

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

SESSION CALENDAR FOR THURSDAY, FEBRUARY 20, 2025

1:00 P.M. SESSION

GA LY RE F MS

BENCH POSITION: Fisher, J., Lynch, J., Garry, P.J., Reynolds Fitzgerald, 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-24-0017 | UNITED WHOLESALE MORTGAGE, LLC v SMITH Appellant - Sandra Poland Demars, Esq. (Prime Property Protection, LLC) Respondent - Harold Kofman, Esq. McCalla Raymer Leibert Pierce, LLC (United Wholesale Mortgage, LLC) | 10 10 |
| (2) | CV-23-2119 | MATTER OF NORTH SHORE HEMATOLOGY-ONCOLOGY ASSOC., PC v NEW YORK STATE DEPT. OF HEALTH Appellant - Michael N. Sheflin, Esq. Frier Levitt (North Short Hematology-Oncology Associates, PC) Respondent - Kate H. Nepveu, Esq. Office of the New York State Attorney General (New York State Department of Health) | 10 10 |
| (3) | CV-24-1048 | COLE v TRIPLE M EXCAVATING & TRUCKING LLC Appellant-Respondent - Kenneth J. Gorman, Esq. Law Offices of John V. Janusas (James Cole) Respondent-Appellant - Edward J. Barbour, Esq. Penino & Moynihan (Marc A. Baez) Respondent-Appellant - Leonard Kessler, Esq. Kessler Law Offices (Triple M Excavating & Trucking LLC) | 10 10 10 |

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| (4) | CV-23-2185 | MIKESH v COUNTY OF ULSTER Appellant - Michael A. MacRides, Esq. Belluck & Fox, LLP (Heather Mikesh) Respondent - Benjamin D. Heffley, Esq. Roemer Wallens Gold & Mineaux LLP (County of Ulster, et al.) | 10 10 |
| (5) | CV-24-0994 | MATTER OF STANDARDBRED OWNERS ASSOC. v NEW YORK STATE GAMING COMMN. Appellant - Andrew J. Turro, Esq. Meyer Suozzi English & Klein PC (Standardbred Owners Association, Inc.) Respondent - Jonathan D. Hitsous, Esq. Office of the New York State Attorney General (New York State Gaming Commission) | 10 10 |
| (7) | CV-24-0868 | GIGNAK v BRUNO | SUB |
| (8) | 113682 | PEOPLE v JAMEY WILLIAMS Appellant - Carolyn B. George, Esq. [Assigned] (Jamey Williams) Respondent - Peter H. Willis, Esq. Schenectady County District Attorney's Office (The People of the State of New York) | 10 10 |

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| (9) | CV-23-1528 | MATTER OF NATL. BUILDING & RESTORATION CORP. v NEW YORK STATE DEPT. OF LABOR Petitioner - Jason F. Kaufman, Esq. Bond, Schoeneck & King, PLLC (National Construction Services, Inc.) Petitioner - Joseph J. Steflik, Jr., Esq. Coughlin & Gerhart, LLP (National Building & Restoration Corporation, et al.) Respondent - Seth M. Kupferberg, Esq. Office of the New York State Attorney General (New York State Department of Labor) | <u>Remote</u> 7 7 12 |
| ➤(6) | CV-24-0262 | ZWICKEL v UNDERHILL LAND, LLC Appellant - Daniel M. O'Hara, Esq. McLoughlin O'Hara, LLP (Underhill Land, LLC, et al.) Respondent - William F. Demarest III, Esq. | <u>Remote</u> 10 SUB |
| (10) | CV-23-1656 | MATTER OF REYNALDO FLORES | SUB |
| (11) | CV-23-1722 | MATTER OF DEVANAND PERSAUD | SUB |
| (12) | CR-24-0051 | PEOPLE v SARAH EL-BEGEARM | SUB |
| (13) | CV-24-0014 | MATTER OF CROLY v NEW YORK STATE COMPTROLLER | SUB |
| (14) | CV-23-2160 CV-24-0333 | MATTER OF GOSS v WTC VOLUNTEER | SUB |
| (15) | CV-23-0409 | MATTER OF COLLINS v NEW YORK CITY TRANSIT AUTH. | SUB |

➤ **CV-24-0262 - ZWICKEL v UNDERHILL LAND, LLC**
 Panel: GA RE F MS