



MondayMonday

Wherever You Hang Your Hat

May 26, 2014

In the past, we have used this Memorial Day issue of *MondayMonday* to speak of those that have fought in our national defense. We now have something more important to discuss.

How the hell does Andi Dorfman, the Jewish Assistant District Attorney on the 10th Season of *The Bachelorette* throw out *both* a lawyer *and* a doctor and sleep at night? What is wrong with this girl and what proof do we have that she is, indeed, a Member of the Tribe? She certainly doesn't act like one.

We hate reality TV, though our kids love it. There is really no such thing, we tell them. There are cameras everywhere, assistant producers suggesting comments and talented editors cutting everything to make it seem like something is happening, when it's not. Still, they watch, blinded by the Kardashians.

But *The Bachelorette* is beyond offensive and clearly phony. ADA Andi can't be real. If she is, maybe it's the result of having gone to LSU for four years and having been pickled by too many sorority (Phi Mu) tailgate weekends. But she did go to law school at Wake Forest (ranked #40 in 2009 when she was admitted,) so where did she (we) go



wrong? How can we hate a girl who, when asked what are the 3 things she'd want on a desert island, responds, a pilot, plane and fuel? That answer is pure Hadassah.

Or is it? Andi's cousin, film maker and journalist Allison Yarrow, writing in the Times, suggests that this is a new bachelorette, "a complex, self-made, Southern Jewish woman[.]" We hate to tell you, Allison. that we've been making those in New York City for years. Oy vay, y'all.

Despite our belief in a unified court system (and unicorns,) we all realize that the venue of a case might well be the difference between a good case and one that is a waste of time. Preparing for and fighting a defendant's tactical change of venue motion is not just procedure; it can be the very substance of your case in a practical sense.

In *Kelly v. Karsenty*, 2014 NY Slip Op 03660 (2d Dep't 5/21/14), defendants' moved to change venue from Queens to Rockland County. They argued that the change was theirs as a matter of right, as all of the parties re-

sided in Rockland County.

But plaintiff was ready; oh boy was he ready. His counsel demonstrated that plaintiff had maintained an additional residence in Queens County at the time the action was commenced. While the court defined "residence" as a place "where a party stays for some time with a 'bona fide intent to retain the place as a residence for some length of time and with some degree of permanency,'" plaintiff's counsel was ready for that too.

Plaintiff's counsel submitted a 3-year lease for a coop in Queens, which stated that the apartment was to be occupied by plaintiff and was dated 2 years prior to the commencement of the action. Counsel also submitted a tax bill, maintenance invoice for the apartment, a bank account statement and union membership card. They all listed plaintiff as living at the coop. The tax bill was even dated prior to the date of the action.

That was enough for the Appellate Division and the order of Justice Strauss in Queens County is reversed. "These documents were sufficient to establish that, at the time of the commencement of the action, the plaintiff had a bona fide intent to retain an additional residence in Queens with some degree of permanency."

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