

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

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JOSEPH KASTNER,

Plaintiff,

-against-

**JOHN SA DOE; CAMP MOGEN AVRAHAM;
CAMPS MOGEN AVRAHAM, HELLER,
STERNBERG, INC.; STERNBERG, HELLER,
MOGEN AVRAHAM THE SHMA CAMPS, LLC;
and UNITED JEWISH APPEARL (UJA)
FEDERATION OF NEW YORK,**

Defendants.

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LEONARD D. STEINMAN, J.

**Part CVA-R
Index No. 900111/2021
Mot. Seq. Nos. 002-003**

DECISION AND ORDER

The following papers, in addition to any memoranda of law and/or statement of material facts, were reviewed in preparing this Decision and Order:

Defendant Doe’s Notice of Motion, Affirmation & Exhibits.....	1
Plaintiff’s Affirmation in Opposition & Exhibits.....	2
Defendant Doe’s Reply.....	3
Notice of Motion by Child USA.....	4
Defendant Doe’s Affirmation in Opposition & Exhibit.....	5
Child USA’s Reply.....	6

Defendant John SA Doe moves to dismiss this action, which was brought under New York’s Child Victims Act. The basis of Doe’s argument is that the revival provision of the Act violates New York’s Due Process Clause. For the reasons set forth in this court’s prior decisions rejecting this argument (*see, e.g.*, 5/11/20 Decision & Order in ARK18 Doe v. Diocese of Rockville Centre, Index No. 900016/19, Jaeger, J.) the motion is denied.¹

The motion of CHILD USA to file an *amicus curiae* brief is denied as moot.

¹ This court became the Regional CVA Judge for the 9th and 10th Judicial Districts on January 1, 2022 upon Judge Jaeger’s retirement. The doctrine of *stare decisis* compels that this court abide by Justice Jaeger’s precedents, particularly since dedicated CVA parts were created in large part to achieve consistency in cases brought under the Act. “[T]he accident of a change of personalities in the Judges of a court is a shallow basis for jurisprudential evolution.” *People v. Hobson*, 39 N.Y.2d 479, 491 (1976).

A preliminary conference shall be scheduled for February 1, 2022 and a TEAMS invite will follow.

Any other relief requested not specifically addressed herein is denied.

This constitutes the Decision and Order of this court.

Dated: January 14, 2022
Mineola, New York

ENTER:



LEONARD D. STEINMAN, J.S.C.