

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

SESSION CALENDAR FOR THURSDAY, FEBRUARY 20, 2025

1:00 P.M. SESSION

GA LY RE F MS

BENCH POSITION: Fisher, J., Lynch, J., Garry, P.J., Reynolds Fitzgerald, J., McShan, 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-24-0017	<b>UNITED WHOLESALE MORTGAGE, LLC v SMITH</b> <b>Appellant - Sandra Poland Demars, Esq.</b> (Prime Property Protection, LLC) <b>Respondent - Harold Kofman, Esq.</b> McCalla Raymer Leibert Pierce, LLC (United Wholesale Mortgage, LLC)	10 10
(2)	CV-23-2119	<b>MATTER OF NORTH SHORE HEMATOLOGY-ONCOLOGY ASSOC., PC</b> <b>v NEW YORK STATE DEPT. OF HEALTH</b> <b>Appellant - Jonathan E. Levitt, Esq.</b> Frier Levitt (North Short Hematology-Oncology Associates, PC) <b>Respondent - Kate H. Nepveu, Esq.</b> Office of the New York State Attorney General (New York State Department of Health)	10 10
(3)	CV-24-1048	<b>COLE v TRIPLE M EXCAVATING &amp; TRUCKING LLC</b> <b>Appellant-Respondent - Kenneth J. Gorman, Esq.</b> Law Offices of John V. Janusas (James Cole) <b>Respondent-Appellant - Edward J. Barbour, Esq.</b> Penino & Moynihan (Marc A. Baez) <b>Respondent-Appellant - Leonard Kessler, Esq.</b> Kessler Law Offices (Triple M Excavating & Trucking LLC)	10 10 10

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

SESSION CALENDAR FOR THURSDAY, FEBRUARY 20, 2025

1:00 P.M. SESSION

GA LY RE F MS

BENCH POSITION: Fisher, J., Lynch, J., Garry, P.J., Reynolds Fitzgerald, J., McShan, 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
(4)	CV-23-2185	<b>MIKESH v COUNTY OF ULSTER</b> <b>Appellant - Michael A. MacRides, Esq.</b> Belluck & Fox, LLP (Heather Mikesh) <b>Respondent - Benjamin D. Heffley, Esq.</b> Roemer Wallens Gold & Mineaux LLP (County of Ulster, et al.)	10  10
(5)	CV-24-0994	<b>MATTER OF STANDARDBRED OWNERS ASSOC. v NEW YORK STATE GAMING COMMN.</b> <b>Appellant - Andrew J. Turro, Esq.</b> Meyer Suozzi English & Klein PC (Standardbred Owners Association, Inc.) <b>Respondent - Jonathan D. Hitsous, Esq.</b> Office of the New York State Attorney General (New York State Gaming Commission)	10  10
(7)	CV-24-0868	<b>GIGNAK v BRUNO</b>	SUB
(8)	113682	<b>PEOPLE v JAMEY WILLIAMS</b> <b>Appellant - Carolyn B. George, Esq. [Assigned]</b> (Jamey Williams) <b>Respondent - Peter H. Willis, Esq.</b> Schenectady County District Attorney's Office (The People of the State of New York)	10  10

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

**SESSION CALENDAR FOR THURSDAY, FEBRUARY 20, 2025**

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

**GA LY RE F MS**

**BENCH POSITION: Fisher, J., Lynch, J., Garry, P.J., Reynolds Fitzgerald, J., McShan, 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
(9)	CV-23-1528	<b>MATTER OF NATL. BUILDING &amp; RESTORATION CORP. v NEW YORK STATE DEPT. OF LABOR</b> <b>Petitioner - Jason F. Kaufman, Esq.</b> Bond, Schoeneck & King, PLLC (National Construction Services, Inc.) <b>Petitioner - Joseph J. Steflik, Jr., Esq.</b> Coughlin & Gerhart, LLP (National Building & Restoration Corporation, et al.) <b>Respondent - Seth M. Kupferberg, Esq.</b> Office of the New York State Attorney General (New York State Department of Labor)	<u>Remote</u> 7  7  12
➤(6)	CV-24-0262	<b>ZWICKEL v UNDERHILL LAND, LLC</b> <b>Appellant - Daniel M. O'Hara, Esq.</b> McLoughlin O'Hara, LLP (Underhill Land, LLC, et al.) <b>Respondent - William F. Demarest III, Esq.</b>	<u>Remote</u> 10  SUB
(10)	CV-23-1656	<b>MATTER OF REYNALDO FLORES</b>	SUB
(11)	CV-23-1722	<b>MATTER OF DEVANAND PERSAUD</b>	SUB
(12)	CR-24-0051	<b>PEOPLE v SARAH EL-BEGEARM</b>	SUB
(13)	CV-24-0014	<b>MATTER OF CROLY v NEW YORK STATE COMPTROLLER</b>	SUB
(14)	CV-23-2160 CV-24-0333	<b>MATTER OF GOSS v WTC VOLUNTEER</b>	SUB
(15)	CV-23-0409	<b>MATTER OF COLLINS v NEW YORK CITY TRANSIT AUTH.</b>	SUB

➤ **CV-24-0262 - ZWICKEL v UNDERHILL LAND, LLC**  
Panel: GA RE F MS