

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

568

**CA 24-00283**

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, GREENWOOD, AND KEANE, JJ.

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SHAWN BROTON, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

COUNTY OF ONONDAGA, ET AL., DEFENDANTS,  
AND STEVEN WILLIAMS, INDIVIDUALLY AND IN  
HIS CAPACITY AS INVESTIGATIVE CONSULTANT  
TO ONONDAGA COUNTY BOARD OF ETHICS,  
DEFENDANT-APPELLANT.

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SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (KAREN G. FELTER OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

BOUSQUET HOLSTEIN PLLC, SYRACUSE (GARY J. LAVINE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Gregory R. Gilbert, J.), entered February 8, 2024. The order denied  
the motion of defendant Steven Williams to disqualify counsel for  
plaintiff.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Memorandum: Steven Williams (defendant), individually and in his  
capacity as investigative consultant to Onondaga County Board of  
Ethics, appeals from an order denying his motion to disqualify  
plaintiff's attorneys from further representation of plaintiff in this  
action. Defendant sought to disqualify plaintiff's attorneys on the  
ground that they were interested witnesses whose testimony would be  
necessary and relevant to the action. We conclude that defendant  
failed to meet his "burden of making 'a clear showing that  
disqualification is warranted' " (*Lake v Kaleida Health*, 60 AD3d 1469,  
1470 [4th Dept 2009]; see *S & S Hotel Ventures Ltd. Partnership v 777  
S. H. Corp.*, 69 NY2d 437, 445 [1987]), and Supreme Court thus did not  
abuse its discretion in denying the motion (see generally *HoganWillig,  
PLLC v Swormville Fire Co., Inc.*, 210 AD3d 1369, 1372-1373 [4th Dept  
2022])).

We have considered defendant's remaining contention and conclude

that it does not warrant modification or reversal of the order.

Entered: September 27, 2024

Ann Dillon Flynn  
Clerk of the Court