



*State of New York  
Supreme Court, Appellate Division  
Third Judicial Department  
P.O. Box 7288, Capital Station  
Albany, NY 12224-0288*

*Robert D. Mayberger  
Clerk of the Court*

*(518) 471-4777  
fax (518) 471-4750  
<http://www.nycourts.gov/ad3>*

## **JANUARY 2024 Term Calendar**

This is a TENTATIVE calendar of argued and submitted cases. For those cases being argued, the listing below is intended to indicate only the date and time argument has been scheduled to occur and not the sequence in which the cases will be called. An updated Session Calendar, indicating the Justices sitting for a particular session, the attorneys arguing, and the time allowed for each argument, will be posted on the Appellate Division, Third Department website ([www.nycourts.gov/ad3](http://www.nycourts.gov/ad3)) one week prior to the beginning of the term. The Court's policy requires notice of any calendar changes at least 24 hours prior to argument and your failure to abide by this policy could result in the imposition of costs. Please be advised the Court's arguments are streamed live via the Court's website.

### **MONDAY, JANUARY 8, 2024 01:00 PM SESSION**

#### **To Be Argued:**

112141	PEOPLE v ELLIOTT WELLS
CV-22-1921	DEMAREST v VILLAGE OF GREENWICH
CV-22-1931	DAY v VILLAGE OF GREENWICH
CV-23-0596	MATTER OF CODY VV.
534967	BROWN v UNIVERSITY OF ROCHESTER
CV-23-0468	MATTER OF ALICIA SS. v ANDREW RR.
CV-22-2340	MATTER OF LAMOUREUX v TOWN OF VESTAL TOWN BD.
112813	PEOPLE v CHUCK E. WEIGAND
535434	MATTER OF MALAURIN v NEW YORK CITY TRANSIT AUTH.
CV-23-0351	PEOPLE ex rel. ABBOTT v WENDLAND

#### **To Be Submitted:**

113051	PEOPLE v KENNETH WEBER
CV-22-2011	MATTER OF SINGH v NATIONAL LIABILITY & FIRE INSURANCE CO.
535640	MATTER OF DIGBASANIS v PELHAM BAY DONUTS, INC.
CV-23-0992	MATTER OF CROSS v NEW YORK STATE DEPT. OF CORRECTIONS AND COMMUNITY SUPERVISION
CV-23-0885	MATTER OF SVETLA KALCHEVA (COMMISSIONER OF LABOR)



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**TUESDAY, JANUARY 9, 2024  
01:00 PM SESSION**

**To Be Argued:**

CV-23-0041	SEELEY v SHEN
535732	KELLY v HERZOG
CV-23-0387	TAMRAZIAN v SOLWAY PROPERTIES LLC
112197	PEOPLE v MAURICE STANSBERRY SR.
CV-22-2042	U.S. BANK N.A. v HARTQUIST
CV-22-2126	MATTER OF ESTATE OF JOHN L. LOWREY
536084	MATTER OF JOHNSON v APPEALS BD. OF THE ADMINISTRATIVE ADJUDICATION BUREAU
CV-22-2041	MATTER OF JOHN E. ANDRUS MEMORIAL v COMMISSIONER OF NEW YORK STATE DEPT. OF HEALTH
CV-23-0273	PEOPLE v ROBERT HOROHO (SORA)

**To Be Submitted:**

535485	MATTER OF NIKOLE V.
536000	MATTER OF ELHANNON WHOLESALE NURSERY INC. (COMMISSIONER OF LABOR)
110739	PEOPLE v RUPERT L. LAMICA JR.
535472	MATTER OF GHAF FOUR v NEW YORK BLACK CAR OPERATORS
CV-23-0309	MATTER OF FERNANDEZ v NEW YORK CITY TRANSIT AUTH.
CV-23-0034	MATTER OF RHONDA TRACY (COMMISSIONER OF LABOR)



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**WEDNESDAY, JANUARY 10, 2024  
01:00 PM SESSION**

**To Be Argued:**

535191	MATTER OF YI v NEW YORK STATE BD. FOR PROFESSIONAL MED. CONDUCT
110875	PEOPLE v ISAIAH M. JOHNSON
534941	BARESE v ERIE AND NIAGARA INS. ASSOC.
112674	PEOPLE v ROBERT PATTERSON
535961	LIBERTY MUTUAL INS. CO. v PMI NEWCO
CV-22-2347	87 UPTOWN ROAD LLC v COUNTRY MUTUAL INS. CO.
CV-22-2207	CATMAN v BACK WATER GRILLE LLC
CV-22-2183	MATTER OF GIUSEPPE V. v TIFFANY U.
535958	MATTER OF ANDERSON v CITY OF YONKERS

**To Be Submitted:**

CV-23-0283	MATTER OF RONDA A. v JENNIFER A.
534701	MATTER OF SPILLERS v HEALTH & HOSP. CORP.
112830	PEOPLE v BRANDON L. BAILEY
534946	MATTER OF HICKEY v SKANSKA-WALSH JV/PACE CAR PLUMBING LLC
CV-23-0298	MATTER OF LEONARD v DAVID'S BRIDAL, INC.
CV-23-0569	MATTER OF JOHANNA MOQUETE (COMMISSIONER OF LABOR)



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**TUESDAY, JANUARY 16, 2024  
01:00 PM SESSION**

**To Be Argued:**

CV-23-0689	MATTER OF CLEAN AIR COALITION OF WESTERN NEW YORK v NEW YORK STATE PUBLIC SERV. COMMN.
CV-23-0381	MATTER OF ABD ENGINEERS v NEW YORK STATE DIV. OF HUMAN RIGHTS
535783	LINDGREN v ANOIA
534805	DEUTSCHE BANK NATL. TRUST CO. v DELUCA
CV-23-0811	CLUTE v LISLE
CV-22-2334	ZOLLO v ADIRONDACK LODGES HOMEOWNERS ASSOC., INC.
535873	MATTER OF THE COUNTY OF ALBANY
CV-23-0995	SHEBER v ASHLEY HOMES LLC
535948	MATTER OF LAWRENCE v NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

**To Be Submitted:**

111647	PEOPLE v MALIEK LEWIS
CV-22-1888	MATTER OF MILLS v NEW YORK STATE BD. OF PAROLE
112261	PEOPLE v ADONIS HERRING
535304	PEOPLE ex rel. MAISONET v APPLE
CV-23-0290	MATTER OF VUKOTIC v PRINCE FOOD CORP.
CV-23-0345	MATTER OF GIOVANNI M. MENA (COMMISSIONER OF LABOR)



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**WEDNESDAY, JANUARY 17, 2024  
01:00 PM SESSION**

**To Be Argued:**

113496	PEOPLE v NATHANIEL H. GAYLORD
535968	MATTER OF COUNTY OF ROCKLAND v NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BD.
CV-23-0642	KATLESKI v CAZANOVIA GOLF CLUB, INC.
113252	PEOPLE v TAHIR CHRISTIE
112888	PEOPLE v CARISSA HEMINGWAY
CV-22-2287	MATTER OF AUTUMN VIEW HEALTH CARE FACILITY v ZUCKER
CV-22-2080	TOWD POINT MORTGAGE TRUST v POULIN
535928	GERBER v CELLA

**To Be Submitted:**

CV-23-0607	MATTER OF SULLIVAN COUNTY PATROLMEN'S BENEVOLENT ASSOC. v COUNTY OF SULLIVAN
112809	PEOPLE v ALEX M. FERRER
113180	
CV-22-2051	MATTER OF BERNARD BRUYERE (COMMISSIONER OF LABOR)
113122	PEOPLE v EVERETT M. NOLAN
CV-23-0111	MATTER OF MCNULTY v CRAECO, INC.
CV-22-2330	MATTER OF HARTMAN v ARRIC CORP
CV-22-2058	MATTER OF IBRAHIMA YURA (COMMISSIONER OF LABOR)



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**THURSDAY, JANUARY 18, 2024  
01:00 PM SESSION**

**To Be Argued:**

CV-23-0465	COLUCCI v RZEPKA
CV-23-0407	MATTER OF LOST LAKE HOLDINGS LLC v TOWN OF FORESTBURGH
CV-23-1168	
CV-23-1305	
536068	MATTER OF STRATA SKIN SCIENCES v TAX APPEALS TRIB.
CV-22-1961	DARWISH AUTO GROUP v TD BANK, N.A.
CV-23-0925	
CV-22-2099	MATTER OF CLEMENTS v NEW YORK SECRETARY OF STATE
535792	VASATURO v VASATURO
CV-23-0383	MATTER OF CONEY ISLAND PREPARATORY PUBLIC CHARTER SCHOOL v NEW YORK STATE DEPT. OF EDUC.
CV-23-0131	WOLFE v STAPLES, INC.
110666	PEOPLE v BRANDON M. STONE

**To Be Submitted:**

109578	PEOPLE v CORNELIUS DRAKE
113431	
CV-22-1903	MATTER OF YOLAS v NEW YORK CITY TRANSIT AUTH.
113572	PEOPLE v JAMES T. ROSS
CV-23-0765	MATTER OF CAZZARI v DINAPOLI
535669	MATTER OF IRIZARRY v LOPEZ MATOS CONSTR., INC.
CV-22-2013	MATTER OF KAMRUN NAHER (COMMISSIONER OF LABOR)



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**FRIDAY, JANUARY 19, 2024  
09:30 AM SESSION**

**To Be Argued:**

CV-23-0452 JEDA CAPITAL-56, LLC v POTSDAM ASSOCIATES, LLC  
110488 PEOPLE v GABRIEL HODGE  
CV-23-0408 MATTER OF CARLY W. v MARK V.  
536191 NESCONSET CTR. FOR NURSING AND REHABILITATION v  
COMMISSIONER OF THE NEW YORK STATE DEPT. OF HEALTH  
CV-23-0327 MATTER OF HUDSON VALLEY PROPERTY OWNERS ASSOC., INC. v  
THE CITY OF KINGSTON NEW YORK  
CV-23-0088 MATTER OF ROBINS v ROSA  
CV-23-0413 MATTER OF FRANKIE CC. v RACHEL CC.

**To Be Submitted:**

CV-23-0858 MATTER OF COOPERSTOWN CTR. FOR REHAB AND NURSING v NEW  
YORK STATE DEPT. OF HEALTH  
CV-22-2220 BANK OF AMERICA v NERONI  
CV-23-0630  
112435 PEOPLE v JEFFREY NUNNALLY  
113538  
534808 PEOPLE v JAMES SALERNO (SORA)  
534809  
CV-23-0233 MATTER OF BUDDENHAGEN v DINAPOLI  
CV-22-1926 MATTER OF GOLISANO v ABX INNOVATIVE PACKAGING SOLUTIONS  
LLC  
CV-22-1852 MATTER OF ELIZABETH BERNARDONE (COMMISSIONER OF LABOR)