syed A. Majid v. Neezam
Bacchus
04BCV2900 Sylvia Castro v.
Roosevelt Gardens
04BCV2953 Valentina Titova v.
Enterprise Rent-A-Car
04BCV2826 Vera S. Beckford v.
Humberto Marzan
04BCV2857 Wen T. Wu v. Hilda Lago
Mendez

Part 23**Room 521, 10:00 A.M.****Part 24****Room 521, 9:30 A.M.****Part 25****Room 701A, 2:15 P.M.****Part 30****Room B129, 9:30 A.M.**

301830/4104 Ray, LLC v. Pierce
53856/4105 E. Clark Assoc. LLC v.
Rodriguez
41755/4104 156 E. 184th St. H. Olding
LLC v. Pagan
27366/4104 1993 Arthur Ave Corp. v.
Johnson
54236/4104 2136 Mapes LLC v. Garcia
2211/4104 2285 Sedgwick Rity. Corp. v.
Lengua
53212/4104 2343 Valentine Realt Corp.
v. Perez
108896/4104 2775 King Terr Assoc. v.
Fernandez/Delpat
27352/4104 2840 Sedgwick, LLC v.
Rodriguez
54544/4104 620 Rity. L.C. v. Flores
27668/4104 769 Rity. Assoc., L.L.C. v.
Anderson
351024/4104 800 Gr. Conc Owners Inc. v.
Jackson
102355/4104 Anlovi Corp. v. McCallan
45693/4104 Bronx Blvd Rity. LLC v.
Mattis
53967/4104 Carroll Pl Assoc. LLC v.
Nisbett
31559/4104 Cromwell Rity., LLC v. Ayala
53107/4104 Crotona Ave Assoc., LP v.
Glendon
31559/4104 Crotona Vi Redevelop Co. v.
Holmes
51591/4104 Daly II Associates v. Bogas
53493/4104 Drew Dev Ltd v. Castro
27668/4104 East 208th St Assoc. v.
Salgado
46651/4104 Midlane First Assoc. v.
Lockhart
37955/4104 O. Ragoo. Hldg. Cor P. v.
Bernier
21982/4104 One More Time Rity C. Corp.
v. Gomez
54510/4104 Persaud v. Brown, El Al K.
40582/4104 Fond Pl Prop. LLC v.
Clayborne/Matthew
22125/4104 Prana Assoc., Twenty One
LP v. Reyes
44740/4104 Richardson Rity Corp. v.
Lehron
53705/4104 River Park Assoc., (1972)lp
v. Moore
85904/4104 Riverview Redevel. Co. v.
Luker
53638/4104 Rivka Rity Corp. v. Delacruz
61858/4104 Sherman Assoc., LP v.
Reed
53419/4104 Terrace Fulton Assoc. v.
Jones
39073/4104 The Crenulated Co. L.Td. v.
Reader
28515/4104 Theriot Rity. Co LLC v.
Smith
28567/4104 Twin Pks Ne Site II Hses.
Inc. v. Martin
105541/4104 Vuskian Rity., LLC v.
Mohlbrand
54573/4104 Waterview Rity. Corp. v.
Tejada
40565/4104 Wilton Assoc. LP v. McCall
53195/4104 Wilton Assoc., LP v.
Colon/Espinal

2 P.M.

51447/4104 Alerton Assoc. v. Crawford
52070/4104 Cpr Mgt. Corp. v. Berry
53921/4104 Olivette Rity. LLC v. Garcia
50097/4104 Sparrow I LLC v.
Peyson
33054/4104 Stevenson Commons As
Soc. v. Pinson

Part D

Judge Gonzalez
Phone 718-466-3080
Room 550, 9:30 A.M.

Part E

Judge Halprin
Phone 718-466-3035
Room 420, 9:30 A.M.

THURSDAY, AUGUST 12

46341/4104 12-16 LLC v. Camacho
45645/4104 1268 Olmstead E. v. Daliz
40199/4104 1275 Lafayette, LLC v. Artis
52706/4104 1511 Sheridan LLC v.
McKever
51802/4104 1560-80 Pelham Plwy
Assoc. LLC v. Brea
38531/4104 181 E. 161 Rity., LLC v.
Escalera
53976/4104 1921 Hobart Ave Corp v.
Harth

43457/4104 Romero v. Palmer
53856/4104 Sheridan Court Mews
Assoc. v. Best/Husbands
53545/4104 Sheridan Manor Assoc LP
v. Javara
53200/4104 Sheridan Sharp Prop. v.
Rosario
53629/4104 Spononi & Sons Inc. v.
Vlasquez
53059/4104 Stevenson Commons As
Soc. v. Ali
46288/4104 Teller Rity., LLC v. Knight
34727/4104 Tietout Estates LLC v.
Coleman
31261/4104 Univ. Ave. Nycha v. Holmes
53544/4104 Van Wald Hldg Ltd. v.
Amador
39198/4104 Zuckerman Rity Corp. v.
Duck

2 P.M.

53284/4104 1422 Nelson Assoc. v.
Almonite
52809/4104 197 LLC v. Waldon
52668/4104 2641 Rity. Co. LLC v.
Lorenthy/Torres
40183/4104 6485 & 6495 B'way. Apts.
Inc. v. Thompson
52653/4104 686 Hldg. LLC v.
Poste/Grant
53076/4104 B & A Rity. Co. v. Looby
52718/4104 Cim Equities I LLC v.
Alcantara/Reyes
43165/4104 Cora Rity. Co LLC v. Perez
51308/4104 General Sedgwick Hse S.
Inc. v. Guerra
49769/4104 Millshan Rity. Co LLC v.
Doviz
50871/4104 Rochambeau Rity. LLC v.
Begum
52569/4104 Sheridan Apts LLC v.
Gallop

Part F

Judge Turner
Phone 718-466-3040
Room 320, 9:30 A.M.

THURSDAY, AUGUST 12

45463/4104 1185 Lebanon v. Idusany
28978/4104 1385 Nelson Ave Hldf v.
Bovian
24522/4104 1500 Grand Concourse
Owners LLC v. Sanchez
28451/4104 1560 S.L.C. v. Mayfield
45720/4104 1738 Assoc. v. Cotto
53627/4104 219 Hull Rity Corp. v. Saba
51639/4104 2334 LLC v. Hernandez
42726/4104 3363 Sedgwick Ave Ow
Ners Inc. v. Brooks
35377/4104 437 Morris Park LLC v.
Ramirez
50438/4104 Accetta v. Crawlshaw
20672/4104 Alkus I Assoc. v. Lopez
34465/4104 Ann-Gar Rity Corp. v. Byrd
42596/4104 B&A Rity. Co. v. Hinton
42929/4104 Boulevard Manor Inc v.
Robinson
50326/4104 Boulevard Manor Inc. v.
Lopez
50331/4104 Boulevard Manor Inc. v.
Otero
50320/4104 Boulevard Manor Inc. v.
Santabella
50529/4104 Boulevard Manor Inc. v.
Lyon
22761/4104 Carpenter Rity LLC v.
Green
35881/4104 Central Road v. Carmona
44886/4104 Cora Rity. Co., LLC v. Perez
21766/4104 Esge Inc. v. Alderman
17979/4104 Hanzor Rity Ltd v. Rodriguez
53045/4104 Haly Assoc. LP v. Thomas
37010/4104 Highbridge Community
Hdfe v. Herdigen
54552/4104 Ho & He Properties LLC v.
Bajrami
54553/4104 Ho & He Properties LLC v.
Rivers
43155/4104 Hunts Point Hdfe v.
Goldsmith
43897/4104 Koen Manor Assoc. LLC v.
Simmons/Washington
57425/4104 Lewis v. Antonetti-Vega
49818/4104 Margol Rity. Ltd v. Jamison
34614/4104 Marquis Housing LLC v.
Panigaua
45134/4104 Mask Rity Inc. v. Ray
42914/4104 Morris Ave. Equities Corp.
G. C. Caribello
47049/4104 Mt Hope Pl Property Inc. v.
Encarnacion
30629/4104 Murphy Private Hses-
NYCHA v. Sherine

54647/4104 Theodore v. 150 W. 179th
St. Assoc.
44141/4104 Thomas v. 909 Rity. Co.
54580/4104 Thompson v. Parfush
53137/4104 Valentin v. S.S. Inc.
53525/4104 Weeks v. Brewster
49192/4104 Williams v. South Bx
Community
55274/4104 Woods v. Kingsbridge Court
55326/4104 Zuckery v. Escobar

Second Department**APPELLATE
DIVISION****TUESDAY, SEPT. 7****Court to be held
in Brooklyn**

Ritter, J.P.; Krausman,
Goldstein and Lifson, J.J.
03/8288 Matter of Foreclosure of
Tax Liens, Dutches County,
Milano (D)
03/8284 Spector v. Toys R Us Inc.
(N)
04/1341 DeFollette Enterprises,
Inc. v. Martinez (S)
03/10523 Santori v. Met Life (RI)
03/2443 Blackburn v. Wysong and
Miles Company (S)
03/10622 Blackburn v. Wysong and
Miles Company (S)
03/1710 Frontier Park v. Assessor of
the Town of Babylon (N)
03/1896 Serio v. United States Fire
Insurance Company (S)
03/2144 Serio v. United States Fire
Insurance Company (O)
03/2294 Ocasio v. Zorbas (Q)
03/5340 J.S. Gourmet, Inc. v. d/b/a
Garden Cafe at Bretton Woods
(S)
02/9257 Rini v. Black (Q)
02/9705 H.L. & H. Realty
Corporation v. Gulf Insurance
Company (O)
03/7743 H.L. & H. Realty Corp. v.
Gulf Insurance Group (O)
03/3618 Louis A. Petrosino, Inc. v.
Martinez (R)
03/3541 Rebortich v. Broadway
Mall Properties, Inc. (N)
02/1913 People v. Remi Iltis (K)
01/7643 People v. Luis Villanueva
(O)
03/1873 People v. Kevin Li (Q)
03/1874 People v. Darren Chen (C)
01/2043 People v. Theodore R.
Brown (S)
01/1109 People v. Kevin Crowder
(K)

02/9257 Rini v. Black (Q)
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WEDNESDAY, SEPT. 8**Court to be held
in Brooklyn****Submission Calendar
No Argument Permitted**

Ritter, J.P.; H. Miller,
Schmidt, Crane
and Skelos, J.J.
03/3223 People v. Devon Lamb (S)
03/3397 People v. Brian Gerard
Sapio (O)
03/6386 Chavez v. County of
Nassau (N)
03/10459 Rossini v. Weber (S)
03/10355 Cook v. NYC (Q)
03/10354 Cook v. NYC (Q)
03/9670 Henry v. Advance Process
Supply Company (Q)

03/3223 People v. Devon Lamb (S)
03/3397 People v. Brian Gerard
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03/6386 Chavez v. County of
Nassau (N)
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03/10355 Cook v. NYC (Q)
03/10354 Cook v. NYC (Q)
03/9670 Henry v. Advance Process
Supply Company (Q)

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03/10354 Cook v. NYC (Q)
03/9670 Henry v. Advance Process
Supply Company (Q)

03/3223 People v. Devon Lamb (S)
03/3397 People v. Brian Gerard
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03/6386 Chavez v. County of
Nassau (N)
03/10459 Rossini v. Weber (S)
03/10355 Cook v. NYC (Q)
03/10354 Cook v. NYC (Q)
03/9670 Henry v. Advance Process
Supply Company (Q)

03/3223 People v. Devon Lamb (S)
03/3397 People v. Brian Gerard
Sapio (O)
03/6386 Chavez v. County of
Nassau (N)<

Court Calendars

03/2462 People v. Steven Finkelstein (N)
03/10819 Matter of State Farm Mutual Automobile Insurance Company v. Bautista (S)
03/7484 Palmieri v. Higgins (S)
03/7055 Matter of Asche, Ron; McMahon, Joseph; Land, Building (Q)
04/238 Luber v. Beckerman (Q)
03/2941 Scott v. Bergstol (K)
03/8652 Scott v. Bergstol (K)
03/1470 Matter of Cooper-Winfeld aka Winfield v. Gary (K)
03/8529 Quality Insurance, Ltd. v. Lloyd's London, England (Q)
03/553 Klein v. Robert's American Gourmet Food, Inc. (N)
03/4748 Klein v. Robert's American Gourmet Food, Inc. (N)
03/4775 Klein v. Robert's American Gourmet Food, Inc. (S)
03/2702 Matter of St. Johnland Nursing Center, Inc. (S)
03/6790 Matter of St. Johnland Nursing Center v. Commissioner of Health (S)
03/7157 Hesse v. Rockland County Legislature (RD)
03/4557 Murov v. Ades (N)
03/7835 Matter of Guzzi v. Giacalone (S)
03/1034 Matter of G. (Anonymous) v. G. (Anonymous) (Q)

FRIDAY, SEPT. 10

Court to be held in Brooklyn

Santucci, J.P.; Luciano, Schmidt and Skelos, J.J.
03/9210 Shimel v. S. South Fulton Ave. Corp. (W)
04/990 Hospital for Joint Diseases aka Santiago v. Elar, Inc. (N)
04/2447 Ramsey v. Phillips (D)
03/10519 Gross v. Goforth (K)
03/4319 Vega v. Stinson's Corporation (K)
03/615 Hedaya Home Fashions, Inc. v. American Motorists Insurance Company (K)
03/4764 Hedaya Home Fashions, Inc. v. American Motorists Insurance Company (K)
03/4846 730 J&L LLC v. Twin City Fire Insurance Company (K)
03/7394 730 J&L LLC v. Filore Agency, Inc. (K)
02/1198 Velez v. Institute of Design & Construction, Inc. (K)
03/10509 Velez v. Institute of Design & Construction, Inc. (K)
03/1587 Fitzgerald v. Hudson National Golf Club
03/7402 Fitzgerald v. Hudson National Golf Club (W)
03/5652 Matter of H. (Anonymous), Stephens; Orange County Attorney (O)
04/2389 Cafaro v. Emergency Services Holding, Inc. (S)
03/5965 Sekarar v. DeBellis (W)
03/8737 Sekarar v. DeBellis (W)
01/2613 People v. Thomas Hernandez (Q)
00/1552 People v. Oscar Ruedes (Q)
02/1731 People v. Jimmy Johnson (K)
99/10666 People v. Edward Gaines (N)
00/1732 People v. Judy Malloy (K)
02/9862 People v. Lonell Johnson (K)

MONDAY, SEPT. 13

Court to be held in Brooklyn

Smith, J.P.; Crane, Cozier and Linton, J.J.
00/11352 People v. Federico Diaz (K)
02/8142 People v. Louis Roque (K)
99/562 People v. Jose Amador (Q)
01/8990 People v. Todd Lumpkins (Q)
03/1336 Shivers v. Siegel (Q)
04/501 Egan v. City & Suburban Delivery (Q)
04/485 Louison v. St. Mary's Hospital of Brooklyn aka Catholic Medical Center (K)
02/2064 Ford v. Citibank (K)
03/6568 Marino v. NYC Off Track Betting Corporation (RD)
03/9107 Rozenfeld v. Triangle

03/10712 Matter of Galdamez v. Davis (Q)
03/10338 Matter of Gov't Emp'l Ins. v. Burrell (Q)
03/9589 Jeannot v. D&B Stephens Ins. Agency (N)
03/10249 Matter of Merchants Ins. Group v. Allstate Ins. (K)
02/9833 Matter of Herman v. Herman (N)
03/5801 Cordoves v. Cordoves (S)
03/9480 Matter of M. (Anonymous), Nicholas (Q)
03/9326 Matter of Gabriel v. DiBari (S)
03/2356 Day v. Hospital for Joint Diseases Orth. Institute (S)
03/4840 Travelers Property Casualty v. Giorgio (W)
03/10538 Matter of Marchese v. Marchese (S)
03/8769 Questech Financial LLC v. Giannopoulos (W)

APPELLATE TERM

SECOND AND ELEVENTH JUDICIAL DISTRICTS NINTH AND TENTH JUDICIAL DISTRICTS

Kings County

SUPREME COURT

The following matters were assigned to the Justices named below. These actions were assigned as a notice 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.

Please see the Justices' information sheets for further instruction regarding Uniform IAS practices and procedures.

IAS PARTS		
JCP	Justice	Courtroom
1	Ruchelshman	224
2	Leytne	524
3	Patterson	360
4	Vaughan	479
5A	Yancey	203*
5B	Ambrosio	307*
6	Douglas	438
7	Kuipel	461
8	Bunyan	356
10	Belen	363
11	Jackson	206A*
12	Rosenberg	210A*
13	Kramer	441
14	Johnson	905
15	Steinhardt	209A*
16	Ruchelshman	TBA
17	Johnson	204A*
18	Bayne	101A
19	Spodek	725
20	Partnow	424
21	Jacobson	205A*
22	Kuipel	461
23	Gerson, M.	361
24	Aronin, G.	423
25	Partnow	424
26	Barasch	364
27	Schack	103A
28	Hatcherson	561
31	Ambrosio	307**
32	Lewis	525
34	Cotrona	479B
36	Schneider	362
37	Ruditzky	202*
39	Dabiri	359
41	Martin	211A*

8718/04 Grant v. Ramirez—Rivera—1/19
9357/04 Karpinski v. Zawisny—Rivera—1/19
1957/01 Kimbrev v. Rental Car Finance Corp.—Rivera—1/19
24/04 Krushelnitsky v. Price—Rivera—1/19
22/04/04 Allstate Ins. Co. v. Lejko—Dabiri—9/15
1698/04 Patterson v. Lincoln Center For The—Kramer—9/10
4284/03 Durrani v. Ford Credit Tilling Trust—Harkavy—9/8
2189/02 Singh v. Kaplan—Harkavy—9/8
20/74/04 State-Wide Ins. Co. v. Owens—Harkavy—9/8
47/41/03 Sylvestre v. Associates Market—Harkavy—9/8
6290/04 Olivero v. Antoin E.—8/20
6290/04 Zouva v. Payless Shoe Source, Inc.—JACOBSON—9/28
43/09/03 Tynin v. Kautsits—Douglas—10/20
1045/03 Vinnikov v. Brookdale Hosp. Medical—Douglas—10/20
1451/03 Kinsler v. Maimones Medical Center—Steinhardt—9/19
12/43/04 Marshall v. NYCH&HC—Steinhardt—9/19
1742/04 Discount Mortgage Services v. Yeshiva & Mesivta—Schneider—8/20

Subsequent Motion

24/78/02 Ahmed v. Mohammad—Bayne—8/12
2551/03 Hergan v. Segelnick—Bayne—8/12
12/05/03 McNeil v. Kramer—Bayne—8/12
2260/02 Ortiz v. Zhong—Bayne—9/14
1835/03 Parson v. Kingsbrook Jewish Medical—Bayne—8/12
203/01 Marenstein v. NYCHA—Bunyan—9/22
15/44/02 Wilson v. Sukhal—Bunyan—8/12
2383/03 Wong v. Chief Fuel—Bunyan—9/22
20/60/04 Dorfman Organization Ltd. v. Active Express Inc.—Demarest—8/18
19/00/03 Arzu v. Peters—8/12
3885/02 Clinton v. Moshe & David General—8/12
5238/02 Kerman v. Friedman—8/12
5784/03 Odum v. Kiddle—8/12
24/71/02 Saadi v. Ellis—8/12
13726/03 Samuel v. 1245 Rly. LC—8/12
16421/02 Saponera v. Blennan—8/12
2170/01 Wilson v. Doman—8/12
38881/02 Biegei v. Gangemi—Vaughan—8/12
3440/02 McDonald v. Cablevision of NYC—Vaughan—8/12
32868/03 Muniz v. Wanner—10/27
30168/02 Thomas v. McHenry—10/27
9887/99 Little v. Chase Manhattan Bank—Schmidt—8/12
24559/03 Patterson v. Ugo—Schmidt—8/12
7808/03 Chambers v. Lugo—11/5
6565/03 Keeney v. Saint Barbara's—Vaughan—8/12
39645/02 Castaneda v. Allen—Johnson—8/12
4197/04 Liang v. Dahlia Travel & Tours—10/7
10458/04 Thomas Jefferson Home For Dist. 6—Johnson—8/12
3337/01 Woszczyca v. Byr Associates—Johnson—10/7
3096/03 Bertrand v. Cherkis—Rivera—8/12
51586/02 Hamilton-Ashman v. Atkinson—Rivera—8/12
9357/04 Karpinski v. Zawisny—Rivera—11/19
23368/01 Rosenbaum v. Registrat—

FRIDAY, AUGUST 13

RJI Motion

2205/04 Progressive Northern v. Sandford—Bunyan—9/22
1772/04 Herman v. Macgregor—Schmidt—8/13
1834/04 Chu v. Hung—11/5
4747/04 Ganelli v. Chander—11/5
4888/02 Goldenberg v. Spektor—11/5
10563/04 Johnson v. Superior Location Van Service—11/5
10/40/04 Lukovic v. Volga Transportation Corp.—11/5
2904/03 Parkhomovskaya v. Parkhomovskaya—11/5
4082/03 Prescod v. Fleurestant—11/5
4888/04 Morsette v. Nice & Friendly Transportation—Johnson—10/7
10495/03 Cabral v. American Transport—Rivera—11/19
4572/03 Dashi v. Shikman—Rivera—11/19
4189/04 Dogale-Solier v. Preferred Mgt. & Leasing—Rivera—11/19
5586/02 Thorsen v. 540 Acquisition Associates—Leytne—11/19
4327/03 Oh v. Granados—Dabiri—9/15
3325/01 Vargas v. NYC—Spodek—8/12
18542/04 Becerra v. NYC—Knipel—9/24
10783/04 Leckie v. NYC—Knipel—9/15
3520/04 Hannan v. Lester—Douglas—10/20
21885/04 Progressive Northwestern Ins. v. Cameron—Douglas—10/20
1955/04 Weinstein v. Sirkis—Douglas—10/20
20877/04 Eagle Ins. Co. v. Vargas—Schneider—8/15
2311/03 Paterno v. 360 Ocean Pkwy Owners Corp.—Schneider—8/20
12629/04 Arts v. NYCHA—9/22
13375/03 Ader Homes Corp. v. Roman Catholic Archdiocese—Lewis—10/8
14530/04 Mata v. Resto—Lewis—10/8

MONDAY, AUGUST 16

RJI Motion

43968/03 Aleksey v. Ryder Transportation Services—Bunyan—9/22
44841/03 Harmon v. Fitzpatrick John L.—Bunyan—9/22
3590/04 Lee v. Francois—Bunyan—9/22
24562/03 Smith v. Bender—Bunyan—9/22
33242/03 Williams v. Grossman—Bunyan—9/22
4728/02 Jenkins v. Alma Rly. Co.—10/27
19271/03 Narrows Dev. v. NYC Comm. of Finance—Vaughan—10/27
21979/03 Lauz v. Dukens—Knipel—8/15
10545/04 Liefer v. Bhaskar—Schmidt—8/16
22097/03 Ceche v. Rio—11/5
24526/03 Gordian v. Bush—11/5
3916/04 Hernandez v. Trump Village Section 3, Inc.—11/5
18084/03 Muray v. Houdiss—11/5
11867/04 Paul v. Hopkins Rogers

6434/99 Orenstein v. Johnson—Steinhardt—9/9
6434/99 Orenstein v. Johnson—9/5
9707/02 Dacres v. Mafr—Schneider—8/20
17939/02 Lopez v. Gem Gravure Co. Inc.—Schneider—8/20
2209/03 Torres v. Rodriguez—Schneider—8/20
23646/01 Randazzo v. Nasim—Ambrosio—8/12
40180/02 Reznik v. Grimaldi—Garson—10/6
12781/01 Reyes v. Rivera—Hushner—9/13
3335/04 Gloscia v. Gelco Corp.—9/10
41086/02 Keene v. Fleet Bank—9/10
3857/03 Murray v. Zhang—9/10
33171/03 Bellaev v. NYC Fire Dept.—PARTNOW—9/17
7761/07 Blair v. Caledonian Hosp.—PARTNOW—9/17
3674/02 Cheeks v. NYC—PARTNOW—9/17
40226/02 Debra v. Lutheran Social Services—PARTNOW—9/17
14158/01 Ekonomou v. NYC—PARTNOW—9/17
33965/02 Franklin v. NYC—PARTNOW—9/17
7543/04 Ozarabal v. NYC—PARTNOW—9/17
5043/03 Radlaw v. NYC—PARTNOW—9/17
5546/02 Alfieri v. NYC—PARTNOW—9/22
15635/02 Blackwood v. NYC—PARTNOW—9/22
18907/01 Tavilichouskaya v. NYC—PARTNOW—9/22
3058/03 D'Ambrigo v. Alliance Designer Tree Svc.—PT 57—9/14
36199/01 Duncan v. NYCTA—PT 57—9/14
5460/04 Eagle Ins. Co. v. Michel—PT 57—9/14
6320/01 Stowe v. Hudson Telegraph Associates—Jackson—9/14
8564/00 Mann v. Beach Haven Apts. No. 6, Inc.—RUCHELSHMAN—8/13
4121/00 Barcos v. Rothberg—Lewis—8/13
30946/03 Berrios v. Lahara—Lewis—8/13
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24702/01 Navarez v. Verdejo—Rivera—11/19
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02/0654 Ford v. Citibank (K)
03/0680 Marino v. NYC Off Track Betting Corporation (R)
03/0107 Rosenfeld v. Triangle Holdings, Inc. (K)
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04/1122 Reyz v. Khelemsky (K)
03/0124 Winograd v. Neiman Marcus Group (W)
04/0594 Winograd v. Neiman Marcus Group (W)
03/0064 McGuire v. Sterling Doubleday Enterprises (Q)
03/3008 Williams v. Pelican Pest Control, Inc. (N)
04/5019 Christopher v. Little (K)
03/2883 Trzepek aka Lisowski v. Jara (K)

03/8478 Matter of K. (Anonymous), William Corporation Counsel (Q)
04/580 Matter of M. (Anonymous), Franklin (N)
03/2819 Herbol Holding Co. v. Mitran (N)
03/6489 Herbol Holding Co. v. Mitran (N)

TUESDAY, SEPT. 14 Court to be held in Brooklyn

Prudenti, P.J.; Krausman, Adams and Spolzin, J.J.
04/588 Matter of State Farm Mutual Auto. Ins. Co. v. Luciano (S)
03/9656 Cohen v. Paul (K)
03/1047 Matter of JPR Constr. Corp. v. Martinez (Q)
03/7372 Bolanosque v. trustees of Columbia Univ. in NYC (K)
03/11366 Matter of Delauric Assoc. v. Martinez (Q)
03/6832 Concordia General Contracting v. Peltz (W)
03/0752 Matter of Flanders v. NYS Div. of Parole (Q)
03/3487 Gaccione v. Friedman (S)
03/5091 Matter of Steinhart v. Steinhart (K)
03/7001 Matter of Blanc v. Larcher (Q)
03/597 Almonte v. Western Beef Inc. (W)
03/6391 Almonte v. Western Beef Inc. (W)
03/2854 Matter of Ramdin, deceased (Q)
03/4508 Wengrenth v. Formula Equipment Leasing Inc. (RO)
03/8508 Wengrenth v. Formula Equipment Leasing Inc. (RO)
03/1799 People v. Steven Cooke (N)
01/2715 People v. Mario Mannion (R)
02/10594 People v. Enevy St. Preux (K)
02/4646 People v. Dean Sandy (K)
02/4939 People v. Davon Lowe (K)
02/8656 People v. Elissa Gower (K)

FRIDAY, SEPT. 17 Court to be held in Brooklyn

Florio, J.P.; Luciano, Schmidt and Rivera, J.J.
01/2921 People v. Courtney Barrett (Q)
01/5153 People v. Raphael Salinas (K)
00/6872 People v. Duran Thomas (K)
02/9626 People v. Bradley Friedlander (S)
00/6288 People v. Jeremy Howell (K)
02/2443 People v. Roddy Singletary (R)
02/2215 People v. Carlos Cabrera (Q)
04/2912 Martin v. Stevemco Properties Inc. (K)

27 Schack 103A
29 Hutcherson 561
31 Ambrosio 307**
32 Lewis 525
34 Cutrona 479B
36 Schneider 362
37 Ruditzky 202*
39 Dabiri 359
41 Martin 211A*
42 Harkavy 329
43 Hubsher 208A*
45 Pfau 1136
47 Schmidt 574
51 Held 366
54 Rivera, F. 357
53 Barros 201A*
72 Rotation 267**
74 Pesce 974
76 Pesce 974
77 Cutrona 479B**
79 Pesce 974
325D Ruditzky 202*

360 Adams Street
* 15 Willoughby Street
** 120 Schermerhorn Street
*** 210 Joralemon Street

J.H.O. Part

Cases appearing in this part have been assigned to Judicial Hearing Officers by the Administrative Judge of Kings County. Hearings will be held at 360 Adams Street, Room 311 on the date indicated.

Assignments/RJL

Any court notes of Supreme Court Justices in Civil Terms relating to practice and procedure on cases assigned to them under the Individual Assignment Parts will be published by the New York Law Journal only on Thursdays of each week.

The following actions, requesting Judicial Intervention, have been assigned to IAS Parts as here indicated.

Orders to show cause retain their original return dates unless otherwise indicated. The motions listed below were submitted on the date indicated. If the assigned Judge has directed oral argument, an adjourned date follows the motion. Submitted motions are marked SUB. Oral argument will occur in the assigned Judge's Courtroom.

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RJL Motion

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23/8504 Dinin v. Dinin—Bunyan—9/22
55/204 Castillo v. Morales—Vaughan—10/27
3201/04 Stroud v. Pollas—Vaughan—10/27
4827/1031 LBI Trading LLC v. Colonial Co-Op. Ins. Co.—Schmidt—8/12
786/004 Bd Pironti Communications, Inc. v. Merchants Ins. Group—Schmidt—8/12
192/1803 Barnight v. Mur-Jay Realty—11/5
21667/03 Dente v. Tamburo—11/5
3203/04 Mendez v. Beard Dwight Rty.—11/5
11733/04 Mordeus v. N.J. Cavagnaro & Sons—11/5
41978/03 Rodriguez v. Robinson—11/5
18570/04 Geico v. Phillips—Johnson—10/7

3357/01 Woszczyca v. Bjo Associates—Johnson—10/7
3095/03 Bertrand v. Cherkis—Rivera—8/12
51598/02 Hamilton-Ashman v. Atkinson—Rivera—8/12
9357/04 Karpinski v. Zawisny—Rivera—11/19
23368/01 Rosenbaum v. Register—Rivera—11/19
36717/02 Simmons v. Nat. Wholesale—Rivera—8/12
49287/03 Travelers Prop. Casualty v. Schulz—Rosenberg—8/12
10641/03 Ali v. Rite Aid Corp.—Aronin—8/12
30158/03 Pincus v. Wells—Aronin—9/8
11833/02 Sempie v. Nazaire—PT 57—8/14
47737/03 Catania v. Walt Whitman Mall—Dabiri—9/15
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16325/03 Joseph v. Keaton—Dabiri—9/15

14278/02 Mishiev v. Blue Ridge Ins.—Dabiri—8/12
28881/02 Ferguson v. Layne—Kramer—8/12
46565/01 Vera v. Mendon Leasing Co.—Kramer—8/12
18037/01 Mercado v. B.J.P. Contracting, Inc.—Ruditzky—8/12
33494/02 Aizman v. Hristev—Harkavy—9/8
3418/03 Excel Global Logistics v. Anthony Sicari Apparel—Harkavy—9/8
11879/02 Gadek v. Cadeau—Harkavy—8/12
14993/03 Ormsby v. Delacruz—Harkavy—8/12
39314/03 Santo v. Shaw—Harkavy—9/8
29385/03 Passalacqua v. Greenspan—Levine—8/20
6114/01 Anderson v. Bldg. Hosp. Medical—Spokek—9/8
48266/02 Schwartz v. Speaker—Spokek—9/8
51463/02 Taji May v. Bldg. Medical Corp.—Spokek—8/12
42335/01 Abreu v. Narvez—Jury Coordinating Part 1—8/12
730/01 Askins v. Midnight Express Limo.—Jury Coordinating Part 1—9/8
16634/02 Beach v. Moore—Jury Coordinating Part 1—8/12
1708/01 Pitt v. Hill—Jury Coordinating Part 1—8/20
3740 Rivers v. NYCHA—Jury Coordinating Part 1—9/21
16374/03 Brown v. Check Trans Corp.—JACOBSOHN—9/28
45239/03 Rey v. McCombs—JACOBSOHN—9/28
35152/03 Cassoni v. NYC—Knipel—9/24
29760/01 Ceckauskas v. NYC Bd. of Ed.—Knipel—9/15
9142/04 Lukes v. NYC—Knipel—9/24
22495/00 Probes v. Board of Education—Knipel—9/24
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6941/04 Olivera v. Rivera—Knipel—11/5
16721/03 Shapiro v. 2373 Ocean Pkwy Tenants Corp.—Douglas—10/20
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29283/03 Nikchemnaya v. Nuba—Steinhart—8/19
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9408/00 Steiner v. Levi
17820/02 Verizon Information
Services v. NY Bravets Jewelry Inc.
26341/02 Wesner v. Bridgett

Motion
40091/03 Singh v. Amrenco Inc.
28050/03 Circle Int'l Group Inc. v.
1122 Coney Island Ave. Corp.
20052/03 Hann Financial Service
Corp. v. J&S Bagel

**Non-Compliance
Part**
In an effort to bring
Expedited cases into compli-
ance, KINGS COUNTY has creat-
ed a centralized NON-COMPLI-
ANCE PART. All expedited cases
exceeding standards and goals
have been reassigned to this
part. All parties must appear and
should disregard any and
previously scheduled appear-
ances. Effective immediately, No
Motions or OSC's to Restore,
Change venue, Amend pleadings
or for consolidation, will be
accepted for filing by the Clerk's
office unless a conference call
was held with the Judge at (718)
634-8816. No discovery motion
(i.e. Motion to Strike Note of
Issue or Extend time to file Note
of Issue etc.) will be accepted
for filing by the Clerk's office
unless a conference call was
held with the Judge at the above
phone number.

City Trial Part
Justice A. Hurkin-Torres
360 Adams Street
Phone 718-643-3214
Courtroom 419, 9:30 A.M.

THURSDAY, AUGUST 12
Conference
3889/98 Alexis v. NYCTA
31260/98 Catalano v. Danner
27538/00 Cato v. NYCTA
446/03 Tshiklauri v. Babratits
45558/03 Alejandro v. Pankey
28855/03 Chemych v. Kelson
11879/02 Gadeb v. Chadeau
45581/01 Gonaz v. Jagal
14689/02 Mikdens v. Salfati
22867/03 Nieto v. Landrin
46965/01 Rodriguez v. Con Ed
64583/03 Ross v. Koc
2652/03 Santillan v. Spivogel
46565/01 Vera v. Mendon Leasing
Corp.
32745/02 Abidinor v. 222 Broadway
35441/03 Amin v. Soco Mgt. Co.
446/03 Tshiklauri v. Babratits
45558/03 Alejandro v. Pankey
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MONDAY, AUGUST 16
4314/97 Aponte v. NYC
33322/99 Blukher v. NYCTA
51025/02 Cassuto v. NYC
36108/02 Ebanay v. NYCTA
19661/01 Kamins v. Brown
34862/01 Koutsogiannopoulos v.
Katsenstin

30282/02 Goldstein v. Matthee
4727/00 Grant v. Velozquez
51984/02 Hamilton-Ashman v.
Alkison
5977/03 John-Martin v. Ali
19029/03 Kahn v. Hollins
3258/02 Kerman v. Friedman
3405/03 Medina v. Jti Services, Inc.
5783/03 Odom v. Ridder
4783/02 Ouattara v. Belony
30241/00 Ovoid v. Abity Ins. Co.
2021/03 Proctor-Cox v. Macgrone
2196/01 Ramos v. Cisse
27794/02 Saadi v. Ellis
37366/03 Samuel v. 1245 Rly. L.C.
16421/02 Sapozova v. Blennau
3924/03 Fessell v. Toyota Motor
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9408/00 Steiner v. Levi
17820/02 Verizon Information
Services v. NY Bravets Jewelry Inc.
26341/02 Wesner v. Bridgett

28647/03 Atkins v. Pioneer Food
Stores Inc.
48115/01 Cao v. Rodriguez
6386/03 Crowe v. F3 Corp.
36011/02 Laruffa v. Sheephead
Nursing Home
19644/03 Torres v. Aetler
32170/03 Dennis v. Williams
38170/02 Jones v. Mamoudou
19893/03 Kets v. Denuvo
21567/03 Pearson-Paulk v. Nat.
Amusements
16256/03 Peretto v. Pooja
Enterprises, Inc.
27794/03 Rodriguez v. Threes United
Trucking Co.
10556/03 Seller-Smith v. Verizon NY
LLC

14520/03 Alena v. Bordes
31574/03 Gadeloff v. Yu Chi Tho
12717/02 Gonzalez v. Elrac Inc.
32565/03 Howard v. Booker
35555/03 Karpovich v. Magno
Inc.
14580/01 Nelson v. Lemah
14589/03 Prime v. Tausgnant
2694/01 Arellano v. Capanarea
53419/02 Savoca-Ditman v. Costco
Wholesale Membership
3660/03 Watson v. Eustache
27528/02 Toner v. J. Tucci Const.
37531/02 Acosta v. Nusapiched
36310/02 Ashaban v. Sabagh
7149/03 Gilutz v. Army Pl.
Hous.
26337/03 Blanco v. Johnson
18439/02 Feig v. Nash
51424/02 Joseph v. Horowitz
49495/02 Cruz v. Acquisito
25740/03 Priel v. Santa Fe
Transportation
30042/03 Khan v. Bezerra
28891/03 Schick v. Evans
33567/03 Cabrera v. Old Reliable
Store Fixtures
22437/03 Dvorin v. Bogge
29515/03 Giles v. Ma
32825/02 Goodleaf v. Tzivos Hashem,
Inc.

50321/01 Jean-Baptiste v. Eastern
Tiger Trading Inc.
31478/03 Presuma v. Fraser
13492/03 Sykes v. Ozuna
25116/03 Prito v. Cooper
2858/03 Louis v. Rodriguez
23827/01 Vinokurov v. Gilbert
18101/03 Cadet-Cherubini v. Jouth
16127/03 Kenigsberg v. Terpening
23200/03 Leniar v. Metropolitan
NYCTA
23646/01 Randazzo v. Nasim
8142/03 Redx Express Inc. v. F & B
Truck Repair Inc.
12714/01 Reyes v. Rivera
41210/03 Barnes v. Rothberg
30946/02 Berrios v. Lahara
45802/02 Morris v. Gibson
24829/03 Levitant v. Glickson
21804/03 Loperena v. Mitsubishi
Motors Credit

12855/02 Colan v. Jasper
16322/02 Levjak v. Rutkov
58749 Watson v. Betschart
48974/00 Pierre v. Barkan
46228/00 Hughes v. Nark
44890/03 Stephens v. NYCH&HC
8844/03 Clardy v. Arreaga
6178/03 Orlieck v. Waldbaum v.
17898/03 Quimones-Rosa v.
McNamara
46534/03 Szente-Varga v. Adams
28381/03 Wamanalero v. Lerman
26426/02 Arias v. Nixon
28838/03 Dematne v. Eng
11314/03 Dorsey v. Jack
20280/03 Epoch Corp. v. Gathil
21232/02 Louis-Jean v. Konthel
12185/03 Rojas v. Carhill-Miller
2154/02 Temask v. Hayes
30482/03 Weiss v. Menorah Nursing
Home Inc.
19904/03 Arzu v. Peters
21242/03 Balidemaj v. Maimonides
Medical Center
1526/03 Bradley v. Con Ed Co of NY
26652/03 Castellano v. Norwegian
Christian Home
359/03 Diaz v. Bobby's Dept.
51994/02 Donohue v. Chaudhry
38913/02 Eason v. Boyland
32625/02 Goodleaf v. Tzivos Hashem,
Inc.
3080/03 Gordon v. E.J. Sciamie
Const. Co.
15679/02 Grant v. Osato Express
Service Inc.
46969/01 Guisto v. Costco Wholesale
Corp.
14279/02 Industri v. Best Car Rental
5313/02 Jimenez v. Reyes
78304/03 Kears v. Fun Time USA
40983/02 Leiter v. 201 West 25 L.L.C.
16735/03 Markarian v. Knopler
4059/02 Martinez v. Chopra
45181/02 Mulvey v. Dean
47556/02 Sinclair v. Card Harbor II
46833/02 Svenningsen v. Mancuso
18103/03 Vixama v. Taylor
504224/01 Watson v. 2101 Albemarle
Inc.
30819/02 Weatherhead v. Salcedo
47587/03 Weingarten v. M.J.G.
Nursing Home

12855/02 Colan v. Jasper
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Court Calendars

Part 17

Justice Diana A. Johnson
15 Willoughby Street
Phone 718-643-8750
Courtroom 204A

Motions are heard every
Thursday at 9:30 A.M.
Compliance conferences are
heard every Thursday at 10 A.M.

THURSDAY, AUGUST 12

Conference

21404/03 Chikara v. Barry R. Feest
24740/03 Dorismond v. Brown
17477/03 Dolsen v. Kobayak
6599/02 Edie v. Kuznetz
26534/03 Quinones v. Mora
41562/03 Rajbar v. Pisarevsky
10454/04 Thomas Jefferson Home
For v. Dist. 6

Motion

42593/02 Aponte v. Gio Holding
7404 Avton v. Congregation
Tzemaah Tzedek
7839/02 Barnes v. Ortiz
13200/02 Bernal v. Gnanadass
44155/02 Bradley v. Wank Brothers
6765/03 Bronowitz v. Gabriel
2321/03 Brush v. Torres
18771/04 Clarendon Nat. v. Lekah
3928/04 Gregorio v. Gregorio
15418/01 Gulkarov v. Piskarski
47832/03 Hochhauser v. Electric Ins.
Co.
24224/02 Isa v. Teramo
34870/03 Liang v. Alonso
31479/03 Lopez v. Roldan
8932/03 Lynch v. Union United
37372/01 Martinez v. Santiago
2324/03 McCafferty v. Kings Plaza
Shopping Center
50616/01 McDonald v. Colonial Steel
Corp.
16456/04 Morales v. Theogene
15553/01 Nationwide Ins. v.
Caraballo
8188/04 Nekhamiyev v. Korikos
19180/03 Omotunde v. Bianco
28633/02 Paulsen v. Avello
19484/02 Rivera v. Hope Rity Corp.
21090/02 Robinson v. Odyssey
House, Inc.
34382/03 Sabovic v. Geva
32744/01 St. Luc v. B.I. Inc.
10458/04 Thomas Jefferson Home
For v. Dist. 6
32878/03 Torres v. Sammy Brokerage
50255/01 Tugman v. P.J.C Sanitation
Service, Inc.
4268/02 Valera v. Gladiator Rity.
Corp.
16976/03 Warren v. Barney
28943/03 Wilson v. Maisonet
16673/02 Wong v. Chitturi
15081/03 Vedvayev v. Danilov
42520/03 Yuli v. Campbell
47669/02 Nisabeth v. Supermarkets
General Corp.
53831/02 Brooks Caldwell v. Quality
Hotels
21947/04 Capital One Auto Finance
v. Ferdinand
16000/04 Caprice Equities Inc. v.
Rinegarcoq Ltd
22003/02 Cardenas v. Cardenas
9530/04 Dahan Jinshida Packing v.
Wong's Int'l Trading
28067/03 Davis v. NYCHA
14748/03 Dixon-Lambert v. Maple 3
LLC
3928/04 Gregorio v. Gregorio
20932/04 Jewel Hake Live Poultry
Corp v. Argypopoulos
23564/04 Marcus Realty Corp v. 964
Dean St. Corp.
27760/02 McAniff v. Jiminez
18580/04 Mendez v. Ark of Refuge
Pentecostal
19484/02 Rivera v. Hope Rity Corp.
33948/02 Sanchez v. Lee
21032/04 Schiffman v. NY Methodist
Hosp.
32744/01 St. Luc v. B.I. Inc.
15418/02 Stabile v. Grande
15081/03 Vedvayev v. Danilov
13974/03 Dilleme v. McTear Inc.
50681/01 McDonald v. Colonial Steel
Corp.
44689/97 Gin v. Egilsson Estates Ltd.

Trial

23143/01 Gray v. NYC
46228/02 Grunfeld v. NYC
6448/98 Hudson v. NY Transit
13509/02 Lane v. NYC
28340/01 Latorre v. NYCTA
29281/03 Sacarello v. NYC
21084/97 Williams v. NYC
35301/03 Aderogba v. NYC
20581/01 Alonso v. NYCTA
14871/04 Askew v. NYCTA
50140/01 Bishop v. NYC
53560/02 Black v. City&Bd of Ed
33045/00 Bugliani v. NYC
44746/99 Burroughs v. NYC
9800/99 Caba v. NYCTA
59108/99 Catalano v. NYC
49114/01 Dannel v. NYC
41443/02 Edegudova v. NYCTA
38240/01 Foster v. Jump
26821/97 Gary v. NYC
23143/01 Gray v. NYC
15607/04 Henriques v. NYC
17680/01 Jones v. NYC
26200/04 Kouroupis v. NYCTA
29340/01 Latorre v. NYCTA
14246/99 Mashkovich v. NYC
20078/02 O'Neal v. NYC
2268/00 Oder v. NYC
22584/99 Powers v. Matthew
Ruggiero Plumbing
50164/99 Prioleau v. NYCTA
47915/02 Ramos v. City&Bd of
Education
19833/00 Rivera v. NYC
7363/02 Rojas-Hachemi v. NYCTA
29281/03 Sacarello v. NYC
28995/01 Sledge v. NYC
38293/02 Soto v. City & Bd of Ed
43229/98 St. Vil v. NYCTA
5008/02 Truss v. NYCTA
8932/03 Lynch v. Union United
37372/01 Martinez v. Santiago
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32744/01 St. Luc v. B.I. Inc.
10458/04 Thomas Jefferson Home
For v. Dist. 6
32878/03 Torres v. Sammy Brokerage
50255/01 Tugman v. P.J.C Sanitation
Service, Inc.
4268/02 Valera v. Gladiator Rity.
Corp.
16976/03 Warren v. Barney
28943/03 Wilson v. Maisonet
16673/02 Wong v. Chitturi
15081/03 Vedvayev v. Danilov
42520/03 Yuli v. Campbell
47669/02 Nisabeth v. Supermarkets
General Corp.
53831/02 Brooks Caldwell v. Quality
Hotels
21947/04 Capital One Auto Finance
v. Ferdinand
16000/04 Caprice Equities Inc. v.
Rinegarcoq Ltd
22003/02 Cardenas v. Cardenas
9530/04 Dahan Jinshida Packing v.
Wong's Int'l Trading
28067/03 Davis v. NYCHA
14748/03 Dixon-Lambert v. Maple 3
LLC
3928/04 Gregorio v. Gregorio
20932/04 Jewel Hake Live Poultry
Corp v. Argypopoulos
23564/04 Marcus Realty Corp v. 964
Dean St. Corp.
27760/02 McAniff v. Jiminez
18580/04 Mendez v. Ark of Refuge
Pentecostal
19484/02 Rivera v. Hope Rity Corp.
33948/02 Sanchez v. Lee
21032/04 Schiffman v. NY Methodist
Hosp.
32744/01 St. Luc v. B.I. Inc.
15418/02 Stabile v. Grande
15081/03 Vedvayev v. Danilov
13974/03 Dilleme v. McTear Inc.
50681/01 McDonald v. Colonial Steel
Corp.
44689/97 Gin v. Egilsson Estates Ltd.

Part 21

Justice Laura L. Jacobson
15 Willoughby Street
Phone 718-643-3804
Courtroom 205A, 9:30 A.M.

TUESDAY, AUGUST 17

Conference

21668/03 Demeha v. Doren
49198/03 Metro. Auto & Casualty v.
Centro

Motion

23908/04 Belco Drug Corp v. Sunset
Chemists LLC
10621/01 Gerstman v. Jack Resnick
& Sons, Inc.
20513/04 Kim v. Chun
3456/04 Maslova v. Jacob
8925/04 Richmond v. Miele
8378/04 Robinson v. 1079 Ms LLC
51322/02 State Farm Ins. Co. v.
Chisalon
27957/00 Tompkins v. Armstrong
20801/04 Waters v. Bennett
51574/02 Aramburu v. Baptist
47190/03 Arroya v. Atlantic
Door&Hardware
2148/03 Auslander v. 2801 Emmons
Ave.
11540/04 Benjamin v. York
Scaffolding Inc.
24308/03 Bond v. Crylake
11639/04 B'way Nat. Bank v.
Kelmendi
15899/03 Colon v. Ultimate Trucking,
Inc.
18848/04 Country-Wide Ins. Co. v.
Duarte
32680/02 Cruz v. Cabs Nursing
Home
22643/02 Deserio v. Wilson
13228/04 Health Value Medical P.c. v.
Eagle Ins. Co.
48315/00 Hurumova v. Breger
7511/00 Kennedy Electrical Supply
v. Sound Electric Corp.
20097/03 Laurenceau v. Ojeda
11494/02 Lieberman v. Echevarria
7905/04 Martinez v. Giscombe
19627/04 Mitchell v. NYCHA
45615/00 Moses v. Bernard
15899/03 Mun v. Rivera
18/04 North Fork Bank v. Most
United Int'l
39560/02 Ortiz v. Ortiz

Motion

21668/03 Demeha v. Doren
49198/03 Metro. Auto & Casualty v.
Centro
23908/04 Belco Drug Corp v. Sunset
Chemists LLC
10621/01 Gerstman v. Jack Resnick
& Sons, Inc.
20513/04 Kim v. Chun
3456/04 Maslova v. Jacob
8925/04 Richmond v. Miele
8378/04 Robinson v. 1079 Ms LLC
51322/02 State Farm Ins. Co. v.
Chisalon
27957/00 Tompkins v. Armstrong
20801/04 Waters v. Bennett
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47190/03 Arroya v. Atlantic
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24308/03 Bond v. Crylake
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Duarte
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Home
22643/02 Deserio v. Wilson
13228/04 Health Value Medical P.c. v.
Eagle Ins. Co.
48315/00 Hurumova v. Breger
7511/00 Kennedy Electrical Supply
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20097/03 Laurenceau v. Ojeda
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Motion

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11540/04 Benjamin v. York
Scaffolding Inc.
24308/03 Bond v. Crylake
11639/04 B'way Nat. Bank v.
Kelmendi
15899/03 Colon v. Ultimate Trucking,
Inc.
18848/04 Country-Wide Ins. Co. v.
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32680/02 Cruz v. Cabs Nursing
Home
22643/02 Deserio v. Wilson
13228/04 Health Value Medical P.c. v.
Eagle Ins. Co.
48315/00 Hurumova v. Breger
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7905/04 Martinez v. Giscombe
19627/04 Mitchell v. NYCHA
45615/00 Moses v. Bernard
15899/03 Mun v. Rivera
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United Int'l
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Motion

21668/03 Demeha v. Doren
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27957/00 Tompkins v. Armstrong
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51574/02 Aramburu v. Baptist
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Door&Hardware
2148/03 Auslander v. 2801 Emmons
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22643/02 Deserio v. Wilson
13228/04 Health Value Medical P.c. v.
Eagle Ins. Co.
48315/00 Hurumova v. Breger
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20097/03 Laurenceau v. Ojeda
11494/02 Lieberman v. Echevarria
7905/04 Martinez v. Giscombe
19627/04 Mitchell v. NYCHA
45615/00 Moses v. Bernard
15899/03 Mun v. Rivera
18/04 North Fork Bank v. Most
United Int'l
39560/02 Ortiz v. Ortiz

16530/99 Hassan v. NYC
19074/03 Henry v. NYC
27618/01 Jackson v. NYC
4347/03 Jermott v. NYC
9050/01 Johnson v. NYC
13417/98 Kinsally v. NYCTA
35791/98 Kotler v. NYC
41443/02 Edegudova v. NYCTA
23600/02 Logo v. NYC
42335/02 Mack v. NYC
49713/02 Martin v. NYC
12674/03 Martinez v. NYC
33945/01 Minault v. NYC
9825/02 Mitchell v. NYC
21495/02 Mustafa v. Squassino
40493/03 Nodari v. NYC
32551/02 Pelser v. NYC
5719/03 Richardson v. NYC
53366/02 Rizzo v. NYC
24411/01 Robbins v. NYC
15616/03 Robinson v. NYC
47689/02 Roman v. NYC
8325/01 Sanchez v. NYC
31107/01 Soto v. NYC
26923/02 Sternberg v. NYC
5717/02 Su v. NYC
21461/03 Szanzer v. NYC
40197/94 Tenant v. NYC
37205/96 Thompson v. NYC
11522/03 Thompson v. Board of
Education
19491/03 White v. NYC
18472/01 Wiedner v. NYC
21757/01 Zagare v. NYC Police Dept
21577/00 Zapata v. NYC
13411/99 Zappaport v. NYC Bd. of Ed.
of

TUESDAY, AUGUST 17

Motion

4720/03 Velis v. Pasternack

Part 37

Justice Howard A. Ruditzky
15 Willoughby Street
Phone 718-643-7192
Courtroom 202, 9:30 A.M.

All motions, applications,
orders to show cause and con-
ferences are to be made return-
able at 9:30 a.m. on Thursdays
only, excluding holidays. The
first calendar call takes place at
9:30 a.m. The second calendar
call takes place at 10:15 a.m.
Failure to appear by 10:15 a.m.
may result in default or denial
of a motion or application for
non-appearance. All stipulations
must be accompanied by an
attorney's affidavit that must
include: (1) an explanation of
the reason for the stipulation
and (2) a statement as to
whether or not any such prior
relief has been sought before
the Court. Stipulations may be
transmitted by facsimile to 1-
718-643-3722.

Part 26

Justice Melvin S. Barasch
360 Adams Street
Phone 718-643-5250
Courtroom 364, 9:30 A.M.

FRIDAY, AUGUST 13

Conference

22941/03 Isaac v. Worrell
16699/01 Singh v. Ung

Part 27

Justice Arthur M. Schack
15 Willoughby Street
Phone 718-643-5923
Courtroom 201A, 9:30 A.M.

Part 29

Justice J. Hutcherson
360 Adams Street
Phone 718-643-8094
Courtroom 361, 9:30 A.M.

FRIDAY, AUGUST 13

Motion

50541/01 Bryant v. NYC
11116/03 Greenpoint Mortgage v.
Barzola
28364/03 Mill Basin LLC as
Successor v. Actio
4311/01 Saxton v. NYC
30255/97 Shannon v. NYC
25976/02 Jp Morgan Chase v.
Morgan

Part 31

Justice Michael Ambrosio
120 Schermerhorn Street
Phone 718-643-5953
Courtroom 307, 9:30 A.M.

Part 31 Motions are heard
every Monday.

MONDAY, AUGUST 16

Motion

30246/02 Arap v. Schwartz
3379/02 Cresci v. Lanes

Part 47

Justice David Schmidt
360 Adams Street
Phone 718-643-3190
Courtroom 574, 9:30 A.M.

THURSDAY, AUGUST 12

Motion

48271/03 181 Trading LLC v.
Colonial Co-Op. Inc. v.
7864/04 Bd Fronti
Communications, Inc. v.
Merchants Ins. Group
9887/99 Little v. Chase Manhattan
Bank

FRIDAY, AUGUST 13

Motion

32638/98 Grossett v. Fresh Meadows
Devs. LLC
17728/04 Herman v. Macgregor
1680/03 Husbands v. Smith

MONDAY, AUGUST 16

Motion

21979/03 Lauz v. Dukens
10545/04 Liefer v. Bhaskar

TUESDAY, AUGUST 17

Motion

2163/04 Anderson v. Iannico
17055/08 Castricone v. Castricone
5829/03 Chambers v. Chambers
16794/02 Lalwates v. Lalwates

Part 51

Justice Gerald S. Held
360 Adams Street
Phone 718-643-7024
Courtroom 366, 9:30 A.M.

Part 52

Justice Francois A. Rivera
360 Adams Street
Phone 718-643-5219
Courtroom 357, 9:30 A.M.

Motions are heard on Fridays.
Any case previously scheduled
for a Thursday will be heard on
that Friday.

THURSDAY, AUGUST 12

Motion

17129/01 Fitzgerald v. Child Dev.
Support

Part 53

Justice Betsy Barros
15 Willoughby Street
Phone 718-643-3780
Courtroom 201A, 9:30 A.M.

Part 54

Justice John M. Leventhal
360 Adams Street
Room 775
(718) 643-9496

Part 55

Justice Neil Jon Firelog
360 Adams Street
Phone (718) 643-7086
9:30 A.M.

Part 72

Presiding Justice
120 Schermerhorn Street
Phone 718-643-5782
Room 287, 9:30 A.M.

MONDAY, AUGUST 16

Motion

1011/04 Auerbach v. Auerbach
9979/00 Horn v. Horn

Trial

9979/00 Horn v. Horn
29862/03 Sadique v. Rasid

TUESDAY, AUGUST 17

Conference

44773/03 Capilelli v. Capilelli
4497/03 Nelson v. Case

Trial

11773/03 Sullivan-Krug v. Krug

Part 5B

Justice Michael Ambrosio
120 Schermerhorn Street
Phone 718-643-5953
Courtroom 307, 9:30 A.M.

FRIDAY, AUGUST 13

Motion

36611/01 Duperley v. Garraway
17750/01 Freeman v. Freeman
8066/03 Pankratova v. Seleznev
17055/08 Castricone v. Castricone
5829/03 Chambers v. Chambers
16794/02 Lalwates v. Lalwates

Trial

8006/03 Pankratova v. Seleznev

MONDAY, AUGUST 16

Motion

7889/95 Bartek v. Draper
17211/99 Cecil v. Cecil
46809/02 Christmas v. Christmas
3384/01 Clavavale v. Clavavale
43247/01 Levi v. Levi
46755/02 Maresca v. Maresca
49684/00 Zulufo v. Zulufo
27752/00 Khan v. Khan

Part 5D

JHO Leon Deutsch
15 Willoughby Street
Phone 718-643-7265
Courtroom 102, 9:30 A.M.

THURSDAY, AUGUST 12

Motion

7273/98 Goldson v. Goldson

TUESDAY, AUGUST 17

Motion

22227/03 Drezdner v. Drezdner

Part 5F

Justice Betsy Barros
15 Willoughby Street
Phone 718-643-3780
Courtroom 201A, 9:30 A.M.

Part 5G

Justice Jeffrey S. Sunshine
210 Joralemon Street
Chambers 718-643-3191
Courtroom 207A

Part 5H

Justice Jeffrey S. Sunshine
210 Joralemon Street
Chambers 718-643-3191
Courtroom 207A

Part 5I

Justice Jeffrey S. Sunshine
210 Joralemon Street
Chambers 718-643-3191
Courtroom 207A

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3274401 St. Luc v. R.I. Inc.
1544102 Statte v. Grande
1508103 Yevdjev v. Denilov
1397403 Dilleme v. McT. Tasi Inc.
5066101 McDonald v. Colonial Steel
Corp
4460897 Gin v. Eglisau Estates Ltd.

Trial
4381101 Klompner v. Winiarski

Part 18

Justice Bernadette Bayne
15 Willoughby Street
Phone 718-643-5485
Courtroom 101A, 9:30 A.M.

TUESDAY, AUGUST 17

Motion
21247/05 Dana v. Jubilee Gallery

Part 19

Justice Jules L. Spodek
360 Adams Street
Phone 718-643-3922
Courtroom 725, 9:30 A.M.

Part 20

Justice Mark I. Partnow
360 Adams Street
Phone 718-643-8183
Courtroom 424, 9:30 A.M.

THURSDAY, AUGUST 12

Conference
4755402 Manetta v. Jackson
3637/02 McDowell v. Jackson
32606/02 Sahin v. Chrysler Pl

17889/02 Sahin v. Jackson
43585/09 Fonseca v. NYC
23035/02 Severa v. NYC
47954/03 Baig v. NYC
13155/04 Baig v. City&NYCPD

46176/02 Bank of NY v. Campbell
618/04 Baret v. NYCTA
41869/03 Bizarova v. NYCTA
11406/04 Charles v. NYC
8150/04 Copeland v. NYCTA

38741/03 Cruz v. NYC
6978/04 Esposito v. NYCTA
32432/03 Famiglietti v. Lipsky
4831/04 Gonzalez v. NYC
5090/04 Grogan Callen v. NYC

739/04 Hirsch v. NYC
1295/04 Holmes v. NYC
46811/03 Howard v. NYCTA
2730/98 Janczewski v. Board of
Education

5186/04 Karasik v. NYC
5659/04 King v. NYC
36170/02 Komarsky v. NYC
37432/01 Kurshnirova v. NYC
30779/03 Liebovitz v. City&NYCTA

221/04 Lopez v. NYC
13616/04 Loujume v. NYC
32517/03 Marzario v. NYCTA
9975/03 McCormack v. NYCTA
48354/03 Ogilvie v. NYC

6597/03 Pacheco v. NYC
11854/04 Rodriguez v. NYC
47114/02 Schwarzbard v. NYC
6262/04 Shertakova v. NYCTA
46904 Shorman v. NYC

34833/03 Shvets v. Napoli
49410/01 Stanley v. NYC
4952/04 Stephens v. NYC
387/04 Thelmsma v. NYC
26587/01 Ulaj v. Di Fazio & Sons
Contractors

2921/04 Venerich v. NYCTA
4686/03 Walthe v. NYC
2708/04 Williams v. NYC
43181/03 Wright v. Lawrence

Compliance Hearing
23703/01 McLaughlin v. NYC
13171/02 Liotta v. NYC

Trial
20189/03 Dyer v. Johnson

FRIDAY, AUGUST 13
Motion
11/98 Jones v. NYC

20697/03 Laurenceau v. Ojeda
11494/02 Lieberman v. Echevarria
7905/04 Martinez v. Giscombe
15627/04 Mitchell v. NYCHA
45615/09 Moses v. Bernard

15880/03 Mun v. Rivera
18047 North Fork Bank v. Most
United Int'l
3956/02 Ortiz v. Ortiz

19101/04 Pabon v. NYCHA
45871/02 Paul v. Maher Laundry
Corp.
39022/02 Panlemon v. Great Atlantic
& Pacific

22255/02 Podolskaya v. Mamodd
8925/04 Richmond v. Miele
8523/04 Rivera v. Dept. of
Education
18324/04 Settlement Funding of NY
v. Smith

29424/03 Shahid v. Anshon
33206/03 Smith v. 1345 Fee LLC
1614/04 Travelers Ins. Co. v.
Chandler
1952/04 Union Temple of Bklyn. v.
Eastern Athletic Health Club

Part 22

Justice Lawrence Kaipel
360 Adams Street
Phone 718-643-7654
Courtroom 461, 9:30 A.M.

**Motions in Part 22 will be
heard on Wednesdays.**

THURSDAY, AUGUST 12
Conference
19332/03 Gentle v. NYC
72326/00 Jones v. NYC
15048/01 Sanchez v. NYC

TUESDAY, AUGUST 17
Compliance Conference
19053/97 Cinque v. NYC

Part 23

Justice Michael J. Garson
360 Adams Street
Phone 718-643-7070
Courtroom 361, 9:30 A.M.

11406/04 Charles v. NYC
8150/04 Copeland v. NYCTA
38741/03 Cruz v. NYC
6978/04 Esposito v. NYCTA
32432/03 Famiglietti v. Lipsky

4831/04 Gonzalez v. NYC
5090/04 Grogan Callen v. NYC
739/04 Hirsch v. NYC
1295/04 Holmes v. NYC
46811/03 Howard v. NYCTA

2730/98 Janczewski v. Board of
Education
5186/04 Karasik v. NYC
5659/04 King v. NYC
36170/02 Komarsky v. NYC
37432/01 Kurshnirova v. NYC

30779/03 Liebovitz v. City&NYCTA
221/04 Lopez v. NYC
13616/04 Loujume v. NYC
32517/03 Marzario v. NYCTA
9975/03 McCormack v. NYCTA

48354/03 Ogilvie v. NYC
6597/03 Pacheco v. NYC
11854/04 Rodriguez v. NYC
47114/02 Schwarzbard v. NYC
6262/04 Shertakova v. NYCTA

46904 Shorman v. NYC
34833/03 Shvets v. Napoli
49410/01 Stanley v. NYC
4952/04 Stephens v. NYC
387/04 Thelmsma v. NYC

26587/01 Ulaj v. Di Fazio & Sons
Contractors
2921/04 Venerich v. NYCTA
4686/03 Walthe v. NYC
2708/04 Williams v. NYC

43181/03 Wright v. Lawrence
FRIDAY, AUGUST 13
Motion
21255/04 NYC v. Nalzu Corp
14103/03 Boltren v. NYC

TUESDAY, AUGUST 17
Conference
1302/96 Potrone v. Tews

Compliance Hearing
29641/02 Antenor v. NYC
31022/02 Burgess v. NYCTA
22069/03 Colin v. Keyspan Energy
Corp.

9648/03 Cosentino v. NYC
8889/00 Cumberland v. NYC
39233/01 Delquaglio v. NYC
1607/03 Gen v. City&Fire Dept.
13880/00 Haney v. NYC Bd. of Ed.

Courtroom 307, 9:30 A.M.
Part 31
Motions are heard
every Monday.

MONDAY, AUGUST 16
Motion
30246/02 Arap v. Schwartz
3379/02 Cresci v. Lanes
39186/01 Johnson v. 305 Linden Ltd.

254/03 Peoples v. Springer
44680/01 Richards v. Wanley Driving
School, Inc.
28820/01 Valente v. Agnello
36910/00 Ziccardy v. Banker

50222/02 Kogan v. Pioneer
Supermarket
9753/02 Nassar v. Nazgh

Part 32
Justice Yvonne Lewis
360 Adams Street
Phone 718-643-3188
Courtroom 525, 9:30 A.M.

THURSDAY, AUGUST 12
Conference
9289/04 Geico v. Garcia

TUESDAY, AUGUST 17
Conference
39010/03 Geico v. Beans

Part 34
Justice Anthony Cutrona
360 Adams Street
Phone 718-643-5084
Room 479B, 9:30 A.M.

FRIDAY, AUGUST 13
Conference
38634/03 Josephine Middleton v.
Matthews & Barber

MONDAY, AUGUST 16
25299/00 Golebiewski v. Pacific, LLC,
et al

THURSDAY, AUGUST 19
2376/04 Liberty Mutual Ins. Co. v.
Goddard, et al

FRIDAY, AUGUST 20
28346/03 Christine Eastice v.
Molteni, et al

Part 36
Justice Martin Schneider
360 Adams Street
Phone 718-243-2474
Room 362, 9:30 A.M.

FRIDAY, AUGUST 13
Conference
44408/03 Benchakron v. Coyle
22645/03 Fiote v. Rodriguez
11762/02 Pierre v. Pamphile

Motion
14654/02 Alyev v. Pastuzaca
29553/03 Augustine v. Shvelevich
44620/00 Azanza v. Olief Children's
Home & Family

34451/03 Boateng v. Motorcycles
Safety School Inc
12255/03 Boutros v. Citywide Auto
Leasing Inc.
26092/03 Campbell v. NY Prop. Ins.

Underwriting
1669/02 Corley v. Delinco
2885/04 Dinerman v. Jewish Board
of Family
14921/04 Graneto v. Richfield
Properties

40633/03 Humphreys v. 210 Marine
Ave.
33557/03 Kim v. Maltz
36065/03 Kithro v. Gang
21121/04 Liberty Mutual Ins. v. Reis

14131/95 Madsgaard v. NYC
6670/04 Maldonado v. NY NYCHA
2455/02 Martinez-Avarez v. Hassan
5837/04 McKlin v. Lopez

1317/03 McNally v. Aspen Knolls
Maint. Corp.
45025/03 Meek v. Rajarajan
10192/04 Mitchell v. Tam Equities,
Inc.

18677/03 Mitchell v. Cousin Express
1230/03 Ofadapo v. Menton
22095/04 State Farm Ins. Co. v.
Gerontino

20800/04 State Farm Mutual
Automobile v. Santiago
47335/03 Tortura v. Sullivan Papain
Block

29520/02 Vantage Services Corp. v.
Reiner
13858/04 Wholgemuth v. Lang Const.
49667/02 Yeung v. Suburban Trails
Inc

Part 37
Justice Ann T. Pfau
360 Adams Street
Phone 718-643-7090
Courtroom 1136, 9:30 A.M.

Courtroom 211A, 9:30 A.M.
Part 42
Justice Ira Harkavy
360 Adams Street
Phone 718-643-7799
Courtroom 329, 9:30 A.M.

**All Motions, Compliance
Conferences, Status
Conferences, etc., scheduled for
Tuesday will be held on
Wednesday of the same week.**

THURSDAY, AUGUST 12
Conference
6496/04 Geico v. Lee

MONDAY, AUGUST 16
6387/03 Natgasco, Inc. v. Pruzansky

Part 76
Justice Michael L. Pesce
360 Adams Street
Courtroom 974
Phone 718-643-7078

FRIDAY, AUGUST 13
Motion
35774/94 NYC v. Crown Heights
Urban Renewal
15095/87 Essex-Linwood U.R.A. v.
D.P.I. B4068 LI

Part 77
Justice Anthony Cutrona
120 Schermerhorn Street
Room 479B, 9:30 A.M.

THURSDAY, AUGUST 12
6496/04 GEICO Ins. Co. v. Lee &
Burton, et al

FRIDAY, AUGUST 13
38634/03 Josephine Middleton v.
Matthews & Barber

MONDAY, AUGUST 16
25299/00 Golebiewski v. Pacific, LLC,
et al

THURSDAY, AUGUST 19
2376/04 Liberty Mutual Ins. Co. v.
Goddard, et al

FRIDAY, AUGUST 20
28346/03 Christine Eastice v.
Molteni, et al

Part 43
Justice Muriel Hubscher
15 Willoughby Street
Phone 718-643-5125
Courtroom 208A, 9:30 A.M.

FRIDAY, AUGUST 13
Motion
17959/03 Gailard v. Forde

TUESDAY, AUGUST 17
Motion
31001/00 Alhidort v. Louis
21012/02 Bentley v. Life Medical
Transportation

15473/02 Cook Medina v. Coe
47566/02 Dambreville v. Yoo
26884/02 Disanza v. D'Acquisto
13604/02 Founloutis v. Geringer

24155/03 Francois v. Virgile
49254/02 Husband v. Yucco Mgt., Inc.
964/02 Maloney v. Philbert
257/04 Mortgage Electronic v.
Goldstein

21304/02 Neabitt v. Reformed
Protestant Dutch
10029/02 Raskina v. Big Apple
Institute Inc.

3016/01 Shafer v. Rueck
31851/01 State Farm Mutual
Automobile v. Weasae
32212/02 Thomas v. Vozza

36258/02 Tsiplyova v. Chalmers
2726/02 Velasquez v. Espinal
27998/02 Wilkinson v. Golden Child
Cab

53581/02 Cover v. Xenakis
49254/02 Husband v. Yucco Mgt., Inc.

Part 45
Justice Ann T. Pfau
360 Adams Street
Phone 718-643-7090
Courtroom 1136, 9:30 A.M.

Part 72
Presiding Justice
120 Schermerhorn Street
Phone 718-643-5762
Room 267, 9:30 A.M.

Part 74
Justice Michael L. Pesce
360 Adams Street
Courtroom 974
Phone 718-643-7078

FRIDAY, AUGUST 13
Motion
35774/94 NYC v. Crown Heights
Urban Renewal
15095/87 Essex-Linwood U.R.A. v.
D.P.I. B4068 LI

Part 76
Justice Michael L. Pesce
360 Adams Street
Courtroom 974
Phone 718-643-7078

Part 77
Justice Anthony Cutrona
120 Schermerhorn Street
Room 479B, 9:30 A.M.

Part 79
Justice Michael L. Pesce
360 Adams Street
Courtroom 974
Phone 718-643-7078

Matrimonial Part

Part 5A
Justice Virginia E. Yancey
15 Willoughby Street
Phone 718-643-5691
Courtroom 203, 9:30 A.M.

THURSDAY, AUGUST 12
Conferences
42667/03 Abramowitz v. Abramowitz
42780/03 Antine v. Antine
5361/04 Denardo v. Denardo
3691/04 Glimis v. Glimis
47600/03 James v. James

Motion
981/02 Krakowitz v. Gross
42667/03 Abramowitz v. Abramowitz

Trial
26424/02 Devine v. Devine
14491/03 Dick v. Dick
35248/03 Lopez v. Lopez
29600/03 Parisi v. Parisi
15725/03 Perovic v. Perovic
28402/03 Rowe v. Rowe

FRIDAY, AUGUST 13
Conference
20173/03 Bracha v. Bracha
4956/04 Colon v. Colon
32578/03 Misuraca v. Misuraca

Motion
391400 Forbes v. Forbes
35090/02 Pascarella v. Pascarella

Trial
3631/04 Basso v. Basso
1232/04 Shand v. Shand
1534/03 Shebehar v. Shebehar
18872/02 Tveritnev v. Tveritnev
45807/03 Wright v. Wright

Part 56
Justice Jeffrey S. Sunshine
210 Joralemon Street
Chambers 718-643-3191
Courtroom 207A

**Motion calendars will be
called at 9:30 A.M. on
Thursdays. Preliminary
Conferences that do not have
pending Motions, Compliance
Conferences or Pre-Trial
Conferences will be held on
Fridays between 9:30 A.M. and 1
P.M. Preliminary conferences
that have an accompanying
motion will be held on
Thursdays between 9:30 A.M.
and 1 P.M.**

THURSDAY, AUGUST 12
Conference
20531/04 Mills v. Mills

Motion
20531/04 Mills v. Mills

Trial
12743/03 Sinclair v. Knight

FRIDAY, AUGUST 13
Conferences
53404 Al Khani v. Al Khani
17004 Baron v. Baron
8550/04 Bayas v. Bayas
16252/04 Bloch v. Bloch
22853/03 D'Apollito v. D'Apollito
6467/04 Davenport v. Davenport
17832/04 Gerbush v. Gerbush
18511/02 Grant v. Grant
5710/04 Henry v. Henry
7500/04 Lavitt v. Ramos
38549/02 McKend v. McKend
16909/04 Ortiz v. Ortiz
17957/03 Prescott v. Prescott

Motion
44100/02 Hallmon v. Hallmon

MONDAY, AUGUST 16
Conference
9199/03 Hamblin v. Hamblin
4402 Leslie v. Leslie
43157/03 Ray v. Ray-Lawther
12154/04 Ripinsky v. Ripinsky
33480/03 Taveras v. Taveras
23923/03 Devine v. Devine

Motion
12154/04 Ripinsky v. Ripinsky

TUESDAY, AUGUST 17
Conferences
9556/03 Lazzare v. Lazzare
4296/03 McCord v. McCord
9029/04 McLeod v. McLeod

Motion
11678/03 Clarke v. Clarke
9029/04 McLeod v. McLeod
40983/03 Glazer v. Glazer
45454/03 Perkins-Rodriguez v.
Rodriguez
30897/99 Quigley v. Quigley

Part 5M
JHO Leah Ruth Marks
15 Willoughby Street
Phone 718-643-7272
Courtroom 102, 9:30 A.M.

**Hearings are held Mondays
and Wednesdays promptly at
9:30 A.M.**

Part 5MP
Justice Milton Platt
15 Willoughby Street
Phone 718-643-6362
Courtroom 102, 9:30 A.M.

TUESDAY, AUGUST 17
Motion
51641/02 Morris v. Morris

Part 23
Justice Goldberg
120 Schermerhorn St.
Room 1003E, 9:30 A.M.

Part 24
Justice Brennan
120 Schermerhorn St.
Room 1002E, 9:30 A.M.

Part 25
Justice Carroll
120 Schermerhorn St.
Room 1003F, 9:30 A.M.

Part 27
Justice Reichbach
120 Schermerhorn St.
Room 1004C, 9:30 A.M.

THURSDAY, AUGUST 12
Justice D'Emic
Phone 718-643-8762
360 Adams Street
Room 774, 9:30 A.M.

THURSDAY, AUGUST 12
Adversio R. Abad
Lyriss Brouet
Shah Mahmood
Darnell Reese
Christophe Ridley
Jason Robinson
Shelly K. Sanders
Omar Santos
Miguel Velasquez
Antonio Wilson

Part 5
Justice Feldman
Phone 718-643-8092
360 Adams Street
Room 556, 9:30 A.M.

THURSDAY, AUGUST 12
Jerome Bolla
Anthony Clarke
Kwasinda Creville
Waqar Ghazwan
Lynnwood Gillespie
Walter A. Gordon
Charisma Halle
Scott Limage
Encendis Ocasio
Lloyd V. Paul
Rohan Powell
Sherwin Walcott
Reginald Willis

Part 8
Justice Guzman
Phone 718-643-5349
360 Adams Street
Room 969, 9:30 A.M.

Part 10
Justice Walsh
360 Adams Street
Room 938, 9:30 A.M.

THURSDAY, AUGUST 12
David Allen
Joseph Basile
Peter Bleiman
Gilbert Clarke
Mark Codes
Enoch Fuller
Cordell Johnson
Michael J. Kessler
Ervin King
Joel Lopez
Daniel W. Merritt
Glen A. Micho
Pasquale M. Miraglio

Part 11
Justice Goldberg
120 Schermerhorn St.
Room 1003E, 9:30 A.M.

Part 23
Justice Brennan
120 Schermerhorn St.
Room 1002E, 9:30 A.M.

04KCV19058 Capital One Bank v. Iwonne Mack
04KCV19049 Cheryl Nicholas v. Martine Equities Wilmsdorf
04KCV19054 Discover Bank v. Jose V Delgado
04KCV19053 Discover Bank v. Marlene Klamova
04KCV19061 Dr. Lawrence v. Joyce Fearon
04KCV19048 Dr. Lawrence v. Linda Britton
04KCV19062 Dr. Lawrence v. Paulette Osbourne
04KCV19060 Dr. Lawrence v. Reginald Walton
04KCV19057 Interboro Mutual v. Clover Russell
04KCV19050 I. & R. Rly. Co. v. Dmitriy Stolyar
04KCV19056 Lr Credit v. Maxine R Levy
04KCV19052 Pra III v. Donna E. Charles
04KCV19066 Sherman Acquisition v. Eliezer Rivera Amaro
04KCV19055 Starrett City Inc. v. Diane Holt

FRIDAY, AUGUST 13

04KCV19076 Citibank (south Dakota) v. Arlele M Nioke
04KCV19078 Citibank (south Dakota) v. Arlele Nioke
04KCV19074 Citibank (south Dakota) v. John A Leporali
04KCV19077 Cross Country Bank v. Miroslav Kovalek
04KCV19082 David S Levine M.D. v. Harry Weinfield
04KCV19079 Discover Bank v. Lauretta D Jones
04KCV19083 Erin Services Co., LLC v. Sheldon A Gilman
04KCV19070 Fds Bank Macy's v. Meshok Rudy
04KCV19071 L & R Rly. Co. v. Dmitriy Gorlenko
04KCV19080 Lr Credit v. Patricia E Diaz
04KCV19081 Lr Credit v. Guido A Vargas
04KCV19069 Lr Credit v. Teresa Arzu
04KCV19072 Melville Acquisitions v. Holly Brackley
04KCV19073 Melville Acquisitions v. Rozann Joseph
04KCV19075 Swam Mahajan v. Anna Luciano

MONDAY, AUGUST 16

04KCV19115 Ameristar Financial v. Rachel S Edwards
04KCV19117 Arrow Financial v. Pamela L Harmon
04KCV19122 Ata Housing Corp. v. Susan Pierr
04KCV19110 Bklyn. Anesthesia v. Kathleen Davis-Harvey
04KCV17496 Bklyn. Hosp. v. Queen Gomez
04KCV19113 Capital One Bank v. Jean O Drouillard
04KCV19126 Capital One Bank v. Patricia S Chin
04KCV19108 Chemical Bank v. Leon Dayan
04KCV19120 Conquest v. Cynthia A Dulles
04KCV19118 Erin Services Co., LLC v. Penny Bleunt
04KCV19121 Gemini Asset Recoveries v. Marva Atkinson
04KCV19128 Gordon Capital Corp. v. Charles Jean Carlo
04KCV19123 Lachelle Watt v. Ucal Wittingham
04KCV19109 Lalehan Dikengil v. Saeed Muhammad Sade
04KCV19124 Long Island Univ. v. Sophia Straker-Babb
04KCV19119 Lr Credit v. Yvonne Danna Jackson
04KCV19122 Lr Credit v. Delroy A Campbell
04KCV19107 Nationsbank v. Edwige Morency
04KCV19116 Palisades Collection v. Zonnine G Mannah
04KCV19125 Paramount Cards Inc v. Accounts on Cards Inc.
04KCV19114 Svetlana Tanana v. Ramandan Tanana

TUESDAY, AUGUST 17

04KCV19096 Asef Azarunov v. Steve

04KCV19163 Citibank (south Dakota) v. Antonette T Meek
04KCV19165 Citibank (south Dakota) v. Darlene O Quist
04KCV19167 Citibank (south Dakota) v. Kathleen Evanson
04KCV19166 Citibank (south Dakota) v. Natalia Silva
04KCV19162 Citibank (south Dakota) v. Vera A Grant
04KCV19160 Fds Bank Macy's v. Maria E Alarcon
04KCV19151 Garden City Asset v. Frank Cantone
04KCV19156 Great Seneca Financial v. Nicholas Brandolino
04KCV19157 Intercity Const. v. Anthony Thompson
04KCV19150 Lr Credit v. James E Ray
04KCV19156 Palisades Collection LLC v. Juana Jimenez
04KCV19168 Palisades Collection v. Jean P Munoz
04KCV19154 Prs Assets LLC v. Lucie Lormestil
04KCV19153 Prs Assets v. Mayra Mejia
04KCV19155 Univ of Rochester v. Albert Rugel

FRIDAY, AUGUST 20

04KCV19174 Carl B Morgan v. Christina J Bridgewater
04KCV19176 Citibank (south Dakota) v. Annak Yarkovskaya
04KCV19177 Cross Country Bank v. Elizer Rivera
04KCV19180 Diamond Finance Co., Inc. v. Robenson Elzezer
04KCV19181 Dr. Lawrence v. Felicia Hanover
04KCV19183 Dr. Lawrence v. James Greene
04KCV19182 Dr. Lawrence v. Joan Lowe
04KCV19170 Erin Capital Mgt. v. Leslie A Paul
04KCV19175 Garden City Asset v. Santiago Plomartitis
04KCV19169 Garth N. Henry v. Mercedes Benz Credit
04KCV19171 George W. McDonald v. The Premins Co. Inc
04KCV19172 Joy Azarun v. Joyliene Marshall
04KCV19173 Lr Credit v. Mary A Bruce
04KCV19174 Midland Credit v. Esther Scott
04KCV19178 Palisades Collection v. Benjamin Thomas Jr

TUESDAY, SEPT. 7

04KCV19202 1890 East 5th Owners v. Pamela L Rauti
04KCV19189 American Express Travel v. Aldo Mauro
04KCV19195 Aragosta Taxi Corp. v. Deliah Hope
04KCV19193 Blanca Brown v. Zoraida Saavedra
04KCV19191 Board of Mgrs. of v. David Oberlander
04KCV19192 Bruce Gingold v. Manuel Ferrer
04KCV19212 Capital One Bank v. Daniel Coffaro
04KCV19197 Capital One Bank v. Guay V Lin
04KCV19205 Capital One Bank v. Renaud Piton
04KCV19199 Carlos Curtina v. Dell Computer
04KCV19208 Connor Capital Corp. v. Derek M Williams
04KCV19204 Connor Capital Corp. v. Medley Charles
04KCV19203 Deneke H. Mariani v. Jack Elman
04KCV19200 Discover Bank v. Maren Lacey
04KCV19195 Fairfield Presidential v. Diana Jackson
04KCV19198 Financial Credit LLC v. Cutidia M Vasquez
04KCV19211 Garden City Asset v. Daisy Hodge
04KCV19206 Lr Credit v. Bert Feinberg
04KCV19209 Midland Credit v. Nancy Nugba
04KCV19190 Ocean Ave Co. v. Marie V Nelson
04KCV19210 Sherman Acquisition v. Curtis Bauer

04KCV19270 Asset Acceptance v. Tami D. Jones
04KCV19274 Capital One Bank v. Candice Thomas
04KCV19271 Daimlerchrysler v. Alfonso Carter
04KCV19268 Discover Bank v. Moshe B Gordon
04KCV19272 Erin Capital Mgt. v. Johnson Appiah
04KCV19273 Erin Capital Mgt. v. Kenneth Souvenir
04KCV19269 Erin Services Co., LLC v. Randi Gelo
04KCV19276 First Consumers Nat. v. Sari Elkman Melendez
04KCV19265 Lize Washington v. Fern Stacy Frank
04KCV19267 Joseph Imperato v. Louisa Imperato
04KCV19277 Lr Credit v. Marie L Schreiber
04KCV19263 Mahfuz Hasnat v. Joan St Jour
04KCV19266 Palisades Collection v. Jacqueline J Reiter
04KCV19264 Sys Rly. LLC v. Nevil Smith
04KCV19155 Univ of Rochester v. Albert Rugel

MONDAY, SEPT. 13

04KCV19285 Bklyn. Union Gas v. Barbara Cusumano
04KCV19297 Bklyn. Union Gas v. Ronnie Hughes
04KCV19292 Capital One Bank v. Bela Finkezon
04KCV19289 Christopher Scipione v. Elizabeth Tarasco
04KCV19293 Citibank (south Dakota) v. Tsanka Nikolov
04KCV19294 Credit Growth & Income v. David Nias
04KCV19288 Empire Portfolios v. Phyllis Murray
04KCV19295 Erin Capital Mgt. v. Ernesto Escudero
04KCV19303 Erin Capital Mgt. v. Libounir Hornik
04KCV19290 Erin Capital Mgt. v. Santiago Delacruz
04KCV17521 June Persaud v. Enrol Forester
04KCV17117 Louis Lopez v. Title Issues Agency
04KCV19277 Lr Credit v. Anyelina Reyes
04KCV19310 Marvin Sewell v. Gerard Julien
04KCV19284 Maryann H. Bienvenu v. Prop. Services
04KCV19298 Municipal Credit Union v. Darlene Mary Moore
04KCV19296 Nassau Asset v. Robin Deroche
04KCV19286 Related Tiffany v. Jaime Tenorio
04KCV19299 Sherman Acquisition v. Kwaku B Andoh
04KCV19287 Victor Perry v. Bay Ridge Lincoln
04KCV19302 Worldwide Asset v. Marva M Darosta

TUESDAY, AUGUST 19

04KCV3223 Bmw Financial Services v. Sly Medical Supply

THURSDAY, AUGUST 12

04KCV2840 Bay Park One Co. v. Frederica Kamara
04KCV2875 Beth Israel Medical v. Virginia Irazary
04KCV2877 Beth Israel Medical Ctr v. Herman Morales
04KCV2879 Brook Medical Health v. Allstate Ins. Co.
04KCV2880 Brook Medical Health v. Allstate Ins. Co.
04KCV2883 Brook Medical Health v. Country Wide Ins. Co.
04KCV2881 Brook Medical Health v. Country Wide Ins. Co.
04KCV2882 Brook Medical Health v. Country Wide Ins. Co.
04KCV2884 Brook Medical Health v. Travelers Prop.
04KCV2887 Brownsville Medical v. Allstate Ins.
04KCV2873 Citibank (south Dakota) v. Natalya Litvachits
04KCV2872 Cornell Anesthesiology v. Susan Sofia Bini
04KCV2886 Discover Bank v. Clinton L Cemeris
04KCV2878 East Coast Medical Care v. Lamberson Medical
04KCV2845 Economy Premier v. Arshad U. Ahmad
04KCV2885 Goldberg & Chang v. Travelers Indemnity
04KCV2886 Kipor Medicine Pc v. Allstate Ins. Co.
04KCV2888 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2874 Long Island College v. Joseph Coleman
04KCV2865 Nationwide Mutual v. Ezra Des Laminara
04KCV2881 Oxford Leasing Lp v. Kurrie Novyokolon
04KCV2882 Petrol Oilulski v. Gary Gulban
04KCV2846 Progressive v. Austro Trans Service Inc
04KCV2870 Progressive Medical And v. Met Life Auto & Home
04KCV2839 Select Exterminating v. Dunkin Donuts
04KCV2876 Victory Memorial v. Alice Anisowicz
04KCV2842 Weithorke Hldg. LLC v. Gwendolyn Bampfield

TUESDAY, SEPT. 14

04KCV19328 Agl Marketing Inc v. Yolanda S Holmes
04KCV19329 Bridgett N Franklin v. Rochelle Baker
04KCV19324 Cacy of Colorado LLC v. Allitoun Walford
04KCV19315 Capital One Bank v. Annmar Sankarall
04KCV19317 Capital One Bank v. Fezal Elahne
04KCV19323 Capitol Discount Corp v. Taryn Williams
04KCV19313 Citibank (south Dakota) v. Mohammad Z Manzoor
04KCV19314 Citibank (south Dakota) v. Mohammad Zahid Manzoor
04KCV19322 Direct Merchants Credit v. Marlene Reid
04KCV19312 Dr. Lawrence v. Renee Holmes
04KCV19329 Ecomnergy Energy v. Moshe Herskovic
04KCV19310 Ford Motor Credit v. Ashaki K James
04KCV19307 Fulton At Schechter's v. Aracelis Rodrigo
04KCV19309 Gary A. Feliciano v. Greenpoint Savings Bank
04KCV19319 Great Seneca Financial v. Jeffrey Clarke
04KCV19308 H.R. Rly. Inc. v.

MONDAY, SEPT. 13

04KCV19359 Rushmore Recoveries v. Vi v. Martin Medina
FRIDAY, SEPT. 17
04KCV19368 Bklyn. Anesthesia v. Carol Pratt
04KCV19372 Chavot v. Elena A. Cavallo
04KCV19370 Colonial Estates v. Maria R. Castelli
04KCV19374 Dr. Lawrence v. Elfrida Nowell
04KCV19364 Ecomnergy Energy v. Lettie J. McCallum
04KCV19365 Empire Portfolios, Inc. v. Walter W James
04KCV19369 Erin Capital Mgt. v. Maria Echevarria
04KCV19361 Fds Bank Macy's v. Galina Pilnev
04KCV19373 Leigh J. Lachman v. Danny Arias
04KCV19371 Lr Credit v. Marie J Tabor
04KCV19370 Lr Credit v. Yosef B Seigel
04KCV19366 Palisades Collection v. Jonathan B. Berman
04KCV19363 Palisades Collection v. Yvonne J Harvey

Part 12

Room 1101, 9:30 A.M.

Part 13

Judge Kurtz
Room 1101, 9:30 A.M.

THURSDAY, AUGUST 19

04KCV3223 Bmw Financial Services v. Sly Medical Supply

Part 15

Judge Rothenberg
Room 306, 9:30 A.M.

THURSDAY, AUGUST 12

04KCV2840 Bay Park One Co. v. Frederica Kamara
04KCV2875 Beth Israel Medical v. Virginia Irazary
04KCV2877 Beth Israel Medical Ctr v. Herman Morales
04KCV2879 Brook Medical Health v. Allstate Ins. Co.
04KCV2880 Brook Medical Health v. Allstate Ins. Co.
04KCV2883 Brook Medical Health v. Country Wide Ins. Co.
04KCV2881 Brook Medical Health v. Country Wide Ins. Co.
04KCV2882 Brook Medical Health v. Country Wide Ins. Co.
04KCV2884 Brook Medical Health v. Travelers Prop.
04KCV2887 Brownsville Medical v. Allstate Ins.
04KCV2873 Citibank (south Dakota) v. Natalya Litvachits
04KCV2872 Cornell Anesthesiology v. Susan Sofia Bini
04KCV2886 Discover Bank v. Clinton L Cemeris
04KCV2878 East Coast Medical Care v. Lamberson Medical
04KCV2845 Economy Premier v. Arshad U. Ahmad
04KCV2885 Goldberg & Chang v. Travelers Indemnity
04KCV2886 Kipor Medicine Pc v. Allstate Ins. Co.
04KCV2888 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2874 Long Island College v. Joseph Coleman
04KCV2865 Nationwide Mutual v. Ezra Des Laminara
04KCV2881 Oxford Leasing Lp v. Kurrie Novyokolon
04KCV2882 Petrol Oilulski v. Gary Gulban
04KCV2846 Progressive v. Austro Trans Service Inc
04KCV2870 Progressive Medical And v. Met Life Auto & Home
04KCV2839 Select Exterminating v. Dunkin Donuts
04KCV2876 Victory Memorial v. Alice Anisowicz
04KCV2842 Weithorke Hldg. LLC v. Gwendolyn Bampfield

TUESDAY, SEPT. 14

04KCV19328 Agl Marketing Inc v. Yolanda S Holmes
04KCV19329 Bridgett N Franklin v. Rochelle Baker
04KCV19324 Cacy of Colorado LLC v. Allitoun Walford
04KCV19315 Capital One Bank v. Annmar Sankarall
04KCV19317 Capital One Bank v. Fezal Elahne
04KCV19323 Capitol Discount Corp v. Taryn Williams
04KCV19313 Citibank (south Dakota) v. Mohammad Z Manzoor
04KCV19314 Citibank (south Dakota) v. Mohammad Zahid Manzoor
04KCV19322 Direct Merchants Credit v. Marlene Reid
04KCV19312 Dr. Lawrence v. Renee Holmes
04KCV19329 Ecomnergy Energy v. Moshe Herskovic
04KCV19310 Ford Motor Credit v. Ashaki K James
04KCV19307 Fulton At Schechter's v. Aracelis Rodrigo
04KCV19309 Gary A. Feliciano v. Greenpoint Savings Bank
04KCV19319 Great Seneca Financial v. Jeffrey Clarke
04KCV19308 H.R. Rly. Inc. v.

MONDAY, SEPT. 13

04KCV2847 Wollia Medical Supply Inc v. Allstate Ins. Co.
04KCV2848 Wollia Medical Supply v. Allstate Ins. Co.
WEDNESDAY, SEPT. 15
04KCV2916 Fulton Park Four v. Sandra Burney
04KCV2917 Kipor Medicine Pc v. Allstate Ins. Co.
04KCV2919 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2920 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2921 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2918 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2919 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2910 Kipor Medicine Pc v. Newark Ins.
04KCV2913 Peace of Mind v. Eagle Ins. Co.
04KCV2915 Shalosh Assoc. v. Hildago Martino
04KCV2914 Spring Creek Assoc. v. Francine McIntyre
04KCV2912 Webster Ave. Medical v. Allstate Ins. Co.
TUESDAY, SEPT. 21
04KCV3005 4g's Truck Renting Co. v. 1210 Retail Sales Corp.
04KCV3004 A&L Acupuncture P.C. v. Travelers Prop.
04KCV3023 Advanced Acupuncture v. Allstate Ins. Co.
04KCV3023 Advanced Acupuncture v. Allstate Ins. Co.
04KCV3037 Neurology v. Progressive Casualty
04KCV3032 All v. Presbyterians v. Leah Rapoport
04KCV3015 Central Acupuncture P.C. v. NY Taxi, Inc.
04KCV3019 Central Acupuncture P.C. v. State Farm Ins.
04KCV3018 Central Acupuncture v. State Farm Ins.
04KCV3003 Dr. An Shide v. State Farm Ins. Co.
04KCV3008 Glenwood Orthopaedics v. NY Central Mutual
04KCV3012 Head & Neck Pain v. Hanover Ins.
04KCV2996 Home Care Orthopedic v. Countrywide Mgt.
04KCV2992 Home Care Orthopedic v. Geico Ins. Co.
04KCV2201 Nationwide Mutual v. Chatsaph Cars Corp.
04KCV3009 Paul Medical v. NY Central Mutual
04KCV3014 Quality Care v. Allstate Ins. Co.
04KCV3017 Quality Care v. Allstate Ins. Co.
04KCV3021 Quality Care v. Allstate Ins. Co.
04KCV3022 Quality Care v. Allstate Ins. Co.
04KCV3027 Quality Care v. Allstate Ins. Co.
04KCV3026 Quality Care v. Hartford Accident And
04KCV3025 Quality Care v. Hudson Ins. Co.
04KCV3011 Results Chiropractic v. State-Wide Ins.
04KCV3010 Stephen Matrangolo v. Chnals. Co.
04KCV3007 Zvi Sultan v. Pashosh, Inc.

WEDNESDAY, SEPT. 22

04KCV1238 Best Metro. Towel v. Cola's Restaurant Inc
04KCV3169 Bklyn. Heights v. Trans Corp.
04KCV3167 Cain Taxi Inc. v. Link Trans Corp.
04KCV3149 Central Bronx Medical v. State Farm Mutual Auto
04KCV3168 Climb Service Co., Inc. v. Joe Negro
04KCV19248 Comm'n. of The v. Cwc Restaurant Inc.
04KCV3166 Crescent Cab Corp. v. Christina Novotny Kerr
04KCV3170 Crescent Cab Corp. v. Cog Cab Corp.
04KCV3171 Crimson Service Corp. v. Gutman & Sons Cab Corp.
04KCV3172 Dharma Mgt. v. Nader And Mark Cab Corp.
04KCV3152 Diagnostic Rehab. v. Allstate Ins.
04KCV3151 Family Medical Practice v. State Farm Mutual Auto
04KCV3165 Hung Hai Zipper Co Ltd v. Barbie Int'l Corp.
04KCV3158 Ibb Medical Supplies Inc. v. Allstate Ins.
04KCV3160 Ibb Medical Supplies Inc. v. Allstate Ins.
04KCV3161 Ibb Medical Supplies Inc. v. Allstate Ins.
04KCV3162 Ibb Medical Supplies Inc. v. Allstate Ins.
04KCV3164 Ibb Medical Supplies Inc. v. Eagle Ins. Co.
04KCV3155 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3163 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3157 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3159 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3156 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3154 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3153 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3152 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3151 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3150 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3149 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3148 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3147 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3146 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3145 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3144 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3143 Ibb Medical Supplies Inc. v. Travelers Prop.
04KCV3142 Ibb Medical Supplies Inc. v. Travelers Prop.
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04KCV19119 1r Credit v. Yvonne v. Davis Jackson
04KCV19122 1r Credit v. Delroy A. Campbell
04KCV19107 Nationsbank v. Edwige Morency
04KCV19116 Palisades Collection v. Zonnine G Maanah
04KCV19125 Paramount Cards Inc v. Accents on Cards Inc
04KCV19114 Svetlana Tarnam v. Ramadan Tamam

TUESDAY, AUGUST 17
04KCV19096 Asef Agarunov v. Steve Zolowski
04KCV19104 Barnat Rity Co. v. Rosemary St. Jules
04KCV18871 Bellevue v. Blossom Levy

04KCV19099 Bklyn. Anesthesia v. Patricia Welch
04KCV19100 Bklyn. Kings Hwy v. Stuart Cameron
04KCV19090 Capital One v. Barbara Hunt

04KCV19093 Capital One Bank v. Agnes T. Ross
04KCV19092 Chase Manhattan Bank v. David K. Cartered
04KCV19087 Dired Merchants Credit v. Kennedy Deroche
04KCV19106 Dubor Associates v. Lynette Greene

04KCV19094 Fairfield Presidential v. Claudel Chory
04KCV19102 Global Hldg. And v. Rhonda Smith
04KCV19098 Jacques M Romeo v. Dr. Rosalie Bratus

04KCV19101 1r Credit v. Fioridaliza Nadel
04KCV19098 1r Credit v. Martha D Fernandez
04KCV19091 Melvin Jones v. Queens Auto Mail Inc.

04KCV19103 Palisades Collection LLC v. Della Simpson
04KCV19089 Sears, Roebuck And Co. v. Sharon Walcott
04KCV19097 Yakov Yosorov v. C.D.C.R Contracting Corp.

WEDNESDAY, AUGUST 18
04KCV19135 Bklyn. Anesthesia v. Jahnella Isles
04KCV19130 Capital One Bank v. Nedofer A. Ahmad
04KCV19144 Dr. Lawrence v. Ann Edwards

04KCV19143 Dr. Lawrence v. Diane Pollard
04KCV19142 Dr. Lawrence v. Marilyn Roberts
04KCV19145 Dr. Lawrence v. Rosa Burtis

04KCV19134 Eirelina Black v. Bonita Harrison Jones
04KCV19146 Ford Motor Credit v. Elena Kleiner
04KCV19138 Kmt Enterprises, Inc. v. Anna Thompson

04KCV19137 Kmt Enterprises, Inc. v. Michael F Bontowski
04KCV19131 1r Credit v. Chang X Zou
04KCV19141 1r Credit v. Willie M Whitfield

04KCV19147 Midland Credit v. Denis Walker
04KCV19128 Midland Credit v. Elizabeth Thompson
04KCV19132 Rb Performance v. Clinton Duval

04KCV19140 Sherman Acquisition v. Barbara A Bitte
04KCV19133 The Bklyn. Union Gas v. Cynthia Washington
04KCV19129 Y. Shmuel Herz v. Baila Kaplan

THURSDAY, AUGUST 19
04KCV19161 A&T Wireless v. Harry Inera
04KCV19159 Bank of America v. Khalifa A Niang
04KCV19158 Beth Israel Hosp. v. Nelson Rivera
04KCV19149 Capital One Bank v. Yulinda Soto

04KCV19164 Citibank (south Dakota) v. Abraham Buxbaum

04KCV19136 Patricia Plescia v. Dawn Jackson
04KCV19198 Financial Credit LLC v. Catilia M. Vasquez
04KCV19107 Nationsbank v. Edwige Morency
04KCV19116 Palisades Collection v. Zonnine G Maanah
04KCV19125 Paramount Cards Inc v. Accents on Cards Inc
04KCV19114 Svetlana Tarnam v. Ramadan Tamam

WEDNESDAY, SEPT. 8
04KCV19226 10 Stradford Associates v. Jerry Georges
04KCV19221 Abel Antoine v. Ulrica First Ins. Co
04KCV19233 Arrow Financial v. Renata O. Mator

04KCV19227 Asset Acceptance LLC v. Stephane Telesford
04KCV19231 Cavalry Portfolio v. Mohammad Blutta
04KCV19232 Chase Manhattan Bank v. Leslie Grandberry

04KCV19236 Citibank (south Dakota) v. Larisa Y Mazurkevich
04KCV19238 Citibank (south Dakota) v. Marlene Afak
04KCV19228 Columbia Funding Inc v. Wylene Bamwell

04KCV19229 Ecomnergy Energy v. Arthurine Beach
04KCV19223 Fairland Credit v. Tolei Hayes
04KCV19234 Great Seneca Financial v. Patricia A Gooding

04KCV19280 Ildiko Repasi v. Christina Frederick
04KCV19230 Joseph Comes v. Adi Security Services
04KCV19219 Julia Evans v. Jasmine Brunson

04KCV19235 Pike Taxi Co. Inc. v. Thomas S. Conzo
04KCV19220 Platinum Financial v. Margaret Hunt
04KCV19222 Rushmore Recoveries v. Elwyn Williams

04KCV19237 Sherman Acquisition v. Ebris V Julian
04KCV19227 Yeshiva Univ. v. Idel Kolodny
THURSDAY, SEPT. 9

04KCV19235 Abbott Laboratories, Inc. v. Patrick Jones
04KCV19261 Agi Marketing, Inc. v. Valerie Ward
04KCV19248 Bazyli Bibikoff v. Dept. of Social

04KCV19251 Bellevue v. Wanda Jackowski
04KCV19254 Bklyn. Kings Hwy v. Martin Obizor
04KCV19256 Capital One v. Nelson L. Quinones

04KCV19246 Capital One Bank v. Alvin M Agarast
04KCV19249 Comm'rs. of State v. Yvonne McDonald
04KCV19257 Dr. Lawrence v. Lauree Smith

04KCV19248 Erin Services Co., LLC v. Lloyd F Lynch
04KCV19250 Eva Stern 45 L.L.C. v. Colin Anderson
04KCV19261 Film Carting Corp. v. Mercedes Distribution

03KCV4889 Ford Motor Credit v. Neil Grippa
04KCV19252 Great Seneca Financial v. Israel Friedman
04KCV19260 Keyspan Energy Delivery v. Ezequer Watson
04KCV19253 1r Credit v. Terence B Scott

04KCV19258 Morjohn Taxi Inc. v. Bronislaw Motors Inc.
04KCV19255 Rjm Acquisitions LLC v. Taylor J. Gantier Jr

FRIDAY, SEPT. 10
04KCV19275 Alti Vacuum Inc. v. Haycinth Baugh

04KCV19312 Dr. Lawrence v. Renee Holmes
04KCV19320 Ecomnergy Energy v. Moshe Herskovic
04KCV19310 Ford Motor Credit v. Ashaki K James
04KCV19307 Fulton At. Schechter's v. Aracelis Rodrigo
04KCV19309 Gary A. Peliciano v. Greenpoint Savings Bank
04KCV19319 Great Seneca Financial v. Jeffrey Clarke
04KCV19308 J.R. Rity. Inc v. Howard Jones

04KCV19311 1r Credit v. David M Torral
04KCV19318 Metro Portfolio, Inc. v. Linda White
04KCV19305 Mr Isaac Marshall v. Robert Cann

04KCV19306 Nathan L. Rudgers v. Amin Nagi Zokari
04KCV19325 Neo Portfolio v. Deborah E Presley
04KCV19327 Neo Portfolio v. Marie Zambr

04KCV19315 Palisades Collection v. Anthony F Gregg
04KCV19321 Poseidon Resources LLC v. Calixta Castano
04KCV19395 Rosario Diaz v. Olga Mendez

04KCV19325 Rushmore Recoveries v. Vi v Albert Spelker
WEDNESDAY, SEPT. 15
04KCV19340 Angelo & Carlos Inc. v. Induck Kim

04KCV19341 Arrow Financial v. Eugenia Felix
04KCV19342 Asset Advantage v. Rhoda Kontoff
04KCV19331 Discover Bank v. Abdul Hafeez

04KCV19344 Dubor Associates v. Shirley Harrison
04KCV19334 Erin Capital Mgt. v. Madeline B Torres
04KCV19339 Garden City Asset v. George Grosu

04KCV19345 Global Protective Systems v. Cynthia Unisex Hair
04KCV19337 Great Seneca Financial v. James Shackelford
04KCV19335 Great Seneca Financial v. Jeanne M Cortes

04KCV19338 1r Credit v. Lisa Canady
04KCV19336 1r Credit v. Nancy Brodsky
02KCV16465 Rana Zahid Hussain v. Shum Watie Abdelmalik

04KCV19343 Related Tiffany v. Ronette Baptist
04KCV19333 Robert T. Drapkin v. Derle Farms, Inc.
04KCV19332 William Wallace v. Con Ed Co

THURSDAY, SEPT. 16
04KCV19348 Capital One Bank v. Arthur M Frazier
04KCV19349 Derline Robinson v. Kumraj Singh

04KCV19347 Discover Bank v. Dolores S Sealey
04KCV19346 Discover Bank v. Dolores S Sealey
04KCV19352 Discover Bank v. Jacqueline L.Hildebrand

04KCV19351 Empire Portfolios, Inc. v. Yakov L Fargessen
04KCV19356 Erin Capital Mgt. v. Aloidia M Felix
04KCV19355 Erin Capital Mgt. v. Mario A Poralla
04KCV19350 Garden City Asset v. Errol Lawrence

04KCV19360 1r Credit v. Ray A McZick
04KCV19358 1r Credit v. Franklyn J Baptiste
04KCV19354 1r Credit v. Robert Weil

04KCV19357 Monogram Credit Card v. Elizabeth Jackson
04KCV19353 Palisades Collection v. Anthony Anderson

04KCV2832 Peter Oudolski v. Gary Gulyan
04KCV2846 Progressive v. Austro Trans Service Inc
04KCV2870 Progressive Medical And v. Met Life Auto & Home
04KCV2839 Select Exterminating v. Dunkin Donuts
04KCV2876 Victory Memorial v. Alice Anisowicz
04KCV2842 Weatherole Hldg. LLC v. Gwendlyn Bampfild

MONDAY, SEPT. 13
04KCV2871 Allstate Ins. v. NYC
04KCV2892 Astoria Quality Medical v. Allstate Ins.
04KCV2891 Astoria Quality Medical v. Eagle Ins. Co.

04KCV2894 Astoria Quality Medical v. Eagle Ins. Co.
04KCV2893 Bklyn. Union Gas v. Isaac Traub
04KCV2899 J & J Acupuncture Service v. Allstate Ins.

04KCV2895 Kipor Medicine Pc v. Allstate Ins. Co.
04KCV2898 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2896 Kipor Medicine Pc v. Eagle Ins. Co.

04KCV2897 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2893 Liberty Mutual Ins. v. NYC
04KCV2921 Media Neurology v. Allstate Ins. Co.

04KCV2928 Omega Diagnostic v. Lumbermans Mutual
04KCV2926 Ostia Medical v. Eagle Ins. Co.
04KCV2934 Ostia Medical v. Eagle Ins. Co.

04KCV2935 Ostia Medical v. Eagle Ins. Co.
04KCV2930 Ostia Medical v. General Assurance
04KCV2929 Ostia Medical v. Govt. Employees

04KCV2928 Ostia Medical v. Hartford Accident And
04KCV2931 Ostia Medical v. Nationwide Prop. And
04KCV2935 Prostate Radiology v. Eagle Ins. Co.

04KCV2927 Reliable Medical v. Eagle Ins. Co.
04KCV2933 Reliable Medical v. Eagle Ins. Co.
04KCV2932 Reliable Medical v. Travelers Prop.

04KCV2922 Surf Medical Plaza v. American Protection Ins.
TUESDAY, SEPT. 14
04KCV2959 Alex Rosenblum v. Bernstein & Bernstein

04KCV2957 Corona Queens Medical v. General Assurance
04KCV2958 East-Way Chiropractic v. Allstate Ins. Co.

04KCV2956 Elm Medical v. Travelers Indemnity
04KCV2906 Kipor Medicine Pc v. Allstate Ins. Co.
04KCV2905 Kipor Medicine Pc v. Eagle Ins. Co.

04KCV2901 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2902 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2907 Kipor Medicine Pc v. Eagle Ins. Co.

04KCV2903 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2904 Kipor Medicine Pc v. Eagle Ins. Co.
04KCV2906 Kipor Medicine Pc v. Eagle Ins. Co.

04KCV2899 Kipor Medicine Pc v. Newark Ins.
03KCV4543 Peter Cunningham v. Joseph J. Lanzi
04KCV2855 Pro-Med Medical v. Govt. Employees

04KCV2854 Royaltan Chiropractic v. Prudential Prop.
04KCV2960 U.S. Bank v. Habib M. Joudeh

04KCV3129 Panda Group v. M K Inc.
04KCV3028 Quality Care v. Allstate Ins. Co.
04KCV3179 Simon Kale v. Nobility Taxi Corp

THURSDAY, SEPT. 23
04KCV3076 Comfort Zone v. Allstate Ins. Co.
04KCV3063 Diagnostic Rehab. v. Allstate Ins.

04KCV3059 Diagnostic Rehab. v. State Farm Mutual Auto
04KCV3077 East Coast v. Allstate Ins. Co.
04KCV3078 East Coast v. Allstate Ins. Co.

04KCV3079 East Coast v. Allstate Ins. Co.
04KCV3080 East Coast v. Allstate Ins. Co.
04KCV3207 Belachy Supply Inc v. Eagle Ins. Co.

04KCV3087 Greater Bklyn. v. Allstate Ins. Co.
04KCV3062 Hillside Compreh. v. NY Central Mutual Fire
04KCV3064 Hillside Compreh. v. NY Central Mutual Fire

04KCV3069 IH Medical v. Nationwide Prop. And
04KCV3070 I.K. Medical v. Clarendon Nat. Ins.
04KCV3067 I.K. Medical v. Country Wide Ins. Co.

04KCV3072 I.K. Medical v. Desbrook Ins. Co.
04KCV3071 I.K. Medical v. Lumbermans Mutual
04KCV3066 I.K. Medical v. Travelers Indemnity Co.

04KCV3055 Media Neurology v. Allstate Ins.
04KCV3074 Psych & Massage v. Allstate Ins. Co.

04KCV3075 Psych & Massage Therapy v. Country Wide Ins. Co.
04KCV3055 Raymond Davis v. Paolo Rito Corp
04KCV3061 Serko Medical v. American Protection Ins.

MONDAY, SEPT. 27
04KCV3119 Advanced Medical v. Allstate Ins. Co.
04KCV3116 Advanced Medical v. Clarendon Nat. Ins.

04KCV3117 Advanced Medical v. Eagle Ins. Co.
04KCV3115 Advanced Medical v. General Assurance
04KCV3118 Advanced Medical v. State Wide Ins. Co.

04KCV3093 Allstate Ins. v. NYCTA
04KCV3094 Ambush Alarm v. Queens Christian Alliance
04KCV3081 East Coast v. Allstate Ins. Co.

04KCV3084 East Coast v. Allstate Ins. Co.
04KCV3082 East Coast v. Allstate Ins. Co.
04KCV3085 East Coast v. Allstate Ins. Co.

04KCV3083 East Coast Psychologic v. Safeco Ins. Co. of America
04KCV3096 Executive Medical Supply v. MetLife Auto & Home
04KCV3108 George Buchinger v. J.M.J Enterprise Inc.

04KCV3092 Govt. Employees v. NYCTA
04KCV3114 Jeffrey L. Rubin v. Allstate Ins. Co.
04KCV3113 Margolis Psychological v. Allstate Ins. Co.

04KCV3088 Newton Small v. Lodrick Smith
04KCV3089 Travelers Prop. v. NYCTA
04KCV3090 Vista Surgical Supplies v. Progressive Casualty

04KCV3091 Vista Surgical Supplies v. Progressive Casualty
04KCV3124 A.M.B Medical v. Clarendon Nat. Ins.
04KCV3128 A.M.B. Medical v. Allstate Ins. Co.

04KCV3174 Laitser v. Allstate Ins. Co.
04KCV3150 Media Neurology v. Allstate Ins. Co.
04KCV3175 Pinnacle Psychological v. Allstate Ins. Co.

04KCV3178 Pinnacle Psychological v. Allstate Ins. Co.
04KCV3179 Pinnacle Psychological v. Allstate Ins. Co.
04KCV3173 Pinnacle Psychological v. Liberty Mutual Ins.

04KCV3176 Pinnacle Psychological v. Metro. Prop.
04KCV3177 Viola Medical Supply Inc. v. Travelers Indemnity
04KCV3155 Viola Medical Supply v. American Home Assurance

THURSDAY, SEPT. 30
04KCV3208 Belachy Supply Inc v. Eagle Ins. Co.
04KCV3207 Belachy Supply Inc v. Newark Ins. Co.

04KCV3205 Belachy Supply v. State Wide Ins.
04KCV3206 Belachy Supply, Inc. v. Allstate Ins. Co.
04KCV3209 Belachy Supply, Inc. v. American Home Assurance

04KCV3199 Brentwood Pain & Rehab. v. Allstate Ins. Co.
04KCV3218 Brentwood Pain & Rehab. v. Eagle Ins. Co.
04KCV3207 Brentwood Pain & Rehab. v. Eagle Ins. Co.

04KCV3201 Brentwood Pain & Rehab. v. Eagle Ins. Co.
04KCV3194 Claudette Cox v. Motor Vehicle Accident
04KCV3202 East-Way Chiropractic v. Lumbermans Mutual

04KCV3203 East-Way Chiropractic v. Lumbermans Mutual
04KCV3214 Hwy. Imaging v. Dumnick Santo
04KCV3215 Media Neurology v. Atlantic Mutual

04KCV3191 Miller Medical Care Pc v. Allstate Ins. Co.
04KCV3189 Miller Medical Care v. Allstate Ins. Co.
04KCV3183 Miller Medical Care v. Allstate Ins. Co.

04KCV3190 Miller Medical Care v. Eagle Ins. Co.
04KCV3192 Miller Medical Care v. Hartford Accident And
04KCV3182 Pinnacle Psychological v. Allstate Ins. Co.

04KCV3187 Pinnacle Psychological v. Allstate Ins. Co.
04KCV3181 Pinnacle Psychological v. Allstate Ins. Co.
04KCV3180 Pinnacle Psychological v. Country Wide Ins. Co.

04KCV3188 Pinnacle Psychological v. Allstate Ins. Co.
MONDAY, OCTOBER 4
04KCV3229 Bronx Advanced Medical v. Allstate Ins. Co.

04KCV3228 Bronx Advanced Medical v. Allstate Ins. Co.
04KCV3225 Bronx Advanced Medical v. General Assurance
04KCV3227 Bronx Advanced Medical v. Liberty Mutual Ins. Co.

04KCV3230 Bronx Advanced Medical v. Liberty Mutual Ins. Co.
04KCV3231 Chi Chiropractic v. Allstate Ins. Co.
04KCV3234 Chi Chiropractic v. Allstate Ins. Co.

04KCV3235 Chi Chiropractic v. Allstate Ins. Co.
04KCV3236 Chi Chiropractic v. Allstate Ins. Co.
04KCV3237 Chi Chiropractic v. Allstate Ins. Co.

04KCV3238 Chi Chiropractic v. Allstate Ins. Co.
04KCV3233 Chi Chiropractic v. Country Wide Ins. Co.
04KCV3216 J.T. Demartini & Son, Inc. v. Ishola Kolawole

MONDAY, OCTOBER 4
02KCV1391 Aleksandr Bergman v. New American Car
04KCV10178 Lyubov Blok v. Joseph Cuccia

04KCV10177 Margarita Gorelik v. Frank Desitva
04KCV10175 Ritter Syco Food v. Ritter Syco Food Service

Part 23
Judge Rothenberg
Room 306, 9:30 A.M.

MONDAY, SEPT. 27
04KCV3100 Antricia Nicholas v. NYC

Part 30
Judge Hinds-Radix
Room 809, 9:30 A.M.

Part 32
Judge Hinds-Radix
Room 809, 9:30 A.M.

Part 34
Judge Hinds-Radix
Room 809, 9:30 A.M.

Part 35
Judge Hinds-Radix
Room 809, 9:30 A.M.

Part 52
Judge Goodheartz
Phone 718-643-8320
Room 506, 9:30 A.M.

THURSDAY, AUGUST 12
10 A.M.
11001/002 Fairfield Towers Corp. v. Fairfield President Mgmt Corp.

81898/04 1520 Flatbush Ave. Inc. v. New Life Tabernacle D/B/A Emmanuel
81899/04 1520 Flatbush Ave. Inc. v. New Life Tabernacle D/B/A Emmanuel

81900/04 1520 Flatbush Ave. Inc. v. New Life Tabernacle D/B/A
81901/04 1520 Flatbush Ave. Inc. v. New Life Tabernacle D/B/A
81902/04 1520 Flatbush Ave. Inc. v. New Life Tabernacle D/B/A

1007580/3 242 South 1st St. LLC v. Rappaport/Fleming
1007600/3 242 South 1st St. LLC v. Striker Studios Inc.

1007590/3 242 South 1st St. LLC v. Striker Studios, Ltd
53261/04 579 Livingston Ave. Rity. Corp. v. Evelyn Douglas Center For

83407/04 795 Ullica LLC A NY LLC v. Philony/Maggie v. L
67265/04 60 Cranberry St. LLC v. Adecom Stationery, Inc.
75708/04 873 Flatbush Ave. LLC v. Lynch

77962/04 Claro v. Malik
78883/04 Clemente v. Iqbal
80620/04 D.F.W.Corp. v. Martinez/Oe

81612/04 Elias Properties Flatbush, LLC v. Chelova Lighting Corp.
69877/04 Gambino v. Chudai
78324/04 Bessie v. Piza

Delight/Chen/Morris/Albert
80787/04 J.H. Goldman, A.H. Goldman, A.P. v. Chun/Liu
84827/04 Josephine Scurra Estate O/U v. O&S Auto Sales Inc.

Affordable/
83648/04 K & C IV, LLC v. Jml Inc./Dellane Joseph
92426/03 Koutoudis v. Dorabon Inc. AKA Southern Star

2 P.M.
21108/04 NYCHA-Breukelen v. Betts
21107/04 NYCHA-Breukelen v. Renazile

20629/04 NYCHA-Lafayette v. Gidron
20397/04 NYCHA-Long Island Baptist Houses v. Brinson
21646/04 NYCHA-Marcus Garvey Houses v. Matos

21647/04 NYCHA-Marcus Garvey Houses v. Pearson
20781/04 NYCHA-Marcus Garvey Houses v. Wright
21540/04 NYCHA-Van Dyke Hses. v. Porter

20778/04 NYCHA-Walt Whitman Houses v. Breton
20777/04 NYCHA-Walt Whitman Houses v. Lewis

Part B
Judge Baynes
Phone 718-643-8268
Room 409, 9:30 A.M.

THURSDAY, AUGUST 12
25100/3 Blunks v. Di Raddo
Domencik

1894/04 Carrington v. Lane
1216/04 Deroberts v. Kelenczo/DHPD
100100 DHPD v. 711 Union St 7a

103700 DHPD v. Article 7a
1729/04 DHPD v. Cassone
1145/04 DHPD v. Sotino Rity. Corp./Bongiovanni

1588/04 DHPD v. Zephtery
3464/03 Edwards v. Langsam Prop. Services Corp.
10793/03 Eberet v. Brown

6209/04 Frautenberg v. Schwenk
1975/04 Fulton v. Tivoli Towers Assoc.
1747/04 Guzman v. Guzman

2516/03 Geite Neshamun LLC/David Green
1875/04 Jean v. Duckler
6444/04 Jones v. NYCHA-Sheephead-Nos

1719/04 Legarreta v. Rx Realter I LLC
2071/04 Lewis v. Wheeler
6309/04 Marquez v. Gorman
1839/04 McNeil v. Futerman

6435/04 Melendez v. Sej LLC
1977/04 Mercado v. Pabon
1796/04 Middleton v. Campbell Associates

84227/04 North Cove Assoc. LP v. McCullough
84370/04 Simon v. Ferrell
83689/04 Us Bank, N.A. Succ. By Merger To v. Dapay

84336/04 Wilson Hns Assoc. Inc. v. Cruz

3455/04 *Munoz v. Rite Aid, Inc.*
1008/04 *Palumbo v. Pasqualina*
498/02 *Smith v. Shoab*
152/04 *Sukhdan v. Kumar*

8199/04 Ata Housing Corp. v. Cheeks
7216/04 Barnett v. Dalse
7732/04 Bastien v. Drew
8127/04 Bk-10k Partners L.P. v. White
8437/04 Blythe/Brissett v. Chambers
7558/04 Carroll Bedford LLC v. Pena
8376/04 Caton Ave. Assoc. LLC v. Longebello
7786/04 Chase Manhattan Mortgage Corp. v. Myles
7305/04 Classic Partners LLC v. Clark
5890/04 Curley LLC v. James
10677/03 3rd Rly. Co. v. Mears
5963/04 Daley v. Rosario
7041/04 Eastern Flyway Associates v. Locke/Wilson/Banton
7179/04 Elje Associates v. Wells Amoussa Angella
8218/03 Evangelista v. Eiferson
8321/04 Franklin E. St. Marks Assoc. L.P. v. Jeier
8241/04 Fulton Park Four Associates v. Brown
6868/04 Gateway Sherman Inc v. Williams
6889/04 Gateway Sherman, Inc. v. Jones/NYCHA
6602/04 Grand Ave. Rly., LLC v. Clark
5438/04 Greco v. Class
8355/04 Hopkinson 869 LLC v. Sprinkle
7995/04 Lenox 180, LLC v. Bahckany Aba Frezel
8247/04 Michetti, As Revr Felice v. Cox
6508/04 Mukhopadhyay v. Corbiniello
6732/04 Neighborhood Restore Hsing Dev. v. Fraser
5640/04 Pasadena Leasing L.P. v. Ellis
8399/04 Rogers Rly. & Mgt., LLC v. Noel-Simeon
7651/04 Sys Rly. LLC v. Corlene
2 P.M.

8431/04 230 Rly. LLC v. Effus
8358/04 Better Homes Depot, Inc. v. Green/Johnson
8496/04 Cuervo v. Perlesio/Grubilo
8463/04 Elite Dev. Inc. v. Queeley
8437/04 Grey v. Millington
8436/04 Puschinsky v. McKenna
8295/04 Pynworth Leasing Prop. Ltd. v. Munkin/Minkina
8106/04 Starrett City v. Davis
8415/04 Univ. Towers Associates v. Gibson
8461/04 Weaver v. Brundon/Doe

Part G

Judge Heymann
Phone 718-643-8329
Room 602, 9:30 A.M.

THURSDAY, AUGUST 12
7695/04 108 Meserole St. Hdlc. v. Serra
8449/04 115 E. 21st St. Rly. Co. LLC v. Furbs/Green
7863/04 1160 President St. Hdlc. v. Joye Thomas, Administratrix
7867/04 250 Rly. LLC v. Gladstone
7429/04 256 South 4th St. Hdlc. v. Colon
7765/04 2835 Bedford Ave. Owners Corp. v. Richardson
8352/04 331 3rd. Housing Corp. v. Madison
7764/04 531 Rly. LLC v. Wesley
7789/04 853 Empire Boulevard Associates v. Taylor
7895/04 Atlantic Towers Hdg. Corp. v. Syed
8732/03 Bawabeh Brothers LLC A.N.Y. Ltd. v. McCloud
8094/04 Bed Housing 728 LLC v. Wallace/NYCHA
7673/04 Canarsie Associates LP v. Freeman
8025/04 Colonial Apt. Corp. v. Perez
7427/04 Derosse Hdg. LLC v. Sandford
8281/04 Eastern Estates LLC v. Stuger

6199/04 North Carolina Leasing L.P. v. Williams
8463/04 Pommelis v. Pflter
8459/04 Restore H.D.E.C. v. Monroe
8083/04 Rutland Rd. Assoc. v. Sydes
5102/04 San Filippo Ronald v. Mica/Russo
8463/04 Sea Park East Houses Inc. v. Jones
5257/04 Stanford Leasing LLC v. Simon
8860/03 Tivoli Assoc. v. Clark
8315/04 Tivoli Assoc. v. Christovale
5262/04 Zahav Rly. v. Sayers
2 P.M.

8371/04 155 Linden LLC v. Desvalons
8284/04 32 Rogers Corp. v. Watson
8315/04 4109 Rly. Assoc., LLC v. Copeda
8137/04 4109 Rly. Assoc., LLC v. Perez
8365/04 Codeno v. Rodriguez
8474/04 Gayle v. Paris
8439/04 Hampton v. La Roche Mildred
8463/04 Holder v. Shepperd/Sabree
8296/04 Princeton Leasing Ltd./v. Williams/Smith
8431/04 Streicher v. Henschlovich

Part J

Judge Hoyos
Phone 718-643-8308
Room 502, 9:30 A.M.

THURSDAY, AUGUST 12
8453/04 130 Penimore St., LLC v. Mayers
7301/04 130 Rly. Co. LLC v. Holmes
8436/04 275 Rockaway Pkwy. LLC v. Alexander
6535/04 22475 Rockaway Pkwy. LLC v. Garcia
7882/04 275 Rockaway Pkwy. LLC v. Grant
8026/04 2955 Shell Assoc., LLC v. Kushnir
7015/04 All Boro Mgt. Co., LLC v. Moore
8005/04 All-Boro Mgt. Co., LLC v. Abadia
9198/03 Bridges-Vincent v. Wright
7786/04 Chase Manhattan Mortgage Corp. v. Shell/Williams
7236/04 Data-Maya Inc. v. Higgins/Peters
7217/04 Dubor Associates v. Lamboy
8397/04 Fairfield President Assoc. v. Aiken/McNalley
8118/04 Faure-Diaz v. Ellis
8353/04 Piosar Rly. LLC v. Murphy
6396/04 Fort Rly. Co. v. Dore/Mahnken
8371/04 Fulton Park #2 Assoc. v. Robert

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

5916/03 1350 Willoughby Rly Corp. v. Terrell
5052/03 Smilen Rly. 155, LLC v. Fisher

Part S

Judge Chin
Phone 718-643-3255
Room 504, 9:30 A.M.

THURSDAY, AUGUST 12
6327/04 A.H. Prop. LLC v. Rhodes
6905/04 Amanda Equities Corp. v. Cal/Harris
2854/04 Amett v. Amett
7217/04 Bianco v. Rosario
7217/04 Bianco v. Rosario/Ortiz
9955/03 Pissouriou v. Barreto
7467/03 Prospect Palace LLC v. Weiss
4535/04 Famuka Custom Cabinets v. Lynn—Grays
1611/02 Gayford v. NYC—Flag
8765/04 George v. Marshall—Kelly
3383/04 Guerra v. Friedl—Hart
1989/03 Krieger v. Moore—Dorsa
5189/04 Lana v. Yumeno—Dollard
4575/04 Lane v. NYCHA—Tajiri
2833/03 Londono v. Ebro
Restoration Corp.—Polizzi
1432/04 Lopez v. Chowdhury—O'Donoghue
2086/03 Lu v. Ratowsky—Dollard
1217/04 McCabe v. NYC—Flag
2907/03 McNeerney v. 141 Co. LLC—O'Donoghue
1171/04 Mendez v. Gonzalez—Saterfield
2397/03 Morse v. Koptiev—Kelly
2638/02 Nath v. Fersand—Price
7072/04 Park v. Park—Price
1644/04 Parcales v. Yai/Nal'I
Institute—O'Donoghue
2764/03 Parrent v. Gjonaj—Schulman
2085/04 Perrier v. Horvath—Kites
2581/03 Rodriguez v. 264 Food Corp.—Schulman
1848/03 Siddiqui v. Nessa—Dollard
3304/04 Singh v. roadstone Development—Taylor
1928/04 Springer v. Pak—Price
7169/04 Tucker v. Absolute Electrical—Kites
10746/04 Vaughan v. Fedex Corp.—Hart

Part T

Judge Sklowitz
Phone 718-643-8309
Room 503, 9:30 A.M.

THURSDAY, AUGUST 12
7231/04 225 E. 18th St. Rly Corp. v. Tan
5959/04 1. Best Investors v. Segal
6002/04 Select Dev. Group, LLC v. Rodriguez

Part U

Judge Hoyos
Phone 718-643-8308
Room 502, 9:30 A.M.

THURSDAY, AUGUST 12
8453/04 130 Penimore St., LLC v. Mayers
7301/04 130 Rly. Co. LLC v. Holmes
8436/04 275 Rockaway Pkwy. LLC v. Alexander
6535/04 22475 Rockaway Pkwy. LLC v. Garcia
7882/04 275 Rockaway Pkwy. LLC v. Grant
8026/04 2955 Shell Assoc., LLC v. Kushnir
7015/04 All Boro Mgt. Co., LLC v. Moore
8005/04 All-Boro Mgt. Co., LLC v. Abadia
9198/03 Bridges-Vincent v. Wright
7786/04 Chase Manhattan Mortgage Corp. v. Shell/Williams
7236/04 Data-Maya Inc. v. Higgins/Peters
7217/04 Dubor Associates v. Lamboy
8397/04 Fairfield President Assoc. v. Aiken/McNalley
8118/04 Faure-Diaz v. Ellis
8353/04 Piosar Rly. LLC v. Murphy
6396/04 Fort Rly. Co. v. Dore/Mahnken
8371/04 Fulton Park #2 Assoc. v. Robert

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Part V

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
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7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Individual Assignment Parts

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

6329/04 Anavitate v. Anavitate—Strauss
1460/04 Barrera v. Andy's New Hyde Park Ano—Polizzi
1026/04 Bloxon-Martin v. Martin—Lebowitz
2604/04 Bonifacio v. Chester Cab Corp.—Grays
1467/04 Castillo v. Castillo—Lebowitz
5347/03 Castillo v. Derek Int'l Inc.—Grays
2954/03 Chaidze v. Hasenhein—Saterfield
2909/03 Cinque v. Cinque—Strauss
8078/04 Cogswell v. Allison—Strauss
1488/02 Daramola v. Perkins—Weiss
4535/04 Famuka Custom Cabinets v. Lynn—Grays
1611/02 Gayford v. NYC—Flag
8765/04 George v. Marshall—Kelly
3383/04 Guerra v. Friedl—Hart
1989/03 Krieger v. Moore—Dorsa
5189/04 Lana v. Yumeno—Dollard
4575/04 Lane v. NYCHA—Tajiri
2833/03 Londono v. Ebro
Restoration Corp.—Polizzi
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1217/04 McCabe v. NYC—Flag
2907/03 McNeerney v. 141 Co. LLC—O'Donoghue
1171/04 Mendez v. Gonzalez—Saterfield
2397/03 Morse v. Koptiev—Kelly
2638/02 Nath v. Fersand—Price
7072/04 Park v. Park—Price
1644/04 Parcales v. Yai/Nal'I
Institute—O'Donoghue
2764/03 Parrent v. Gjonaj—Schulman
2085/04 Perrier v. Horvath—Kites
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1848/03 Siddiqui v. Nessa—Dollard
3304/04 Singh v. roadstone Development—Taylor
1928/04 Springer v. Pak—Price
7169/04 Tucker v. Absolute Electrical—Kites
10746/04 Vaughan v. Fedex Corp.—Hart

Part W

Judge Sklowitz
Phone 718-643-8309
Room 503, 9:30 A.M.

7231/04 225 E. 18th St. Rly Corp. v. Tan
5959/04 1. Best Investors v. Segal
6002/04 Select Dev. Group, LLC v. Rodriguez

7496/04 Heckatall v. LeHawkins/Doe
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7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
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9460/03 Sjc Rly. LLC v. O'Neil
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7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Part X

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Part Y

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
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2764/03 Parrent v. Gjonaj—Schulman
2085/04 Perrier v. Horvath—Kites
2581/03 Rodriguez v. 264 Food Corp.—Schulman
1848/03 Siddiqui v. Nessa—Dollard
3304/04 Singh v. roadstone Development—Taylor
1928/04 Springer v. Pak—Price
7169/04 Tucker v. Absolute Electrical—Kites
10746/04 Vaughan v. Fedex Corp.—Hart

Part Z

Judge Sklowitz
Phone 718-643-8309
Room 503, 9:30 A.M.

7231/04 225 E. 18th St. Rly Corp. v. Tan
5959/04 1. Best Investors v. Segal
6002/04 Select Dev. Group, LLC v. Rodriguez

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Part AA

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
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7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Part AB

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
8245/04 Patman v. Doe
8133/04 Pychynski v. Maher
7425/04 Rechovsky Rly. Corp v. Tinker
8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
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7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

6329/04 Anavitate v. Anavitate—Strauss
1460/04 Barrera v. Andy's New Hyde Park Ano—Polizzi
1026/04 Bloxon-Martin v. Martin—Lebowitz
2604/04 Bonifacio v. Chester Cab Corp.—Grays
1467/04 Castillo v. Castillo—Lebowitz
5347/03 Castillo v. Derek Int'l Inc.—Grays
2954/03 Chaidze v. Hasenhein—Saterfield
2909/03 Cinque v. Cinque—Strauss
8078/04 Cogswell v. Allison—Strauss
1488/02 Daramola v. Perkins—Weiss
4535/04 Famuka Custom Cabinets v. Lynn—Grays
1611/02 Gayford v. NYC—Flag
8765/04 George v. Marshall—Kelly
3383/04 Guerra v. Friedl—Hart
1989/03 Krieger v. Moore—Dorsa
5189/04 Lana v. Yumeno—Dollard
4575/04 Lane v. NYCHA—Tajiri
2833/03 Londono v. Ebro
Restoration Corp.—Polizzi
1432/04 Lopez v. Chowdhury—O'Donoghue
2086/03 Lu v. Ratowsky—Dollard
1217/04 McCabe v. NYC—Flag
2907/03 McNeerney v. 141 Co. LLC—O'Donoghue
1171/04 Mendez v. Gonzalez—Saterfield
2397/03 Morse v. Koptiev—Kelly
2638/02 Nath v. Fersand—Price
7072/04 Park v. Park—Price
1644/04 Parcales v. Yai/Nal'I
Institute—O'Donoghue
2764/03 Parrent v. Gjonaj—Schulman
2085/04 Perrier v. Horvath—Kites
2581/03 Rodriguez v. 264 Food Corp.—Schulman
1848/03 Siddiqui v. Nessa—Dollard
3304/04 Singh v. roadstone Development—Taylor
1928/04 Springer v. Pak—Price
7169/04 Tucker v. Absolute Electrical—Kites
10746/04 Vaughan v. Fedex Corp.—Hart

Part AC

Judge Sklowitz
Phone 718-643-8309
Room 503, 9:30 A.M.

7231/04 225 E. 18th St. Rly Corp. v. Tan
5959/04 1. Best Investors v. Segal
6002/04 Select Dev. Group, LLC v. Rodriguez

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
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8130/04 Roberts v. Pierre
7566/04 Sajo Rly. Corp. v. Mulligan
9460/03 Sjc Rly. LLC v. O'Neil
5667/04 Sutter Gardens Assoc A NY Partnership v. Ortiz
6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
7922/04 The Sec. Of Hsing & Urban Dev. v. Jones
7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

7496/04 Heckatall v. LeHawkins/Doe
6678/04 King v. Jones
5329/04 Linden Plaza Associates v. Lahtman
11007/03 Machon Chana Women's Institution, /v. McCray
11007/03 Machon Chana Women's Institution, /v. St. Jean Julius
8365/04 Meertins v. Miller
7120/04 Nidoj Rly. Corp v. Eholer
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8133/04 Pychynski v. Maher
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6972/04 Tag Rly. Inc. v. Roberts
6045/04 The Gentry Apts. Inc. v. Singleton
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7512/04 Thompson v. Schreiber
8315/04 Tivoli Assoc. v. Howard
5582/04 Vermon P. Buñallo Assoc. L.P. v. Nicholas

Part AD

7496/04 Heckatall v. LeHawkins/Doe
66

Part 21

Justice Joseph Golia
11 Sutphin Blvd.
Jamaica, N.Y.
718-298-1190
Ctvm:718-298-1117
Room 44, 9:30 A.M.

This is a Tax Certiorari part. All requests for Judicial Intervention (R.J.I.) are to be presented for approval by the Clerk of the Part, Peter E. Suter. All "Offer to Allow Judgment" forms shall include the full name and address of the petitioners' attorney as well as a phone number. All filings are to be done in Courtroom 46 between 9:30 A.M. and 12 P.M. The following are preliminary conference calendars and require appearance by counsel by each side.

Part 22

Justice R. Rosengarten
88-11 Sutphin Blvd.
Jamaica, N.Y.
718-298-1097
Ctvm:718-298-1094
Room 314, 9:30 A.M.

MONDAY, AUGUST 16

Preliminary Conference
21333/01 Espinoza v. NYCTA
22218/03 Kora v. NYCTA
15499/04 Lawrence v. New York City
21709/03 Lopez v. NYCTA
32222/02 Torres v. NY Transit

Part 23

Justice R. Rosengarten
88-11 Sutphin Blvd.
Jamaica, N.Y.
718-298-1043
Ctvm:718-298-1043
Room 24, 9:30 A.M.

FRIDAY, AUGUST 13

Preliminary Conference
13338/03 State Farm Mutual Auto Ins. v. Balz Concrete Const.

MONDAY, AUGUST 16

Motion
15888/04 Anglo v. Viteri

Part 24

Justice Simeon Golar
88-11 Sutphin Blvd.
Jamaica, N.Y.
718-298-1188
Ctvm:718-298-1042
Room 501, 9:30 A.M.

THURSDAY, AUGUST 12

Preliminary Conference
41204 Brisbane v. Bryan
19357/03 Hamed v. 41-50 78th St.
2847/03 Hartford v. Gallagher
22075/03 Long Island Rail Road v. Sutphin Blvd Parking Corp
6945/04 Kani v. Butler

MONDAY, AUGUST 16

Trial
2485/02 Santiago v. Allen

Part 31

Justice F. Sampson
25-10 Court Square
Long Island City, N.Y.
Room 208
718-520-3902

MONDAY, AUGUST 16

6234/03 Addo v. Kumi
32860/03 Arias v. Arias
1704/04 Girardo v. Rios
11406/04 McMullen v. McMillan
7230/04 Todd v. Tedi
7251/03 Yarikov v. Yarikov

FRIDAY, AUGUST 13**Trial**

7728/02 Appel v. Appel

Matrimonial Motion

21363/03 Pruchter v. Fruchter

MONDAY, AUGUST 16

14032/01 Xikis v. Xikis

Preliminary Conference

4953/04 Baron v. Baron

8454/04 Espinal-Cruz v. Cruz

14343/04 Guerra v. Guerra

2851/04 Haroutunian v. Haroutunian

10374/03 Mattels v. Mattels

9350/04 Ortiz v. Ortiz

8951/04 Spears-Duncan v. Duncan

12591/04 Virani v. Virani

Matrimonial Motion

4953/04 Baron v. Baron

3389/02 Friedman v. Friedman

19543/03 Lockero v. Lockero

7457/04 Madara v. Madara

9350/04 Ortiz v. Ortiz

7356/00 Vasilou v. Vasilou

12591/04 Virani v. Virani

28843/03 Gaudiello v. Gaudiello

14596/03 Richardson-Anthony v. Anthony

12591/04 Virani v. Virani

Part 52

Justice Jeffrey D. Lebowitz
88-11 Sutphin Blvd.
Jamaica, N.Y.
718-298-1219
Ctvm:718-298-1218
Room 68, 9:30 A.M.

Part 53

Justice M. Fitzmaurice
151-20 Jamaica Ave.
Jamaica, N.Y.
718-298-0305
Ctvm:718-298-0284
Room 360(2), 9:30 A.M.

THURSDAY, AUGUST 12**Trial**

7325/03 Aronov v. Aronov

21825/03 Kozinets v. Kozinets

J.H.O. Part

Justice Sidney Levis
88-11 Sutphin Blvd.
Jamaica, N.Y.
718-520-1092
Room 24A, 9:30 A.M.

MONDAY, AUGUST 16

12870/03 Tiwari v. Tiwari
1321/03 Sam Dev. LLC v. Dean
31806/01 Metropolitan A.C. Corp. v. Nil Environmental Safety

Election Part A

Justice Martin J. Schulman
Room 25, 9:30 A.M.

Referee Part

Justice Elizabeth Yablou
Room 314

THURSDAY, AUGUST 12**Preliminary Conference**

Justice Duane Hart

11831/04 Stewart v. Chin

Justice Joseph Golia

917/04 Checo v. Kaplan

14664/03 Internet Homes, Inc. v. Mullany

Justice Orin R. Kitzes

4676/04 Pitcheckoff v. Decamp

1113/02 Rhone v. Catholic Med Ctr of Bklyn

MONDAY, AUGUST 16**Preliminary Conference****Part Q-IDV**

Justice Morgenstern
Phone 718-520-2257
12501 Queens Blvd.
Kew Gardens
Room E123, 9:30 A.M.

THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

12280/04 Niamonitis v. Niamonitis

Part K-2

Justice Eng
Phone 520-3558
Room 306, 9:30 A.M.

Part K-3

Justice Aloise
Phone 520-4661
Room 510, 9:30 A.M.

THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

12280/04 Niamonitis v. Niamonitis

Part K-2

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Phone 520-3558
Room 306, 9:30 A.M.

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THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

12280/04 Niamonitis v. Niamonitis

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THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

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THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

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Part K-2

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Phone 520-3558
Room 306, 9:30 A.M.

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THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

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Part K-2

Justice Eng
Phone 520-3558
Room 306, 9:30 A.M.

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Room 510, 9:30 A.M.

THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

12280/04 Niamonitis v. Niamonitis

Part K-2

Justice Eng
Phone 520-3558
Room 306, 9:30 A.M.

Part K-3

Justice Aloise
Phone 520-4661
Room 510, 9:30 A.M.

Part J.H.O.

Justice O'Dwyer
Phone 520-4653
Room 518, 9:30 A.M.

THURSDAY, AUGUST 12**Matrimonial Conference**

6495/04 Casillas v. Diaz-Casillas

12280/04 Niamonitis v. Niamonitis

Part J.H.O.

Justice O'Dwyer
Phone 520-4653
Room 518, 9:30 A.M.

Part J.H.O.

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Room 518, 9:30 A.M.

Part J.H.O.

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Room 518, 9:30 A.M.

Part J.H.O.

Justice O'Dwyer
Phone 520-4653
Room 518, 9:30 A.M.

Guardianship

Peter David Freedman

Guardianship Misc.

William A. Liu
Anthony Liu

Guardianship Misc.

William A. Liu
Anthony Liu

Guardianship Misc.

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Guardianship Misc.

William A. Liu
Anthony Liu

Guardianship Misc.

Justice F. Sampson
25-10 Court Square
Long Island City, N.Y.
Room 208
718-520-3992

MONDAY, AUGUST 16
6234/03 Addo v. Kumi
23860/03 Arias v. Arias
1764/04 Giraldo v. Rios
11406/04 McMullan v. McMullan
7759/04 Todd v. Todd
25051/03 Yaziciyan v. Yaziciyan
9035/02 Tina v. Tina

Part 32
Justice Joseph Risi
25-10 Court Square
Long Island City, N.Y.
Room 140
718-520-3918

THURSDAY, AUGUST 12
14550/03 Borges v. Borges
7716/04 Bugante v. Mercado-
Bugante
485/04 Magat v. Magat
25706/03 Nastase v. Nastase
14632/01 Nebori v. Nebori
29790/03 Trefny v. Trefny

FRIDAY, AUGUST 13
10920/04 Ladube v. Ladube
17481/03 Lassus v. Lassus
15677/03 Leib v. Leib
11755/04 Piedraite v. Valencia
5019/02 Reich v. Reich
9552/04 Wright-O'Bryan v. O'Bryan

Part 33
Justice Leslie B. Leach
25-10 Court Square
Long Island City, N.Y.
Room 103
718-520-2121

Part 34
Justice Robert J. McDonald
25-10 Court Square
Long Island City, N.Y.
Room 233
718-520-3913

Part 35
Justice Jeremy S. Weinstein
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-262-7333
Room 404(1), 9:30 A.M.

Part 38
Justice Richard D. Huttner
89-17 Stuphin Blvd.
Jamaica, N.Y.
718-262-7368
Room 308(1), 9:30 A.M.

Part 40
Justice Timothy J. Flaherty
25-10 Court Square
Long Island City, N.Y.
Room G40
718-520-2614

Part 51
Justice Sidney Strauss
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-296-1081
Ctmm: 718-296-1215
Room 67, 9:30 A.M.

THURSDAY, AUGUST 12
15453/01 Calabrese v. Calabrese
Preliminary Conference
11588/04 D'Arrigo v. D'Arrigo
Matrimonial Motion
21217/01 Bains v. Bains
26029/02 Jawaharlal v. Jawaharlal
25079/02 Aladin v. Aladin
11589/04 D'Arrigo v. D'Arrigo
2633/57 Latin v. Latin
13834/66 Pomposello v. Pomposello
20952/03 Pose v. Ojeda

11831/04 Stewart v. Chin

Justice Joseph Golia
917/04 Chero v. Kaplan
14664/03 Internet Homes, Inc. v.
Mullarkey

Justice Orin R. Kitzes
4676/04 Pitcheffoff v. Decamp
1113/02 Rhone v. Catholic Med Ctr
of Bklyn

MONDAY, AUGUST 16
Preliminary Conference
Justice Allan B. Weiss
27317/03 Loperfido v. Shvital
Justice M. A. Grays
15776/04 Katz v. Lantana Homes LLC

Criminal Term

Part TAP A
Justice Griffin
Phone 718-520-3679
12501 Queens Blvd.
Room 140, 9:30 A.M.

THURSDAY, AUGUST 12
Donnell Alexander
Steven Brown
Joan Caceraz
Luigi Camitini
Leonardo Cantoral
Leonard R. Cave
Constantin T. Cheese
Steven Cobb
Hoover Garcia
Michael J. Gonzalez
Kevin Hudson
Winkel Hutson
Michael King
Tashawn Long
Carlos Martinez
Talounzo O'Connor
Maria Ospina
Sean Pagan
George Pearce
Julian Perez
Malik Ramsey
Ivan Rodriguez
Oliver Ross
Ryan S. Seeraj
Manohar Sewdat
Andre Taver
Juan Vasquez

Part 33
Justice Leslie B. Leach
25-10 Court Square
Long Island City, N.Y.
Room 103
718-520-2121

Part 34
Justice Robert J. McDonald
25-10 Court Square
Long Island City, N.Y.
Room 233
718-520-3913

Part 35
Justice Jeremy S. Weinstein
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-262-7333
Room 404(1), 9:30 A.M.

Part 38
Justice Richard D. Huttner
89-17 Stuphin Blvd.
Jamaica, N.Y.
718-262-7368
Room 308(1), 9:30 A.M.

Part 40
Justice Timothy J. Flaherty
25-10 Court Square
Long Island City, N.Y.
Room G40
718-520-2614

Part 51
Justice Sidney Strauss
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-296-1081
Ctmm: 718-296-1215
Room 67, 9:30 A.M.

THURSDAY, AUGUST 12
John Abisio
John Athanopoulos
Anthony T. Burch
Felipe Colon
Roosevelt Delosantos
David Dickerson
Jose L. Estralla
Dimityrios Gdalis
Chris Gelman
Jonathan B. Headley
Yolanda James
Jonell Major
Terence Martin
Jaquan Moore
Jason Narvaez
Denis Nikolla
Ralph Outerbridge
Willy Poole
Darrick Robinson
Francisco Rodriguez
Luis Rosado
Angrynan Soebroto
Derek Sterling
Tyronne Vessley
Dijon Wiltshire
Tyronne Winslow

Justice LaTella
Phone 520-3508
Room 516, 9:30 A.M.

Part K-10
Justice Buchter
Phone 520-3524
Room 190, 9:30 A.M.

Part K-TRP
Justice Kroon
Phone 520-2259
Room 126, 9:30 A.M.

THURSDAY, AUGUST 12
Damen Goursabah
Mohammad Karimzadeh
Christopher McIlwain
Alderay Simmons
Paul Zamora

Part K-12
Justice Grosso
Phone 520-6625
Room 640, 9:30 A.M.

THURSDAY, AUGUST 12
Jimmy Acosta
Wallin R. Butista
Olen Campbell
Steven M. Cavanaugh
Andre A. Fleming
Raymond Gomez
Reginald McKie
Kieron Pierre
Raul A. Ponce
Jose Ramos
Andrew Restrepo
Jonathan Sanchez
Carlos Senica
Rashawn Walker
Tara G. Wright

Part 33
Justice Leslie B. Leach
25-10 Court Square
Long Island City, N.Y.
Room 103
718-520-2121

Part 34
Justice Robert J. McDonald
25-10 Court Square
Long Island City, N.Y.
Room 233
718-520-3913

Part 35
Justice Jeremy S. Weinstein
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-262-7333
Room 404(1), 9:30 A.M.

Part 38
Justice Richard D. Huttner
89-17 Stuphin Blvd.
Jamaica, N.Y.
718-262-7368
Room 308(1), 9:30 A.M.

Part 40
Justice Timothy J. Flaherty
25-10 Court Square
Long Island City, N.Y.
Room G40
718-520-2614

Part 51
Justice Sidney Strauss
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-296-1081
Ctmm: 718-296-1215
Room 67, 9:30 A.M.

THURSDAY, AUGUST 12
John Abisio
John Athanopoulos
Anthony T. Burch
Felipe Colon
Roosevelt Delosantos
David Dickerson
Jose L. Estralla
Dimityrios Gdalis
Chris Gelman
Jonathan B. Headley
Yolanda James
Jonell Major
Terence Martin
Jaquan Moore
Jason Narvaez
Denis Nikolla
Ralph Outerbridge
Willy Poole
Darrick Robinson
Francisco Rodriguez
Luis Rosado
Angrynan Soebroto
Derek Sterling
Tyronne Vessley
Dijon Wiltshire
Tyronne Winslow

SURROGATE'S COURT

Surrogate Nahman
9:30 A.M.

THURSDAY, AUG. 12
Probate

Myrtle Lemp
Sallie Rice
Harry Lineman
Juanita Alston
Lucy Hemphill
Alberta Marks
Lurline Lebe
Moses S. Malinowitz
Clarence Voci
Angelina Wec
Guannadi R. Chabanian
Rosenda Clarke
Patricia King
Jessie E. Richter
Ida Laguardia
Helen Bonch
Cora Zimmerman
Mary B. Morris
Thelma Moore aka Witherspoon
Margaret Roche
Robert Cohen
Dora Martinez
Ant Manta
Adrian Kleinman
Judy Davis
Louis Kranz
Candice Habib
Margaret M. Burns
Dion Caracciolo

Part K-12
Justice Grosso
Phone 520-6625
Room 640, 9:30 A.M.

THURSDAY, AUGUST 12
Jimmy Acosta
Wallin R. Butista
Olen Campbell
Steven M. Cavanaugh
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Raymond Gomez
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Jonathan Sanchez
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Part 33
Justice Leslie B. Leach
25-10 Court Square
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718-520-2121

Part 34
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Long Island City, N.Y.
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Justice Jeremy S. Weinstein
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Room 404(1), 9:30 A.M.

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John Abisio
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Darrick Robinson
Francisco Rodriguez
Luis Rosado
Angrynan Soebroto
Derek Sterling
Tyronne Vessley
Dijon Wiltshire
Tyronne Winslow

Allstate Ins.

FRIDAY, AUGUST 20
04QCV6211 Adam Marigliano v.
Allstate Ins. Co.
04QCV6162 All Points Medical v.
Allstate Indemnity
04QCV6164 All Points Medical v.
Allstate Ins. Co.
04QCV6165 All Points Medical v.
Allstate Ins. Co.
04QCV6163 All Points Medical v.
Allstate Ins.
04QCV6210 Anthony Esposito v.
Barrieta Florida
04QCV6231 Craniofacial Pain v.
Travelers Indemnity
04QCV6199 Jae Chang v. Travelers
Ins.

04QCV6234 Lorine Austin v. John
Doe
04QCV6213 Nagle Medical Plaza v.
Allstate Ins Co
04QCV6215 Summit v. Allstate
Indemnity
04QCV6216 Summit Psychological v.
Allstate Ins.
04QCV6169 Triangle Mgt. v. Allstate
Ins.
MONDAY, AUGUST 23
04QCV6222 Brook Medical v. Allstate
Ins. Co.
04QCV6221 Brook Medical Health v.
Allstate Indemnity Co.
04QCV6246 Clarendon Nat. v. Bird
Trans Corp.
04QCV6242 Clarendon Nat. v.
Gonzalo E. Caceres
04QCV6244 Clarendon Nat. v. New
World
04QCV6220 Island Surgical v.
Allstate Ins.
04QCV6270 NY v. Travelers Ins.
04QCV6227 Riverside v. Allstate Ins.
Co.
04QCV6217 Summit v. Allstate
Indemnity
04QCV6218 Summit v. Allstate
Indemnity

Probate Misc.
Edward Avedis (3)
Nezzie Williams
Administration
Angela Perez
Frank Cestaro
Mabel Nock
Eddie Advocat
Gerard Haynie
Angela Perez
Florence Variante
Christopher Estricks
Noel Johnson
Marie Paul
Barbara Shukh
Rosalia Mangano

Accounting
Eleanor Gregory
Emmanuel Bilgeli
John Harneit
Bessie Moldau
Janes Rogers
John Lanzetta
George J. Cisneros
Nancy Maraldo
Robert Sonnenberg
Edward Braunstein
Donald Farmer

THURSDAY, AUGUST 24
04QCV6291 Belachy Supply, Inc. v.
Allstate Ins. Co.
04QCV6278 Empire State v.
Travelers Ins.
04QCV6279 Empire State v.
Travelers Ins.
04QCV6293 James M. Liguori v.
Allstate Ins. Co.
04QCV6290 L.L. Craniofacial Care v.
Allstate Ins. Co.
04QCV6294 Olmecs Medical v.
Allstate Ins. Co.
04QCV6282 Ray Presutto L.M.T. v.
Allstate Ins. Co.
04QCV6281 Ray Presutto Lmt PC. v.
Allstate Ins. Co.
04QCV6307 Tristate A.J.A. v.
Travelers Prop.

WEDNESDAY, AUGUST 25
04QCV6356 Clever Taxi Inc. v.
Derick A. Wilson
04QCV6354 Joseph P. Dogidlo v.
Karen Ferdinands
04QCV6317 Tristate A.J.A. v.
Travelers Prop.
04QCV6325 Tristate A.J.A. v.
Travelers Prop.

THURSDAY, AUGUST 26
04QCV6452 Caprice Medical P.C. v.
Travelers Indemnity
04QCV6451 Ht Medical v. Travelers
Prop.
04QCV6454 Ht Medical v. Travelers
Prop.
04QCV6453 Kings Medical Care P.C.
v. Travelers Prop.
04QCV6383 Milan Medical PC. v.
Allstate Ins.
04QCV6460 Peace of Mind v. State
Farm Ins.
04QCV6461 Peace of Mind v. State
Farm Ins.
04QCV6450 Sea Side Medical v.
Travelers Prop.

FRIDAY, AUGUST 27
04QCV6500 Sharon Finch v. Jan
Gurney
04QCV6485 Summit v. Allstate
Indemnity
04QCV6487 Summit v. Allstate
Indemnity
04QCV6488 Summit v. Allstate
Indemnity
04QCV6486 Summit Psychological v.
Allstate Ins.

Miscellaneous
Ming Yang Sung
Alice Lustig
Caroline Holtzbach
James S. Vahakis
Ruben Peralta
Marie Palango

THURSDAY, AUGUST 12
John Abisio
John Athanopoulos
Anthony T. Burch
Felipe Colon
Roosevelt Delosantos
David Dickerson
Jose L. Estralla
Dimityrios Gdalis
Chris Gelman
Jonathan B. Headley
Yolanda James
Jonell Major
Terence Martin
Jaquan Moore
Jason Narvaez
Denis Nikolla
Ralph Outerbridge
Willy Poole
Darrick Robinson
Francisco Rodriguez
Luis Rosado
Angrynan Soebroto
Derek Sterling
Tyronne Vessley
Dijon Wiltshire
Tyronne Winslow

04QCV17738 Warren White v.
Howard Grate
04QCV17741 William Baker v. Ruby
Lynn Keller

FRIDAY, AUGUST 13
04QCV17760 Allstate Ins. v. Antonio
Roy Lans
04QCV17759 Capital One Bank v.
Nicolas R. Benedetto
04QCV17757 Capital One Bank v.
Sandra Rivera
04QCV17773 Celeste Bradsher v.
John Doe
04QCV17765 Citibank (South v.
Badruzaman Babul
04QCV17764 Citibank (South v.
Marie B. Forest
04QCV17763 Citibank (South v.
Pengchiao Chen
04QCV17766 Discover Bank v. Julie
Villaflorte
04QCV17767 Empire Portfolios v.
John A. Garvin
04QCV17771 H & K Investigations
v. Hilda Ona
04QCV17774 Modesto Jimenez v.
Cecilia Perez
04QCV17775 Neo Portfolio v. Ant. A.
Jimenez
04QCV17768 Neo Portfolio v. Fummi
J. Oshinaya
04QCV17770 Neo Portfolio v.
Mervyn T. Deans
04QCV17761 Neo Portfolio v.
Ramiro Hoyes
04QCV17776 NY Univ. v. Maria
Dalessandro
04QCV17772 North Fork Bank v.
George Rosa
04QCV17762 Port Recovery v.
Bobbie J. Williams
04QCV17769 Rf5 v. Adriana Ashby
04QCV17756 Sage Financial v.
Myrna Cruz
04QCV17758 Worldwide Asset v.
Wayne G. Leblanc

MONDAY, AUGUST 16
04QCV17795 Arveme Houses v.
Giva Abdul Rahman
04QCV17785 Capital One Bank v.
Dong Kim
04QCV17780 Cashzone Check v.
Damion Scott
04QCV17790 Cavalry Investments v.
Lucretia Rozales
04QCV17783 Chase Manhattan
Bank v. Ida Robbins
04QCV17791 Citibank (South v.
Norman J. Nealous
04QCV17793 Con Ed v. Ghazi
Bokhari
04QCV17798 Contact Resource v.
John Hedderson
04QCV17786 Direct Merchants v.
Donald Davis
04QCV17779 Erin Capital v. Magaly
M. Bolan
04QCV17783 Federico Erico v. Elvis
Alix
04QCV17790 Fulton Jamaica Corp. v.
Bradley Duncan
04QCV17788 James L. Clarke v.
Marjorie Miller
04QCV17781 Lr Credit v. Hubert
Brown
04QCV17796 Nassau Asset v.
Sultana Akhter
04QCV17784 Neurosurv v. Luz Arias
04QCV17797 Platinum Recovery v.
Habibul Alam
04QCV17792 Rushmore Recoveries
v. Yosef Krinberg
04QCV17787 State Farm Ins. v.
Maria Rodriguez
04QCV17789 Tfi Financial Services
v. Yajahira Castro
04QCV17794 Walter B. Cooke v.
Marcellus Carroll

TUESDAY, AUGUST 17
04QCV17813 American Express v.
Jerome Bogan
04QCV17806 Capital One Bank v.
Anthony Sanfilippo
04QCV17832 Capital One Bank v.
Pedro Ale Jara
04QCV17808 Comprehensive v.
Vivian Anpara
04QCV17803 Empire Ins. Co. v. Jose
Javier
04QCV17817 Family v. Punny
Business Ltd.
04QCV17801 First Class Dental Lab
v. Mark Zharitski
04QCV17807 Ford Motor Credit v.
Carol Bell

WEDNESDAY, AUGUST 18
04QCV17844 Evelyn Melhado v. Neal
Spies
04QCV17860 Excalibur I v. Teresa
Moore
04QCV17846 Greenpoint Bank v.
Nanci Lowers
04QCV17852 Hempstead v.
Jacqueline Brown
04QCV17855 Lawrence Mo v. Kmp
International Inc.
04QCV17853 Palisades Collection v.
Rita M. Cardenas
04QCV17850 Rochdale Village Inc. v.
Laura Woodson
04QCV17849 South Shore v. Luis
Vaz
04QCV17848 The Education v.
Rionda
04QCV17854 Unlim-Vp LLC v.
Marina Krinberg

FRIDAY, AUGUST 20
04QCV17874 Briarwood v. Sean
Chong
04QCV17875 Briarwood v. Yuriy
Aminov
04QCV17880 Capital One Bank v.
Cecilia Rhodes
04QCV17881 Capital One Bank v.
Emil C. Gaddi
04QCV17882 Capital One Bank v.
Tahira A. Zubaidah
04QCV17871 Commuter Housing v.
Stacey R. Greene
04QCV17868 Creditone v. James
Goldenberg
04QCV17872 Ecom Energy v.
Alouds Chereanast
04QCV17873 Ecom Energy v.
Diane Area
04QCV17878 Erin Capital v. Clara
Toribio
04QCV17879 Erin Capital v. Hector
Taylor
04QCV17884 Erin Capital v. Joseph
Uzoma
04QCV17869 Erin Capital v. Ricardo
J. Munoz
04QCV17885 Erin Services Co., LLC
v. William Barrera
04QCV17886 Govt. v. Quick Transit
Inc.
04QCV17877 Lr Credit v. Pilar
Duran
04QCV17865 Municipal Credit v.
Andrew Baptiste
04QCV17883 Neo Portfolio v. Rodan
Rahaman
04QCV17867 Ocean Leasing Ip v.
Bertha Gomez
04QCV17860 Portfolio Recovery v.
Berkis Gomez
04QCV17870 Samson Mgt. v.
William Thumann
04QCV17876 Stomlin's Inc. v. Sandra
Birkett

MONDAY, AUGUST 23
04QCV18018 Dolores Brown v.
Monica Rappasard
THURSDAY, AUGUST 26
04QCV18015 Florida Macias v. Irene
Rily Co.
MONDAY, AUGUST 30
04QCV17899 California v. Julio
Rocha
04QCV17908 Capital One Bank v.
Kumar Singh
04QCV17895 Capital One Bank v.
Ralph J. Cervino
04QCV17889 Citibank (South v.
Elicia Singleton
04QCV17896 Citibank (South v.
Matthew M. Charles
04QCV17893 Colorado Capital v.
Anthony Williams
04QCV17888 Cross Country Bank v.
Yolanda Figueroa
04QCV17891 Discover Bank v.
Michael Hallett
04QCV17905 Erin Capital v.
Beatrice Basile
04QCV17906 Erin Capital v. Chaka
Ebere
04QCV17901 Erin Capital v. Dilia
Dasilva
04QCV17903 Erin Capital v.
Guadalupe Everest
04QCV17907 Erin Capital v. Marie
M. Enasme
04QCV17900 Erin Capital v. Priman
Zelner
04QCV17904 Erin Capital v. Rita M.
Doyle

THURSDAY, AUGUST 12
John Abisio
John Athanopoulos
Anthony T. Burch
Felipe Colon
Roosevelt Delosantos
David Dickerson
Jose L. Estralla
Dimityrios Gdalis
Chris Gelman
Jonathan B. Headley
Yolanda James
Jonell Major
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Jaquan Moore
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Derek Sterling
Tyronne Vessley
Dijon Wiltshire
Tyronne Winslow

Part 33
Justice Leslie B. Leach
25-10 Court Square
Long Island City, N.Y.
Room 103
718-520-2121

Part 34
Justice Robert J. McDonald
25-10 Court Square
Long Island City, N.Y.
Room 233
718-520-3913

Part 35
Justice Jeremy S. Weinstein
88-11 Stuphin Blvd.
Jamaica, N.Y.
718-262-7333
Room 404(1), 9:30 A.M.

04QCV17950 State Farm Mutual v.
Hammond Hacking
04QCV17963 State Farm Mutual v.
Harvey Arias
04QCV17948 State Farm Mutual v.
Jose Lowers
04QCV17945 State Farm Mutual v.
Michael J. Jones
04QCV17941 State Farm Mutual v.
Stewart Delton
04QCV17937 State Farm Mutual v.
Tarsee Cars, Inc.
04QCV17940 Superior Bank Fsh v.
Raj Kumar
THURSDAY, SEPT. 2
04QCV17975 Bernadette v. Courtney
Sumbrosky
04QCV17969 Catherine Zarbis v.
Stacey Jo Marie
04QCV17968 Deborah Palmer v.
Angelita Smalls
04QCV17966 Edwin A. Bencosme v.
Bielca Bencosme
04QCV17967 Edwin A. Bencosme v.
Bielca De Los Angeles
04QCV17981 Erin Capital v. Charles
Williams
04QCV17987 Erin Capital v. Jodie
A. Lynkeboch
04QCV17970 John Xikis v. Shirin
Alter
04QCV17971 John Xikis v. Shirin
Alter
04QCV17974 Jose Remache v.
Nancy Remache
04QCV17980 Lr Credit LLC v.
Natasia J. Keith
04QCV17983 Lr Credit LLC v.
Presilio Gonzalez
04QCV17986 Lr Credit v.
Chamayne Roberts
04QCV17985 Lr Credit v. Mohsen
M. Niaz
04QCV17965 Luis Romero v.
Athanasios
04QCV17973 Lydia Clement v.
Darrell Cokes
04QCV17976 Maria Griselde De v.
Angel Lozano
04QCV17977 Michael Demetrious v.
John Mandeli
04QCV17982 Neo Portfolio v. Margie
Cherry
04QCV17988 Pading Hsia v.
Christopher L. Radl
04QCV17979 Sage Financial v. Juan
Pagan Jr.
04QCV17978 Sharon Thomas v.
Linda Douse
04QCV17984 Teeran Sukhio v.
Savitri Ramanarane

FRIDAY, AUGUST 27
04QCV18004 American Express v.
Kumar Eric Singh
04QCV17999 Arveme Houses v.
Gabriel Franco
04QCV18014 Aso of Tzuhsua Huang
v. Guineia Mehta
04QCV18005 Asta Funding v.
Nashwan Jaahan
04QCV17992 Bethpage Fed. v. Olga
Lombana
04QCV17993 B'way v. Natalie
Kippes
04QCV17995 Capital One Bank v.
Estrella Ocasio
04QCV17908 Capital One Bank v.
Carlos H. Clarke
04QCV18008 Flushing Hosp. v.
Lucinda Hernandez
04QCV17989 Ford Motor Credit v.
Wilk Wengch
04QCV18009 Govt. v. Abdullah
Alshabbi
04QCV18010 Great Seneca v.
Charles Williams
04QCV18005 Great Seneca v. Elton J.
Phillip
04QCV17990 Michael Mikhailov v.
Semyon Lyash
04QCV18011 Midland Credit v. Anita
Jones
04QCV18003 Midland Credit v.
Dwight Worley
04QCV18003 Midland Credit v.
Marie Joseph
04QCV18000 Monogram Credit v.
Edith Stsurin
04QCV17994 Palisades Collection v.
Toby Coroneel
04QCV17991 Pra Ill v. Elena Lucero
v. Marceais Augustine
04QCV18001 Sydney Leasing Ip v.
Miguel Almonte

MONDAY, AUGUST 23
04QCV18018 Dolores Brown v.

Part P
Judge Katz
Room 261, 9:30 A.M.
THURSDAY, AUGUST 12
70209/413 Jean M. Behry, LLC v.
Kruglova

Part S
Judge Lansden
Room 408, 9:30 A.M.

**Richmond
County**

**SUPREME
COURT**

**Individual
Assignment Parts**

Part DCM1
Justice Anthony I. Giacobbe
Homeside Courthouse
355 First Street
718-876-6433/35
Room 2-108, 9:30 A.M.
Motion Calendars will be
heard on Fridays at 10 A.M.
THURSDAY, AUGUST 12

Carriers
12943/03 Arcello v. Staten Island
10740/03 Dalton v. Scavone
10677/03 Peliciano v. White
13347/03 Flory v. Gomez
11115/03 Handelman v. Siegelman
12597/02 Harris v. Harbor Plaza
Associates
13337/03 Jonuzovski v. Jewett
Payroll
12822/03 Kaufman v. Conlin
11222/03 Liharevic v. NY Univ.
12339/03 Mianici v. Sulava

13321/02 Sakacs v. Lam
12973/03 Santana v. Waller
10383/04 Saraf v. 711 Forest Hldg.
Corp
11935/02 Scarano v. NYC
11554/02 Soto v. Messina
11584/01 Syed v. Kang

FRIDAY, AUGUST 13

13277/02 Adamo v. Williams
12673/03 Agostinacchio v. Destefano
8211/04 Allstate Ins. v. Sheheris
8216/04 Allstate Ins. Co. v. Antico

Properties
12541/03 Bombardier Capital, Inc. v. Stacey
11624/03 Bongiorno v. Nicotra Group
10570/03 Celentano v. Piscopo
10106/03 Chiarra v. Cortes
11222/04 Cit Group/equipment v. J & D Express, Inc.
10055/01 Daiello v. Hrh Const.
13760/01 Fed. Nat. Mortgage v. Fung
10087/04 Feliciano v. Hiller
8200/04 Govt. Employees v. Fernandez-McLeod

8209/04 Hudson Ins. Co. v. Ortiz
10395/03 Kissous v. B.G. Morrissey,
Inc.
8193/04 Lakeside Manor Home For
Admits v. Novello
12852/03 Lobrano v. Imhof
10111/04 Mazzei v. Tishman Const.
13756/02 Met Lending v. Miller
10059/04 Mortgage Electronic v.
Quann
12914/01 Murphy v. Carnesi
10251/03 Nastacio v. Gochneur
13436/03 Nugent v. Huss Furniture

13613/01 Rizzo v. Staten Island
13004/01 Sinpharamudalige v. Goepel

General Assurance
04QCV5959 Second Medical P.C.
General Assurance
04QCV5971 Second Medical P.C.
General Assurance
04QCV5967 Second Medical P.C.
Kemper Ins Co
04QCV5965 Second Medical P.C.
Lumbermans Mutual
04QCV5966 Second Medical v.
Country Wide Ins Co
04QCV5912 Selective Medical v.
Eagle Ins Co
04QCV5946 Valley Stream Medical v.
Allstate Ins Co
04QCV5957 Valley Stream Medical v.
Allstate Ins Co
04QCV5973 Webster Diagnostic v.
Allstate Ins Co

MONDAY, AUGUST 16

04QCV6052 A.M. Medical Services v.
Progressive Casualty
04QCV6051 Aleksandra v. State
Farm Ins. Co.
04QCV5998 Alt. Healthcare v.
Lumbermans Mutual
04QCV5996 Brook Medical Health v.
Allstate Ins. Co.
04QCV5988 Brook Medical Health v.
Govt. Employees Ins.
04QCV6040 Bldg. Neurology v.
State Farm Ins. Co.
04QCV6039 Central Acupuncture v.
State Farm Ins. Co.
04QCV6038 Central Radiology v.
State Farm Ins. Co.
04QCV5991 Chain B. Elav Md Pc v.
Allstate Ins. Co.
04QCV5999 Clemis Simonetti v.
Allstate Ins. Co.
04QCV17340 Conn. of v. Jabar
Const.
04QCV17341 Conn. of v.
Phoenix Signs 79 Inc.
04QCV6029 Consul. v. Tokyo
Distributors
04QCV5997 D.L. Acupuncture v.
Allstate Ins. Co.
04QCV6022 Damadian Mri At v.
Countrywide
04QCV5981 Deer Park Medical PC v.
Liberty Mutual Ins Co.
04QCV5980 Deer Park Medical PC v.
Allstate Ins.
04QCV6000 Dr. Oletus Simonetti v.
Lumbermans Mutual
04QCV5994 Hhnp Acupuncture v.
Eagle Ins. Co.
04QCV6036 Interboro Mutual v. Jean
F. Valton
04QCV5996 Kim Acupuncture v. Aiu
Ins. Co.
04QCV5982 Midwood Medical v.
Allstate Ins.
04QCV6025 Nordique Medical v.
State Farm Mutual
04QCV5995 Pkwy. v. Allstate Ins. Co.
04QCV5992 Rockaway Medical v.
Allstate Ins Co
04QCV5993 Rockway Medical v.
Allstate Ins. Co.
04QCV5987 State Farm Fire v. East
End Trans Ins.
04QCV6042 State Farm Indemnity v.
Harding Taxi
04QCV6044 State Farm Ins. v. NYC
04QCV6043 State Farm Ins. v.
Parking Systems Valet
04QCV6045 State Farm Mutual v. Jm
& M Electronic Inc.
04QCV6046 State Farm Mutual v.
Richmond Industrial
04QCV6050 State Farm Mutual v.
NYC
04QCV6048 State Farm Mutual v.
Varsity Transit
04QCV6027 Travelers Indemnity v.
Major Homes Corp.

TUESDAY, AUGUST 17

04QCV6002 Adam Marigliano v. Aiu
Ins. Co.
04QCV6006 Adam Marigliano v.
Deerbrook Ins
04QCV6005 Adam Marigliano v.
Govt.
04QCV6003 Adam Marigliano v.
Lumbermans Mutual
04QCV6069 Angel Reinoso v.
Bernard Ouziel

04QCV6058 Talk To Us v. Met Life
Auto And
04QCV6093 Talk To Us v. Newark
Ins.
04QCV6094 Talk To Us v. Newark
Ins.
04QCV6179 Universal Mri & Diag v.
Allstate Ins. Co.
04QCV6181 Universal Open Mri of v.
Eagle Ins. Co.

THURSDAY, AUGUST 19

04QCV6147 Ability Physical v.
Allstate Ins.
04QCV6134 Acupcar v. Progressive
Casualty
04QCV6090 Bronx v. Metro.
04QCV6160 Bronx Advanced v. Aiu
Ins. Co.
04QCV6159 Bronx Advanced v. Eagle
Ins. Co.
04QCV6161 Bronx Advanced v. Eagle
Ins. Co.
04QCV6153 Dr. Pradip Sedani v.
Allstate Ins Co
04QCV6146 Functional Physical v.
Allstate Ins. Co.
04QCV6148 Functional Physical v.
Allstate Ins.
04QCV6122 Geico General v.
Mohammed I. Khan
04QCV6124 Govt. v. A.M. USA Inc.
04QCV6125 Govt. v. Index
Transportation
04QCV6123 Govt. v. Mi Bay Express
Inc.
04QCV6154 Medwilde Medical v.
Allstate Ins.
04QCV6144 Nat. Grange v. 18th St.
Hacking
04QCV6142 Nationwide Mutual Ins
v. Malik Cars Inc.
04QCV6143 New Hampshire v. Xiu
Yu Chen
04QCV61342 NY Best v. Progressive
04QCV6151 Ocean Diagnostic v.
Allstate Ins.
04QCV6149 Pp Acupuncture v.
Country-Wide
04QCV6140 Progressive v. Finast
Food
04QCV6150 Robert Physical v.
Allstate Ins.
04QCV6152 Triboro Medical Pc v.
Allstate Ins.
04QCV6136 Universal v. Progressive
Casualty
04QCV6135 Yubin Shin v.
Progressive Casualty

FRIDAY, AUGUST 20

04QCV6233 20th Ave. Medical v.
Kemper Ins. Co.
04QCV6234 All Family Medical Pc v.
Allstate Ins.
04QCV6239 All Family Medical Pc v.
Clarendon Ins.
04QCV6194 All Family Medical Pc v.
Geico Ins. Co.
04QCV6201 All Family Medical v.
American Int
04QCV6168 All Points Medical v. Aiu
Ins. Co.
04QCV6205 Distinguished v. Aiu Ins.
Co.
04QCV6208 Distinguished v.
American Int
04QCV6042 Hillside v. Cna/comp-
pass
04QCV6207 Ijaz Ahmed v. Eagle Ins.
Co
04QCV6230 Metro Medical v. Liberty
Mutual
04QCV6192 Mr. Natural Inc. v.
Seasons Food Service
04QCV6236 NY Merchants v. Greek
Fisherman
04QCV6212 Pech & Massage v.
Allstate Ins. Co.
04QCV6214 Pueblo Medical v. Eagle
Ins. Co.
04QCV6202 Rajeev Singh v.
American
04QCV6200 Rajeev Singh v. Eagle
Ins. Co.
04QCV6206 Rajeev Singh v.
American Transit
04QCV6195 Rajeev Singh v. Eagle
Ins. Co.
04QCV6107 Rajeev Singh v. General
Assurance
04QCV6196 Rajeev Singh v. Geico
Ins. Co.

Comp
04QCV6284 Hempstead Pain v.
Eagle Ins. Co.
04QCV6292 Kim Acupuncture v.
General Assurance
04QCV6280 NY v. Lumbermans
Mutual
04QCV6299 NYC East-West v.
Allstate Ins.
04QCV6298 Queens Blvd Medical v.
Allstate Ins.
04QCV6288 Riverdale v. Eagle Ins
Co
04QCV6287 Selective Medical v.
Allstate Ins.
04QCV6285 Superior Med. Equip. v.
Travelers Indemnity
04QCV6306 Tristate A.J.A. v. Allstate
Ins.
04QCV6301 Tristate A.J.A. v.
American Transit Ins.
04QCV6303 Tristate A.J.A. v.
American Transit Ins.
04QCV6316 Tristate A.J.A. v. Eagle
Ins. Co.
04QCV6309 Tristate A.J.A. v. Geico
04QCV6311 Tristate A.J.A. v. Geico
04QCV6312 Tristate A.J.A. v. Geico
04QCV6314 Tristate A.J.A. v. Geico
04QCV6310 Tristate A.J.A. v. General
Assurance
04QCV6305 Tristate A.J.A. v. Kemper
Ins. Co.
04QCV6302 Tristate A.J.A. v. Metro.
General
04QCV6308 Tristate A.J.A. v. Newark
Ins.
04QCV6315 Tristate A.J.A. v.
Travelers Prop.
04QCV6340 Tristate Aja Surgical v.
Geico

WEDNESDAY, AUGUST 25

04QCV6341 Geico Casualty v.
Tamara Trans Ins.
Co. Chen
04QCV6342 Geico Indemnity v.
Chutpah Cars Corp
04QCV6359 General Assurance v.
NYC
04QCV6338 Govt. v. Aboudaje Diallo
04QCV6346 Govt. v. Any & Mark
Cab Corp
04QCV6336 Govt. v. Dalmar Car
Service
04QCV6340 Govt. v. Danca Transit
Ins.
04QCV6343 Govt. v. Farhan A.
Chowdhury
04QCV6348 Govt. v. Fr San Motor
Corp.
04QCV6350 Govt. v. Gem Ride Inc.
04QCV6339 Govt. v. Luis F. Acunabhi
04QCV6344 Govt. v. Piotr T. Dulak
04QCV6347 Govt. v. Raf Inc.
04QCV6337 Govt. v. Rose Trade
04QCV6345 Govt. v. Yak Taxi Inc.
04QCV6358 Lancer Ins. v.
Sagittarius Express
04QCV6364 Nirmal Kade v. Govt.
04QCV6365 Nirmal Kade v. Govt.
04QCV6351 Progressive Medical v.
Met Life Auto & Home
04QCV6352 Progressive Medical v.
Nationwide Mutual
04QCV6360 Somin's Inc. v. Maria
Lavalie
04QCV6333 Stand - Up Mri of v.
Country Wide
04QCV6332 Stand-Up Mri of v.
Clarendon Nat.
04QCV6326 Tristate A.J.A. v. Aiu Ins
Co. Co
04QCV6319 Tristate A.J.A. v. Allstate
Ins.
04QCV6318 Tristate A.J.A. v. Geico
04QCV6320 Tristate A.J.A. v. Geico
04QCV6322 Tristate A.J.A. v. Geico
04QCV6323 Tristate A.J.A. v. Geico
04QCV6328 Tristate A.J.A. v. Geico
04QCV6328 Tristate A.J.A. v. Kemper
Ins. Co.
04QCV6330 Tristate A.J.A. v. Newark
Ins.
04QCV6324 Tristate Aja Surgical v.
Geico

THURSDAY, AUGUST 26

04QCV6370 Adam Amrighiano v.
Allstate Ins. Co.
04QCV6369 Adam Marigliano v.
Continental Ins. Co.
04QCV6371 Adam Marigliano v.
Eagle Ins. Co.

Co
04QCV6502 Firstat Nursing v. Eagle
Ins. Co.
04QCV6535 Functional Physical v.
Aiu Ins.
04QCV6503 Functional Physical v.
Eagle Ins.
04QCV6534 Functional Physical v.
Eagle Ins.
04QCV6500 G.N.S. Medical v.
Newark Ins. Co.
04QCV6511 Geico Indemnity v.
Catherine Morrissey
04QCV6505 Health Value Medical v.
Geico
04QCV6507 Health Value Medical v.
Geico Ins. Co.
04QCV6506 Health Value Medical v.
Govt.
04QCV6480 James M. Liguori v.
Geico
04QCV6503 Media Neurology Pc v.
Progressive Casualty
04QCV6525 Medicus Diagnostics v.
Allstate Ins. Co.
04QCV6526 Medicus Diagnostics v.
Allstate Ins. Co.
04QCV6527 Medicus Diagnostics v.
Allstate Ins. Co.
04QCV6490 NY v. General Assurance
04QCV6493 NY v. Herford Accident
04QCV6508 Paramount Medical v.
State Farm Ins.
04QCV6519 Rafael Somoza v. Jane
Soto
04QCV6484 Summit Psychological v.
Allstate Ins.
04QCV6513 Urban Chiropractic v.
General Assurance
04QCV6523 Wellcare Medical v.
Travelers Ins. Co.

MONDAY, AUGUST 30

04QCV6654 A&A Dental Pc v.
Allstate Ins.
04QCV6579 Acupuncture v.
Countrywide
04QCV6580 Acupuncture v.
Countrywide
04QCV6582 Acupuncture v. Eagle
Ins. Co.
04QCV6581 Acupuncture v. Mvaic
04QCV6586 All Family Medical PC v.
Country Wide
04QCV6587 All Family Medical PC v.
Hereford Nf
04QCV6583 All Family Medical Pc v.
Clarendon Ins.
04QCV6578 All Family Medical Pc v.
Country Wide
04QCV6585 All Family Medical Pc v.
Geico
04QCV6584 All Family Medical v.
Geico
04QCV6560 Bib Medical Supply Inc
v. Govt
04QCV6561 Bib Medical Supply v.
Allstate Ins. Co.
04QCV6559 Bib Medical Supply v.
Geico
04QCV6575 Certified Lumber v.
H&R Const.
04QCV6539 Fair Price Medical v.
American Home
04QCV6540 Firstat Nursing v. Aiu
Ins.
04QCV6574 Frank Mandarino v.
Geico General
04QCV6537 G.N.S. Medical v. Eagle
Ins.
04QCV6538 G.N.S. Medical v. Lion
Ins.
04QCV6547 Glenn Rosenberg v.
American Home
04QCV6541 Health Care Supplies v.
Aiu Ins.
04QCV6542 Health Care Supplies v.
Aiu Ins.
04QCV6537 Kim Acupuncture v.
Eagle Ins. Co.
04QCV6538 Kim Acupuncture v.
Eagle Ins. Co.
04QCV6544 Quest Surgical v. Eagle
Ins.
04QCV6536 Robert Physical v. Aiu
Ins.
04QCV6573 The Phoenix v. Jairo
Navas
04QCV6553 Trianger Inc. v. Govt.
04QCV6534 Trianger, Inc. v. Geico
04QCV6535 Triange Mgt. v. Govt.
04QCV6551 Triange Mgt. v. Govt.
04QCV6537 Triange Mgt. v. Govt.
04QCV6555 Triange Mgt. v. Govt.

04QCV6867 Adam Marigliano v.
Tristate Consumer
04QCV6874 Adam Marigliano v. Aiu
Ins. Co.
04QCV6869 Adam Marigliano v.
Allstate Ins Co
04QCV6866 Adam Marigliano v.
Allstate Ins. Co.
04QCV6874 Adam Marigliano v.
Lumbermans Mutual
04QCV6841 Arbow Inc. v. NY Central
04QCV6842 Arbow v. NY Central
04QCV6851 Bayridge Medical v. NYC
Mutual Fire Ins.
04QCV6852 Bayridge Medical v. NYC
Mutual Fire Ins.
04QCV6858 Benson Medical Pc v.
Eagle Ins.
04QCV6846 Bridge Medical v.
Allstate
04QCV6861 Bronx Borough v.
Allstate Ins. Co.
04QCV6862 Bronx Borough v. Eagle
Ins. Co.
04QCV6865 Bronx Borough v. Eagle
Ins. Co.
04QCV6867 Bronx Borough v. Eagle
Ins. Co.
04QCV6860 Bronx Borough v. Eagle
Ins.
04QCV6863 Bronx Borough v. Eagle
Ins.
04QCV6644 Carter Group Medical v.
Country-Wide
04QCV6840 Dittmas Medical v. NY
Central
04QCV6832 Dyckman Medical v. NY
Central
04QCV6834 Empire State v. NY
Central
04QCV6856 Feng Huang v. U-Lease
Ltd.
04QCV6848 G & G Medical Supply v.
Progressive
04QCV6853 Health Care Medical v.
NY Central Mutual
04QCV6837 Health Plus Medical v.
Aiu Ins. Co.
04QCV6838 Health Plus Medical v.
Aiu Ins. Co.
04QCV6833 Iskandia Mri v. NY
Central
04QCV6836 Jennifer Duffy Phd v.
NY Central
04QCV6854 L. & D Chiropractic v.
Aiu Co Material
04QCV6700 Liberty Mutual v. NYCTA
04QCV6871 Psych & Massage v. Aiu
Ins. Co.
04QCV6872 Psych & Massage v. Aiu
Ins. Co.
04QCV6873 Psych & Massage v. Aiu
Ins. Co.

THURSDAY, SEPT. 2

04QCV6704 71st Ave. Medical v. Aiu
Ins. Co.
04QCV6705 71st Ave. Medical v. Aiu
Ins. Co.
04QCV6706 71st Ave. Medical v. Aiu
Ins. Co.
04QCV6702 71st Ave. Medical v.
Eagle Ins. Co.
04QCV6707 71st Ave. Medical v.
Eagle Ins. Co.
04QCV6708 71st Ave. Medical v.
Eagle Ins. Co.
04QCV6575 Adam Marigliano v.
Allstate Ins. Co.
04QCV6877 Adam Marigliano v.
Hartford Accident
04QCV6893 Adv Surgical Supply v.
Eagle Ins. Co.
04QCV6894 Adv Surgical Supply v.
Geico Ins. Co.
04QCV6892 Century Medical PC v.
Lancer Ins. Co.
04QCV6701 Continental Medical v.
Countrywide
04QCV6724 Eden Medical v.
Progressive
04QCV6709 Elg Hdg., Inc. v. Aiu Ins.
Co.
04QCV6709 Elg Hdg., Inc. v. Aiu Ins.
Co.
04QCV6713 Elg Hdg., Inc. v. Aiu Ins.
Co.
04QCV6711 Elg Hdg., Inc. v.
American Home

Geico Ins. Co.
04QCV6764 State Farm Mutual v.
Magnificent Sevens
04QCV6749 Tjrhorough v. Hartford
Life
04QCV6776 W. James Lally v. 23 Taxi
Hornell
04QCV6874 Walter Karpinski v.
Progressive Ins. Co.
04QCV6890 Willis Acupuncture v.
Eagle Ins. Co.
04QCV6889 Willis Acupuncture v.
General Assurance
04QCV6755 Y.M.F. Carpet Inc. v.
Closeout Paradise of

Part 18

Judge Gottlieb
89-17 Stuphin Blvd.
Room 101, 9:30 A.M.

FRIDAY, AUGUST 27

04QCV8319 Darlene King v. Roger
Richards

THURSDAY, SEPT. 2

04QCV8726 Anto Jurkovic v. Ersilia
Acosia-Torres

Part 19

Judge Gottlieb
89-17 Stuphin Blvd.
Room 101, 9:30 A.M.

THURSDAY, AUGUST 12

04QCV17737 Emma Williams v.
Bordena Simpson
04QCV17735 Fritz Eichhorn v. Jane
Doe
04QCV17740 Prandai Roopnarine v.
Courtney Lopez
04QCV17736 Sandra Pope v.
Eustace Greenwood
04QCV17754 Sean Morgan v. Jane
Doe

WEDNESDAY, AUGUST 18

04QCV17842 Frances Cittadini v.
Victor Costello

THURSDAY, AUGUST 19

04QCV17863 Anna Boukas v. Jane
Doe
04QCV17918 Carlos Acevedo v.
David Garrido
04QCV17861 Keino Watson v. Gerry
Hayes
04QCV17862 Keino Watson v. Tonya
Lee

FRIDAY, AUGUST 20

04QCV17887 Paul Hickes v. Doreen
Campbell

MONDAY, AUGUST 23

04QCV17915 Frank Haeing v. Jane
Doe 1-12

THURSDAY, SEPT. 2

04QCV17972 Canute Gordon v. Lyle
Abdel
04QCV18188 Kevin W. Branch v.
Winifred Richards
04QCV17989 Sommatice Padarat v.
Jane Doe

FRIDAY, SEPT. 3

04QCV18013 Pedro Cardona v.
Princess Bedford

Part 20

Judge Weinstein
89-17 Stuphin Blvd.
Room 404, 9:30 A.M.

THURSDAY, AUGUST 12

04QCV1385 Angelica Narvaez v.
Ignazia Damico
03QCV10847 Carlos Dejesus v.
NYCTA
04QCV13722 Gerardo Cipriano v.
Syed Iftikhar Hussain
04QCV1294 Gloria Arjona v. Joseph
V. Marchese
04QCV1599 Randy Ovalle v. Bklyn.
Bottling
04QCV3124 Rokhel Yakubov v. Milan
Mehra
04QCV5205 Sacha M. Eidson v.
Jesse F. Parks Jr
04QCV1547 Silvio Sukhmandan (as
v. Manuel Molina

v. Garcia
5675/04 Beach Haven Apts. #1 v.
Jones
6399/04 Community Homes Hdc v.
Williams
6704/02 Crescent St. Corp v.
Hornell
7135/04 Cunningham v. Malcolm
6987/04 Edgerton Apts. LLC v.
Alexander
6826/04 Forest Pkwy. Real Co. LLC
v. Coleman
8710/03 Harkam Estates CO
Estates Superv. v. Perone
6930/03 Hutsen v. Doe
5611/04 Jackson Gardens LLC v.
Osorio
5873/04 Laurel Hill Apts LLC v.
Rames
6875/04 Melbourne Leasing LP v.
Alumunum
2045/09 Potomac Houses v. De
Jesus Elizabeth
5885/05 Provident Alpine Partners,
LLP v. Martinez
6442/04 Rivera Leasing L.L.C. v.
Suzarez (NYCHA) Yvonne
7045/04 Rosario v. Pimentel
6439/04 Savoy Owners, LLC LLC As
Succ Int. v. Saton
6495/04 Shah v. Abdellah Hagar
7632/04 The Colonnades LLC v.
Cabrera
6709/04 The LLC v. Baez
6880/04 Tsimikas v. Hartford
6735/04 U.S. Bank Nat. Assoc. v.
Grant
6489/04 Velez v. Sanchez
7137/04 Vigilance v. Perez
6405/04 Wu v. Wang/Zhang
2 P.M.

7106/04 Asmal v. Cavallos
7034/04 Bay Towers Co. v. Simmons
7045/04 Deluca v. Ramirez
7093/04 Kemble/Maye v. Cottrell
7091/04 Kong v. Yeung
7091/04 Lem v. Clavijo
7091/04 Leung v. Zhao/Cheung
5589/04 New Haven Manor Home
For Adults v. Soto
7117/04 Peluso v. Als
7106/04 Pena v. Morales
7103/04 Vaiano v. Ibanez
5007/04 Woodhams 98 Rly. Corp. v.
Okeefe

Part B

Judge Birnbaum
Room 403, 9:30 A.M.

THURSDAY, AUGUST 12

6585/04 156-22nd St. Jackson
Heights v. Ellen Dex, Executiv Of
Est Grace Na
6576/04 Aljo Rly, LLC, As Succr. Int.
v. Rashid
6471/04 Arverne Houses, Inc. v.
Alexander
6468/04 Arverne Houses, Inc. v.
Scott
6807/04 Arverne Ltd Profit Hsg.
Corp. v. Harding
6528/04 Big Six Towers, Inc. v. Edja
7074/04 Central Queens Properties
Corp. v. Hernandez
6765/04 Davidson's LP v. Fabian
7026/04 Dirot Delaware Inc. v.
Garcia
6844/04 Hyman v. MacLeod
6451/04 Marine Terrace Associates
LLC v. Peckles
6897/04 Cho v. Revelo
70815/04 Cosmopolitan v.
Rivadeneira
7102/04 Mueller v. Morales
7091/04 Seng v. Gerasimov/Tyera
7059/04 Typod In Error v. Rivera
Erre
7099/04 Queens Fresh Meadows
LLC v. Baize
7016/04 Queens Fresh Meadows
LLC v. Kyung Lee Tae
7109/04 Queens Fresh Meadows
LLC v. Smith
6731/04 Rochdale Village Inc. v.
Alvarez
6891/04 Rochdale Village Inc. v.
Blake
6782/04 Rochdale Village Inc. v.
Burrell
5954/04 Rochdale Village Inc. v.
Willis
6359/04 Rochdale Village Inc. v.
Cutter

2 P.M.

7014/04 30-70 32nd St. Rly. LLC v.
Seguin
7097/04 Ahmed v. Fortunato
7092/04 Anthony v. Officer
7091/04 Cho v. Revelo
70815/04 Cosmopolitan v.
Rivadeneira
7102/04 Mueller v. Morales
7091/04 Seng v. Gerasimov/Tyera
7059/04 Typod In Error v. Rivera
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7099/04 Queens Fresh Meadows
LLC v. Baize
7016/04 Queens Fresh Meadows
LLC v. Kyung Lee Tae
7109/04 Queens Fresh Meadows
LLC v. Smith
6731/04 Rochdale Village Inc. v.
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6891/04 Rochdale Village Inc. v.
Blake
6782/04 Rochdale Village Inc. v.
Burrell
5954/04 Rochdale Village Inc. v.
Willis
6359/04 Rochdale Village Inc. v.
Cutter

Part O

Judge Parisi-McCowan
Room 202, 9:30 A.M.

THURSDAY, AUGUST 12

6737/04 Munoz v. Cummings
6048/04 Nasim v. Cano

5526/04 Ting v. Robinson
6816/04 Valian v.
McDonald/Cadrette
6986/04 Wilshire Apts. LLC v.
Smith Hulton Joyce
6380/04 Yzeval Rly. Assoc. v.
Garcia
2 P.M.

Part E

Judge Walthe
Room 407, 9:30 A.M.

THURSDAY, AUGUST 12

6524/01 17th Hdg. LLC v. Rivera
6627/04 A.V. Rly. Corp. v. Slaton
7641/03 Accardi v. Walker
6737/04 Alwali Const. Corp. v.
Bridges/Bwing
7039/04 Arverne Houses, Inc. v.
Robbins
6936/04 Begun v. Hussain
7076/04 Briarwood Associates A
N.Y. Partners v. Guzman
6880/04 C's City Island Pier, Inc. v.
Walker
6880/04 Crystal Apts. Group v.
Johnston
7026/04 Dirot Delaware Inc. v.
Garcia
6993/04 Diversified Equities LLC v.
Johnson
5789/04 Fernandez v. Anand/Julien
El. Al. Michael
6763/04 Har-Phil Hldgs. LLC v.
Beach
6518/04 Hellenic Orthodox Co
Ministry Church v. Rodriguez
6485/04 Hollis Gardens Rly. Corp. v.
Kirkland/Morrell
6506/04 Jamaica Ave. Properties
Inc v. Walker
7056/04 Jamaica Seven LLC v. Huda
5683/04 Joan M. Beery, LLC v.
Kruglova
7054/04 Malmoine v. Bermudez
6932/04 Media Rly. LLC v. Israni
6881/04 Medina v. Best/Harris
6804/04 Ortega/Diaz v. Gonzalez
7008/04 Oshikantu v. Shuler
6266/04 Park Terrace Owners, LLC
v. Castillo
5978/04 Ridgewood Properties LLC
v. Vazquez
7137/04 Seven Waters Inc. v. Reed
8640/03 Shaw v. Joseph
6030/04 The Buckingham
Associates, LLC v. Otero
7028/04 Thomas v. Pusey
63185/04 Van Kleeck Associates v.
Quintero

2 P.M.

7014/04 30-70 32nd St. Rly. LLC v.
Seguin
7097/04 Ahmed v. Fortunato
7092/04 Anthony v. Officer
7091/04 Cho v. Revelo
70815/04 Cosmopolitan v.
Rivadeneira
7102/04 Mueller v. Morales
7091/04 Seng v. Gerasimov/Tyera
7059/04 Typod In Error v. Rivera
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7099/04 Queens Fresh Meadows
LLC v. Baize
7016/04 Queens Fresh Meadows
LLC v. Kyung Lee Tae
7109/04 Queens Fresh Meadows
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6731/04 Rochdale Village Inc. v.
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6891/04 Rochdale Village Inc. v.
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6782/04 Rochdale Village Inc. v.
Burrell
5954/04 Rochdale Village Inc. v.
Willis
6359/04 Rochdale Village Inc. v.
Cutter

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7014/04 30-70 32nd St. Rly. LLC v.
Seguin
7097/04 Ahmed v. Fortunato
7092/04 Anthony v. Officer
7091/04 Cho v. Revelo
70815/04 Cosmopolitan v.
Rivadeneira
7102/04 Mueller v. Morales
7091/04 Seng v. Gerasimov/Tyera
7059/04 Typod In Error v. Rivera
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7099/04 Queens Fresh Meadows
LLC v. Baize
7016/04 Queens Fresh Meadows
LLC v. Kyung Lee Tae
7109/04 Queens Fresh Meadows
LLC v. Smith
6731/04 Rochdale Village Inc. v.
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6891/04 Rochdale Village Inc. v.
Blake
6782/04 Rochdale Village Inc. v.
Burrell
5954/04 Rochdale Village Inc. v.
Willis
6359/04 Rochdale Village Inc. v.
Cutter

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7014/04 30-70 32nd St. Rly. LLC v.
Seguin
7097/04 Ahmed v. Fortunato
7092/04 Anthony v. Officer
7091/04 Cho v. Revelo
70815/04 Cosmopolitan v.
Rivadeneira
7102/04 Mueller v. Morales
7091/04 Seng v. Gerasimov/Tyera
7059/04 Typod In Error v. Rivera

13005/02 Kochummen v. Nirmarthy
1007/404 Krumholz v. Metro. Life Ins.
13721/03 Kulesa v. Cosenza
10548/03 Moore v. Kurakose
12430/03 Norwest Bank Minnesota v. Leszy
12454/03 NYCTL 1999-1 Trust v. Board of Mgrs.
8202/04 O'Connor v. Sychayov
10775/03 Olisk v. Fobbs
12258/02 Poesia v. Fox
12866/03 Rabinovich v. Morgante
8041/04 Staten Island Behavioral v. Leary

11839/03 Travelers Indemnity v. American Telecommunications
13481/03 Valentine v. 2178 Forest LLC
10760/02 Valvo v. Blue Star Const. Inc.
15756/02 Mit Lending v. Miller

Motion

11519/02 Arava v. Kunkula
10254/03 Bosc v. Turan
10044/04 Brooks v. Pinsky
8214/04 Country-Wide Ins. v. Javoronov
10837/01 Duncan v. Gray
13705/03 Fed. Nat. Mortgage v. Raymond
13150/02 Piar v. Staten Island Botanical
12161/01 Godovich v. Borkowski
10885/03 Greenpoint Bank v. Santiago
10148/03 Hanibal v. Santapla
15470/02 Hewitt v. Home Depot U.S.A. Inc.
10774/04 Krumholz v. Metro. Life Ins.

13721/03 Kulesa v. Cosenza
12248/03 Maslinka v. Sarkisov
12888/02 Mazzano v. Bianchi
13656/03 Monaco v. Corp.
10548/03 Moore v. Kurakose
12958/01 NYCTL 1998-2 Trust v. Spoerl
8202/04 O'Connor v. Sychayov
10775/03 Olisk v. Fobbs
11056/04 Prather v. Parella
12866/03 Rabinovich v. Morgante
13788/03 Rodowsky v. Macaluso
12945/00 St. Bank & Trust v. Jurkiewicz
12908/98 Spearman v. Staten Island Medical
8041/04 Staten Island Behavioral v. Leary

11839/03 Travelers Indemnity v. American Telecommunications
13481/03 Valentine v. 2178 Forest LLC
10760/02 Valvo v. Blue Star Const. Inc.
13357/01 Varvaro v. Hook Superx, Inc.
12258/02 Poesia v. Fox

Part DCM5

Justice Eric N. Vitaliano
355 Front Street
Staten Island, NY 10304
Phone 718-876-6439
Fax 212-457-2652

FRIDAY, AUGUST 13

13510/02 Arias v. Priolo
10454/03 C. Atlantis II Equities v. Vassilios
10182/04 Goldberg v. Marengo
11191/03 Gul Estates, Inc. v. Block 6222 Const.
13058/03 Kasling v. Naik
13519/02 Sica v. Shoravay
10953/00 Singh v. Spidella
13265/99 Solidi v. Weinstein
10745/04 Venizelos v. NYCTA

Motion

8219/04 Alishahi v. R & G Land Corp.
13510/02 Arias v. Priolo
12013/03 Carlin v. Zingales
10484/03 C. Atlantis II Equities v. Vassilios
824/04 Carennon Nat. Ins. v. Witt
13522/03 Clear Channel Worldwide v. Yankee Brewing Co.
10205/02 Clidadi v. Khalid
12157/02 Emanuel v. Henry Modell & Co., Inc.
10182/04 Goldberg v. Marengo
10258/02 Grychowski v. Braun
12435/03 Grohman Hill Estates, Inc. v. Wolfhoff
11191/03 Gul Estates, Inc. v. Block 6222 Const.

5442/02 Reiter v. Reiter
5160/03 Thomas v. Thomas
5227/04 Yezes v. Yezes
5088/04 Cox v. Cox
5769/95 Purpura v. Purpura

Matrimonial Motion

5600/04 Aranda v. Aranda
5088/04 Cox v. Cox
6133/03 Deangelis v. Deangelis
5397/04 Devlin v. Devlin
5511/04 Joiner v. Joiner
5434/04 Nilsen v. Nilsen
5227/04 Rico v. Rico
5274/04 Yezes v. Yezes
5504/04 Kelly v. Kelly

FRIDAY, AUGUST 13

Motion

5347/03 Kerr v. Kerr
5914/00 Trimis v. Trimis
5676/03 Tuminia v. Tuminia

Matrimonial Motion

5228/04 Aleman v. Aleman
5531/03 Flagello v. Flagello
5238/04 Fontek v. Fontek
6026/03 Kraja v. Kraja
5270/04 Ortiz v. Ortiz
5316/04 Principe v. Principe
5676/03 Tuminia v. Tuminia

Part MP12

Justice B. Panepinto
Homeport Courthouse
355 Front Street
718-876-6425

THURSDAY, AUGUST 12

5272/04 Andrews v. Andrews
5001/04 Bellini v. Bellini
5778/03 Eisenberg-Zadok v. Zadok
5645/00 Fiore v. Fiore
5092/04 Fiorentino v. Fiorentino
5671/03 Graffeo v. Graffeo
5511/04 Hall v. Hall
5343/04 Heuser v. Heuser
5357/03 Kanowicz v. Kanowicz
5006/04 Manna v. Manna
6026/03 Sardo v. Buono
5254/03 Scarbaggio v. Scarbaggio
5275/04 Vaccaro v. Vaccaro
5337/04 Yusko v. Yusko
5532/04 Kashansky v. Kashansky

Motion

5001/04 Bellini v. Bellini
5671/03 Graffeo v. Graffeo
5511/04 Hall v. Hall
5423/04 Mitnick v. Mitnick
5275/04 Vaccaro v. Vaccaro
5337/04 Yusko v. Yusko
5778/03 Eisenberg-Zadok v. Zadok

SURROGATE'S COURT

Surrogate Fusco
Room 202, 9:30 A.M.

CIVIL COURT

Part 1

Judge McMahon
Room 12, 9:30 A.M.
718-390-5130

Part 2

Judge Stranieri
Room 6, 9:30 A.M.
718-390-5425

Part 3

Judge King
Room 21, 9:30 A.M.
718-390-5428

Part 5

Judge Stranieri
Room 12, 9:30 A.M.
718-390-5428

be required to be made on papers stating reasons for failure to appear.

B. Defendant's failure to appear may result in the imposition of sanctions of not less than \$250 after hearing.

Ready Subject Markings

1. No more than one for engagements outside of Nassau County.
2. No more than two for engagements in Nassau County.

THURSDAY, AUGUST 12
11558/01 Alfaro v. Power Test Rhy.
8761/01 Maiden v. Murphy

Calendar Control Part 2

THURSDAY, AUGUST 12
16687/03 Bank of NY v. Model Trucking
3087/00 Ceparano v. On Track Freight
14165/03 Farmington Casualty v. Dalberry
8278/04 Hempstead v. 380 Nassau Road
9770/02 Smith v. Liberty Mutual
16930/03 Toback v. Oteri
16885/03 Bank of NY v. Model Towing

Special Term Part 2

Justice DeMarco
Chambers 516 571-2949
Room 516 571-2951
9 A.M.—Infant Compromises
9:30 A.M.—Calendar Call
10 A.M.—Second Call

All applications must be made to the court. Note new calendar time.

Status Conference

The following cases will appear on a special calendar call at the trial Assignment Courtroom on the first floor on the dates and times indicated. Cases may not be adjourned. They must be marked settled, discontinued or ready for conference. A failure to appear by any party will be deemed a default within the meaning of 22 NYCRR 302.27. If a matter is to be conferred, counsel shall be prepared to discuss all relevant matters including the reasons for the delay in prosecution. Counsel shall not contact the assigned Justice or the TAP Part prior to the assigned date. Attorney services may be utilized only for the purpose of notifying the court of settlement or discontinuances.

Individual Assignment Parts

The following matters have been assigned to the judge indicated as a result of the filing of a request for Judicial Intervention.

TUESDAY, AUGUST 10

Motion
7820/04 Pis Group Inc. v. Goldinger—Galasso
10104/04 Geico Casualty v. Countywide—Lally
5619/04 Jones v. Budak—Covello
9567/04 Kanner v. Chemical Bank—Lally
18715/03 LI Jewish Medical Center v. Gonzalez—Alpert
7012/04 Nathanson v. Nathanson—Washawsky
18556/03 Yellow Book of NY v. Beyond Signs Inc.—Covello

Order To Show Cause

Justice Calabrese
Week of August 9
Thomas J. Caicedo
Brian Ford

8860/04 Molina v. Barbatto—McCarthy
6966/04 Molisanti v. Johnson—Winklow
8453/03 Napon v. Parker—DCM CONFERENCE
13270/03 Narceda v. Thierot—DCM CONFERENCE
3885/02 Nicoletti v. Casella—DCM CONFERENCE
8875/04 Norberto v. Thompson—Galasso
4842/04 Parsafar v. Bijari—Woodard
9952/04 Persaud v. Nunez—Covello
16808/02 Privitera v. Thomas—DCM CONFERENCE
20160/04 Rabin v. Rabin—Jackson Stack
13465/02 Reyes v. Hempstead—DCM
7283/03 Reyes v. Nassau Cty Medical—DCM CONFERENCE
19222/02 Roland v. Munoz—DCM
5784/04 Rostner v. Kuszin—Palmeri
2630/03 Rossetti v. Hecht—Parga
11287/02 Rubenstein v. Baird—DCM CONFERENCE
2570/04 Santonocito v. Santonocito—Winklow
7982/03 Schneider v. Pearce—CCP J. Jury
7708/02 Shadravoff v. Pura—DCM
17700/02 Simonian v. Kolben—DCM
13618/01 Sirico v. Benkelar—DCM
2701/03 Sirico v. Gentile—DCM CONFERENCE
2164/03 State Farm Mutual v. Perrone—DCM CONFERENCE
10014/03 State Ins. Fund v. Rumore Const.—DCM CONFERENCE
3557/04 Switaly v. Guide Dog Foundation—Galasso
4242/04 Torres v. Borja—Woodard
4340/04 Torres v. Torres—Galasso
818/04 Vanegas v. Maldonado—Peck
12212/00 Vaz Concrete Const. v. Chhabra—DCM
392/04 Walker v. Freeport—Lamarca
20591/02 Watson v. Seaman—DCM
13885/02 Whitmore v. Montana—DCM CONFERENCE
7316/04 Wilson v. Dean—Parga
6970/04 Yorkshire Food Sales v. Greenview Procs. Corp.—Leonard

Unknown

401999/04 Joy Jericho Rty. Corp. v. Ne—Bucaria
12421/99 Gmac Mortgage v. Greene—Feinman
40181/04 Ravis LLC v. Ne—Bucaria
40955/04 Sands Point East LLC v. Ne—Bucaria
40956/04 Sands Point East LLC v. Ne—Bucaria

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

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Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

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Part 11 (SCT 41)

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Part 11 (SCT 41)

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Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Week of August 9

Part 11 (SCT 41)

Jason E. Davies
Anthony Parsell
Julian A. Smith
Lamar Clinton
Arash Hashemidani
Lamar Hodges
John Mulally
Gina Stramons

Part 7

Week of August 9

Part 7

Week of August 9

Part 7

Week of August 9

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Week of August 9

Part 7

Week

Yonkers Hearing Co.
12025/02 Chidaskis v. Khalid
12157/02 Emanuele v. Henry Modell
& Co., Inc.
10182/04 Erdberg v. Monagan
14025/02 Grzechowski v. Braten
12436/03 Guyones Hill Estates, Inc. v.
Wolko
11191/03 Gul Estates, Inc. v. Block
6222 Const.
8995/04 Hartford Ins. v. Adams
13659/03 Kestling v. Nuk
10353/04 Lee v. Matarrese
10927/99 Mazza v. Koslowe
10467/03 Mortgage Electronic v.
Mullins

8268/04 Quinn v. Quinn
13519/02 Sica v. Sharyan
10095/00 Singh v. Spidella
13326/99 Soffel v. Weinstein
12299/04 Tpz Corp. v. Stonecrest
Associates, Inc.
10742/04 Wood v. Zco Group LLC
11532/04 Zimski v. Graziano
8219/04 Alishahi v. R & G Land
Corp.
12436/03 Guyones Hill Estates, Inc. v.
Wolko
13644/02 Nails 21st Century Corp. v.
Cominal Co-Op
10746/04 Venizelos v. NYCTA
10742/04 Wood v. Zco Group LLC
10255/03 Bosco v. Turyan

Part DCM6

Justice Philip G. Minardo
18 Richmond Terrace
Phone 718-390-5356
Room 210, 9:30 A.M.

FRIDAY, AUGUST 13
12825/02 Correia v. Ferro
18679/03 Rivera-Lleras v.
Andreouklidis

Part DCM7

Justice M. Solomon
Berrough Hall Building
718-390-5212
Room 220, 9:30 A.M.

FRIDAY, AUGUST 13
Motion
12299/04 Tpz Corp. v. Stonecrest
Associates, Inc.

Trial Assignment Part JCP8

Justice Thomas Aliotta
718-390-5436
Fax: 718-876-8129
Room 210

J.C.P. Part VIII is held every
Monday at 9:30 A.M. in
Courtroom 210. The J.C.P. Part
VIII calendar is called on
Tuesday if Monday is a Court
holiday.

THURSDAY, AUGUST 12
10302/88 Nubakari v. 185-225 Park
Hill Corp.

Part TP9

Justice Anthony I. Giacobbe
Homeport Courthouse
355 Front Street
Staten Island, NY
718-876-6433

Part TP10

Justice Christopher J. Mega
18 Richmond Terrace
Phone 718-390-5409

Part MP11

Justice Rachel Adams
Homeport Courthouse
355 Front Street
718-876-7311

THURSDAY, AUGUST 12

Motion

5600/04 Aranda v. Aranda
5511/04 Joiner v. Joiner
5434/04 Nilsen v. Nilsen
5196/03 Pfeiffer v. Pfeiffer
5769/05 Pappas v. Pappas

Room 21, 9:30 A.M.
718-390-5428

Part 5

Justice Straniero
Room 12, 9:30 A.M.
718-390-5428

Part 6

Justice Vitaliano
Room 12, 9:30 A.M.
718-390-5428

Part 11

Justice Panepinto
Room 1, 9:30 A.M.

Part 12

Justice Panepinto
Room 1, 9:30 A.M.

Part 13

Justice McMahon
Room 21, 9:30 A.M.
718-390-5424

Part 14

Justice Panepinto
Room 12, 9:30 A.M.

Part 15

Justice McMahon
Room 21, 9:30 A.M.
718-390-5424

Part 21

Justice Straniero
Room 12, 9:30 A.M.
718-390-5428

THURSDAY, AUGUST 12

04RCV163 Toni G. Marrow v. Maria
Angr

Part 22

Justice Panepinto
Room 21, 9:30 A.M.
718-390-5424

Part 23

Justice Straniero
Room 12, 9:30 A.M.
718-390-5428

THURSDAY, AUGUST 12

04RCV164 Bahri Goga v. NYC

Nassau County

SUPREME COURT

Calendar Control Part 1

Justice R. Bruce Cozzens, Jr.
516-571-9700

Notice

The first twelve cases marked
to select *must* report daily to
Central Jury by 10 A.M. ready for
room assignment.

Failure to appear without
compliance with the Chief
Administrator's Rule 125 at
Central Jury ready to commence
jury selection when directed may
result in the following:

A Plaintiff's failure to
appear may result in case being
marked off calendar. A formal
motion on notice to restore will

5619/04 Jones v. Budak—Covello
9567/04 Kamer v. Chemical Bank—
Lally

18715/03 L.I. Jewish Medical Center
v. Gonzalez—Alpert
7012/04 Nathanson v. Nathanson—
Warsawsky

18956/03 Yellow Book of NY v.
Beyond Signs Inc.—Covello
Order to Show Cause
8917/00 Goldin v. Goldin—
18977/03 Washington Mutual v. Peak
Health Club, Inc.—Warsawsky

Other

20252/03 Alexandre v. Alexandre—
McCarthy
20172/04 Basso v. Basso—IAN-
NACCT
10681/04 Cianguilli v. Cianguilli—
Ross
202312/04 Johnson v. Johnson—
Falanga
7145/03 Mortgage Electronic v.
Fenrich—Cozzens
27174/04 Nelson v. Nelson—
10095/04 Warehouse One v. J.P.
Morgan Chase & Co.—
Warsawsky

Preliminary Conference

17728/02 A & W Egg Co. v. Under
Pranks Farms—Shifrin
17329/02 Acker v. Fabiano—DCM
CONFERENCE
17395/03 Adams-Borden v.
Osborne—Joseph
18117/03 Alarco v. Barbarito—
Lamarc
16517/03 Allstate Ins. v. Hohorst—
Dunne
609/04 An v. Tomarek—Mahon
1399/04 Andrade v. Steiner—
Covello
12597/02 Arnold v. Feldman—DCM
CONFERENCE

4603/04 Baez v. Edwards—Cozzens
16994/02 Barrell v. Katz—DCM
7198/03 Baron v. Fogel—DCM
CONFERENCE

8698/03 Barraza v. Youngblut—
DCM CONFERENCE

8170/03 Beyene v. Lagos—DCM
CONFERENCE

8211/04 Brucato v. Friel—Phelan
17239/02 Buttacavoli v. Hst Rly.
LLC—Juma

5751/03 Caldarella v. Schmolli—
DCM CONFERENCE

16875/01 Causey v. Pavemaster
Asphalt—DCM CONFERENCE

9534/04 Cha v. Kwan—Bucaria
15414/03 Chan v. Dier—Dunne
9360/03 Cino v. Storie—DCM CON-
FERENCE

9726 Cohen v. Pantason—CCP J.
Jury

15517/03 Delano v. Min Kims Ltd—
Woodard

18993/02 Dgt. Inc. v. Vecchio—DCM
663/03 Distefano v. Digalomo—
DCM

8673/04 Early v. Telephonics
Corp.—Bucaria

3840/03 Fanizza v. Maynard—DCM
14809/02 Goldsmith v. Fulton
Commons Care—DCM

14615/03 Great Northern Ins. v.
Alpine Const. And—DCM CON-
FERENCE

1933/03 Guzman v. Freeport—DCM
14754/03 Haley v. Janos—Alpert
14955/02 Hernandez v. Filippis—
DCM

5839/03 Hollander v. Clayton—
DCM CONFERENCE

6479/03 Hollis v. Oliva—DCM CON-
FERENCE

2160/03 Klein v. Simpson—DCM
CONFERENCE

17888/02 Kioetz v. Licalzi—DCM
442/02 Larosilliere v. Thomas—
DCM CONFERENCE

6719/04 Liriodota v. Mta Long Island
Bus—Woodard

10721/03 Lopez v. Wheels—Palmeri
17575/03 Malekan v. Rostack—
Martin

6600/04 Martinez v. Hegre Food
Inc—Pargo

3760/03 Matinsky v. Elliott—DCM
CONFERENCE

18029/02 Mejia v. Obiak—DCM
CONFERENCE

14785/03 Meyer v. Metro. Suburban
Bus—Covello

Justice v. Houtgout
Ernest I. Johnson
Street O. Moore

Part 2

Justice Calabrese
Week of August 9

Thomas I. Calcedo
Brian Ford
Luis Duarte
Ludgim Fernandez
Jose O. Guevara
Jose Hernandez
Kason K. Jackson
Jose A. Mossa
Bernard S. Peterson
Walter A. Rivas
Hery P. Ward
Jamarr N. Wilson
Luis A. Chavez
Paula Host
Lesley Huffer
Leroy Hutchinson
Vincent J. Iannone
Kawan T. Johnson
Kawan T. Johnson
Kawan T. Johnson

20252/03 Alexandre v. Alexandre—
McCarthy

20172/04 Basso v. Basso—IAN-
NACCT

10681/04 Cianguilli v. Cianguilli—
Ross

202312/04 Johnson v. Johnson—
Falanga

7145/03 Mortgage Electronic v.
Fenrich—Cozzens

27174/04 Nelson v. Nelson—
10095/04 Warehouse One v. J.P.
Morgan Chase & Co.—
Warsawsky

17728/02 A & W Egg Co. v. Under
Pranks Farms—Shifrin

17329/02 Acker v. Fabiano—DCM
CONFERENCE

17395/03 Adams-Borden v.
Osborne—Joseph

18117/03 Alarco v. Barbarito—
Lamarc

16517/03 Allstate Ins. v. Hohorst—
Dunne

609/04 An v. Tomarek—Mahon
1399/04 Andrade v. Steiner—
Covello

12597/02 Arnold v. Feldman—DCM
CONFERENCE

4603/04 Baez v. Edwards—Cozzens
16994/02 Barrell v. Katz—DCM
7198/03 Baron v. Fogel—DCM
CONFERENCE

8698/03 Barraza v. Youngblut—
DCM CONFERENCE

8170/03 Beyene v. Lagos—DCM
CONFERENCE

8211/04 Brucato v. Friel—Phelan
17239/02 Buttacavoli v. Hst Rly.
LLC—Juma

5751/03 Caldarella v. Schmolli—
DCM CONFERENCE

16875/01 Causey v. Pavemaster
Asphalt—DCM CONFERENCE

9534/04 Cha v. Kwan—Bucaria
15414/03 Chan v. Dier—Dunne
9360/03 Cino v. Storie—DCM CON-
FERENCE

9726 Cohen v. Pantason—CCP J.
Jury

15517/03 Delano v. Min Kims Ltd—
Woodard

18993/02 Dgt. Inc. v. Vecchio—DCM
663/03 Distefano v. Digalomo—
DCM

8673/04 Early v. Telephonics
Corp.—Bucaria

3840/03 Fanizza v. Maynard—DCM
14809/02 Goldsmith v. Fulton
Commons Care—DCM

14615/03 Great Northern Ins. v.
Alpine Const. And—DCM CON-
FERENCE

1933/03 Guzman v. Freeport—DCM
14754/03 Haley v. Janos—Alpert
14955/02 Hernandez v. Filippis—
DCM

5839/03 Hollander v. Clayton—
DCM CONFERENCE

6479/03 Hollis v. Oliva—DCM CON-
FERENCE

2160/03 Klein v. Simpson—DCM
CONFERENCE

17888/02 Kioetz v. Licalzi—DCM
442/02 Larosilliere v. Thomas—
DCM CONFERENCE

6719/04 Liriodota v. Mta Long Island
Bus—Woodard

10721/03 Lopez v. Wheels—Palmeri
17575/03 Malekan v. Rostack—
Martin

6600/04 Martinez v. Hegre Food
Inc—Pargo

3760/03 Matinsky v. Elliott—DCM
CONFERENCE

18029/02 Mejia v. Obiak—DCM
CONFERENCE

14785/03 Meyer v. Metro. Suburban
Bus—Covello

Justice Weinberg
Ernest I. Johnson
Street O. Moore

Part 13

Justice Peck
Week of August 9

Part 14

Justice Sullivan
Week of August 9

Part 15

Justice Ayres
Week of August 9

Part 17 (SCT 47)

Justice Donnan
Week of August 9

Erik Meyer
Michael Migliozi
John A. Bailey
Paul Inagurte
Erik Meyer
Michael Migliozi
Erik Meyer
Michael Migliozi
Confesor D. Santos
Anthony Ogario

(SCT) 18

Justice Wexner
Week of August 9

Anthony Baez
Edward N. Brown
Christine M. Liotta
Charles Nasim
Henry I. Terry, Jr.
Saul L. Brusilovsky
Melissa Kurtzke
Steven Micallef
Raghes Paim
Christine M. Wheatley
Harry D. Blasiak
Jorge F. Acosta
Samuel E. Branch
Edie J. Korte
Michael Graham
James N. Johnson
Nichole Johnson
Deborah A. Leonard
Leia C. Little
Deborah McDougal
James V. Papa
Brian J. Petty
Christopher Kapp
Edward D. Riley
Leon E. Watts
Evan Williams
Karen A. Wolfe
Kenneth S. Wilson

03/28/04 MV Maserati v. Trilo
03/22/07 MV Mirabella v. Walters
03/21/04 MV Mosca v. Schreiban
03/31/07 Noble v. Mystic Warrior
02/26/07 MV Payton v. Buccigrossi
04/30/07 MV Piazze v. Eliazouzaad
02/16/03 MV Pisano v. Chott
03/49/05 MV Rivera v. Manzell
03/06/06 MV Saager v. DeBassantos
03/24/06 MV Scudato v. Loudragon
03/28/07 OT Schneider v.
Brookhaven
03/06/06 MV Schultz v. W.E.
Transport, Inc.
03/15/06 MV Silva v. Bikowski
03/27/05 MM Squatrite v. John T.
Mather Memorial
02/26/01 MV Thomas v. Robinson
03/15/07 OT Vemostics, Inc. v.
Vintage Medical Supplies
03/17/02 Waldman v. Mechanical
Systems, Inc.

Hearing
03/28/04 MV Fuentes v. Gowani
03/26/06 MV Morris v. Mirabella
01/18/07 OT Ormond v. Brennan

Motion
02/10/01 MV Baggott v. Chupka
03/08/09 CO Cottage Garden Design
v. Reckson
02/20/03 OT Davies v. 91 Montauk
Bar Corp.

**Individual
Assignment Parts**

The following matters have been
assigned to the Judge indi-
cated as a result of the filing of
a request for Judicial
intervention.

TUESDAY, AUGUST 10
**Medical/Dental
Malpractice**

9391/01 Frisby v. Basile—Jones
Justice

298/04 Akcelik v. Islip—DCM-
Justice

6810/04 Burns v. Allato—DCM-
Justice

2477/03 Cruz v. Precision Label
Corp.—DCM-Justice

18655/03 Day v. Good Samaritan
Hosp.—DCM-Justice

7916/04 Deutsche Bank Nat. Trust
v. Campoverde—Henry

3977/04 Devito v. Marshalls of Ala.
Inc.—DCM-Justice

3303/04 Nelson v. Nelson—Berier
30324/03 Trimarco v. Data Treasury
Corp.—Costello

Note of Issue
23834/03 Anania v. Anania—PAS-
TORESSA

Part 13

Justice Peck
Week of August 9

Part 14

Justice Sullivan
Week of August 9

Part 15

Justice Ayres
Week of August 9

Part 17 (SCT 47)

Justice Donnan
Week of August 9

Erik Meyer
Michael Migliozi
John A. Bailey
Paul Inagurte
Erik Meyer
Michael Migliozi
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Anthony Ogario

(SCT) 18

Justice Wexner
Week of August 9

Anthony Baez
Edward N. Brown
Christine M. Liotta
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Steven Micallef
Raghes Paim
Christine M. Wheatley
Harry D. Blasiak
Jorge F. Acosta
Samuel E. Branch
Edie J. Korte
Michael Graham
James N. Johnson
Nichole Johnson
Deborah A. Leonard
Leia C. Little
Deborah McDougal
James V. Papa
Brian J. Petty
Christopher Kapp
Edward D. Riley
Leon E. Watts
Evan Williams
Karen A. Wolfe
Kenneth S. Wilson

03/28/04 MV Maserati v. Trilo
03/22/07 MV Mirabella v. Walters
03/21/04 MV Mosca v. Schreiban
03/31/07 Noble v. Mystic Warrior
02/26/07 MV Payton v. Buccigrossi
04/30/07 MV Piazze v. Eliazouzaad
02/16/03 MV Pisano v. Chott
03/49/05 MV Rivera v. Manzell
03/06/06 MV Saager v. DeBassantos
03/24/06 MV Scudato v. Loudragon
03/28/07 OT Schneider v.
Brookhaven
03/06/06 MV Schultz v. W.E.
Transport, Inc.
03/15/06 MV Silva v. Bikowski
03/27/05 MM Squatrite v. John T.
Mather Memorial
02/26/01 MV Thomas v. Robinson
03/15/07 OT Vemostics, Inc. v.
Vintage Medical Supplies
03/17/02 Waldman v. Mechanical
Systems, Inc.

Riverhead
Courtroom 105
631-652-2412

THURSDAY, AUGUST 12

03/28/04 MV Maserati v. Trilo
03/22/07 MV Mirabella v. Walters
03/21/04 MV Mosca v. Schreiban
03/31/07 Noble v. Mystic Warrior
02/26/07 MV Payton v. Buccigrossi
04/30/07 MV Piazze v. Eliazouzaad
02/16/03 MV Pisano v. Chott
03/49/05 MV Rivera v. Manzell
03/06/06 MV Saager v. DeBassantos
03/24/06 MV Scudato v. Loudragon
03/28/07 OT Schneider v.
Brookhaven
03/06/06 MV Schultz v. W.E.
Transport, Inc.
03/15/06 MV Silva v. Bikowski
03/27/05 MM Squatrite v. John T.
Mather Memorial
02/26/01 MV Thomas v. Robinson
03/15/07 OT Vemostics, Inc. v.<

Court Calendars

or 2: (212)-805-4616; Cases ending with the numbers 3, 4 or 5: (212)-805-4617; Cases ending with the numbers 6, 7, 8 or 9: (212)-805-4615.

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Ready Trial:
The following cases are placed on 48 hour notice:
Barley v. Artuz
Bolt Blect v. NYC
Northwestern Mutual v. Wender
Scherer v. Gallion
Sonev v. Tactica
Williams v. Shaner

Judge Berman
40 Centre Street
New York, N.Y.
Chambers 426
Courtroom 706
Chambers: (212) 805-6715
Courtroom: (212) 805-6722

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Breicant
390 Quarropas Street
White Plains, N.Y.
Chambers 275
Courtroom 218
Chambers: (914) 390-4077
Courtroom: (914) 390-4077

Telephone calls concerning scheduling are received between 8:30 A.M. and 4:00 P.M.

The following dates are acceptable motion dates: May 25, June 4, 11, 18, 25, July 9, 16, 23. Motions are returnable at 10 A.M. on these dates.

Any Motions Filed Returnable during the month of August will be considered fully submitted on the Briefs and No Oral Argument will be held.

Judge Buchwald
500 Pearl Street
New York, N.Y.
Chambers 2270
Courtroom 21A
Chambers: (212) 805-0194
Courtroom: (212) 805-0194

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Carter
500 Pearl Street
New York, N.Y.
Chambers 2220
Courtroom 20B
Chambers: (212) 805-0198
Courtroom: (212) 805-0094

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Casey
500 Pearl Street
New York, N.Y.
Chambers 1950
Courtroom 17B
Chambers: (212) 805-6260
Courtroom: (212) 805-0593

Telephone calls concerning scheduling are received between 9 A.M. and 4 P.M. Please call Mr. Michael Brantley, Courtroom Deputy to Judge Casey for scheduling matters. Adjournment requests must be made in writing on 48 hours notice on consent. "See rule C Local Rules." All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Castel
500 Pearl Street

calling chambers at (914) 390-4166.

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Cote
500 Pearl Street
New York, N.Y.
Chambers 1040
Courtroom 11B
Chambers: (212) 805-0202
Courtroom: (212) 805-0097

No documents will be accepted in Chambers. All courtesy copies of papers should be delivered to the Mailroom on the 8th Floor, Room 870, 500 Pearl Street. All documents must have the Judge's initials, "DLC," next to the docket number.

All conferences will be held in Courtroom 11B. Inquiries regarding scheduling should be made to Courtroom Deputy Gloria Sanchez at (212) 805-0097. All requests for adjournments must be made in writing to Chambers two days prior to the date at issue.

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Daniels
40 Centre Street
New York, N.Y.
Chambers 618
Courtroom 618
Courtroom: (212) 805-6735

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Duffy
40 Centre Street
New York, N.Y.
Chambers 2104
Courtroom 1306
Chambers: (212) 805-6125
Courtroom: (212) 805-6133

Judge Eaton
500 Pearl Street
New York, N.Y.
Chambers 2105
Courtroom 18A
Chambers: (212) 805-6175
Courtroom: (212) 805-6183

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Jones
40 Centre Street
New York, N.Y.
Chambers 2105
Courtroom 1105
Chambers: (212) 805-6185
Courtroom: (212) 805-6193

All requests for adjournments must be made in writing no later than 48 hours prior to the scheduled date and must indicate whether or not all parties join in the request.

Judge Kaplan
500 Pearl Street
New York, N.Y.
Chambers 1310
Courtroom 12-D
Chambers: (212) 805-0216
Courtroom: (212) 805-0104

Ready Trial:
Sadler v. Moran
Voels v. State of NY

Judge Keenan
500 Pearl Street
New York, N.Y.
Chambers 1930
Courtroom 20C
Chambers: (212) 805-0220
Courtroom: (212) 805-0106

THURSDAY, AUGUST 12
9:30 A.M.
Axolot v. Miller—Telephone Conference

10 A.M.
Megias v. Tahir Mbongo—Settlement Conference

THURSDAY, AUGUST 12

9:30 A.M.
CV 04/258 Brown v. Catholic Guardian Society—IPTC
CV 04/992 Dupree v. NYC—IPTC

10 A.M.
CV 04/140 Clark v. Aetna Life Ins.—Conference
CV 02/564 Hadi v. Habib Bank LTD.—Conference

11:30 A.M.
CV 04/549 Muzio v. Metro North RR—IPTC
CV 04/584 SEC v. Masri—IPTC

12 P.M.
CV 04/619 Badawy v. First Reliance Life—IPTC
CV 03/518 Disabled in Action v. Trump Int'l Hotel—Conference

2 P.M.
CR 03/138 U.S. v. Leon Lowe—Sentencing
2:30 P.M.
CR 04/061 U.S. v. Angelo Bello—Conference

3 P.M.
CR 04/586 U.S. v. Aurora Della Sanchez—Conference
3:30 P.M.
CR 04/678 U.S. v. Steve Thomas—Conference

4 P.M.
CR 04/605 U.S. v. Ralph Archer—Conference
4:30 P.M.
CV 01/738 Wilson v. NYC DOT—Conference

FRIDAY, AUGUST 13
10 A.M.
CV 04/674 NYC Mgmt. v. Stam—Telephone Conference

10:30 A.M.
CV 04/1805 Alpha Mortgage v. Greenblatt—Conference

Judge Jones
40 Centre Street
New York, N.Y.
Chambers 2105
Courtroom 1105
Chambers: (212) 805-6185
Courtroom: (212) 805-6193

All requests for adjournments must be made in writing no later than 48 hours prior to the scheduled date and must indicate whether or not all parties join in the request.

Judge Kaplan
500 Pearl Street
New York, N.Y.
Chambers 1310
Courtroom 12-D
Chambers: (212) 805-0216
Courtroom: (212) 805-0104

Ready Trial:
Sadler v. Moran
Voels v. State of NY

Judge Keenan
500 Pearl Street
New York, N.Y.
Chambers 1930
Courtroom 20C
Chambers: (212) 805-0220
Courtroom: (212) 805-0106

THURSDAY, AUGUST 12
9:30 A.M.
CR 01/518 U.S. v. Jose Luis Hernandez—Sentencing

9:45 A.M.
04/570 Cruz-Mendez v. Young
04/418 Malik v. Primeida Inc.
04/257 U.S. v. Jose Garcia—

10:30 A.M.

Shannon v. Dryfus—Settlement Conference
2 P.M.
EPL LLC v. Asia Star Broadcasting—Settlement Conference

MONDAY, AUGUST 16
10 A.M.
Chappo & Co. Inc. v. Int'l Equity—Settlement Conference

2:30 P.M.
Commercial Metals v. MW Elise Oldendorf—Telephone Conference

TUESDAY, AUGUST 17
10 A.M.
Stewart v. NYCTA—Status Conference

WEDNESDAY, AUGUST 18
10 A.M.
Vera v. Potter—Telephone Conference

11 A.M.
Dodd-White v. Lenox Hill Hosp.—Discovery
2 P.M.
Access 4 All Inc. v. 111 E. 56th St. Inc.—Telephone Conference

Access 4 All Inc. v. Vashly Wyndham Partnership—Telephone Conference
THURSDAY, AUGUST 19
2 P.M.
Shiloff v. Pier Sixty LLC—Settlement Conference

TUESDAY, SEPT. 7
10 A.M.
Access 4 All Inc. v. Laguardia Assoc.—Telephone Conference

2 P.M.
Bazak Int'l Corp. v. Tarrant Co. LTD.—Telephone Conference

WEDNESDAY, SEPT. 8
10 A.M.
Copper v. NTA—Telephone Conference

11 A.M.
Nextstone Business v. Inter-Tel—Discovery
2 P.M.
Smith v. U.S.—Telephone Conference

THURSDAY, SEPT. 9
10 A.M.
Equal Employment v. The Plaza Hotel—Telephone Conference

10:30 A.M.
Block v. NYC—Settlement Conference
2 P.M.
Scott v. Beth Israel Medical—Telephone Conference

FRIDAY, SEPT. 10
2 P.M.
Ghesani v. Trico Vill Petro. Inc.—Telephone Conference
3 P.M.
Judge Marrero
40 Centre Street
New York, N.Y.
Chambers 414
Courtroom 618
Chambers: (212) 805-6374
Courtroom: (212) 805-6380

All requests for adjournments must be made in writing no later than 48 hours prior to the scheduled conference, and must indicate whether all parties join in the request.

Oral argument ordinarily is expected.

Judge Patterson
500 Pearl Street
New York, N.Y.
Chambers 2550
Courtroom 24A
Chambers: (212) 805-0115
Fax (212) 805-7917

All cases on the Ready Trial calendar should be ready for trial on 24 to 48 hours notice.

Judge Pauley
500 Pearl Street
New York, N.Y.
Chambers 2110
Courtroom 11D
Chambers: (212) 805-6387

All requests for adjournments must be made in writing no later than 48 hours prior to the scheduled date and must indicate whether or not all parties join in the request.

Judge Pitman
40 Centre Street
New York, N.Y.
Chambers 1305
Courtroom 1305
Chambers: (212) 805-6115
Courtroom: (212) 805-6123

Judge Preska
500 Pearl Street
New York, N.Y. 10007
Chambers 1320
Courtroom 12A
Chambers: (212) 805-0240
Courtroom: (212) 805-0116

THURSDAY, AUGUST 12
10 A.M.
CV 04/232 Brown v. Principi—IPTC

CV 04/697 Coballes v. Port Authority—Trial
10:30 A.M.
CV 04/006 Harris v. NBC—IPTC

1 P.M.
CR 01/501 U.S. v. Anthony Gregg
4 P.M.
CV 04/917 U.S. v. Fazio, Rattet, Lucas—Conference

CV 04/556 U.S. v. Robert Cook
4:30 P.M.
CR 04/167 U.S. v. Anderson—Conference

FRIDAY, AUGUST 13
9 A.M.
CV 03/451 Vajda v. Dunne—OA

10 A.M.
CV 04/697 Coballes v. Port Authority—Trial

Judge Rakoff
500 Pearl Street
New York, N.Y.
Chambers 1340
Courtroom 14B
Chambers: (212) 805-0401
Courtroom: (212) 805-0129

THURSDAY, AUGUST 12
9 A.M.
CR 00/761 U.S. v. Allan Quinones—Trial

3 P.M.
CV 04/563 Cooper v. Viselman—IPTC
5 P.M.
CV 02/844 Norazovic v. Sedlar—OA

FRIDAY, AUGUST 13
9 A.M.
CR 00/761 U.S. v. Allan Quinones—Trial

MONDAY, SEPT. 13

10 A.M.
Kalwinski v. Artuz—Trial
TUESDAY, SEPT. 14
10 A.M.
U.S. v. Matthews—VOP

4:30 P.M.
U.S. v. Luis Reyes
TUESDAY, SEPT. 21
2:15 P.M.
U.S. v. John & Timothy Rigas—Molton

Judge Scheidlin
500 Pearl Street
New York, N.Y.
Chambers 1050
Courtroom 12C
Chambers: (212) 805-0246
Courtroom: (212) 805-0120

THURSDAY, AUGUST 12
3 P.M.
CV 03/605 Gaskins v. City

3:30 P.M.
CV 95/461 Crothers v. Pilgrim Mortgage—OTSC
4:30 P.M.
CV 03/745 Newhouse Capital v. Blount—IPTC

FRIDAY, AUGUST 13
4:30 P.M.
In Re X-pedior—Discovery

Judge Sotomayor
40 Foley Square
Courtroom 110
Courtroom: (212) 805-0728
Deputy Clerk: Jose Gonzalez

Judge Sprizzo
40 Foley Square
New York, N.Y.
Chambers 2291
Courtroom 765
Chambers: (212) 805-6135
Courtroom: (212) 805-6143

FRIDAY, AUGUST 13
11 A.M.
CV 04/378 Casa U.S. Inc. v. Paul's Inc.—Conference

Judge Stanton
500 Pearl Street
New York, N.Y.
Chambers 2250
Courtroom 21C
Chambers: (212) 805-0252
Courtroom: (212) 805-0123

Judge Stein
500 Pearl Street
New York, N.Y.
Chambers 1010
Courtroom 23A
Chambers: (212) 805-0192
Courtroom: (212) 805-0087

All requests for adjournments must be made in writing no later than 48 hours prior to the scheduled date and must indicate whether or not all parties join in the request.

THURSDAY, AUGUST 12
9:30 A.M.
04/373 Forstall v. MV An
04/487 Katz v. Trustees of Columbia—IPTC
03/850 Mason Tenders v. Union Square—IPTC

THURSDAY, AUGUST 12
9:30 A.M.
04/373 Forstall v. MV An
04/487 Katz v. Trustees of Columbia—IPTC
03/850 Mason Tenders v. Union Square—IPTC

10 A.M.
04/483 Gannett v. Marlin Integrated—IPTC
04/487 Katz v. Trustees of Columbia—IPTC
03/850 Mason Tenders v. Union Square—IPTC

10:30 A.M.

Cases may be called for trial on 48 hour notice.
The following cases have been placed on the Court's 48 hour Ready Trial Calendar. All cases must be prepared to try the case on 48 hours notice. Cases will not necessarily be called in the order in which they appear on the Ready Trial List.

Ready Trial:
Corbett v. Metro North RR
Jenkins v. Greiner
R.R. Love LTD. v. TWT Music

EASTERN DISTRICT

For court information, notices and press releases relating to the U.S. Eastern District Court, please refer to "Court Notes" in this issue and at www.nylj.com.

EDNY OFFICIAL COURT REPORTERS

Auerbach, Perry (CI)
(631) 712-6103
Fax (631) 712-6118
Brymer, Mickey
(718) 260-2439
Use ESR Fax
Combs, Ellen
(631) 712-6187
Fax (631) 712-6123

Diamond, Marsha
(718) 260-2489
Fax (718) 254-7242
Drexler, Stephanie
(718) 260-2644
Driscoll, Holly
(718) 260-2469
Fax (718) 254-7243

Guerino, Fred
(718) 260-2448
Use ESR Fax
Lombardi, Paul
(631) 712-6106
Fax (631) 712-6122

Mancuso, Anthony
(718) 260-2419
Fax (718) 254-7246
Pereira, Diana
(718) 260-2507
Fax (718) 260-4560

Rapaport, Harry (CI)
(631) 712-6105
Fax (631) 712-6119
Rudolph, Gene
(718) 260-2538
Fax (718) 254-7239

Shapiro, Henry
(718) 260-2509
Fax (718) 254-7236
Sherman, Allan
(718) 260-2529
Fax (718) 254-7237

Silverman, Shelly
(718) 260-2537
Fax (718) 254-7238
Steiger, Mary Ann (CI)
(631) 712-6101
Fax (631) 712-6117

Sulzer, Burt
(718) 260-4526
Fax (718) 260-4504
Toldin, Ron
(718) 260-2567
Fax (718) 260-7241

Torsi, Dom (CI)
(631) 712-6108
Fax (631) 712-6124
Wicker, Owen (CI)
(631) 712-6102

Central Islip, NY 11711
(Wed, Thurs, and Friday)
631-712-5635

Contact: Brian Ketcham
Judge Garaulis
225 Cadman Plaza East
Brooklyn, N.Y.
Courtroom 8, 6th Floor
Courtroom: (718) 260-4558

Judge Gershon
225 Cadman Plaza East
Brooklyn, N.Y.
Courtroom 11, 6th Floor
Chambers: (718) 260-2650
Courtroom: (718) 260-2655

Judge Glasser
225 Cadman Plaza
Brooklyn, N.Y.
Courtroom 5, 4th Floor
Chambers: (718) 260-2440
Courtroom: (718) 260-2445

Judge Gleeson
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers 456, 6th Floor
Courtroom 11, 6th Floor
Chambers: (718) 260-2450
Courtroom: (718) 260-2455

Judge Hurley
100 Federal Plaza
Central Islip, N.Y.
Courtroom 930
Chambers: (631) 712-5650
Courtroom: (631) 712-5652

10 A.M.
CV 01/382 Petrelli v. White
2 P.M.
CV 04/09 U.S. v. Aubrey Moore

Judge Johnson
225 Cadman Plaza East
Brooklyn, N.Y.
Courtroom A, 2nd Floor
Chambers: (718) 260-2460
Courtroom: (718) 260-2465

Judge Matsumoto
Chambers 206, 2nd
Courtroom A, 2nd
Courtroom: (631) 712-5605

Judge Platt
1044 Federal Plaza
Central Islip, N.Y.
Courtroom 1040
Chambers: (631) 712-5600
Courtroom: (631) 712-5605

Judge Ragli
Courtroom #2, 2nd
Sitting By Designation
Use ESR Fax
Lombardi, Paul
(631) 712-6106
Fax (631) 712-6122

Mancuso, Anthony
(718) 260-2419
Fax (718) 254-7246
Pereira, Diana
(718) 260-2507
Fax (718) 260-4560

Rapaport, Harry (CI)
(631) 712-6105
Fax (631) 712-6119
Rudolph, Gene
(718) 260-2538
Fax (718) 254-7239

Shapiro, Henry
(718) 260-2509
Fax (718) 254-7236
Sherman, Allan
(718) 260-2529
Fax (718) 254-7237

Silverman, Shelly
(718) 260-2537
Fax (718) 254-7238
Steiger, Mary Ann (CI)
(631) 712-6101
Fax (631) 712-6117

Sulzer, Burt
(718) 260-4526
Fax (718) 260-4504
Toldin, Ron
(718) 260-2567
Fax (718) 260-7241

Torsi, Dom (CI)
(631) 712-6108
Fax (631) 712-6124
Wicker, Owen (CI)
(631) 712-6102

9:15 A.M.
CV 03/799 Levine v. Dexter Loving
9:30 A.M.
CV 04

Telephone calls concerning scheduling are received between 9 A.M. and 4 P.M. Please call Mr. Michael Brantley, Courtroom Deputy to Judge Casey for scheduling matters. Adjournment requests must be made in writing on 48 hours notice on consent. *See rule C Local Rules.

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

Judge Castel
500 Pearl Street
Chambers: (212) 805-0262

Communications: Except for urgent matters requiring immediate attention, all communications with the Court must be in writing. All calendar matters should be directed to the Courtroom Deputy, Mr. Drew D'Agostino (212) 805-0131. Bonilla v. NYC
SEC v. Philip Heman

TUESDAY, AUGUST 17
10 A.M.
Fruit Ices v. Cool Brands—Hearing

Judge Cedarbaum
500 Pearl Street
New York, N.Y.
Chambers: 133A
Courtroom 14A
Chambers: (212) 805-0198
Courtroom: (212) 805-0095

The lawyer who is in charge of the case and who will try it is required to appear at all conferences with the court. Except on emergency matters, communications with chambers shall be in writing with a copy to opposing counsel.

Judge Chin
500 Pearl Street
New York, N.Y.
Chambers: 1020
Courtroom 11A
Chambers: (212) 805-0200
Courtroom: (212) 805-0095

All Judges' part rules can be found by going to the NYLJ web site at <http://www.nylj.com> and clicking on Judges Part Rules on the left.

THURSDAY, AUGUST 12
12 P.M.
U.S. v. C. Phillips

2 P.M.
02/10200 Ambrose v. NYC—OA
4:30 P.M.
04/013 U.S. v. M. Gaito

FRIDAY, AUGUST 13
10 A.M.
02/2222 Kristenson v. Petro
03/2291 Novik Produce v. Nat'l Exp.
10:30 A.M.
03/538 Bogda v. NYC

11 A.M.
04/1968 Geographic Datasch v. Urban

11:30 A.M.
Moorehead v. NYT
03/2823 Smith v. NYC

12 P.M.
04/2296 Gardner v. NYC
04/1883 Natural Science v. Southern State

2 P.M.
Goldschmidt v. NYS Affordable Housing

Judge Francis
500 Pearl Street
Chambers: 1960
Courtroom 18D
Courtroom: (212) 805-0206

THURSDAY, AUGUST 12
9:30 A.M.
Axelotl v. Miller—Telephone Conference

10 A.M.
Megias v. Tasir Mbenge—Settlement Conference

2 P.M.
Kshel v. NYC—Discovery

Judge Freeman
40 Centre Street
Chambers: 631
Courtroom 102

Judge Gorenstein
Courtroom 228
Courtroom: (212) 805-4260

Chambers rules are posted at: <http://nysd.uscourts.gov/judges.htm>

Judge Griesa
500 Pearl Street
New York, N.Y.
Chambers: 1630
Courtroom 26B
Chambers: (212) 805-0210
Courtroom: (212) 805-0101

All cases on the ready trial calendar should be ready for trial on 24 hours notice.

Ready Trial:
A. Boyd v. U.S.
Armark v. Alfa
B. Nohar v. NYC
D. MacCollister v. Expediter
D. Carras v. MGS 782
Greenblatt v. L.I.R.
K. Young v. R. Racy
Nichimen American v. IFC Power

THURSDAY, AUGUST 12
10 A.M.
In Re Globex Corp.—Hearing

3 P.M.
Baba v. Grand Central

4:30 P.M.
U.S. v. J. Hernandez—Sentencing

FRIDAY, AUGUST 13
10:15 A.M.
U.S. v. A. Harnes—Sentencing

11 A.M.
U.S. v. T. Fraizer

MONDAY, AUGUST 16
4 P.M.
U.S. v. G. Cases—Sentencing

TUESDAY, AUGUST 17
4 P.M.
Lava Trading v. Royal Blue
Lava Trading v. Sonic Trading

4:30 P.M.
U.S. v. R. Montoya Montoya—Sentencing

Judge Haight
500 Pearl Street
New York, N.Y.
Chambers: 1940
Courtroom 17C
Chambers: (212) 805-8214
Courtroom: (212) 805-0193

Ready Trial cases may be called for trial on 24 hours notice.

Ready Trial:
AE Liquidation v. Segre
MV President Kennedy v. APL China

Judge Keenan
500 Pearl Street
New York, N.Y.
Chambers: 1930
Courtroom 20C
Chambers: (212) 805-0220
Courtroom: (212) 805-0106

THURSDAY, AUGUST 12
9:30 A.M.
CR 01/518 U.S. v. Jose Luis Hernandez—Sentencing

9:45 A.M.
04/3780 Cruz-Mendez v. Young
04/4188 Malik v. Primedia Inc.
CR 01/257 U.S. v. Jose Garcia—Sentencing

CR 01/112 U.S. v. Raymond Perez—Sentencing

10 A.M.
04/202 Agfa Gevaert v. TMM Lines

10:15 A.M.
03/10254 Sea Trade v. Fleet Boston—OA

MONDAY, AUGUST 16
10 A.M.
04/2384 Arcadia Shipping v. Aprorse Trading

WEDNESDAY, AUGUST 18
9:45 A.M.
03/5541 Clare Automotive v. Laufer Freight Lines

CR 03/237 U.S. v. Jose Antonio Rivera—Sentencing

THURSDAY, AUGUST 19
9:30 A.M.
CR 03/399 U.S. v. Rasheen Jordan—Sentencing

9:45 A.M.
04/2926 Coach Svc. v. Klubbaz

FRIDAY, AUGUST 20
9:45 A.M.
CR 98/707 U.S. v. Carlos Bonilla—Sentencing

Judge Koehl
500 Pearl Street
New York, N.Y.
Chambers: 1030
Courtroom 12B
Chambers: (212) 805-0222
Courtroom: (212) 805-0107

Judge Kran
40 Centre Street
New York, N.Y.
Chambers: 2101
Courtroom 906
Chambers: (212) 805-6315
Courtroom: (212) 805-6322

All questions regarding pending cases must be sent to the court in writing. If you have an emergency, leave a message. Counsel in any case on the Ready Trial list should be prepared to try the case on 72 hours notice. Ordinarily, trials begin on Mondays. Cases will not necessarily be called in the order in which they appear on the Ready Trial list.

Judge Leisre
500 Pearl Street
New York, N.Y.
Chambers: 1910
Courtroom 18B
Chambers: (212) 805-0226
Courtroom: (212) 805-0109

Judge Lynch
40 Centre Street
New York, N.Y.
Chambers: 803
Courtroom 443
Chambers: (212) 805-0427
Courtroom: (212) 805-0433

Judge Marrero
40 Centre Street
New York, N.Y.
Chambers: 414
Courtroom 618
Chambers: (212) 805-6374
Courtroom: (212) 805-6380
Fax: (212) 805-6382

All requests for adjournments must be made in writing no later than 48 hours prior to the scheduled conference, and must indicate whether all parties join in the request.

Judge McKenna
500 Pearl Street
New York, N.Y.
Chambers: 1640
Courtroom 15D
Chambers: (212) 805-0230
Courtroom: (212) 805-0111

Judge McMahon
300 Quarropas Street
White Plains, N.Y.
Chambers: 523
Courtroom 531
Chambers: (914) 390-4144

Telephone calls concerning scheduling are received between 9:30 A.M. and 4:30 P.M.

THURSDAY, AUGUST 12
9 A.M.
CR 04/55 U.S. v. Cristofor Vasquez—Pleading

9:30 A.M.
CR 03/51 U.S. v. Israel Antonio Luna-Garcia—Sentencing

10 A.M.
Carrasquillo v. NYC—Telephone Conference

11 A.M.
U.S. v. Robert St. Germain—Conference

FRIDAY, AUGUST 13
9 A.M.
CV 04/3641 In Re Development Strategies Inc.—Conference

CV 04/3642 In Re Golden Age Mortgage Corp.—Conference
CV 04/3211 Bruyns v. Davis & Washow Inc.—Conference

9:45 A.M.
John Deere Ins. Co. v. Ramos—Conference

10 A.M.
CV 04/3867 Henry v. Asphalt Green—Conference

10:30 A.M.
Matter of K.F. & G.E. v. Bd. of Ed. of Clarkstown Central—Conference

11 A.M.
CV 04/3778 Casio USA Inc. v. Paul's Inc.—Conference

Judge Motley
500 Pearl Street
New York, N.Y.
Chambers: 2540
Courtroom 26A
Chambers: (212) 805-0232
Courtroom: (212) 805-0112

Judge Mukasey
500 Pearl Street
New York, N.Y.
Chambers: 2240
Courtroom 21B
Chambers: (212) 805-0234
Courtroom: (212) 805-0234

Ready Trial cases may be called for trial on 48 hours notice.

Judge Owen
40 Foley Square
New York, N.Y.
Chambers: 2903
Courtroom 1106
Chambers: (212) 805-6155
Courtroom: (212) 805-0162

THURSDAY, AUGUST 12
9 A.M.
CR 00/761 U.S. v. Allan Quinones—Trial

3 P.M.
CV 04/5634 Cooper v. Viselmann—ITC

5 P.M.
CV 02/8844 Norkovic v. Sedlar—OA

FRIDAY, AUGUST 13
9 A.M.
CR 00/761 U.S. v. Allan Quinones—Trial

10 A.M.
CV 04/244 U.S. v. Terrence Hayes—OA

2 P.M.
CV 04/3808 Remor v. J. Artist Mgmt.—OA

3 P.M.
CR 04/140 U.S. v. Dominick Nemotl—OA

MONDAY, AUGUST 16
9 A.M.
CV 03/6259 Fenga v. Best Buy Co. Inc.—Trial

CV 03/6213 Yearwood v. NYCH&H—Trial

4 P.M.
CV 04/4948 Lane v. Essential Accessories—ITC
CV 04/564 Segal v. NYC—ITC
4:30 P.M.
CV 03/5964 Williams v. Nat'l Passenger RR Corp.—ITC

TUESDAY, AUGUST 17
1 P.M.
CV 04/4121 Hecke v. Excelstor Radio Networks—OA

5 P.M.
CV 03/2278 Chack v. General Electric—OA

WEDNESDAY, AUGUST 18
9 A.M.
CV 04/4597 Daniels v. NYC—ITC
CV 04/4669 Isong v. NYC—ITC
CV 04/489 Mahmut v. Port Authority of NY & NJ—ITC

THURSDAY, AUGUST 19
9 A.M.
CV 04/4875 Ana Distribution Inc. v. Sung—ITC
CV 04/4596 Doppell v. Tapestry Films—ITC
CV 04/4582 Herskowitz v. Kanovsky—OA

4 P.M.
CV 04/1925 Jackson v. Moderios—Conference

5 P.M.
CV 04/4164 Snyder v. NY Institute of Technology—OA

6:30 P.M.
CV 04/1744 US Small Business Admin. v. Hasekdaul—Conference

FRIDAY, AUGUST 20
3 P.M.
CV 03/6308 Wald v. Costco Wholesale Corp.—Conference

Judge Robinson
300 Quarropas Street
White Plains, N.Y.
Courtroom: 914-390-4178

Clerk: Brandon Skolnik

Judge Sand
500 Pearl Street
New York, N.Y.
Chambers: 1659
Courtroom 15A
Chambers: (212) 805-0244
Courtroom: (212) 805-0119

THURSDAY, AUGUST 12
9:30 A.M.
04/1373 Ferrostaal v. M/V An Plog—Bench Trial
CR 04/230 U.S. v. Roberto Ortiz—PTC

10 A.M.
04/4883 Gannett v. Marlin Integrated—ITC
04/5877 Katz v. Trustees of Columbia—ITC
03/6530 Mason Tenders v. Union Square—PTC

10:30 A.M.
04/5050 Forskos v. Urban—ITC
04/4958 Miller v. Vengroff—ITC
04/5259 Muen v. Gunther—ITC

11 A.M.
CR 03/534 U.S. v. Eduardo Ramirez—Sentencing

2 P.M.
CR 04/374 U.S. v. Anthony Garcia—Sentencing

4 P.M.
03/6870 CIT v. American Express—PTC
CR 03/634 U.S. v. Alberto Quichiz—Sentencing

Judge Swain
40 Foley Square
New York, N.Y.
Chambers: 1205
Courtroom 444
Chambers: (212) 805-0417
Courtroom: (212) 805-0417

All scheduling matters should be directed to Courtroom Deputy Barbara Durocher at (212) 805-0454 between 2 and 4 P.M.

Ready Trial cases may be called for trial on 48 hours notice.

Ready Trial:
Tabaki v. IPC Commercial Properties

THURSDAY, AUGUST 12
2 P.M.
Gucci v. Designer Bargain—ITC
Mason Tenders v. Westchester Wall—ITC

4 P.M.
U.S. v. Motley—Sentencing

FRIDAY, AUGUST 13
2 P.M.
Travelers Property Casualty Co. v. Bailey—PTC

2:45 P.M.
Ford v. Sweet Constr. Corp.—ITC

3 P.M.
U.S. v. White Plains Coat & Apron Co. Inc.—Sentencing

Judge Sweet
500 Pearl Street
New York, N.Y.
Chambers: 1920
Courtroom 18C
Chambers: (212) 805-0254
Courtroom: (212) 805-0124

All cases on the Ready Trial Calendar will be called to trial on 24 hours telephone notice. Cases will not necessarily be tried in order as listed.

Ready Trial:
Computex Int'l v. Compaq Computer
Principal Life Ins. v. Mark Ross Svc.

(212) 260-2537
Fax: (718) 254-7238
Steiger, Mary Ann (CI)
(631) 712-6101
Fax: (631) 712-6117
Sulzer, Burt
(718) 260-4526
Fax: (718) 260-4504
Tolkio, Ross
(718) 260-2567
Fax: (718) 260-7241

Tursi, Don (CI)
(631) 712-6108
Fax: (631) 712-6124
Wicker, Owen (CI)
(631) 712-6102
Fax: (631) 712-6120

*For proceedings taken by Electronic Sound Recorders (ESR) Call the ESR office
(718) 260-2590
Fax: (718) 260-2597

Judge Trager
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 224, 2nd Floor
Courtroom B, 2nd Floor
Chambers: (718) 260-2519
Courtroom: (718) 260-2515

Judge Weinstein
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 651, 6th Floor
Courtroom 10, 6th Floor
Chambers: (718) 260-2520
Courtroom: (718) 260-2525

9:15 A.M.
CR 03/550 U.S. v. Chris Chevere

9:30 A.M.
CR 04/640 U.S. v. Marietta Iris Viera

10 A.M.
CV 04/251 Verizon Directories v. Yellow Book Inc.

Judge Wexler
100 Federal Plaza
Central Islip
Courtroom 940, 9th Floor
Chambers: (631) 712-5640
Courtroom: (631) 712-5645

9:30 A.M.
CR 04/459 U.S. v. Hasheem Scatliffe

4:30 P.M.
CV 02/2551 Randazzo v. Quinnyne & Elrac

Judge Block
225 Cadman Plaza East
Brooklyn, N.Y.
Courtroom 6, 4th Floor
Chambers: (718) 260-2420
Courtroom: (718) 260-2405

The Assistant United States Attorneys are responsible for preparing proper Marshal Forms and ordering interpreters for all court appearances before Judge Block.

Counsel appearing for civil conferences and appointments before Judge Block should convene in the 5th floor waiting area. They will be escorted to chambers by the Judge's clerk once all parties are present.

CV 03/613 Adkins v. General Motors Corp.

Judge Sifton
225 Cadman Plaza East
Brooklyn, N.Y.
Courtroom 2, 2nd Floor
Chambers: (718) 260-2390
Courtroom: (718) 260-2306

9:30 A.M.
CR 03/594 In Re Cosima Milton

12 P.M.
CR 03/641 U.S. v. Maria Rodriguez
CR 03/609 U.S. v. Wilfred Burkett

Judge Spatt
100 Federal Plaza
Central Islip
Courtroom 1020
Chambers: (631) 712-5620
Courtroom: (631) 712-5625

Judge Trager
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 224, 2nd Floor
Courtroom B, 2nd Floor
Chambers: (718) 260-2519
Courtroom: (718) 260-2515

Judge Weinstein
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 651, 6th Floor
Courtroom 10, 6th Floor
Chambers: (718) 260-2520
Courtroom: (718) 260-2525

9:15 A.M.
CR 03/550 U.S. v. Chris Chevere

9:30 A.M.
CR 04/640 U.S. v. Marietta Iris Viera

10 A.M.
CV 04/251 Verizon Directories v. Yellow Book Inc.

Judge Wexler
100 Federal Plaza
Central Islip
Courtroom 940, 9th Floor
Chambers: (631) 712-5640
Courtroom: (631) 712-5645

9:30 A.M.
CR 04/459 U.S. v. Hasheem Scatliffe

4:30 P.M.
CV 02/2551 Randazzo v. Quinnyne & Elrac

Judge Block
225 Cadman Plaza East
Brooklyn, N.Y.
Courtroom 6, 4th Floor
Chambers: (718) 260-2420
Courtroom: (718) 260-2405

The Assistant United States Attorneys are responsible for preparing proper Marshal Forms and ordering interpreters for all court appearances before Judge Block.

Counsel appearing for civil conferences and appointments before Judge Block should convene in the 5th floor waiting area. They will be escorted to chambers by the Judge's clerk once all parties are present.

Magistrate Judge Levy
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 621, 6th Floor
Courtroom 619, 6th Floor
Chambers: (718) 260-2340

Magistrate Judge Lindsay
100 Federal Plaza
Central Islip, N.Y.
Courtroom 810
Chambers: (631) 712-5730

Magistrate Judge Mann
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 230, 2nd Floor
Courtroom B, 2nd Floor
Chambers: (718) 260-2350

10 A.M.
CV 03/2530 Abrahams v. NYC

11:30 A.M.
CV 03/438 Telecommunications Resources of NY v. Austrian Airlines

Magistrate Judge
James Orenstein
100 Federal Plaza
Central Islip, N.Y.
Chambers: (631) 712-5670

Magistrate Judge Pohorelsky
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 521
Courtroom 519
Chambers: (718) 260-2409

9:30 A.M.
CV 04/932 Kirk v. Fritz

3 P.M.
CR 04/406 U.S. v. Sonia Gonzalez

Magistrate Judge Pollak
225 Cadman Plaza East
Brooklyn, N.Y.
Chambers: 538, 5th Floor
Courtroom 518, 5th Floor
Chambers: (718) 260-2360

9 A.M.
04/372 Local 813 v. Espresso Carting

9:30 A.M.
03/579 Martinez v. Sodelxo Marriott

10:30 A.M.
04/1802 Martinez v. Delta Int'l Machinery

11 A.M.
04/503 Carty v. NYC

12 P.M.
CR 04/692 U.S. v. Alberto Mendendez
CR 04/688 U.S. v. Ayodele Adewale Onasanya

CR 04/160 U.S. v. Carmen Hernandez
CR 04/694 U.S. v. Juan Santos
CR 04/691 U.S. v. Nicholas Galanti/Michael Scarvone
CR 04/690 U.S. v. Odad Cabrera, Francisco Luis Antonio
CR 04/695 U.S. v. Richard Newman
CR 04/693 U.S. v. Robert Larosa, Aldeco Rivera, Hector Garcia
CR 04/456 U.S. v. William Bennette

1 P.M.
03/395 Yousaf v. Chowhara

Magistrate Judge Wall
100 Federal Plaza
Central Islip, N.Y.
Courtroom 820
Chambers: (631) 712-5720

10 A.M.
CV 03/584 Cedeno v. County of Suffolk

2 P.M.
CV 03/2496 Cameron Int'l Trading v. Hawk Importers
CV 03/377 Human Resource Research mgmt. v. County of Suffolk

2:30 P.M.
CR 04/119 U.S. v. Shehzada Sikander Ghauri

3 P.M.
CV 03/463 Talia v. U.S.

Magistrate Judge Walter
Chambers: 546
Courtroom 4