

COURT OF APPEALS
STATE OF NEW YORK

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LUISA C. ESPOSITO,

Plaintiff-Appellant,

– against –

ALLEN H. ISAAC, individually and as a partner of
GLADSTEIN & ISAAC, HARVEY GLADSTEIN,
individually and as a partner of GLADSTEIN &
ISAAC, GLADSTEIN & ISAAC, ARTHUR
POLLACK, individually and as a partner of
POLLACK, POLLACK, ISAAC & DeCICCO, LLP,
CONRAD POLLACK, individually and as a partner
of POLLACK, POLLACK, ISAAC & DeCICCO,
LLP, BRIAN J. ISAAC, individually and as a partner
of POLLACK, POLLACK, ISAAC & DeCICCO,
LLP and POLLACK, POLLACK, ISAAC &
DeCICCO, LLP,

Defendants-Respondents.

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:
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: New York City Civil Court
: Index No. 502-TSN-2008

**NOTICE OF MOTION
FOR REARGUMENT**

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PLEASE TAKE NOTICE THAT, upon the annexed statement pursuant to

Rules 500.21 and 500.24 of the Court of Appeals Rules of Practice, signed on the

2nd day of July 2018, and the prior motion for permission to appeal and the

exhibits, briefs and appendix annexed thereto, Plaintiff-Appellant Luisa Esposito

will move this Court, at the Court of Appeals Hall, 20 Eagle Street, Albany, New

York on Monday, July 16, 2018, for an order granting reargument of Ms.

Esposito's prior motion for permission to appeal, which this Court unjustly

dismissed for lack of jurisdiction by order dated June 7, 2018. A copy of this

Court's June 7, 2018 order is annexed hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE that answering papers must be served and filed in the Court of Appeals with proof of service on or before the return date.

Dated: New York, New York
July 2, 2018

Plaintiff-Appellant Luisa C. Esposito
Representing herself pro se

/s/ Luisa C. Esposito
Luisa C. Esposito
282 Garden Place
West Hempstead, New York 11552
(516) 652-1639

TO: Steven Berlin, Esq.
Kuuku Minnah-Donkoh, Esq.
GORDON REES LLP
Attorney's for Allen Isaac
90 Broad Street, 23rd Flr.
New York, NY 1004

Tracee E. Klein, Esq.
EPSTEIN BECKER & GREEN, P.C.
Attorney's for Harvey Gladstein and Gladstein & Isaac
250 Park Avenue, 12th Flr.
New York, NY 10177

Erin A. O'Leary, Esq.
MORGAN MELHUIH ABRUTYN
Attorney's for Brian Isaac, Pollack and Pollack et al
39 Broadway, 35th Flr.
New York, NY 10006

REARGUMENT SHOULD BE GRANTED

This Court DOES have jurisdiction over this case because it was originally filed and litigated for two years in the New York State Supreme Court, bearing the Index Number 109466/2006. NYS CLS Const Art VI, section 3. Jurisdiction of Court of Appeals. (7]. The construction of the Constitution is directly involved. The Court mistakenly dismissed my motion for leave to appeal on jurisdictional ground based on the view that the New York State Constitution restricted my highest appeal in this case to the Appellate Division, First Department. The First Department should NOT have been allowed to decide any of the prior appeals in the first place because the First Department is the very same court that Allen H. Isaac, the sexual predator who locked me in his Wall Street office, sexually assaulted me, threatened me and tried to extort oral sex in return for his legal representation, bragged was in his back-pocket. The First Department is the court that, despite tape recorded evidence of Isaac's assault and sexual harassment, dismissed him in his personal capacity from this action in 2009 based on the bogus finding that my claims against him lacked merit! The First Department is the court that rejected the Disciplinary Committee's recommendation that Isaac be disbarred for his outrageous sexual assaults and instead imposed a slap-on-the-wrist six-month suspension!

This Court has supervisory responsibility over the entire New York judiciary. How can it lack jurisdiction to correct such a blatant miscarriage of justice? I believe

Allen Isaac was never legitimately dismissed from my case and should still answer for his outrageous conduct. For many years, Allen Isaac's Attorney's filed several motions to dismiss and never prevailed. Even though his partner Harvey Gladstein accepted service on the partnerships behalf, the Unity of Interest Doctrine should have been substantial service in Isaacs personal and partnership capacity. However, Allen Issac used every trick in the book to avoid responsibility for his heinous crimes. He avoided being served at his home even after the process server went to his home ten times. There was a traverse hearing held, regarding personal jurisdiction. The hearing examiner allowed me to reserve Allen Isaac in the interest of justice. Judge Doris Ling Cohan confirmed the referees decision allowing me to reserve Allen Isaac in the interest of justice. Allen Isaac was reserved at his home and his wife Marcia accepted service on his behalf. The attorneys appealed the hearing examiner and Judge Cohan's decision to the Appellate Division, First Department and the Court decided to dismiss Isaac in his personal capacity. After years of battling Allen Isaac, regarding jurisdiction in both capacities. We finally received clarification from three Appellate Court orders indicating that Allen Isaac still remained in the case in his partnership capacity. To my knowledge there is NO court order or stipulation discontinuing this action against Allen Isaac entirely from the case in his remaining capacity as Partner of Gladstein & Isaac. But for some strange reason, after an-organized mediation hearing by my former Attorneys,

Willie Gary, Andrew Maloney and Christopher Chestnut, Allen Isaac and his lawyers, Gordon & Rees, disappeared from this case without being dismissed. They never appeared to any of the subsequent court hearings, they never filed a motion the motion for summary judgment or participated in supplying a supplemental brief even after Judge David Cohens law secretary, Saul Stein asked them to. Prior to disappearing from the action Gordon & Rees and Allen Isaac fully litigated this case on behalf of 'Allen Isaac, they filed motions, demanded discovery on behalf of Allen Isaac, responded to plaintiff's discovery demands, made appearances, deposed the plaintiff and represented Allen Isaac when the plaintiff deposed him all were done by Gordon & Rees for and on behalf of Allen Isaac. Mr. Isaac was never fully dismissed from this case and remains so. We believe there is an ongoing case against Allen Isaac at a minimum that belongs in a trial court. They could not have a joint defense with Harvey Gladstein or Gladstein & Isaac because of two very important issues:

1. Allen Isaac could not have a joint defense with Harvey Gladstein and Gladstein and Isaac because Harvey Gladstein and Gladstein and Isaac had filed a third party lawsuit by their attorneys, Epstein, Becker and Green, P.C. against Allen Isaac for indemnification and contribution and thus a joint defense between Allen Isaac and Harvey Gladstein and Gladstein and Isaac would have created an impermissible conflict of interest and was never done. At no time did Epstein Becker and Green, P.C. other than file a third party lawsuit against Allen Isaac ever claim that they represented Allen Isaac as he was always represented by Gordon Rees who never filed a motion for summary judgment thus he could not have been dismissed completely out of this lawsuit and still remains.

2. Allen Isaac in his answer precluded himself from ever having a joint defense with Gladstein & Isaac and Harvey Gladstein as his answer contained two cross-claims on page 16 of the Isaac answer, which again precluded a joint defense, they were:

(a) **AS AND FOR A THIRD CROSS-CLAIM** Defendant

Gladstein & Isaac, a general partnership of which Defendant Harvey Gladstein and Isaac were equal partners, cannot act except by a majority vote of the partners. Accordingly, any actions undertaken unilaterally by defendant Harvey Gladstein, purportedly on behalf of defendant Gladstein & Isaac, are of no force and effect unless Isaac specifically consented to same.

- (b) **AS AND FOR A FOURTH CROSS-CLAIM** No statement, claim, allegation or factual assertion made by defendant Gladstein & Isaac, and attorneys currently representing the firm in this case, is binding against Isaac, as he has objected to the retention of the firm representing the interest of Defendant Gladstein & Isaac, has not consented to such representation, and has not authorized that law firm to represent Defendant Gladstein & Isaac's interests as required based upon the fact that Isaac is a partner in the firm.

Allen Isaac's answer was signed by Thomas B. Coppola of Gordon & Rees on behalf of Allen Isaac and dated December 2, 2008 and it was mailed to all other defense counsel, including Tracy Ellen Klein, Eric Brian Topel of Epstein Becker and Green who then as now represented purportedly, Harvey Gladstein and Gladstein and Isaac without Allen Isaac's consent as required by his answer. At no time during the history of this litigation did Allen Isaac give his consent to the representation of Gladstein & Isaac so clearly objected to in cross-claim numbers third and fourth listed in sub paragraph's (a) & (b) listed above. As a result there cannot ever have been a joint representation that allowed Allen Isaac to be

dismissed based on the representation and actions by Epstein Becker and Green including filing summary judgment on behalf of Gladstein & Isaac.

This Court is my last chance for justice and I refuse to believe that it can turn a blind eye to the overt corruption in my case and dismiss my motion for leave to appeal based on lack of jurisdiction.

I commenced this case in the Supreme Court, County of New York. Index number 109446/06. There was no legitimate basis for this case to be transferred sua sponte to the Civil Court. When this case was improperly, sua sponte, CPLR 325(D) into Civil Court from the Supreme Court, not one shred of discovery had been completed, no deposition had been completed, the only thing that had occurred were numerous motions to be dismissed for various reasons with appeals to the appellate courts of this state including this court, all of which failed but the personal dismissal of Allen Isaac. As a result the grant of CPLR 325(D) was granted for no proper reason and none was given and the case properly belonged to the Supreme Court as the damages well exceeded the minimum needed for the Supreme Court. Why would defendants hire such large, powerful, national law firm located on Park Avenue and in the Wall Street area for a Civil Court case? It is preposterous to believe this case was properly sent to the Civil Court from the Supreme Court. On the contrary, Isaac bragged on tape to me that his good friend, Sheldon Silver, could pull strings to assure that my automobile case resulted in a substantial recovery if

only I would agree to give him weekly "blow jobs." This sounds unbelievable, yet I have irrefutable proof in the form of Isaac's own words on tape! Sheldon Silver, of course, is reputed to control the New York Civil Court, where my case was transferred for no good reason. There it languished and was eventually assigned to Silver's former legislative aid, Judge David Cohen, who issued a clearly erroneous decision dismissing Isaac's law partner on the ground that law firms have no duty to protect their clients from sexual assault and harassment from their partners! Yet now this Court denies hearing my appeal because my case was corruptly transferred to the Civil Court, Sheldon Silver's fiefdom. I refuse to believe that is possible.

How can this Court, which has for decades set nationwide precedent as the protector of victim's rights, say it has no jurisdiction to hear my case and correct not only blatant errors of law but also express corruption within the New York state judicial system? I am not a lawyer and I cannot address the technical issues of jurisdiction. But I know that justice demands that this Court – the highest Court in the state of New York and the Court charged with supervising New York's entire judiciary – must have the power to correct this blatant corruption and errors of law.

Long before the @metoo movement gained public notoriety, I challenged a powerful New York lawyer who treated me with disdain and as a sexual object. I naively thought that with irrefutable tape-recorded evidence of Isaac's misconduct, eyewitnesses and his own admissions he would be brought to answer for his

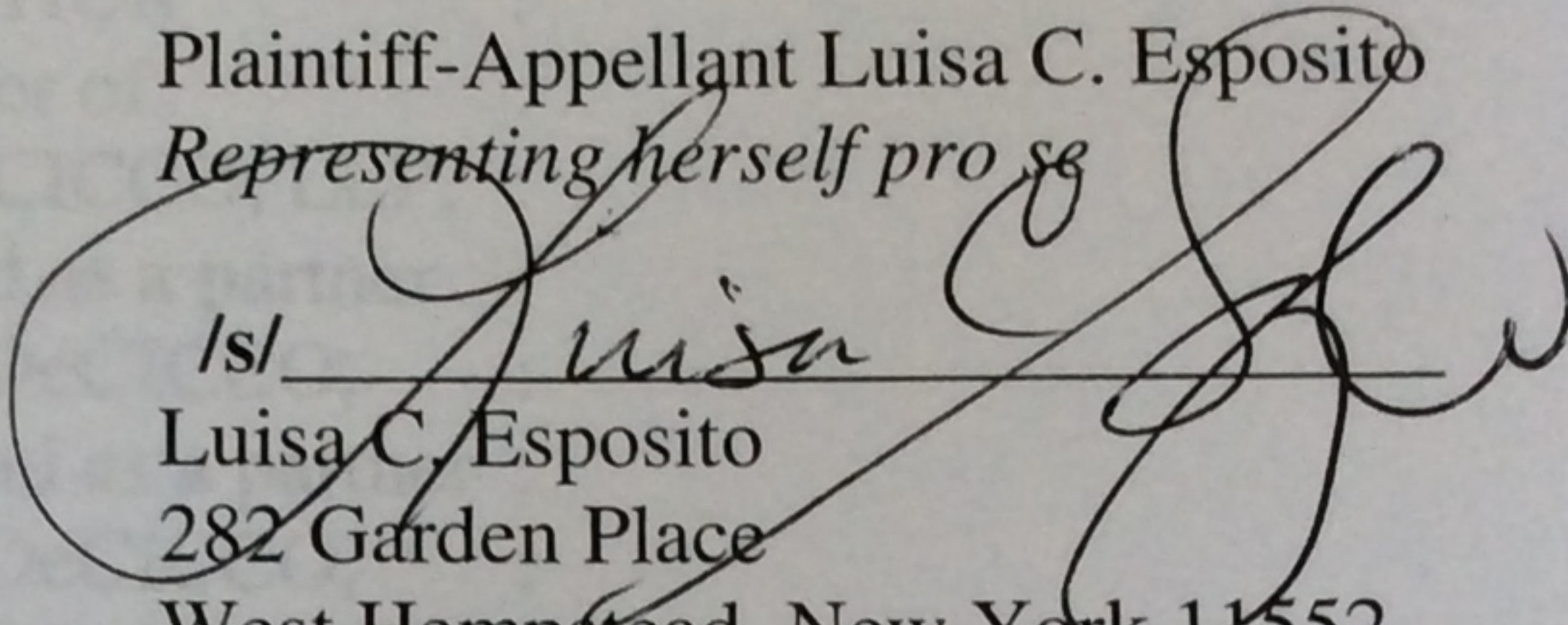
misconduct. After devoting more than 13 years of my life to hold Isaac and his partner Gladstein accountable, this Court now says that its without power to do justice. Because I cannot accept that, I now bring this motion for reargument.

CONCLUSION

The Court should grant this motion for reargument and grant leave to appeal.

Dated: New York, New York
July 2, 2018

Plaintiff-Appellant Luisa C. Esposito
Representing herself pro se

/s/ 
Luisa C. Esposito
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TO: Steven Berlin, Esq.
Kuuku Minnah-Donkoh, Esq.
GORDON REES LLP
90 Broad Street, 23rd Flr.
New York, NY 1004

Tracee E. Klein, Esq.
EPSTEIN BECKER & GREEN, P.C.
250 Park Avenue, 12th Flr.
New York, NY 10177
Attorneys for GLADSTEIN & ISAAC
and HARVEY GLADSTEIN
Erin A. O'Leary, Esq.
MORGAN MELHUIH ABRUTYN
39 Broadway, 35th Flr.
New York, NY 10006
Attorneys for POLLACK, POLLACK, et al.

LUISA C. ESPOSITO,

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Defendants-Respondents.

[illegible]

Dated: New York, New York
July 2, 2018

LUISA C. ESPOSITO
Pro se Plaintiff- Appellant

Exhibit

- A -

Luisa C. Esposito v Allen H. Isaac, etc.

6/28/18, 7:12 PM

Luisa C. Esposito v Allen H. Isaac, etc.
Motion No: 2018-257
Slip Opinion No: 2018 NY Slip Op 74299
Decided on June 7, 2018
Court of Appeals Motion Decision
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
This motion is uncorrected and subject to revision before publication in the Official Reports.

Luisa C. Esposito,**Appellant,****v****Allen H. Isaac, etc., et al.,****Respondents.**

Motion for leave to appeal dismissed upon the ground that the Court of Appeals does not have jurisdiction to entertain this motion for leave to appeal from the order of the Appellate Division entered in this action commenced in Civil Court of the City of New York (see NY Const, art VI, § 3[b][7]; CPLR 5602).