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**Further Bizarre Twist South Oyster Bay Rd.Tree Case:
Case Becomes 'Hot Potato' as
Four Judges Have Had Case in Two Days**

Updated 2:30 PM

Update ---- Mineola NY 10-17-14 -- In another strange twist to the case of a resident environmental group's lawsuit against Nassau County and two contractors over the plan to cut down all the trees on South Oyster Bay Road, the second judge 'randomly' assigned to the case recused himself Friday morning, and a third judge received the case.

Notoriously anti-plaintiff Justice Anthony L. Parga, whom the Second Department rebuked last March in a similar case called "Patel v. Muttontown", removed himself from the South Oyster Bay Road case just as curiously as he had appeared, and in his place Justice R. Bruce Cozzens Jr. received the assignment.

At this point four different judges have had the case before them in two days, as the initial judge ruled Thursday that a brief phone call to his secretary compromised his impartiality or the appearance thereof, and the case was passed to an interim judge, Justice Randy Sue Marber, then to Justice Parga, and finally to Justice Cozzens.

After a roughly 30-minute conference Friday between the residents' attorney and four attorneys representing the County and contractors, Justice Cozzens' law clerk said the issue of continuing the injunction from last Friday would be decided at an unspecified time based on the papers already submitted, unless the judge decides to hold a further hearing, as requested by the residents.

Justice Cozzens has a better reputation than Justice Parga, who was called the "nastiest" judge one attorney ever encountered, among a set of scathing critiques on a national website devoted to rating judges. As of a 2011 profile on the official NY courts website, Justice Cozzens was listed as the Presiding Trial Judge in Nassau.

Environmental activist Richard Brummel, who has been following the case, made a verbal complaint to the court administrator about the suspicious circumstances of the loss of the original judge in the case, Acting Justice Antonio Brandveen, who demonstrated some sympathy to the environmental issues involved as he

issued a temporary injunction last week.

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Mineola NY, 10-17-14 -- The South Oyster Bay Road tree-removal injunction is likely to be lifted Friday by Nassau County's "nastiest judge" after a bizarre recusal Thursday from the sympathetic judge randomly assigned to the case a week ago.

The lawsuit against Nassau County and two of its contractors to halt their plan to cut down all the Oak trees lining the road in Plainview, Syosset and Bethpage faces a sharp test in Nassau Supreme Court Friday morning at 9:30.

In a bizarre scene Thursday, Acting Justice Antonio Brandveen -- whose assignment to the Supreme Court is provisional -- told a surprised courtroom he was going to recuse himself because his secretary just received a brief phone call praising his ruling last week to protect the trees for 6 days.

The recusal was a strong blow to the residents because Justice Brandveen had harshly challenged Nassau's claim last week that it could replace "age-old Oaks" with "saplings". He rejected Nassau County's pleas and issued a Temporary Restraining Order for a week with no requirement for bond.

Justice Brandveen claimed the alleged call -- from a supposed resident who even left her name ("Martha Evans") on the court answering machine -- was enough basis to cause him to leave the case, to which he was randomly assigned under a system the "Independent Assignment System" or "IAS") designed to remove favoritism in the judicial assignments.

While the three Nassau County attorneys emphatically urged the judge to recuse himself Thursday, the attorney retained by the Operation STOMP resident group, from the Law Firm of Fred Eisenbud of Commack, failed to object to the loss of its favorable jurist, telling the judge he could use his "discretion".

In Justice Brandveen's place, the notorious anti-plaintiff judge Justice Anthony M. Parga will hear Nassau County's argument today that its workers are being sidelined and large amounts of money are at stake in halting the tree-removal contracts.

Justice Parga has been lambasted on the judge-rating website <http://www.therobingroom.com/newyork/> where one rating stated:

"He is easily the worst judge in Nassau County, and perhaps on all of Long Island. He is short-tempered, pro-defendant, and nasty. I would rather undergo a good root canal without anesthesia than be assigned to try a case in his part."

Another comment states:

"I have been a trial lawyer for 44 years. Judge Parga is easily the nastiest judge I have encountered. He has no judicial temperament at all. No patience and a short fuse."

Residents have decried the removal of the landmark trees on the Facebook site "Operation STOMP" and a similar Change.org petition.

The legal challenge to the project is that the County and its contractors did not comply with the State Environmental Quality Review Act ("SEQRA") that requires rigorous scientific and policy analysis of destructive projects like the South Oyster Bay Road action.

Nassau has claimed the project is designed to facilitate sidewalk replacement and the new trees will substitute for the original trees -- an argument Justice Brandvein had scoffed at -- but the residents argue that other cities and municipalities are able to preserve their trees even when replacing sidewalks by well-accepted procedures.

Environmental activist and citizen-litigator Richard Brummel said he was extremely concerned that the judges changed and that Justice Parga was supposedly randomly assigned.

"This clearly breaches the intent of the Independent Assignment System. And over a phone call to the judge's secretary? Judge's are supposed to have a little substance, so they don't collapse like a twig. Justice Parga is a disaster -- I was before him twice. He simply is not interested in the law or justice. Why he is on this case is extremely suspicious," Mr. Brummel said.

Mr, Brummel added he had notified judicial administrators and asked them to look into the situation.

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