

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

SESSION CALENDAR FOR TUESDAY, NOVEMBER 16, 2021

1:00 P.M. SESSION

GA E LY PR CO

BENCH POSITION: PRITZKER, J., EGAN JR., J., GARRY, P.J., LYNCH, J., COLANGELO, 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)        | 532181   | <b>PARK AVENUE ASSOC. v PETER JOSEPH NICHOLSON</b><br><i>Appellant</i> - Jeffrey A. Jaketic, Esq.<br>Hinman Howard & Kattell, LLP<br>(Park Avenue Assoc.)<br><i>Respondent</i> - Justin A. Heller, Esq.<br>Nolan Heller Kaufman LLP<br>(Peter Joseph Nicholson, et al.)                                     | 10<br>10       |
| (2)          | 531759   | <b>MATTER OF BROADWAY STAGES v NEW YORK STATE JOINT COMMN. ON PUBLIC ETHICS</b><br><i>Appellant</i> - Joshua L. Seifert, Esq.<br>Joshua L. Seifert PLLC<br>(Broadway Stages, LTD.)<br><i>Respondent</i> - Beezly J. Kiernan, Esq.<br>AG Letitia James<br>(New York State Joint Commission on Public Ethics) | 10<br>10       |
| (3)          | 110187   | <b>PEOPLE v JOSEPH A. LOMBARDO</b><br><i>Appellant</i> - Teresa C. Mulliken, Esq. [Assigned]<br><i>Respondent</i> - Rita M. Basile, Esq.<br>Michael A. Korchak, Broome County District Attorney   | SUB<br>10      |
| (4)          | 532976   | <b>FUSCO v TOWN OF COLONIE</b><br><i>Appellant</i> - Anthony D. Dougherty, Esq.<br>Archer & Greiner<br>(Michael Fusco)<br><i>Respondent</i> - Carolyn B. George, Esq.<br>Cooper Erving Savage LLP<br>(Town of Colonie)  | 10<br>10       |
| (5)          | 532549   | <b>PEOPLE OF THE STATE OF NEW YORK ex rel. BENJAMIN v YETTER</b>  | SUB            |

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| Calendar No. | Case No. | Title   | Time Allocated |
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| (6)          | 532531   | <b>KEGELMAN v TOWN OF OTSEGO</b><br><i>Appellant</i> - Brian J. Kegelmann [Pro se]<br><i>Respondent</i> - Nicholas P. Fedorka, Esq.<br>McGiverny Kluger & Intoccia<br>(Town of Otsego)  | 10<br>10       |
| (7)          | 110867   | <b>PEOPLE v MARC HARRIS</b>   | SUB            |
| (8)          | 531627   | <b>CONGREGATION MACHNE GER v DOVID BERLINER</b><br><i>Appellant</i> - Christopher Buckley, Esq.<br>Cullen and Dykeman LLP<br>(Congregation Machne Ger)<br><i>Respondent</i> - Robert A. Spolzino, Esq.<br>Abrams Fensterman<br>(Dovid Berliner) | 12<br>12       |
| (9)          | 532564   | <b>WITECKI v SARATOGA LAKESIDE ACRES ASSN.</b><br><i>Appellant</i> - Glenn J. Witecki, Esq. [Pro se]<br><i>Respondent</i> - Jesse P. Schwartz, Esq.<br>Walsh and Walsh LLP<br>(Saratoga Lakeside)   | 10<br>10       |
| (10)         | 532144   | <b>MATTER OF COMM. OF SOCIAL SERVICES v ROYCE Y.</b>  | SUB            |
| (11)         | 110368   | <b>PEOPLE v PATRICIA GIDDINGS</b>   | SUB            |
| (12)         | 111744   | <b>PEOPLE v ALMIR LEKOVIC</b>   | SUB            |
| (13)         | 531632   | <b>MATTER OF ALFOUSSEYN SOW</b>   | SUB            |
| (14)         | 532311   | <b>MATTER OF KING v NEW YORK STATE DEPT. OF CORRECTIONS</b>   | SUB            |
| (15)         | 533303   | <b>MATTER OF MOLINA v DELTA AIRLINES INC.</b>   | SUB            |

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► **532181 - PARK AVENUE ASSOC. v PETER JOSEPH NICHOLSON MED. LIAB.**  
**Panel - GA LY PR CO**