

TENTATIVE

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

SESSION CALENDAR FOR WEDNESDAY, FEBRUARY 16, 2022

1:00 P.M. SESSION

E A P R R E C E

BENCH POSITION: REYNOLDS FITZGERALD, J., AARONS, J., EGAN JR., J.P., PRITZKER, J., CERESIA, 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)	531036	<b>ALCANTARA v ANNUCCI</b> <b>Appellant/Respondent - Brian D. Ginsberg, Esq.</b> AG Letitia James (Anthony J. Annucci) <b>Respondent/Appellant - Kyle Mathews, Esq.</b> Wilkie Farr & Gallagher, LLP (Richard Alcantara, et al.)	10 10
(2)	111099	<b>PEOPLE v ROBERT LADUKE</b> <b>Appellant - Matthew C. Hug, Esq.</b> (Robert Laduke) <b>Respondent - Emily Schultz, Esq.</b> P. David Soares, Albany County District Attorney	10 10
(3)	533507	<b>MIZENKO v INTERTECH DIGITAL ENTERTAINMENT</b> <b>Appellant - Scott Kagan, Esq.</b> Hurwitz & Fine (Intertech Digital Entertainment) <b>Respondent - Christopher P. Meyer, Esq.</b> Law Office of Edward P. Ryan (Michael Mizenko)	10 10
(4)	532089	<b>McCARTHY CONCRETE v BANTON CONSTR. CO.</b> <b>Appellant - Antonino M. Leone, Esq.</b> Hinckley Allen & Syner, LLP (Banton Construction Company) <b>Respondent - Thomas J. Donlon, Esq.</b> Robinson & Cole, LLP (McCarthy Concrete, Inc.)	10 10

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Calendar No.	Case No.	Title	Time Allocated
(5)	532764	<b>TESTANI v RUSSELL &amp; RUSSELL, LLC</b> <b>Appellant - Christopher A. Powers, Esq.</b> Mackenzie Hughes LLP (Rocco J. Testani, et al.) <b>Respondent - James P. Evans, Esq.</b> Barclay Damon, LLP (National Life Group) <b>Respondent - Matthew Tracy, Esq.</b> Winget, Spadafora & Schwartzberg, LLP (Russell & Russell LLC, et al.) <b>Respondent - Owen A. Kloter, Esq.</b> Sichenzia Ross Ference LLP (Fifth West Insurance & Investments, LLC, et al.)	10 5 5 5
(6)	532647	<b>DAIRE v STERLING INS. CO.</b> <b>Appellant - Ronald R. Benjamin, Esq.</b> Law Office of Ronald R. Benjamin (Edward Daire, et al.) <b>Respondent - Peter W. Knych, Esq.</b> Knych & Whritenour, LLC (Sterling Insurance Company)	10 10
(7)	532898	<b>HAWVER v STEELE</b> <b>Appellant - David L. Steinberg, Esq.</b> McCabe, Coleman, Ventosa & Patterson PLLC (Scott A. Hawver, et al.) <b>Respondent - Nicholas Tarkazikis, Esq.</b> McCabe & Mack, LLP (Laura T. Steele)	10 10
(8)		<b>REMOVED</b>	

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Calendar No.	Case No.	Title	Time Allocated
(9)	531284	<b>MATTER OF APPLE INC. v NEW YORK STATE TAX APPEALS TRIBUNAL</b> <i>Petitioner</i> - Karen Lin, Esq. McDermott Will & Emery, LLP (Apple Inc.) <i>Respondent</i> - Brian D. Ginsberg, Esq. AG Letitia James (New York State Department of Tax & Finance)	10 10
(10)	530819	<b>MATTER OF DEVIN W. v JESSICA X.</b>	SUB
(11)	533073	<b>MATTER OF DAVID VV. v ALISON YY.</b>	SUB
(12)	533252	<b>MATTER OF GENEVA WORLDWIDE, INC.</b>	SUB
(13)	112779	<b>PEOPLE v MESSIAH POMPEY</b>	SUB
(14)	112085	<b>PEOPLE v JONATHAN J. SANDERS</b>	SUB
(15)	532985	<b>MATTER OF IPPOLITO v NEW YORK CITY TRANSIT AUTH.</b>	SUB