

TENTATIVE

State of New York
Supreme Court, Appellate Division
Third Judicial Department
518-471-4777

SESSION CALENDAR FOR TUESDAY, JANUARY 16, 2024

1:00 P.M. SESSION

GA E A R E M S

BENCH POSITION: Reynolds Fitzgerald, J., Egan Jr., J., Garry, P.J., Aarons, J., McShan, J.

Please notify the Clerk's Office at least 24 Hours PRIOR to argument of any changes to this calendar, including submissions and attorney changes.

When a cause is argued or submitted to the court with four justices present, it shall, whenever necessary, be deemed submitted also to any other duly qualified justice of the court, unless objection is noted at the time of argument or submission (Practice Rules of the Appellate Division, Rule 1250.1 [b]).

| Calendar No. | Case No. | Title | Time Allocated |
|--------------|------------|---|-------------------------------|
| (1) | CV-23-0689 | MATTER OF CLEAN AIR COALITION OF WESTERN N.Y. v NEW YORK STATE PUBLIC SERV. COMMN. Petitioner - Hillary W. Aidun, Esq. Earthjustice (Clean Air Coalition of Western New York, Inc., et al.) Respondent - Joshua S. Glasgow, Esq. Phillips Lytle LLP (Fortistar North Tonawanda, LLC, et al.) Respondent - David B. Johnson, Esq. Read & Laniado, LLP (North Tonawanda Holdings, LLC) Respondent - John J. Sipos, Esq. New York State Department of Public Service (New York State Public Service Commission) | 10 5 5 5 |
| (2) | CV-23-0381 | MATTER OF ABD ENGINEERS v NEW YORK STATE DIV. OF HUMAN RIGHTS Petitioner - Kathleen McCaffrey Baynes, Esq. Kathleen McCaffrey Baynes, Esq., PLLC (ABD Engineers, LLP, et al.) Respondent - Toni A. Hollifield, Esq. New York State Division of Human Rights (New York State Division of Human Rights) Respondent - Kevin A. Luibrand, Esq. Luibrand Law Firm, PLLC (Jessica Snickles) | 10 5 5 |

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|--------------|----------|--|----------------------------------|
| (3) | 535783 | LINDGREN v ANOIA Appellant - James L. Lutfy, Esq. Lutfy & Santora (Denise L. Lindgren) Respondent - Afaf S. Sulieman, Esq. Kirenan Trebach LLP (Tamika Anola) Respondent - Elizabeth J. Grogan, Esq. O'Connor First (Capital Area Hudson Valley New York Dental, PC) | 10 5 5 |
| (4) | 534805 | DEUTSCHE BANK NATL. TRUST CO. v DELUCA Appellant - Schuyler B. Kraus, Esq. Hinshaw & Culbertson LLP (Deutsche Bank National Trust Company) Respondent - Cindy M. Domingue-Hendrickson, Esq. Legal Aid Society of Mid-NY, Inc. (Michael Deluca, et al.) Intervenor - Mark S. Grube, Esq. Office of the New York State Attorney General (State of New York) | 10 5 5 |
| (9) | 535948 | MATTER OF LAWRENCE v NEW YORK STATE AND LOCAL RETIREMENT SYSTEM Petitioner - Sara Lawrence, Self represented Respondent - Sean P. Mix, Esq. Office of the New York State Attorney General (New York State and Local Retirement System) | SUB 5 |

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| (5) | CV-23-0811 | CLUTE v LISLE Appellant - Brendan T. Fitzpatrick, Esq. Gerber Ciano Kelly Brady LLP (Town of Lisle) Respondent - Jamie M. Richards, Esq. Stanley Law Offices (Cheryl Clute) | 10 10 |
| (6) | CV-22-2334 | ZOLLO v ADIRONDACK LODGES HOMEOWNERS ASSOC., INC. Appellant - John B. Zollo, Esq. Law Offices of John B. Zollo P.C. (John B. Zollo, et al.) Respondent - Christopher A. Priore, Esq. Wilson Elser Moskowitz Edelman & Dicker, LLP (Adirondack Lodges Homeowners Association, Inc., et al.) | 10 10 |
| (7) | 535873 | MATTER OF THE COUNTY OF ALBANY Appellant - Malcolm S. Taub, Esq. Taub & Lewis LLP (The Phoenix of Albany) Respondent - Mark T. Houston, Esq. Albany County Attorney's Office (County of Albany) | 10 10 |
| (8) | CV-23-0995 | SHEBER v ASHLEY HOMES LLC Appellant - David E. Woodin, Esq. (Ashley Homes LLC) Respondent - Robert S. Rosborough, Esq. Whiteman, Osterman & Hanna, LLP (Michael Sheber) | 10 10 |
| (10) | 111647 | PEOPLE v MALIEK LEWIS | SUB |

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| (11) | CV-22-1888 | MATTER OF MILLS v NEW YORK STATE BD. OF PAROLE | SUB |
| (12) | 112261 | PEOPLE v ADONIS HERRING | SUB |
| (13) | 535304 | PEOPLE ex rel. MAISONET v APPLE | SUB |
| (14) | CV-23-0290 | MATTER OF VUKOTIC v PRINCE FOOD CORP. | SUB |
| (15) | CV-23-0345 | MATTER OF GIOVANNI M. MENA (COMMISSIONER OF LABOR) | SUB |