

TENTATIVE

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

SESSION CALENDAR FOR THURSDAY, OCTOBER 22, 2020

1:00 P.M. SESSION

GA CL D A RE

BENCH POSITION: AARONS, J., CLARK, J., GARRY, P.J., DEVINE, J., REYNOLDS FITZGERALD, 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)	529637**	<b>ABELE TRACTOR &amp; EQUIPMENT CO. v SCHAEFFER</b> <i>Appellant</i> - John W. Bailey, Esq. Bailey Johnson & Peck, P.C. (Trustco Bank) <i>Respondent</i> - Linda Mandel Clemente, Esq. Mandel Clamente, P.C. (Abele Tractor & Equipment Co.)	10 10
(2)	529149**	<b>MTGLQ INVESTORS v THOMPSON</b> <i>Appellant</i> - William Thompson [Pro se] <i>Respondent</i> - Oran Schwager, Esq.	10 SUB
(3)	531100**	<b>MATTER OF EMPIRE CTR. FOR PUBLIC POLICY v NYSERDA</b> <i>Appellant</i> - Robert M. Goldfarb, Esq. AG Letitia James (NYSERDA) <i>Respondent</i> - Cameron J. MacDonald, Esq. Government Justice Center (Empire Center)	10 10
(4)	530000**	<b>MATTER OF CORRECTION OFFICERS' BENEVOLENT ASSOC. v POOLE</b> <i>Appellant</i> - Howard Wein, Esq. Koehler & Isaacs LLP (Corrections Officer, et al.) <i>Respondent</i> - Robert M. Goldfarb, Esq. AG Letitia James (New York State Office of Children and Family Services) <i>Respondent</i> - Elina Druker, Esq. James E. Johnson, Corp. Cnsl. (Bill De Blasio, et al.)	10 5 5

TENTATIVE

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

SESSION CALENDAR FOR THURSDAY, OCTOBER 22, 2020

1:00 P.M. SESSION

GA CL D A RE

BENCH POSITION: AARONS, J., CLARK, J., GARRY, P.J., DEVINE, J., REYNOLDS FITZGERALD, 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
(5)	530886**	<b>FASCE v SMITHEM</b> <i>Appellant</i> - Terry D. Horner, Esq. Feldman, Kleidman Coffey and Sappe LLP (Crystal Run) <i>Respondent</i> - Stanley A. Landers, Esq. Landers & Cernigliaro, P.C. (John Fasce)	10  5
(6)	529168	<b>JP MORGAN CHASE BANK N.A. v KELLEHER</b>	SUB
(7)	529888**	<b>NEW YORK MUNICIPAL POWER AGENCY v TOWN OF MASSENA</b> <i>Appellant</i> - Janet D. Callahan, Esq. Hancock Estabrook, LLP (Town of Messena, et al.) <i>Respondent</i> - Matthew W. O'Neil, Esq. Costello Cooney & Fearon PLLC (New York Municipal Power)	10  10
(8)	528066	<b>MATTER OF JASON O.</b>	SUB
(9)	530481	<b>MATTER OF BARROS v JOHN P. PICONE, INC.</b>	SUB
(10)	530282	<b>MATTER OF JAEDYN U.</b>	SUB
(11)	529901	<b>MATTER OF SARMIENTO v EMPIRE CONTRACTING OF NY CORP.</b>	SUB
(12)	110784	<b>PEOPLE v MATTHEW J. ROMANELLI</b>	SUB
(13)	109842	<b>PEOPLE v KRISTEN BISHOP</b>	SUB
(14)	529930	<b>MATTER OF WALCZAK v ASPLUNDH TREE EXPERT CO.</b>	SUB
(15)	529843	<b>MATTER OF HLUSKA v CENT. NEW YORK PSYCHIATRIC CTR.</b>	SUB

TENTATIVE

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

**SESSION CALENDAR FOR THURSDAY, OCTOBER 22, 2020**

**1:00 P.M. SESSION**

**GA CL D A RE**

**BENCH POSITION: AARONS, J., CLARK, J., GARRY, P.J., DEVINE, J., REYNOLDS FITZGERALD, J.**

\*\* To be argued remotely