



REQUEST FOR JUDICIAL INTERVENTION
SUPREME COURT, COUNTY OF WESTCHESTER

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

Index No: 1356-22 Date Index Issued:

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

MIRIAM E. ROCAH, as District Attorney of Westchester County, Petitioner

Plaintiff(s)/Petitioner(s)

-against-

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

Defendant(s)/Respondent(s)

For Court Use Only:

IAS Entry Date

Judge Assigned

RJI Filed Date

5/13/22

Bew

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

COMMERCIAL

- Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
Contract
Insurance (where insurance company is a party, except arbitration)
UCC (includes sales and negotiable instruments)
Other Commercial (specify):
NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C).

MATRIMONIAL

- Contested
NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M).
For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).

REAL PROPERTY Specify how many properties the application includes:

- Condemnation
Mortgage Foreclosure (specify): Residential Commercial
Property Address:
NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F).
Partition
NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P).
Tax Certiorari (specify): Section: Block: Lot:
Tax Foreclosure
Other Real Property (specify):

TORTS

- Asbestos
Child Victims Act
Environmental (specify):
Medical, Dental or Podiatric Malpractice
Motor Vehicle
Products Liability (specify):
Other Negligence (specify):
Other Professional Malpractice (specify):
Other Tort (specify):

OTHER MATTERS

- Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section]
Emergency Medical Treatment
Habeas Corpus
Local Court Appeal
Mechanic's Lien
Name Change/Sex Designation Change
Pistol Permit Revocation Hearing
Sale or Finance of Religious/Not-for-Profit Property
Other (specify):

SPECIAL PROCEEDINGS

- Child-Parent Security Act (specify): Assisted Reproduction Surrogacy Agreement
CPLR Article 75 - Arbitration [see NOTE in COMMERCIAL section]
CPLR Article 78 - Proceeding against a Body or Officer
Election Law
Extreme Risk Protection Order
MHL Article 9.60 - Kendra's Law
MHL Article 10 - Sex Offender Confinement (specify): Initial Review
MHL Article 81 (Guardianship)
Other Mental Hygiene (specify):
Other Special Proceeding (specify):

FILED

MAY 13 2022

TIMOTHY G. IDONI COUNTY CLERK COUNTY OF WESTCHESTER

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

- Has a summons and complaint or summons with notice been filed? YES NO
Has a summons and complaint or summons with notice been served? YES NO
Is this action/proceeding being filed post-judgment? YES NO

RECEIVED

MAY 13 2022

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

- Infant's Compromise
Extreme Risk Protection Order Application
Note of Issue/Certificate of Readiness
Notice of Medical, Dental or Podiatric Malpractice
Notice of Motion
Notice of Petition
Order to Show Cause
Other Ex Parte Application
Partition Settlement Conference
Poor Person Application
Request for Preliminary Conference
Residential Mortgage Foreclosure Settlement Conference
Writ of Habeas Corpus
Other (specify):

Date Issue Joined:
Relief Requested:
Return Date:
Relief Requested:
Return Date:
Relief Requested: Stay of Proceedings and Writ of Prohibition
Return Date:
Relief Requested:

CHIEF CLERK WESTCHESTER SUPREME AND COUNTY COURTS

**RELATED CASES** List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank.  
If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case
People v Molina	Docket Number CR-3495-21	New Rochelle City Court	Matthew J. Costa	Matter in which stay and writ of prohibition are being requested
People v Serrano	Docket Number CR-5661-21	New Rochelle City Court	Matthew J. Costa	Matter in which stay and writ of prohibition are being requested

**PARTIES** For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided.  
If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 <sup>rd</sup> party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: District Attorney Miriam E. Rocah Role(s): Petitioner	Assistant District Attorney Brian R. Pouliot, Westchester County District Attorney's Office, 111 Dr. Martin Luther King Jr., Blvd., White Plains, NY 10601, 914-995-3497, bpouliot@westchesterda.net	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Judge Matthew J. Costa Role(s): Respondent	Assistant Attorney General Gary S. Brown, the Office of the Attorney General, 44 South Broadway, White Plains, New York 10601, 914-422-8755, Gary.Brown@ag.ny.gov	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Michael Molina Role(s): Respondent	Steven Epstein, Esq., Barket Epstein Kearon Aldea & LoTurco, LLP, 666 Old Country Road, Suite 700, Garden City, New York 11530, 516-324-2202, sepstein@barketepstein.com	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Gustavo Villameres Serrano Role(s): Respondent	Dennis W. Light, Esq., Raneri, Light & O'Dell, PLLC, 150 Grand Street, Suite 502, White Plains, New York 10601, 914-948-5525, dwlight@rlslawoffice.com	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 05/11/2022



Signature

Brian R. Pouliot

Print Name

5021738

Attorney Registration Number

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<input type="checkbox"/>	Name: District Attorney Miriam E. Rocah Role(s): Petitioner	Assistant District Attorney Brian R. Pouliot, Westchester County District Attorney's Office, 111 Dr. Martin Luther King Jr., Blvd., White Plains, NY 10601, 914-995-3497, bpouliot@westchesterda.net	<input type="radio"/> YES <input checked="" type="radio"/> NO	
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Dated: 05/11/2022



Signature

Brian R. Pouliot

Print Name

5021738

Attorney Registration Number



**REQUEST FOR JUDICIAL INTERVENTION**  
**SUPREME COURT, COUNTY OF WESTCHESTER**

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

Index No: 1356-22 Date Index Issued: \_\_\_\_\_

**For Court Use Only:**

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MIRIAM E. ROCAH, as District Attorney of Westchester County, Petitioner  
 Plaintiff(s)/Petitioner(s)

-against-

MATTHEW J. COSTA, Judge of the New Rochelle City Court, MICHAEL MOLINA,  
 Defendant, and GUSTAVO VILLAMARES SERRANO, Defendant, Respondents  
 Defendant(s)/Respondent(s)

IAS Entry Date  
5/13/22  
 Judge Assigned  
BEW  
 RJJ Filed Date

**NATURE OF ACTION OR PROCEEDING** Check only one box and specify where indicated.

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Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)  
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*NOTE: If there are children under the age of 18, complete and attach the **MATRIMONIAL RJJ ADDENDUM (UCS-840M)**.  
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*NOTE: Complete and attach the **PARTITION RJJ ADDENDUM (UCS-840P)**.*

Tax Certiorari (specify): Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Tax Foreclosure  
 Other Real Property (specify): \_\_\_\_\_

**TORTS**

Asbestos  
 Child Victims Act  
 Environmental (specify): \_\_\_\_\_  
 Medical, Dental or Podiatric Malpractice  
 Motor Vehicle  
 Products Liability (specify): \_\_\_\_\_  
 Other Negligence (specify): \_\_\_\_\_  
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**SPECIAL PROCEEDINGS**

Child-Parent Security Act (specify):  Assisted Reproduction  Surrogacy Agreement  
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 Mechanic’s Lien  
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 Pistol Permit Revocation Hearing  
 Sale or Finance of Religious/Not-for-Profit Property  
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**FILED**  
**MAY 13 2022**  
 TIMOTHY C. IDONI  
 COUNTY CLERK  
 COUNTY OF WESTCHESTER

**STATUS OF ACTION OR PROCEEDING** Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, date filed: _____
Has a summons and complaint or summons with notice been served?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, judgment date: _____

**RECEIVED**  
 MAY 13 2022

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Infant’s Compromise  
 Extreme Risk Protection Order Application  
 Note of Issue/Certificate of Readiness  
 Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: \_\_\_\_\_  
 Notice of Motion Relief Requested: \_\_\_\_\_  
 Notice of Petition Relief Requested: \_\_\_\_\_  
 Order to Show Cause Relief Requested: Stay of Proceedings and Writ of Prohibition  
 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  
 Other (specify): \_\_\_\_\_

CLERK  
**WESTCHESTER SUPREME  
 AND COUNTY COURTS**

Return Date: \_\_\_\_\_  
 Return Date: \_\_\_\_\_  
 Return Date: \_\_\_\_\_

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Dated: 05/11/2022



Signature

Brian R. Pouliot

Print Name

5021738

Attorney Registration Number

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
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

(*Benny  
Walters*, J.)

Respondents.  
-----X

UPON the annexed petition of Westchester County District Attorney Miriam E. Rocah, duly verified on the 10<sup>th</sup> day of May, 2022, the Affirmation of Assistant District Attorney Philip Mellea, duly affirmed on the 11<sup>th</sup> 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.

RECEIVED

MAY 13 2022

CHIEF CLERK  
WESTCHESTER SUPREME  
AND COUNTY COURTS

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
MIRIAM E. ROCAH, as District Attorney of  
Westchester County

Index No.: 1356-22

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-against-

MATTHEW J. COSTA, Judge of the New  
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Defendant

*Benny  
Walsh*, J.)

Respondents.  
-----X

UPON the annexed petition of Westchester County District Attorney Miriam E. Rocah, duly verified on the 10<sup>th</sup> day of May, 2022, the Affirmation of Assistant District Attorney Philip Mellea, duly affirmed on the 11<sup>th</sup> 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:

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RECEIVED

MAY 13 2022

CHIEF CLERK  
WESTCHESTER SUPREME  
AND COUNTY COURTS

27<sup>th</sup> June

JP day of July 2022

Boulevard, White Plains, New York on the JP day of July 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 16 day of May 2022, be deemed good and sufficient service.

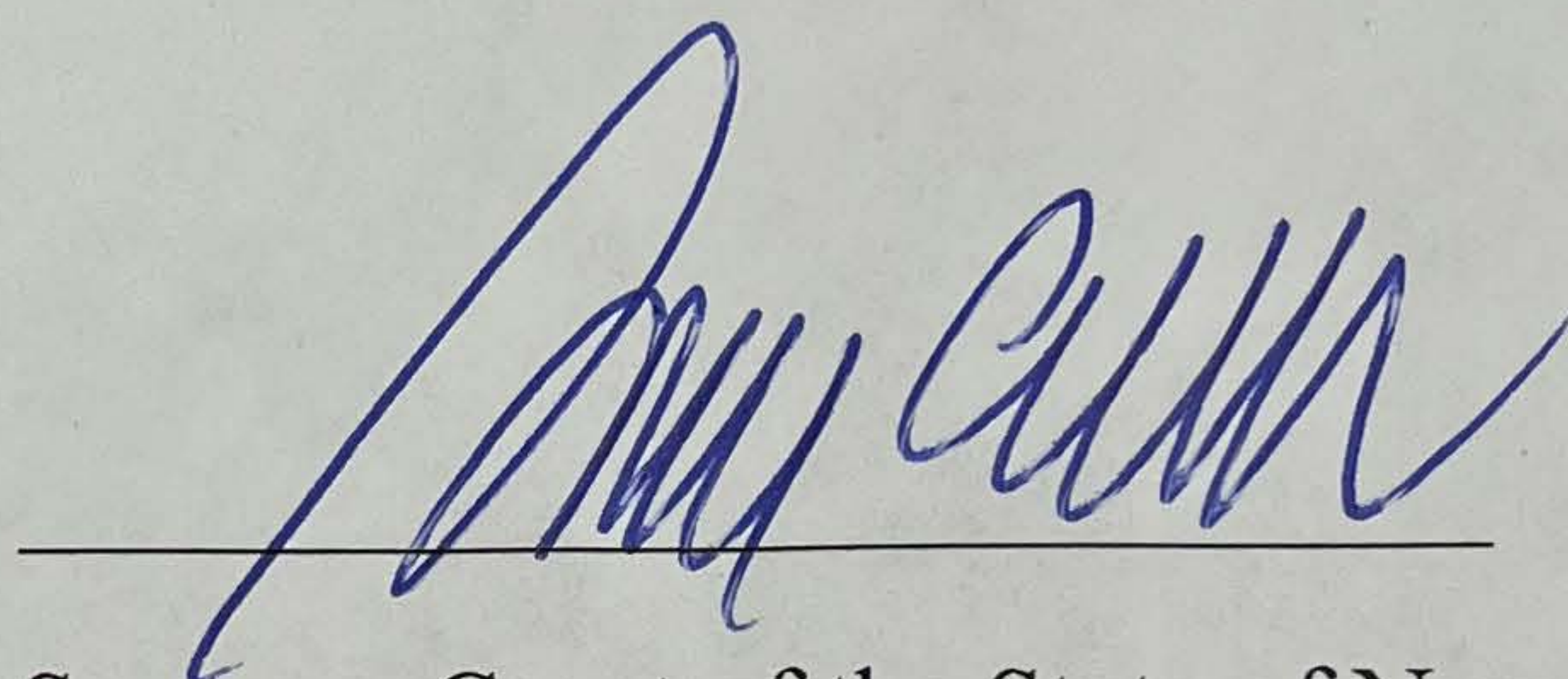
LET personal or overnight mail service of the Respondents' papers in response, if any, upon: Assistant District Attorney Brian R. Pouliot, Westchester County District Attorney's Office, 111 Dr. Martin Luther King Jr., Blvd., White Plains, New York 10601, on or before the 16 day of May 2022, be deemed 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 May, 2022, be deemed good and sufficient  
service.

Dated:

5/13/22



Supreme Court of the State of New York  
Westchester County

OPPOSITION Papers due

6/10/22

Reply papers due

6/24/22

50 ✓

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

MIRIAM E. ROCAH, as District Attorney of  
Westchester County,  
Petitioner,

-against-

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

Respondents.

NOTICE OF APPEARANCE

Index No. 1356-22

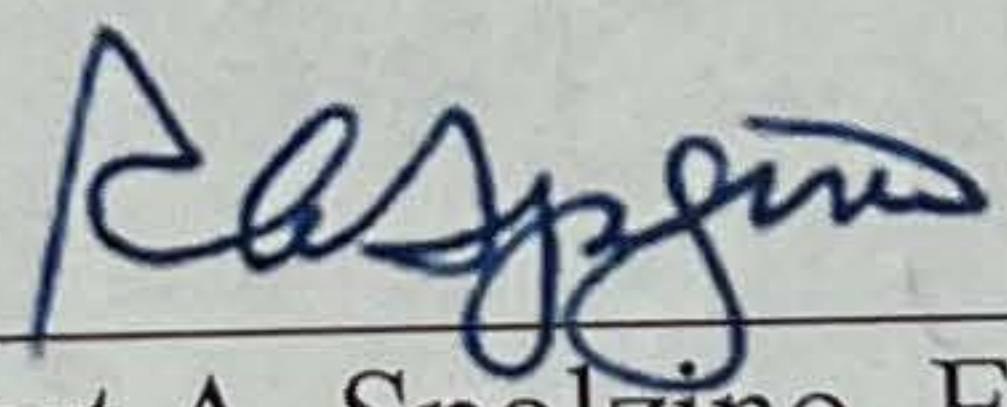
**FILED**  
**JUN 10 2022**  
TIMOTHY C. IDONI  
COUNTY CLERK  
COUNTY OF WESTCHESTER

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:

  
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