

TENTATIVE

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

SESSION CALENDAR FOR thursDAY, JANUARY 18, 2024

1:00 P.M. SESSION

E CL LY MS MK

BENCH POSITION: McShan, J., Clark, J., Egan Jr., J.P., Lynch, J., Mackey, 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-23-0465	COLUCCI v RZEPKA Appellant - Lewis B. Oliver, Jr., Esq. Oliver Law Office (Lora Colucci, et al.) Respondent - Paul G. Ferrara, Esq. Costello, Cooney & Fearon, PLLC (Thomas J. Rzepka, Esq.)	10 10
(2)	CV-23-0407 CV-23-1168 CV-23-1305	MATTER OF LOST LAKE HOLDINGS LLC v TOWN OF FORESTBURGH Appellant - Steven Barshov, Esq. Sive, Paget & Fiesel, P.C. (Lost Lake Holdings LLC, et al.) Respondent - Javid Afzali, Esq. Harris Beach PLLC (Town of Forestburgh, et al.)	10 10
(3)	536068	MATTER OF STRATA SKIN SCIENCES v TAX APPEALS TRIB. Petitioner - Alysse B. McLoughlin, Esq. Jones Walker LLP (Strata Skin Sciences, Inc.) Respondent - Frederick A. Brodie, Esq. Office of the New York State Attorney General (New York State Tax Appeals Tribunal, et al.)	10 10
(4)	CV-22-1961 CV-23-0925	DARWISH AUTO GROUP v TD BANK, N.A. Appellant - Michael Stuart Horn, Esq. Archer & Greiner, P.C. (Walid Darwish) Respondent - Michael S. Cryan, Esq. ArentFox Schiff, LLP (Darwish Auto Group, LLC, et al.)	10 10

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Calendar No.	Case No.	Title	Time Allocated
(5)	CV-22-2099	MATTER OF CLEMENTS v NEW YORK SECRETARY OF STATE Appellant - David Kagle, Esq. Legal Assistance of Western New York, Inc. (Keionzie Clements)	10
		Respondent - Dustin J. Brockner, Esq. Office of the New York State Attorney General (New York Secretary of State)	10
➤(6)	535792	VASATURO v VASATURO Appellant - Michael H. Sussman, Esq. Sussman & Goldman	10
		Respondent - Robert J. Baror, Esq. Daniels, Porco and Lusardi, LLP (Michael Vasaturo)	10
(7)	CV-23-0383	MATTER OF CONEY ISLAND PREPARATORY PUBLIC CHARTER SCHOOL v NEW YORK STATE DEPT. OF EDUC. Appellant - Kent A. Yalowitz, Esq. Arnold & Porter Kaye Scholer LLP (Coney Island Preparatory Public Charter School, et al.)	<u>In Person</u> 10
		Respondent - Jonathan D. Hitsous, Esq. Office of the New York State Attorney General (The New York State Education Department, et al.)	5
		Respondent - Jesse A. Townsend, Esq. New York City Law Department (The City of New York, et al.)	<u>Remote</u> 5

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Calendar No.	Case No.	Title	Time Allocated
(8)	CV-23-0131	WOLFE v STAPLES, INC. Appellant - John T. Casey, Jr., Esq. John Thomas Casey, Jr. (Danelle Wolfe) Respondent - Maria Mastriano, Esq. Pillinger Miller Tarallo, LLP (Staples, Inc., et al)	10 10
(9)	110666	PEOPLE v BRANDON M. STONE Appellant - Jeffrey R. Parry, Esq. [Assigned] (Brandon M. Stone) Respondent - Cheryl A. Mancini, Esq.	10 SUB
(10)	109578 113431	PEOPLE v CORNELIUS DRAKE	SUB
(11)	CV-22-1903	MATTER OF YOLAS v NEW YORK CITY TRANSIT AUTH.	SUB
(12)	113572	PEOPLE v JAMES NN.	SUB
(13)	CV-23-0765	MATTER OF CAZZARI v DINAPOLI	SUB
(14)	535669	MATTER OF IRIZARRY v LOPEZ MATOS CONSTR., INC.	SUB
(15)	CV-22-2013	MATTER OF KARUN NAHER (COMMISSIONER OF LABOR)	SUB

► 535792 - VASATURO v VASATURO
Panel: E CL LY MS