

Peltz v Avon Prods., Inc.
2022 NY Slip Op 30450(U)
February 9, 2022
Supreme Court, New York County
Docket Number: Index No. 193142/2021
Judge: Adam Silvera
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ADAM SILVERA PART 13

Justice

-----X

JUDITH PELTZ, BENJAMIN PELTZ,

Plaintiff,

- v -

AVON PRODUCTS, INC., BOBBI BROWN PROFESSIONAL COSMETICS, INC., BRENNTAG NORTH AMERICA, INC. (INDIVIDUALLY AND AS SUCCESSOR TO MINERAL AND PIGMENT SOLUTIONS, INC., SUCCESSOR TO WHITTAKER, CLARK & DANIELS, INC.), BRENNTAG SPECIALTIES, LLC (INDIVIDUALLY AND AS SUCCESSOR TO MINERAL AND PIGMENT SOLUTIONS, INC., SUCCESSOR TO WHITTAKER, CLARK & DANIELS, INC.), BRISTOL-MYERS SQUIBB CO. (INDIVIDUALLY AND AS SUCCESSOR TO CHARLES OF THE RITZ INC. AND LAVIN-CHARLES OF THE RITZ), BULGARI CORPORATION OF AMERICA, CARGO COSMETICS, LLC, CHANEL, INC., CLARINS GROUP NORTH AMERICA, INC., COTY, INC. (INDIVIDUALLY AND AS SUCCESSOR TO COVERGIRL COSMETICS, INC.), DILLARD'S, INC., ESTE LAUDER, INC. (INDIVIDUALLY AND AS SUCCESSOR TO BOBBI BROWN PROFESSIONAL COSMETICS, INC., CLINIQUE, TOM FORD, AND MAKE-UP ART COSMETICS, INC.), ESTEE LAUDER INTERNATIONAL, INC. (INDIVIDUALLY AND AS SUCCESSOR TO BOBBI BROWN PROFESSIONAL COSMETICS, INC., CLINIQUE, TOM FORD, AND MAKE-UP ART COSMETICS, INC.), EVE PEARL, LLC, GURWITCH PRODUCTS, LLC, HERMES OF PARIS, INC., HOUBIGANT, INC. (INDIVIDUALLY, DOING BUSINESS AS, AND AS SUCCESSOR TO DANA FRAGRANCES), JEROME ALEXANDER COSMETICS, INC., LANCOME, LORAC COSMETICS, INC., L'OREAL USA, INC. (INDIVIDUALLY AND AS SUCCESSOR TO YVES SAINT LAURENT AMERICA, INC., AND LANCOME), L'OREAL USA PRODUCTS, INC. (INDIVIDUALLY AND AS SUCCESSOR TO YVES SAINT LAURENT AMERICA, INC., AND LANCOME), MAKE-UP ART COSMETICS, INC., MAKE-UP ART COSMETICS (NEW YORK), INC., MAKE-UP ART COSMETICS (U.S.), INC., MARKWINS BEAUTY BRANDS, INC. (INDIVIDUALLY AND AS SUCCESSOR TO YVES SAINT LAURENT AMERICA, INC., AND LORAC COSMETICS, LLC), NINA RICCI USA, INC., PATRIARCH PARTNERS, LLC (D/B/A AND AS SUCCESSOR TO DANA FRAGRANCES), PENHALIGON'S (1870), INC., PENHALIGON'S, INC., PENHALIGON'S U.S.A.,

INDEX NO. 193142/2021
MOTION DATE 01/27/2022
MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

INC., PUBLIX SUPERMARKETS, INC., PUIG NORTH AMERICA, INC. (INDIVIDUALLY AND AS SUCCESSOR TO MYRURGIA, S.A., NINA RICCI, AND PENHALIGON'S, INC.), PUIG USA, INC. (INDIVIDUALLY AND AS SUCCESSOR TO MYRURGIA, S.A., NINA RICCI, AND PENHALIGON'S, INC.), REVLON, INC. (INDIVIDUALLY AND AS SUCCESSOR TO CHARLES OF THE RITZ INC., LAVIN-CHARLES OF THE RITZ, E. R. SQUIBB, SQUIBB CORP., AND YVES SAINT LAURENT), REVLON CONSUMER PRODUCTS CORP. (INDIVIDUALLY AND AS SUCCESSOR TO REVLON RESEARCH LABORATORIES, INC., CHARLES OF THE RITZ INC., LAVIN-CHARLES OF THE RITZ, E. R. SQUIBB, SQUIBB CORP., AND YVES SAINT LAURENT), SAKS FIFTH AVENUE, LLC (F/K/A SAKS FIFTH AVENUE, INC.), SEPHORA USA, INC., SHISEIDO AMERICA, INC, SHISEIDO AMERICAS CORP., THE ESTEE LAUDER COMPANIES, LLC (INDIVIDUALLY AND AS SUCCESSOR TO BOBBI BROWN PROFESSIONAL COSMETICS, INC., CLINIQUE, TOM FORD, AND MAKE-UP ART COSMETICS, INC.), THE NEIMAN MARCUS GROUP, LLC (F/K/A THE NIEMAN-MARCUS GROUP, INC.), THE THYMES, LLC, TPR HOLDINGS, LLC (INDIVIDUALLY AND AS SUCCESSOR TO CARGO COSMETICS, LLC), WHITTAKER, CLARK & DANIELS, INC. (INDIVIDUALLY, DOING BUSINESS AS, AND SUCCESSOR TO CHARLES MATHIEU INC. (D/B/A CHARLES MATHIEU & CO. AND CHAS. MATHIEU INC.), AMERICAN TALC COMPANY INC., METROPOLITAN TALC COMPANY INC., IMPERIAL PRODUCTS CO. INC., AND, DANA CLASSIC FRAGRANCES, INC. (A WHOLLY OWNED SUBSIDIARY OF IMG HOLDINGS, INC.), IMG HOLDINGS, INC.,

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 165, 166, 167, 168, 169, 170, 171, 172, 173

were read on this motion to/for PRO HAC VICE.

Upon the foregoing documents, it is ordered that the instant motion seeking the admission of Mark Joseph Buha, Esq. *pro hac vice* is granted. It is established that counsel is admitted to practice law in the states of California, Illinois, and Missouri, and is currently in good standing within each jurisdiction. Furthermore, counsel has associated with an attorney who is a member in good standing of the New York State bar, who can serve as the attorney of record in this matter,

required by Part 520.11(c) of the Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law. As such, the instant motion is granted without opposition.

ORDERED that the motion for leave to appear *pro hac vice* is granted and Mark Joseph Buha, Esq. is permitted to appear and to participate in this action, including during the trial, on behalf of the plaintiffs Judith Peltz and Benjamin Peltz; and it is further

ORDERED that Mark Joseph Buha shall at all times during this action be associated with counsel who is a member in good standing of the Bar of the State of New York and is attorney of record for the aforesaid party; and it is further

ORDERED that all pleadings, briefs, and other papers filed with the court shall be signed by the attorney of record, who shall be responsible for such papers and for the conduct of this action; and it is further

ORDERED that, pursuant to Section 520.11 of the Rules of the Court of Appeals and Section 602.2 of the Rules of the Appellate Division, First Department, counsel hereby admitted *pro hac vice* shall be familiar with and abide by the standards of professional conduct imposed upon members of the New York Bar, including the rules of the courts governing the conduct of attorneys and the Rules of Professional Conduct; and it is further

ORDERED that Mark Joseph Buha shall be subject to the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of his participation in this matter; and it is further

ORDERED that said counsel shall notify the court immediately of any matter or event in this or any other jurisdiction that affects her standing as a member of the bar; and it is further

ORDERED that within 30 days of entry, movant shall serve a copy of this decision/order upon all parties with notice of entry.

This constitutes the Decision/Order of the court.



2/9/2022

DATE

ADAM SILVERA, J.S.C.

CHECK ONE:

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CASE DISPOSED

GRANTED

DENIED

<input checked="" type="checkbox"/>
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NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE