

REQUEST FOR JUDICIAL INTERVENTION SUPREME

COURT, COUNTY OF WESTCHESTER Index No: 1356 - 22

Date Index Issued:

UCS-840 (rev. 02/01/2022)

For Court Use Only:

Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet. IAS Entry Date MIRIAM E. ROCAH, as District Attorney of Westchester County, Petitioner -against-Plaintiff(s)/Petitioner(s) Judge Assigned MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA, RJI Filed Date Defendant, and GUSTAVO VILLAMARES SERRANO, Defendant, Respondents Defendant(s)/Respondent(s) NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated. COMMERICIAL MATRIMONIAL Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) O Contested O Contract NOTE: If there are children under the age of 18, complete and attach the O Insurance (where insurance company is a party, except arbitration) MATRIMONIAL RJI ADDENDUM (UCS-840M). O UCC (includes sales and negotiable instruments) For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13). O Other Commercial (specify): _ Specify how many properties the application includes: REAL PROPERTY NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), O Condemnation complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C). O Mortgage Foreclosure (specify): O Commercial Residential TORTS Property Address: O Asbestos NOTE: For Mortgage Foreclosure actions involving a one to four-family, O Child Victims Act owner-occupied residential property or owner-occupied condominium, O Environmental (specify): complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F). O Medical, Dental or Podiatric Malpractice O Partition O Motor Vehicle NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P). O Products Liability (specify): O Tax Certiorari (specify): Section:______ Block:_____ O Other Negligence (specify): _____ O Tax Foreclosure Other Professional Malpractice (specify): Other Real Property (specify): ____ O Other Tort (specify): _ OTHER MATTERS SPECIAL PROCEEDINGS O Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section] O Child-Parent Security Act (specify): OAssisted Reproduction OSurrogacy Agreement O Emergency Medical Treatment O CPLR Article 75 – Arbitration [see NOTE in COMMERCIAL section] O Habeas Corpus CPLR Article 78 – Proceeding against a Body or Officer O Local Court Appeal O Election Law O Mechanic's Lien O Name Change/Sex Designation Change O Extreme Risk Protection Order O Pistol Permit Revocation Hearing O MHL Article 9.60 - Kendra's Law O Sale or Finance of Religious/Not-for-Profit Property TIMOTHY C. IDONI O Review O MHL Article 10 – Sex Offender Confinement (specify): Olnitial O Other (specify): ____ O MHL Article 81 (Guardianship) O Other Mental Hygiene (specify): ____ O Other Special Proceeding (specify): _ Answer YES or NO for every question and enter additional information where indicated. STATUS OF ACTION OR PROCEEDING If yes, date filed: Has a summons and complaint or summons with notice been filed? Has a summons and complaint or summons with notice been served? If yes, date served: If yes, judgment date: Is this action/proceeding being filed post-judgment? Check one box only and enter additional information where indicated. NATURE OF JUDICIAL INTERVENTION Infant's Compromise CHIEF CLERK Extreme Risk Protection Order Application WESTCHESTER SUPREME Note of Issue/Certificate of Readiness AND COUNTY COURTS Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: Notice of Motion Relief Requested: Return Date: Notice of Petition Relief Requested: Return Date: Order to Show Cause Relief Requested: Stay of Proceedings and Writ of Prohibition Return Date: Other Ex Parte Application Relief Requested: Partition Settlement Conference Poor Person Application Request for Preliminary Conference Residential Mortgage Foreclosure Settlement Conference Writ of Habeas Corpus

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Ca	ase Title	Index/Case Number	Court	Judge (if assigned)	Relationsh	CL THE LEVEL TO BE THE TANK OF	
P	eople v Molina	Docket Number CR-3495-21	New Rochelle City Court	Matthew J. Costa	Matter in which stay and writ of prohibition are be		
Pe	eople v Serrano	Docket Number CR-5661-21	New Rochelle City Court	Matthew J. Costa	Matter in which	stay and writ of	f prohibition are being requested
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The second second	List parties in same order as listed in the		sented Litigants , provide attorney's name, firm ned parties, provide party's address	ss, phone and email.	For each dindicate if been joine	efendant, issue has	For each defendant, indicate insurance carrier, if applicable.
	Name: District Attorney Miriam E. Rocah Role(s): Petitioner		rian R. Pouliot, Westchester County Dis White Plains, NY 10601, 914-995-3497		OYES	● NO	
	INDIDICI		al Gary S. Brown, the Office of the New York 10601, 914-422-8755, G		OYES	● NO	
	Name: Michael Molina Role(s): Respondent	Steven Epstein, Esq., Barke Suite 700, Garden City, Nev	et Epstein Kearon Aldea & LoTurco, Ll v York 11530, 516-324-2202, sepsteir	P, 666 Old Country Road, @barketepstein.com	OYES	● NO	
		Dennis W. Light, Esq., F White Plains, New York	Raneri, Light & O'Dell, PLLC, 150 10601, 914-948-5525, dwlight@	Grand Street, Suite 502,	OYES	● NO	
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d: _	05/11/2022						
	5021738			Signa	ture		
	Attorney Registration	Number		Brian R.	Pouliot		
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If additional space i	s required, complete a	ases, list any related criminal additional attach the RJI ADDENDUM	(UCS-840A).	是多性是外外的特別		
	Docket Number CR-3495-21			Relationship to instant case Matter in which stay and writ of prohibition are being requested		
	Docket Number CR-5661-21			Matter in which stay and writ of prohibition are being requested		
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List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)		s, provide attorney's name, firm r ted parties, provide party's addre		For each defendant, indicate if issue has been joined.	For each defendant, indicate insurance carrier, if applicable.	
Name: District Attorney Miriam E. Rocal Role(s): Petitioner		Brian R. Pouliot, Westchester County Di I., White Plains, NY 10601, 914-995-349		OYES • NO		
Name: Judge Matthew J. Costa Role(s): Respondent		ral Gary S. Brown, the Office of the New York 10601, 914-422-8755,		OYES ONO		
Name: Michael Molina Role(s): Respondent		ket Epstein Kearon Aldea & LoTurco, ew York 11530, 516-324-2202, sepste		OYES ONO		
Name: Gustavo Villamares Serrano Role(s): Respondent	John We Light, Log.,	Raneri, Light & O'Dell, PLLC, 15 k 10601, 914-948-5525, dwlight		OYES ONO		
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CAPTION

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Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

SUPREME

Index No: 1356-22

COURT, COUNTY OF WESTCHESTER

Date Index Issued:

UCS-840 (rev. 02/01/2022)

For Court Use Only:

IAS Entry Date

MIRIAM E. ROCAH, as District Attorney of Westchester County, Petitioner Judge Assigned Plaintiff(s)/Petitioner(s) -against-MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA, RJI Filed Date Defendant, and GUSTAVO VILLAMARES SERRANO, Defendant, Respondents Defendant(s)/Respondent(s) Check only one box and specify where indicated. NATURE OF ACTION OR PROCEEDING MATRIMONIAL COMMERICIAL O Contested O Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) NOTE: If there are children under the age of 18, complete and attach the O Contract MATRIMONIAL RJI ADDENDUM (UCS-840M). O Insurance (where insurance company is a party, except arbitration) For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13). O UCC (includes sales and negotiable instruments) Specify how many properties the application includes: REAL PROPERTY O Other Commercial (specify): O Condemnation NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), O Commercial O Residential O Mortgage Foreclosure (specify): complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C). Property Address: TORTS NOTE: For Mortgage Foreclosure actions involving a one to four-family, Asbestos owner-occupied residential property or owner-occupied condominium, O Child Victims Act complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F). O Environmental (specify): _ O Partition O Medical, Dental or Podiatric Malpractice NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P). O Motor Vehicle O Tax Certiorari (specify): Section:______ Block:_____ Lot:_____ O Products Liability (specify): O Tax Foreclosure O Other Negligence (specify): Other Real Property (specify): _ O Other Professional Malpractice (specify): ____ OTHER MATTERS O Other Tort (specify): _ O Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section] SPECIAL PROCEEDINGS O Child-Parent Security Act (specify): OAssisted Reproduction OSurrogacy Agreement O Emergency Medical Treatment O Habeas Corpus O CPLR Article 75 – Arbitration [see NOTE in COMMERCIAL section] O Sale or Finance of Religious/Not-for-Profit Property OF WESTCHESTER
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Case Title People v Moline	Docket Number CR-3495-21	Court		Relationship to insta	
People v Molina	Docket Number CR-3495-21	New Rochelle City Court New Rochelle City Court	Matthew J. Costa Matthew J. Costa	Matter in which stay and writ of prohibition are being reques	
People v Serrano	Docket Number CR-5661-21			Matter in which stay and writ of prohibition are being request	
PARTIES For parties without	out an attorney, check the	"Un-Rep" box and enter the	party's address, phone ni	umber and email in	the space provide
If additional space	e is required, complete an Attorneys and Unrepre	nd attach the RJI ADDENDUM	(UCS-840A).		"特别"。"我们是我们
Rep List parties in same order as listed in caption and indicate roles (e.g., plain defendant, 3 rd party plaintiff, etc.)	the For represented parties tiff, email. For unrepresent	s, provide attorney's name, firm red ted parties, provide party's addre	ss, phone and email.	For each defendant, indicate if issue has been joined.	For each defendant indicate insurance carrier, if applicable
Name: District Attorney Miriam E. Ro Role(s): Petitioner	iviarum Luther King Jr., Bivd	Brian R. Pouliot, Westchester County Dis ., White Plains, NY 10601, 914-995-349	strict Attorney's Office, 111 Dr. 7, bpoullot@westchesterda.net	OYES • NO	
Name: Judge Matthew J. Costa Role(s): Respondent		ral Gary S. Brown, the Office of the New York 10601, 914-422-8755, 0	Attorney General, 44 South Sary.Brown@ag.ny.gov	OYES • NO	
Name: Michael Molina Role(s): Respondent	Suite 700, Garden City, Ne	et Epstein Kearon Aldea & LoTurco, Lew York 11530, 516-324-2202, sepste	in@barketepstein.com	OYES • NO	
Respondent	Dennis W. Light, Esq., White Plains, New York	Raneri, Light & O'Dell, PLLC, 15 k 10601, 914-948-5525, dwlight@	0 Grand Street, Suite 502, Orlslawoffice.com	OYES • NO	
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:05/11/2022					
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Attorney Registra	tion Number		Prin	t Name	

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER

MIRIAM E. ROCAH, as District Attorney of Westchester County

Index No.: 1356-22

Petitioner,

ORDER TO
SHOW CAUSE

-against-

MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA, Defendant, and GUSTAVO VILLAMARES SERRANO, Defendant Bann J. J.)

Respondents.

UPON the annexed petition of Westchester County District Attorney Miriam E. Rocah, duly verified on the 10th day of May, 2022, the Affirmation of Assistant District Attorney Philip Mellea, duly affirmed on the 11th day of May, 2022, the Petitioner's attached Memorandum of Law, and all prior proceedings, papers, and exhibits filed herein; and with the statute of limitations as to the cause of action with respect to Respondent Molina in the annexed Article 78 Petition set to expire on May 16, 2022:

LET the Respondents Judge Matthew J. Costa, defendant Michael Molina, and defendant Gustavo Villamares Serrano, show cause before this Supreme Court, Westchester County, at the Courthouse located at 111 Dr. Martin Luther King Jr.

MAY 1 3 2022

WESTCHESTER SUPPEME AND COUNTY COURTS SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER

MIRIAM E. ROCAH, as District Attorney of Westchester County

Index No.: / 356

Petitioner,

ORDER TO SHOW CAUSE

-against-

MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA, Defendant, and GUSTAVO VILLAMARES SERRANO, Defendant Bann J. J.)

Respondents.

UPON the annexed petition of Westchester County District Attorney Miriam E. Rocah, duly verified on the 10th day of May, 2022, the Affirmation of Assistant District Attorney Philip Mellea, duly affirmed on the 11th day of May, 2022, the Petitioner's attached Memorandum of Law, and all prior proceedings, papers, and exhibits filed herein; and with the statute of limitations as to the cause of action with respect to Respondent Molina in the annexed Article 78 Petition set to expire on May 16, 2022:

LET the Respondents Judge Matthew J. Costa, defendant Michael Molina, and defendant Gustavo Villamares Serrano, show cause before this Supreme Court, Westchester County, at the Courthouse located at 111 Dr. Martin Luther King Jr.

1

MAY 1 3 2022

WESTCHESTER SUPREME AND COUNTY COURTS Boulevard, White Plains, New York on the Hay of Hay 2022, at 10:00 o'clock in the forenoon on that day or as soon thereafter as counsel may be heard, why there should not be entered a judgment pursuant to CPLR Article 78 prohibiting Respondent Costa from:

- a) enforcing that portion of his January 14, 2022 Decision and Order in *People v Molina*, New Rochelle City Court Docket Number CR-3495-21, precluding the testimony of the on-scene state trooper and any evidence he obtained; as well as
- b) enforcing that portion of his April 4, 2022 Decision and Order in *People v Serrano*, New Rochelle City Court Docket Number CR-5661-21, precluding any testimony regarding Datamaster and field sobriety tests.

LET the signing of this Order to Show Cause also constitute an order pursuant to CPLR § 7805, staying the proceedings in both *People v Molina*, New Rochelle City Court Docket Number CR-3495-21 and *People v Serrano*, New Rochelle City Court Docket Number CR-5661-21, pending the determination of this Article 78 proceeding.

LET personal or overnight mail service of a copy of this order, along with the annexed verified petition, affirmation, memorandum of law, and all exhibits, upon: Judge Matthew J. Costa at the New Rochelle City Court, 475 North Avenue, New Rochelle, New York 10801; Steven Epstein, Esq., attorney for Respondent Molina, Barket Epstein Kearon Aldea & LoTurco, LLP, 666 Old Country Road, Suite 700, Garden City, New York 11530; Dennis W. Light, Esq., attorney for Respondent Serrano, Raneri, Light & O'Dell, PLLC, 150 Grand Street, Suite 502, White Plains, New York 10601; and Assistant Attorney General Gary S. Brown, the Office of the Attorney General, 44 South Broadway, White Plains, New York 10601; on or before the 6 day of 6 May 2022, be deemed good and sufficient service.

LET personal or overnight mail service of the Respondents' papers in response, if any, upon: Assistant District Attorney Brian R. Pouliot, Westchester County District Attorney's Office, 111 Dr. Martin Luther King Jr., Blvd., White Plains, New York 10601, on or before the day of May 2022, be deemed good and sufficient service.

LET personal or overnight mail service of the Petitioner's reply, if any, upon: Judge Matthew J. Costa at the New Rochelle City Court, 475 North Avenue, New Rochelle, New York 10801; Steven Epstein, Esq., attorney for Respondent Molina, Barket Epstein Kearon Aldea & LoTurco, LLP, 666 Old Country Road, Suite 700, Garden City, New York 11530; Dennis W. Light, Esq., attorney for Respondent Serrano, Raneri, Light & O'Dell, PLLC, 150 Grand Street, Suite 502,

White Plains, New York 10601; and Assistant Attorney General Gary S. Brown, the Office of the Attorney General, 44 South Broadway, White Plains, New York 10601; on or before the 16 day of 12022, be deemed good and sufficient service.

Dated:

ea: 5/13/22

Supreme Court of the State of New York Westchester County

Offortion Papers due 6/10/27
Reply papers due 6/24/27

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER MIRIAM E. ROCAH, as District Attorney od Westchester County, NOTICE OF APPEARANCE Petitioner, Index No. 1356-22 -against-FILED MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA, Defendant, and GUSTAVO VILLAMARES SERRANO, COUNTY OF WESTCHESTER Defendant, Respondents. PLEASE TAKE NOTICE that the undersigned law firm, Abrams Fensterman, LLP, with an address of 81 Main Street, Suite 400, White Plains, NY 10601, hereby appears as counsel to MATTHEW J. COSTA, Judge of the New Rochelle City Court in the above-captioned matter. Dated: White Plains, New York June 9, 2022 ABRAMS FENSTERMAN LLP, By: Robert A. Spolzino, Esq. Counsel to respondents 81 Main Street, Suite 400 White Plains, NY 10601 (914) 607-7010 rspolzino@abramslaw.com Brian Pouilot (by email bpouliot@westchesterda.net) To: