

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

JOSEPH F. KASPER

a Judge of the New York City Civil Court,
Queens County.

ANSWER

Joseph F. Kasper, by his attorneys, Emery Celli Brinckerhoff Abady Ward & Maazel LLP, answers the Formal Written Complaint of Robert H. Tembeckjian as follows on knowledge or otherwise on information and belief:

1. Respondent lacks knowledge or information sufficient to admit or deny the allegations set forth in paragraph 1 of the Formal Written Complaint (“FWC”).
2. Respondent lacks knowledge or information sufficient to admit or deny the allegations set forth in paragraph 2 of the FWC.
3. Admit.
4. Admit.
5. Admit, except as to (B) as Respondent did not preside over those matters.
6. Admit.
7. Admit.
8. Admit.
9. Admit.
10. Admit.
11. Admit.
12. Admit.

13. Admit.

14. Admit.

15. Admit and corrected to state that Respondent never personally used NYSCEF.

16. Admit that Ms. Bar notarized documents in cases in which Respondent was the attorney of record. The second clause is a legal conclusion which does not warrant a response.

17. Admit.

18. Admit, except correct to state, “her communications *some of which* were on his behalf”.

19. Admit.

20. Respondent lacks knowledge or information sufficient to admit or deny the allegations set forth in paragraph 20 of the FWC.

21. Admit, except with respect to the term “salary” which should be replaced with “amount.”

22. Admit, except correct to state, “He also had *partial ownership* of another house in South Ozone Park.”

23. Admit.

24. Admit.

25. Admit, but corrected to note that Mr. Cullina continued to “work for Respondent” in Respondent’s former law office space.” This answer shall be incorporated by reference to every allegation that states “law office” to reflect that it was Respondent’s “former” law office.

26. Admit.

27. Admit.

28. Admit.

29. Admit.

30. Admit.

31. Admit.

32. Admit.

33. Admit, but corrected to note that Respondent stated, “I know Judge Unger,” referring to Respondent’s knowledge of Judge Unger’s adjournment procedures, which required contacting the Court in advance.

34. Admit.

35. Admit.

36. Admit.

37. Admit.

38. Respondent lacks knowledge or information sufficient to admit or deny the allegations set forth in paragraph 38 of the FWC.

39. Admit.

40. Admit.

41. Admit.

42. Admit.

43. Admit.

44. Admit, except Respondent has no knowledge as to whether this was the “first time” he had advised the Court that he had become a judge.

45. Admit.

46. Admit.

47. Admit, but corrected to state that Respondent believed the case had been settled in December 2021, but the final boilerplate papers were not completed and discussions continued in January 2023.

48. Admit.

49. Admit, but corrected to note that the \$1,000 was paid to Respondent as part of the \$2,000 retainer agreement for work completed before Respondent became a judge.

50. Admit.

51. Admit.

52. Admit.

53. Admit but corrected to note that the case was randomly assigned as a result of the weekly rotation, and that Respondent took no action to have this matter on the calendar, took no action on the matter, and the matter was adjourned before Respondent took the Bench that day.

54. Admit.

55. Refer to Respondent's answer to paragraph 53.

56. Admit.

57. Admit.

58. Admit.

59. Admit.

60. Admit.

61. Admit, but note that, on information and belief, Respondent is not aware of who failed to cash a check or what accounting error occurred over the course of thirty years of the IOLA account's existence.

62. Admit the allegations that Respondent practiced law notwithstanding that he was a full-time judge, under the mistaken belief that his activities were properly "winding up" his law practice. Denied that Respondent failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary and lent the prestige of judicial office to advance his own private interest or others.

63. Denied that Respondent aided or abetted Janice Bar to practice law.

64. Admit that the facts alleged in paragraphs 11-21 are incorporated in the FWC by reference.

65. Admit, except Respondent lacks sufficient information or knowledge, or legal expertise, to admit or deny the allegation that Ms. Bar acted in a manner that appeared to be and/or constituted the practice of law.

66. Paragraph 66 is a legal conclusion which does not require Respondent's response.

67. Admit that the facts alleged in paragraphs 39-41 are incorporated in the FWC by reference.

68. Admit.

69. Admit.

70. Admit.

71. Admit.

72. Admit.

73. Admit.

74. Admit.

75. Admit.

76. Admit, but correct to note that Ms. Bar appeared on behalf of Mr. Puri with

Respondent's knowledge, but not at his direction to act as an attorney.

77. Admit.

78. Admit.

79. Admit.

80. Admit.

81. Admit.

82. Admit.

83. Admit that the facts alleged in paragraphs 26-38 are incorporated in the FWC by reference.

84. Admit.

85. Admit.

86. Admit.

87. Admit.

88. Admit.

89. Admit.

90. Admit.

91. Admit.

92. Admit.

93. Admit.

94. Admit.

95. Admit, but note that Respondent does not have knowledge about how his address was altered on his NYSCEF account.

96. Admit, but note that these documents were completed by Respondent before he was elected to the Bench, in summer of 2021. The client signed a Consent to Change Attorney on November 30, 2021 which was filed on November 30, 2024. Exhibit A.

97. Admit.

98. Admit, but repeat and reallege Respondent's answer to paragraph 96.

99. Admit, but repeat and reallege Respondent's answer to paragraph 96.

100. Admit.

101. Admit, but repeat and reallege Respondent's answer to paragraph 96.

102. Admit.

103. Admit.

104. Admit.

105. Admit.

106. Admit.

107. Admit.

108. Admit that Mr. R█████ contacted Respondent seeking a divorce lawyer and note that Respondent referred Mr. R█████ to Attorney Mossa.

109. Admit.

110. Admit.

111. Respondent lacks sufficient knowledge and information to admit or deny the allegation set forth in paragraph 111.

112. Respondent lacks sufficient knowledge and information to admit or deny the allegation set forth in paragraph 112.

113. Respondent lacks sufficient knowledge and information to admit or deny the allegation set forth in paragraph 113.

114. Admit.

115. Admit, except as to the last sentence which Respondent lacks sufficient knowledge and information to admit or deny.

116. Respondent lacks sufficient knowledge and information to admit or deny the allegation set forth in paragraph 116.

117. Admit.

118. Respondent lacks sufficient knowledge and information to admit or deny the allegation set forth in paragraph 118.

119. Admit.

120. Admit.

121. Admit.

122. Admit.

123. Respondent lacks sufficient knowledge and information to admit or deny the allegation set forth in paragraph 123 except Respondent admits that the referenced document reflects the alleged facts.

124. Admit.

125. Admit.

126. Admit.

127. Admit that the facts alleged in paragraphs 50-51 are incorporated in the FWC by reference.

128. Admit.

129. Admit.

130. Admit.

131. Admit.

132. Admit.

133. Admit.

134. Admit.

135. Admit.

136. Admit.

137. Admit.

138. Admit.

139. Admit.

140. Admit.

141. Admit.

142. Admit.

143. Admit.

144. Admit but note that this filing was completed and signed by Attorney Shanahan.
FWC Exhibit 74.

145. Admit but note that this filing was completed and signed by Attorney Shanahan.
FWC Exhibit 74.

146. Admit but note that this filing was completed and signed by Attorney Shanahan.
Exhibit B.

147. Admit but note that this filing was completed and signed by Attorney Shanahan.
Exhibit B.

148. Admit.

149. Admit, except note that per the upside down stamp on FWC Exhibit 78, the
Stipulation of Settlement was initially filed in the Clerk's office in 2019.

150. Admit.

151. Admit.

152. Admit.

153. Admit.

154. Admit.

155. Admit.

156. Admit.

157. Admit.

158. Admit, but note that a Consent to Change Attorneys had been executed on
November 30, 2021, and was filed on January 20, 2022. Exhibit C.

159. Deny.

160. Admit.

161. Admit, but note that in May 2022, Respondent filed a proof of extension of
Respondent's tax return which was received by the Ethics Commission. Exhibit D.

162. Admit.

163. Admit.

164. Admit, but Respondent refers to his answer to paragraph 161.

165. Admit.

166. Admit.

167. Admit.

168. Admit, but note that Respondent sent an email to the Ethics Commission on November 9, 2023, which was intended to include the Supplementary Statement (dated November 2, 2023) as an attachment but, due to Respondent's lack of computer skills, the attachment did not get delivered with the email. Exhibit E. Respondent never received a response to his email indicating that the attachment was missing. When Respondent realized his error, he corrected it with an email to the Ethics Commission on November 7, 2024. Exhibit F.

169. Deny, Respondent refers to his responses to paragraph 161 and 168.

170. Admit, except denies allegations that Respondent failed to perform the duties of judicial office impartially and diligently, and failed to refrain from inappropriate political activity.

Dated: New York, New York
April 18, 2025

By: /s/

Richard D. Emery
EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP

One Rockefeller Plaza, 8th Floor
New York, NY 10020

Attorneys for Respondent

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

----- X
S [REDACTED] S [REDACTED] INDEX NO. [REDACTED]

Plaintiff,

against

L [REDACTED] S [REDACTED]
Defendants

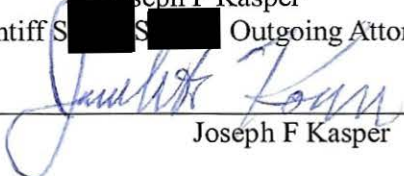
CONSENT TO CHANGE ATTORNEYS

----- X
IT IS HEREBY CONSENTED that The Law Office of Michael Mossa,
105-30 Crossbay Boulevard, Ozone Park, New York 11417, be substituted as attorneys of
record for the undersigned party in the above-captioned action, in place and stead of the undersigned
attorney of Joseph F Kasper that date hereof.

PLEASE TAKE NOTICE THAT NO service of papers by telefax transmission is authorized..

Dated: November 30, 2021
Ozone Park, New York

Joseph F Kasper
Plaintiff S [REDACTED] S [REDACTED] Outgoing Attorney


Joseph F Kasper

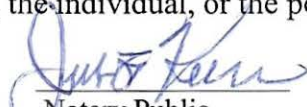
Michael Mossa
Plaintiff S [REDACTED] S [REDACTED] Incoming Attorney


Michael Mossa

[REDACTED]
S [REDACTED] S [REDACTED] Plaintiff

STATE OF NEW YORK COUNTY OF QUEENS

On the 30th day of November 2021, before me, the undersigned, a Notary Public, in and for said State,
personally appeared, S [REDACTED] S [REDACTED], personally known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his individual capacity, and that by his signature on
the instrument, the individual, or the person upon behalf of whom the individual acted, executed the
instrument..


Notary Public

JOSEPH F. KASPER
Notary Public, State of New York
No. 02KA-4835961
Qualified in Queens County
Commission Expires April 30, 2023



Case Caption: S v. L S

Judge Name: Kevin J Kerrigan

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS	Processed	01/20/2022	Kasper, J.
2	COMPLAINT	Processed	01/20/2022	Kasper, J.
3	NOTICE CONCERNING CONTINUATION OF HEALTH CARE COVERAGE	Processed	01/20/2022	Kasper, J.
4	NOTICE OF AUTOMATIC ORDERS	Processed	01/20/2022	Kasper, J.
5	MAINTENANCE GUIDELINES WORKSHEET	Processed	01/20/2022	Kasper, J.
6	AFFIDAVIT OF DEFENDANT	Processed	07/28/2022	Court User
7	ORDER (PROPOSED)	Processed	08/04/2022	Kasper, J.
8	RJI -RE: UNCONTESTED MATRIMONIAL ACTION	Processed	08/04/2022	Kasper, J.
9	JUDGMENT OF DIVORCE (PROPOSED)	Processed	04/17/2023	Kasper, J.
10	AFFIDAVIT	Processed	04/17/2023	Kasper, J.
11	AFFIDAVIT OF PLAINTIFF	Processed	04/17/2023	Kasper, J.
12	PART 130 CERTIFICATION	Processed	04/17/2023	Kasper, J.
13	AFFIRMATION (AFFIDAVIT) OF REGULARITY	Processed	04/17/2023	Kasper, J.
14	FINDINGS OF FACT/CONCLUSION OF LAW (PROPOSED)	Processed	04/17/2023	Kasper, J.
15	AFFIDAVIT	Processed	04/17/2023	Kasper, J.
16	CERTIFICATE OF DISSOLUTION	Processed	04/17/2023	Kasper, J.
17	NOTICE OF APPEARANCE (POST RJI)	Processed	04/17/2023	Kasper, J.
18	NOTE OF ISSUE *Corrected*	Processed	05/05/2023	Kasper, J.
19	NOTICE OF MOTION (Motion #1) *Corrected*	Processed	05/05/2023	Kasper, J.
20	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION (Motion #1)	Processed	04/28/2023	Kasper, J.
21	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION (Motion #1)	Processed	04/28/2023	Kasper, J.



Doc#	Document Type/Information	Status	Date Received	Filed By
22	ADMISSION OF SERVICE (Motion #1)	Processed	11/30/2024	Mossa, M.
23	CONSENT TO CHANGE ATTORNEY (POST RJI)	Returned For Correction	11/30/2024	Mossa, M.
24	JUDGMENT	Processed	04/04/2025	Court User

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X

JOSE R. LEMA and LISETTE CELLERI,

Index No. 722763/2020

Plaintiff,

-against-

NOTICE OF APPEAL

LUIS GUAZHCO, FAX REALTY INC., d/b/a 125 ASH DRIVE,
KHOKON CHOWDHURY, MITCHELL .E SILBOWITZ,
ROBERT LAGARENNE, M&T BANK, CTC ABSTRACT
SFRVICES, LLC.

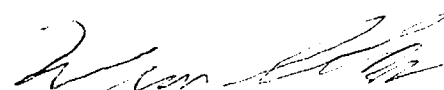
Defendants.

-----X

PLEASE TAKE NOTICE that Jose R Lema hereby appeals to the Appellate Division of
the Supreme Court of the State of New York, Second Judicial Department, from an
Order/Decision of the Supreme Court, Queens County, dated March 1, 2022, and this is
an appeal from each and every part of said order.

Dated: Ozone Park, New York
April 8, 2022

Yours, etc.,



William D. Shanahan
Attorney for Plaintiffs-Appellants
114 Old Country Road
Mineola, New York 11501
[REDACTED] 2179

TO: Queens County Clerk
Room 106
88-11 Sutphin Boulevard
Jamaica, New York 11435

Leonard J. Falcone
Attorneys for Defendant Luis Guazhco
226 7th Street - Suite 302
Garden City, N.Y. 11530

Richard Golden, Esq.
Attorney for Defendants Fax Realty Inc d/b/a 125 Ash Drive and Khokon Chowdhury
118-35 Queens Blvd. - Ste. 1220
Forest Hills, N.Y. 11375

Supreme Court of the State of New York

Appellate Division: Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance	
JOSE R LEMA and LISETTE CELLERI, Plaintiffs - Appellants, - against - LUIS GUAZHCO, FAX REALTY INC., d/b/a 125 ASH DRIVE, KHOKON CHOWDHURY, MITCHELL E SILBOWITZ, ROBERT LAGARENNE, M&T BANK, CTC ABSTRACT SERVICES, LLC., Defendants - Respondents.		Date Notice of Appeal Filed	
Case Type		Filing Type	
☒ Civil Action ☐ CPLR article 75 Arbitration ☐ Action Commenced under CPLR 214-g		☐ CPLR article 78 Proceeding ☐ Special Proceeding Other ☐ Habeas Corpus Proceeding	
☐ Appeal		☐ Transferred Proceeding	
☐ Original Proceedings		☐ CPLR Article 78	
☐ CPLR Article 78 ☐ Eminent Domain ☐ Labor Law 220 or 220-b ☐ Public Officers Law § 36 ☐ Real Property Tax Law § 1278		☐ Executive Law § 298 ☐ CPLR 5704 Review	
Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.			
☐ Administrative Review	☐ Business Relationships	☐ Commercial	☐ Contracts
☐ Declaratory Judgment	☐ Domestic Relations	☐ Election Law	☐ Estate Matters
☐ Family Court	☐ Mortgage Foreclosure	☐ Miscellaneous	☐ Prisoner Discipline & Parole
☒ Real Property (other than foreclosure)	☐ Statutory	☐ Taxation	☐ Torts

Informational Statement - Civil

Appeal

Paper Appealed From (Check one only):		If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.	
☐ Amended Decree	☐ Determination	☒ Order	☐ Resettled Order
☐ Amended Judgement	☐ Finding	☐ Order & Judgment	☐ Ruling
☐ Amended Order	☐ Interlocutory Decree	☐ Partial Decree	☐ Other (specify):
☐ Decision	☐ Interlocutory Judgment	☐ Resettled Decree	
☐ Decree	☐ Judgment	☐ Resettled Judgment	
Court: Supreme Court ☒	County: Queens ☒		
Dated: 03/01/2022	Entered: March 1, 2022		
Judge (name in full): Allan B Weiss		Index No.: 72763/2020	
Stage: ☐ Interlocutory ☒ Final ☐ Post-Final		Trial: ☐ Yes ☒ No If Yes: ☐ Jury ☐ Non-Jury	

Prior Unperfected Appeal and Related Case Information

Are any appeals arising in the same action or proceeding currently pending in the court? ☒ Yes ☐ No
 If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.
 awaiting case number for earlier filed
 Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:
 Notice of Appeal of co-Defendant's motion to dismiss

Original Proceeding

Commenced by: ☐ Order to Show Cause ☐ Notice of Petition ☐ Writ of Habeas Corpus Date Filed:
 Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court: Choose Court County: Choose County
 Judge (name in full): Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order:

Court: Choose Court County: Choose County
 Judge (name in full): Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.
 This is an appeal from an Order/Decision granting Defendant Khokon Chwdhury and Fax Realty Inc's motion to dismiss the action and denying Plaintiffs' cross motion to enlarge the time to serve parties pursuant to CPLR 306 (b) abd 2004, granting leave to serve supplemental summons and amended complaint, and add additional defendants pursuant to CPLR 1003 and 3025b and amend the caption to so reflect.

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

The lower court erred in granting Defendant Khokon Chowdhury and Fax Realty Inc's motion seeking dismissal and an Order directing Plaintiffs not to commence another action against Defendants without a prior approval Court Order and denying Plaintiffs' cross motion to extend time to serve pursuant to CPLR 306-b and 2004, amend complaint to add a cause of action for unjust enrichment (which was not res judicata or collaterally estopped) add additional defendants, serve supplemental summons, and amend caption

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Jose Lema	Plaintiff	☒ Appellant ☒
2	Lisette Celleri	Plaintiff	☒ Appellant ☒
3	Louis Guzhco	Defendant	☒ Appellant-Respondent ☒
4	Fax Realty Inc d/b/a 125 Ash Drive	Defendant	☒ Appellant-Respondent ☒
5	Khokon Chowdhury	Defendant	☒ Appellant-Respondent ☒
6	Robert Lagarene	Defendant	☒ Appellant-Respondent ☒
7	M & T Bank	Defendant	☒ Appellant-Respondent ☒
8	CTC Abstract Services, LLC	Defendant	☒ Appellant-Respondent ☒
9			
10			
11			
12			
13			
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15			
16			
17			
18			
19			
20			

Informational Statement - Civil

Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: William D Shanahan

Address: 114 Old Country Road - Suite 200

City: Mineola

State: NY

Zip: 11501

Telephone No: [REDACTED] 2500

E-mail Address: wshanny@[REDACTED]

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1, 2

Attorney/Firm Name: Leonard J. Falcone

Address: 2267th Street - Suite 302

City: Garden City

State: NY

Zip: 11530

Telephone No: [REDACTED] 1717

E-mail Address: lenny37@[REDACTED]

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 3

Attorney/Firm Name: Richard N Golden

Address: 118-35 Queens Blvd

City: Forest Hills

State: NY

Zip: 11375

Telephone No: [REDACTED] 2600

E-mail Address: Goldenlaw@[REDACTED]

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 4, 5

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

State:

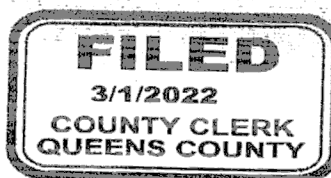
Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):



Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable ALLAN B. WEISS IAS PART 2
Justice

JOSE R. LEMA and LISETTE CELLERI,

Index No. 722763/20

Plaintiffs,

Motion Date: 2/16/22

-against-

Motion Seq. No. 1

LUIS GUAZHCO, et al.,

Defendants.

The papers numbered EF Document Numbers 1-31, 44, 52, & 59-82, found on NYSCEF, were read on the motion by defendants Khokon Chowdhury and Fax Realty, Inc., d/b/a 125 Ash Drive ("Fax"), to dismiss the complaint, bar the plaintiff from bringing another action without the written approval of this Court concerning the ownership of the Property in action, and the cross-motion by the plaintiffs for more time to effect service of process nunc pro tunc, to serve a supplemental summons and complaint, to add parties and other relief.

The facts of this action have been the subject of several actions both in this Court and in the Civil Court, Queens County. Three judges have already written issued decisions and orders describing the defendant Fax as a bona fide purchaser. The property has since been conveyed twice to new purchasers.

The decision of Judge Maria Ressos, under Civil Court Index Number 71346/2018, following a trial is fatal to the plaintiffs' complaint. The plaintiff Jose R. Lema ("Lema") did not appeal that decision. He is collaterally estopped from relitigating those issues now. The prior action is res judicata here. *See, Julien J. Studley, Inc. v. Lefrak*, 66 A.D.2d 208 (2nd Dept. 1979).

This Court makes an additional observation based on the facts as found by Judge Ressos. Lema claimed in that case that he transferred the title to the house to defendant Luis Guazho in order to hide property from his his soon to be ex-

wife. The basis of the complaint in the present action sounds in constructive trust and in related equitable causes of action. Aside from the legal defense of collateral estoppel barring relitigation of the plaintiffs' claims, equity will bar relief to Lema based on his being in pari delicto with defendant Luis Guazho.

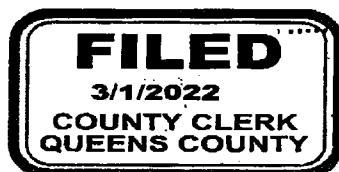
The first branch of the motion to dismiss the complaint is granted.

The second branch of the motion requesting that plaintiffs be barred from commencing yet another action over the same property transaction and the same events that was the basis of Judge Ressos's decision is also granted. On the series of events recounted by Judge Ressos, and the facts of the present complaint, the Court directs the Clerk not to accept for filing another action by the plaintiffs concerning the same subject matter without a prior order of this Court allowing it.

The cross-motion by the plaintiffs for permission to enlarge the time to effect service nunc pro tunc, serve a supplemental summons, and add defendants, and for other relief is, in all respects, denied. The Court has read the contentions of the plaintiffs and finds them to be without merit and barred from consideration under well-settled principles of collateral estoppel and res judicata.

The Court, on even date, has rendered a decision on Motion Sequence Number 2.

Dated: March / , 2022
D#64



J.S.C.

EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

----- X
T [REDACTED] S [REDACTED]
Plaintiff,

INDEX NO. [REDACTED]

against

CONSENT TO CHANGE ATTORNEYS

R [REDACTED] S [REDACTED]
Defendants

----- X

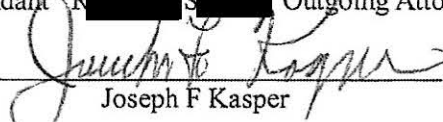
IT IS HEREBY CONSENTED that The Law Office of Michael Mossa,

105-30 Crossbay Boulevard, Ozone Park, New York 11417, be substituted as attorneys of
record for the undersigned party in the above-captioned action, in place and stead of the undersigned
attorney of Joseph F Kasper that date hereof.

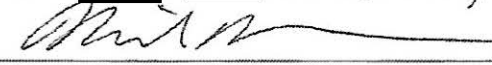
PLEASE TAKE NOTICE THAT NO service of papers by telefax transmission is authorized..

Dated: November 30, 2021
Ozone Park, New York

Joseph F Kasper
Defendant R [REDACTED] S [REDACTED] Outgoing Attorney


Joseph F Kasper

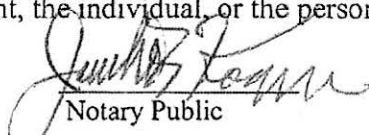
Michael Mossa
Defendant R [REDACTED] S [REDACTED] Incoming Attorney


Michael Mossa

[REDACTED]
R [REDACTED] S [REDACTED] Defendant

STATE OF NEW YORK COUNTY OF QUEENS

On the 30th day of November 2021, before me, the undersigned, a Notary Public, in and for said State,
personally appeared, R [REDACTED] S [REDACTED], personally known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his individual capacity, and that by hia signature on
the instrument, the individual, or the person upon behalf of whom the individual acted, executed the
instrument..


Notary Public

JOSEPH F. KASPER
Notary Public, State of New York
No. 02KA-4835961
Qualified in Queens County
Commission Expires April 30, 2023

EXHIBIT D



**NEW YORK STATE
ETHICS COMMISSION
FOR THE
UNIFIED COURT SYSTEM**

25 Beaver Street, 8th Floor, New York, NY 10004

Phone: (212) 428-2899 • Fax (212) 428-2896

E-mail: EthicsComm@nycourts.gov • Website: www.nycourts.gov/ip/ethics

Hon. Robert J. Miller, Chair

Members

Hon. Teresa D. Johnson

Hon. Barbara Zambelli (Ret.)

Lisa DiPoala-Haber, Esq.

Rosemary Garland-Scott, Esq.

Acting Executive Director

Elizabeth A. Hooks

Hon. Joseph Kasper
Civil Court Judge NYC



Empid:

July 7, 2022

SUPPLEMENTARY STATEMENT NOTICE

We are in receipt of your 2021 financial disclosure statement, and a copy of your automatic extension of time to file your U.S. income tax return. You have advised us that you cannot report certain information until your tax return has been filed.

You must file a supplementary financial disclosure statement within 7 days of the expiration of your automatic tax extension. I have enclosed a supplementary statement page. You must complete your response to question 13 and file your supplementary statement page on or before October 22, 2022. You must sign and date the supplementary statement page where indicated.

Please advise us in writing if you obtain a further automatic extension to file your tax return.

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

AFFIRMATION

JOSEPH F. KASPER,

A Judge of the New York City Civil Court,
Queens County.

KEITH MILLER hereby affirms the following to be true under penalty of perjury:

1. I am the Acting Executive Director of the New York State Ethics Commission for the Unified Court System ("Ethics Commission").
2. I am the authorized custodian of records for the Ethics Commission and am authorized to make this certification.
3. Pursuant to 22 NYCRR Part 100 of the Rules of the Chief Judge, a judge or non-judge who is a candidate for public election to judicial office is required to file with the Ethics Commission a financial disclosure statement within 20 days following the date on which the judge or non-judge becomes a candidate.
4. Judge Joseph F. Kasper filed a financial disclosure statement for the 2021 reporting year on or about May 15, 2022. A copy of the 2021 financial disclosure statement is appended as Exhibit 1.

5. Judge Kasper filed a Notice of Automatic Extension of Time to File Tax Return, which required him to submit a supplementary statement on or before October 22, 2022. Based on my review of Ethics Commission records, Judge Kasper called the Ethics Commission and stated that he needed an additional extension of time to file the supplementary statement. Judge Kasper represented that he would mail the supplementary statement to the Ethics Commission on October 28, 2022.

6. The Ethics Commission advised Judge Kasper by way of a Notice to Cure dated February 9, 2023, and a Notice of Delinquency dated March 29, 2023, that his completed financial disclosure statement remained outstanding. Copies of the Notice to Cure and Notice of Delinquency are appended as Exhibit 2 and Exhibit 3, respectively.

7. I have conducted a diligent search of Ethics Commission records and, to date, have been unable to locate any record or evidence indicating that Judge Kasper filed a supplementary statement with the Ethics Commission for the 2021 reporting year.

Dated: New York, New York
September 13, 2024

Keith A. Miller

KEITH MILLER

EXHIBIT E

Hon. Joseph F. Kasper

From: Hon. Joseph F. Kasper
Sent: Thursday, November 9, 2023 6:37 PM
To: Ethics Comm
Subject: Filing of Supplementary Statement for Calendar Year 2021 by Joseph F Kasper

To the Committee: I am a NYC Civil Court Judge presiding in Queens County. In May 2022 I submitted my Financial Disclosure Statement for 2021, for which year I was still in private practice. However at the time and more recently I requested extensions with regard to my income at question 13 of the form which were granted. Enclosed for filing is my Supplemental Statement dated November 2, 2023 which completes my filing via the amendment to the 2022 form for year 2021 and question 13 therein.

I acknowledge that I received a Notice to Cure in February 2023, but that I was unable to timely cure by filing. I apologize for the delay to you and the public. By way of explanation, among the reasons for the delay were that I was that I was dealing with substantial medical issues in 2022 and 2023. I recognize and respect the need for transparency and will do my best in the future to ensure that all necessary disclosures in the future will be timely filed.

truly
yours,

Very

Joseph F Kasper

Kasper, J.
1025735

13. List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income **EARNED BY YOU AND YOUR SPOUSE** (other than that received by you from the employment listed under item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

☐ NONE !STOP! DO NOT CHECK THE NONE BOX IF YOUR SPOUSE EARNED INCOME FROM EMPLOYMENT IN EXCESS OF \$1,000

SELF/SPOUSE	SOURCE (Identify Bank/Financial Institution/Issuing Entity)	NATURE	CATEGORY OF AMOUNT
SELF	INCOME FOR 2021 FROM ATTORNEY SOLE PROPRIETORSHIP AT 105-30	CROSBAY BLVD OBONE PARK, NY 11417	B
SELF AND SPOUSE PREMISES 1)	[REDACTED]	RESIDENTIAL REAL PROPERTY	B
2)	[REDACTED]	EMPLOYMENT, ADMINISTRATIVE ASSISTANT	D
SPOUSE	[REDACTED]		

SUPPLEMENTARY STATEMENT

Juan M. Kasper
Signature of Reporting Individual
Date: 11/2/23

Categories: A- under \$5,000; B- \$5,000 to under \$20,000; C- \$20,000 to under \$60,000; D- \$60,000 to under \$100,000; E- \$100,000 to under \$250,000; F- \$250,000 to under \$500,000 G- \$500,000 to under \$1,000,000; H- \$1,000,000 to under \$3,000,000; I- \$3,000,000 to under \$5,000,000; J- \$5,000,000.00 and over.

EXHIBIT F

Daniel Kogan

From: Daniel Kogan
Sent: Thursday, November 7, 2024 5:21 PM
To: Ethics Comm
Subject: Judge Joseph F. Kasper
Attachments: ETHICS.11724.LETTER.pdf

I am sending this note and attachments on behalf of Judge Kasper.

November 7, 2024

To the Ethics Commission:

Attached hereto is my Supplementary Statement to my 2022 Financial Disclosure Statement for year 2021, as to which I requested previous extensions, dated 11/2/23. It came to my attention recently that the Ethics Commission still did not have it filed. I made a check of my records and found, to my great regret, that I had sent an email on 11/9/23, which I verified on my court computer as a "sent item", apologizing for the late filing, and acknowledging the importance of transparency. To my horror, I now realize the email did not have the 11/2/23 Supplemental correctly attached, which I deeply regret and am hereby refiling, with sincere apologies. A copy of my 11/9/23 email is also attached, which you should have received. I regret my less than great computer skills at the time.

Very truly yours,

Joseph F. Kasper