

Dutchess County Bar Association

Judicial Screening Questionnaire

1. Full Name: JOHN A. SARCONE III
2. Identify the Court for which you are a candidate and state whether you are a candidate for election or appointment: SUPREME COURT 9TH JUDICIAL DISTRICT
3. List the political party or parties which are supporting your candidacy, or of which you are seeking nomination: REPUBLICAN AND CONSERVATIVE PARTIES
4. List in reverse chronological order all employment and periods of unemployment since graduation from law school. Please feel free to continue on an additional page or attach a resume or CV.

Name of Employer	Location	Dates of Employment	Job Title
SEE ATTACHED RESUME			

5. Have you ever been issued a license, other than a marriage license, driver's license, license to practice law or license as a notary public? If yes, please describe the license and list the dates of its initial issuance and its last renewal: REAL ESTATE – 2017. Did not renew due to employment restrictions. Notary Public 1997-Present

6. Has any license, including a license to practice law, a license as a notary public or a driver's license, ever been revoked or suspended? If yes, please describe the circumstances: no

7. College and professional schools (other than law schools) attended:

School	Major/Course of Study	Dates Attended	Date of Graduation
Pace U	GS		1991

8. Law Schools Attended:

School	Location	Dates Attended	Date of Graduation
Pace			1995

9. List all courts in which you are admitted or have ever been admitted to practice, along with the date of admission for each:

NYS Courts, USDC SDNY, USDC EDNY, US Supreme Court

10. List all areas of law in which you have concentrated or have had substantial experience for any sustained period of time: General Practice – litigation mostly. Municipal, Zoning planning, land use, environmental – Toxic Torts, Matrimonial, Surrogate Practice, Article

81, Real estate commercial and residential. Small corporations. Not for Profits. Civil Rights – ADA. Insurance Defense. Contracts

11. FOR ATTORNEYS: Have you complied with all registration requirements for lawyers, including Continuing Legal Education, in the state of New York and any other jurisdiction in which you are licensed to practice law? If no, please describe the circumstances: YES

12. FOR JUDGES: Have you attended the mandatory Judicial Ethics Training courses offered at the Judicial Institute? If no, please provide the dates of any such courses for which you are registered to attend:

13. List any bar associations or professional organizations that you are a member of. If you have served in a leadership capacity for the organization, please also include the position you held: Westchester County Bar Association, Columbian Lawyers Bar Association, Westchester Women's Bar Association

14. List any community service activities you participate in: CYO Coach, Little League Coach, Boy Scouts Troop 28, Knights of Columbus, American Legion, Lions Club, Croton Caring Committee, Harry Chapin Run for Hunger

15. Have you written any articles for publication? If yes, please give the name and date of the publication and title of each article: No

16. Have you had any teaching experience, including serving as a presenter for Continuing Legal Education programs, in law or related fields? If yes, please list:

17. Have your qualifications for public office previously been reviewed by any bar or other professional association? If yes, please list the organization, date of review and findings of the organization: Nominated By President Donald J. Trump for a seat on the US District Court for the Northern District of New York – vetted by FBI and US Senate – confirmation blocked by Senators Schumer and Gillibrand. Appointed by President Donald J. Trump to serve as the 14th Regional Administrator for the United States General Services Administration, Northeast Caribbean Region – Vetted by FBI – I currently hold the highest security clearance in the Federal Government – Top Secret SCI

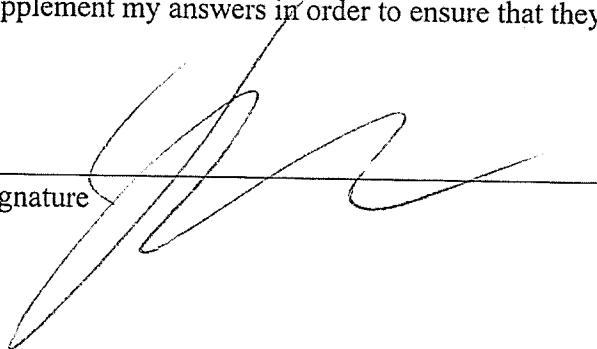
18. FOR ATTORNEYS: Attach a list of five cases in which you have actively and substantially participated in that you feel best represent the scope of your work. Please include the title of the case, the index or docket number, the court in which the case was heard and a brief description of the case. See attached

19. FOR JUDGES: Attach a list of five opinions, trials or appeals that you feel best represent the scope of your judicial experience. Please include the citation for each (if published) or a brief description of the nature of the case (if not published).

20. FOR ALL CANDIDATES: Please include any additional information which is reasonable to expect our membership would want to know when considering your qualifications for the office you seek. I have tried cases in Westchester, Rockland, Orange, Dutchess and Putnam Counties in my 25 plus years as an attorney.

I acknowledge by my signature that the answers I have given are true and complete and recognize my continuing obligation during the evaluation process to correct and supplement my answers in order to ensure that they remain true and complete.

Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, written over a horizontal line.

9-20-22
Date

Appendix A PUBLISHED CASES

1. Date: 2017-03-22

Matter of Montero v Police Assn. of the City of Yonkers, Inc., 2017 N.Y. App. Div. LEXIS 2005
... SUBJECT TO REVISION BEFORE PUBLICATION IN THE OFFICIAL REPORTS. The Sarcone Law Firm, PLLC , White Plains, NY, John A. Sarcone III , Cliff Bond For Appellant-Defendant...
Jurisdiction: New York | Court: Appellate Division 2nd Department

2. Date: 2016-12-20

Montero v. City of Yonkers, 2016 U.S. Dist. LEXIS 176607
... Attorney at Law, White Plains, NY; John A. Sarcone, III , Esq., The Sarcone Law Firm, PLLC , White Plains, NY. For the City ...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

3. Date: 2016-08-31

People v Sepe, 142 A.D.3d 719 ... Div. LEXIS 5996 (N.Y. App. Div. 2d Dep't, 2013)
Sarcone Law Firm, PLLC , White Plains, NY (John A. Sarcone III of counsel), for appellant. James A. McCarty...
Jurisdiction: New York | Court: Appellate Division 2nd Department

4. Date: 2016-04-20

Matter of Ruiz v County of Rockland, 138 A.D.3d 999
... of counsel), for respondent Carlos Ruiz. Sarcone Law Firm, PLLC , White Plains , NY (John A. Sarcone III of counsel), for respondent United Federation...
Jurisdiction: New York | Court: Appellate Division 2nd Department

5. Date: 2015-08-28

McGuinn v. Smith, 2015 U.S. Dist. LEXIS 183229
... August 28, 2015 , Filed For Plaintiffs: John A. Sarcone, III , Clifford J. Bond , The Sarcone Law Firm, PLLC , White Plains, New York. For Defendants: ...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

6. Date: 2014-08-13

Dutchess Truck Repair, Inc. v Boyce, 120 A.D.3d 543
Overview: In a breach of commercial contract suit, where plaintiffs did not timely reply to defendants' counterclaim, they were not entitled to vacation of their default under CPLR 5015 because plaintiffs waited nearly two years before moving to vacate their default and they proffered no reasonable excuse for their failure to promptly seek relief. Great Neck, N.Y. (Barry Silver of counsel), for appellants. The Sarcone Law Firm, PLLC , White Plains , N.Y. ...
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Mosdos Chofetz Chaim, Inc. v. RBS Citizens, N.A., 14 F. Supp. 3d 191
Overview: In a case arising out of a foreclosure of a construction project for a religious organization, claims against a particular defendant brought by the religious organization under 42 U.S.C.S. § 1983 were subject to dismissal because allegations of mere participation in a foreclosure action were insufficient to state a civil rights claim. John A. Sarcone, III, The Sarcone Law Firm, White Plains, NY.
Jurisdiction: U.S. Federal | Court: New York Southern District Court

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Antizzo v Cannizzaro, 43 Misc. 3d 1204(A)

... fees against husband was tempered. For Plaintiff: John Sarcone , Esq., White Plains, NY.

Jurisdiction: New York | Court: Supreme Court, 9th JD

9. Date: 2013-09-25

People v. Sepe, 111 A.D.3d 75

Overview: Jury's rejection of extreme emotional disturbance defense under Penal Law §§ 125.25(1)(a) and 125.20(2) was against weight of evidence because evidence overwhelmingly demonstrated that defendant was in fragile mental state when he attacked his girlfriend and that attack was triggered when girlfriend rebuffed suggestion of cancelling dinner party.

... explanation when he attacked and killed his girlfriend. The Sarcone Law Firm, PLLC , White Plains (John A. Sarcone III and Clement S. Patti, Jr. , of Counsel for Appellant-Defendant...

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10. Date: 2013-04-26

McGuinn v. Smith, 523 Fed. Appx. 764

Overview: Individual's previous N.Y. C.P.L.R. art. 78 proceeding did not preclude any of issues in federal complaint because, in rejecting individual's claim, state court did not decide nor did it need to decide whether defendants had retaliated against individual for exercise of his First Amendment rights or otherwise violated his equal protection rights. ... remanded for further proceedings. CLIFFORD J. BOND , The Sarcone Law Firm, PLLC , White Plains, NY, for Plaintiffs-Appellants.

Jurisdiction: U.S. Federal | Court: 2nd Circuit Court of Appeals

11. Date: 2013-04-12

Puiatti v Panos, 39 Misc. 3d 1211(A)

... of Stephen Haber, White Plains, New York; The Sarcone Law Firm , White Plains , New York; ...

Jurisdiction: New York | Court: Supreme Court, 9th JD

12. Date: 2013-01-31

COR-IBS, Inc. v Portfolio Analysis Sys., Inc., 102 A.D.3d 635

... of Financial Software License and Support Agreements The Sarcone Law Firm PLLC , White Plains

Jurisdiction: New York | Court: Appellate Division 1st Department

13. Date: 2012-09-21

Dutchess Truck Repair Inc. v Boyce, 36 Misc. 3d 1243(A)

... INC. , PASQUALE SOMMELLA , ESQ. , THE SARCONE LAW FIRM, PLLC , White Plains , NY

Jurisdiction: New York | Court: Supreme Court, 9th JD

14. Date: 2012-07-13

Avon Group LLC v. Mosdos Chofetz Chaim, Inc., 2012 U.S. Dist. LEXIS 98629

Overview: Federal question jurisdiction under 28 U.S.C.S. § 1331 could not serve as basis for removal because causes of action were based in New York law, and complaint's references to federal law only anticipated and refuted defenses. Removal was improper under 28 U.S.C.S. § 1441 because consent of at least one non-nominal defendant was not obtained. ... Silverberg Zalantis L.L.P. , White Plains, NY; John A. Sarcone, III , The Sarcone Law Firm, PLLC , White Plains, NY. For Nachum Brody, ...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

15. Date: 2012-02-01

FTA Mkt. Inc. v. Vevi, Inc., 2012 U.S. Dist. LEXIS 19180

Overview: Television programming provider's Computer Fraud and Abuse Act claim was time-barred under 18 U.S.C.S. § 1030(g), as the limitations period began to run on the date defendants allegedly accessed the provider's computer systems. The provider stated a claim under 15 U.S.C.S. § 1125(a)(1)(B) based on alleged false statements about the provider.

... Edmond Pruthi, Shkelzen Pruthi, Ilir Pruthi, Defendants: John A. Sarcone, III , LEAD ATTORNEY, The Sarcone Law Firm, PLLC , White Plains, NY. Vincent L. Briccetti ...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

16. Date: 2011-01-11

DiLacio v NY City Dist. Council of United Bhd. of Carpenters & Joiners of Am., 80 A.D.3d 553

... Joy K. Mele of counsel), for appellants. Sarcone Law Firm, PLLC , White Plains , N.Y. (John A. Sarcone III of counsel), for respondent. Ruth C. Balkin...

Jurisdiction: New York | Court: Appellate Division 2nd Department

17. Date: 2010-11-03

Rosendale v Harrison & Burrowes Bridge Constructors, Inc., 78 A.D.3d 680

... P. Rosendale, Amenia , N.Y., appellant Pro se. The Sarcone Law Firm, PLLC , White Plains , N.Y. for Defendants

Jurisdiction: New York | Court: Appellate Division 2nd Department

18. Date: 2010-10-05

Lanos v Cronheim, 77 A.D.3d 631

... James Alexander Burke of counsel), for appellants-respondents. The Sarcone Law Firm, PLLC , White Plains , N.Y. (John A. Sarcone III and Pasquale Sommella of counsel), for ...appellees-petitioners

Jurisdiction: New York | Court: Appellate Division 2nd Department

19. Date: 2010-10-01

Rodriguez v Sepe, 29 Misc. 3d 1011

Overview: A former wife's interest in half of a former husband's stock was superior to his girlfriend's relatives' interest as judgment creditors because (1) a prior divorce judgment gave her a half interest in their sale's proceeds and they were now to be sold, and (2) her inchoate right to the proceeds matured and vested upon the divorce judgment's filing. The Sarcone Law Firm , PL White Plains, for Defendant

Jurisdiction: New York | Court: Supreme Court, 9th JD

20. Date: 2009-06-02

Matter of Grasso v. New York City Tr. Auth., 63 A.D.3d 410

(N.Y. Sup. Ct., Nov. 25, 2008) The Sarcone Law Firm, PLLC , White Plains, for Petitioner

Jurisdiction: New York | Court: Appellate Division 1st Department

21. Date: 2009-04-07

Straus v. Ambinder, 61 A.D.3d 672

The Sarcone Law Firm, PLLC , White Plains , N.Y. John A. Sarcone III of counsel, for appellant

Jurisdiction: New York | Court: Appellate Division 2nd Department

22. Date: 2008-12-15

Dilacio v. NYC Dist. Council of United Bhd. of Carpenters & Joiners of Am., 593 F. Supp. 2d 571
Overview: A former union officer failed to state a claim under the Labor Management Reporting and Disclosure Act, 29 U.S.C.S. § 411, against a court-appointed independent investigator based on his termination from his union office because the investigator was not a union officer, and in any event, the investigator was entitled to absolute immunity from suit. For George Dilacio, Jr., Plaintiff: John A. Sarcone, III , The Sarcone Law Firm, PLLC , White Plains , NY. For ...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

23. Date: 2008-12-09

In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig., 2008 U.S. Dist. LEXIS 101515
John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York. Liaison ...for Plaintiff's
Jurisdiction: U.S. Federal | Court: New York Southern District Court

24. Date: 2008-11-18

Bergassi, LLC v. Ikon Solutions, Inc., 21 Misc. 3d 1133(A)
... OFFICIAL REPORTS Stipulations--Enforcement. Dismissal and Nonsuit--Discontinuance. JOHN A. SARCONI, III , ESQ. , The Sarcone Law Firm, PLLC , White Plains , NY, Attorney ...
Jurisdiction: New York | Court: Supreme Court, 9th JD

25. Date: 2008-09-30

Tretter v. Tretter, 54 A.D.3d 1026
... account constituted proceeds of loan or loans to corporation. Sarcone Law Firm, PLLC , White Plains ,N.Y. (John A. Sarcone III and Pasquale Sommella of counsel for Plaintiff)
Jurisdiction: New York | Court: Appellate Division 2nd Department

26. Date: 2008-09-29

Dilacio v. N.Y. City Dist. Council of the United Bhd. of Carpenters & Joiners of Am., 2008 U.S. Dist. LEXIS 75300 (S.D.N.Y., 2008)
For George Dilacio, Jr., Plaintiff: John A. Sarcone, III , The Sarcone Law Firm, White Plains , NY.
Jurisdiction: U.S. Federal | Court: New York Southern District Court

27. Date: 2008-07-16

Tonneson v. Sunoco, Inc. (In re Methyl Terti Butyl Ether Prods. Liab. Litig.), 568 F. Supp. 2d 376
For Plaintiff, John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York.
Jurisdiction: U.S. Federal | Court: New York Southern District Court

28. Date: 2008-07-01

In re Methyl Tertiary Butyl Ether Prods. Liab. Litig., 2008 U.S. Dist. LEXIS 50255
... Sacramento , California ; John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York. For Plaintiff's...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

29. Date: 2008-06-04

In re Methyl Tertiary Butyl Ether Prods. Liab. Litig., 2008 U.S. Dist. LEXIS 44216
... Sacramento , California ; John A. Sarcone III , Esq. The Sarcone Law Firm , White Plains , New York. Counsel for Plaintiff's...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

30. Date: 2008-05-20

Town of Eastchester v. Shawn's Lawns, Inc., 51 A.D.3d 906

Overview: Order for town to allow access to conduct sampling and testing in case for injury to real property was proper because, pursuant to CPLR 3101(a), corporation showed that sampling and testing was material and necessary to defense. Order directing town to pay cost of repair after sampling was proper because town should have sought protective order. ... Jillian K. Mooney of counsel, and John A. Sarcone III , Town Attorney, Eastchester, N.Y., for appellants

Jurisdiction: New York | Court: Appellate Division 2nd Department

31. Date: 2008-02-05

Matter of National Grange Mut. Ins. Co. v. Town of Eastchester, 48 A.D.3d 467

Overview: Order granting leave to serve late notice of claim on a town pursuant to General Municipal Law § 50-e(5) was error because, inter alia, the town did not receive actual notice or acquire knowledge of essential facts of the claim asserted within 90 days after accident or reasonable time thereafter.

Insurance company provided no excuse for delay. ... for its lengthy delay in bringing proceeding. John A. Sarcone III , Town Attorney, Eastchester, N.Y.

Jurisdiction: New York | Court: Appellate Division 2nd Department

32. Date: 2007-11-27

In re Methyl Tertiary Butyl Ether Prods. Liab. Litig., 528 F. Supp. 2d 303

Overview: Gas station owners and gas suppliers were not entitled to summary judgment dismissing claims of negligent infliction of emotional distress because there were disputed issues of material fact as to whether residents and business owners exposed to MTBE demonstrated the presence of MTBE in their bodies and whether their fear of disease was reasonable. ... Sacramento , California ; John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York. For Plaintiff's...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

33. Date: 2007-10-30

Access Med. Group, P.C. v. Straus Family Capital Group, LLC, 44 A.D.3d 975

... Clifford J. Bond of counsel), and The Sarcone Law Firm, PLLC , White Plains , N.Y. (John A. Sarcone III , of counsel), for appellant (one brief filed)...

Jurisdiction: New York | Court: Appellate Division 2nd Department

34. Date: 2007-10-25

Matter of Deem v. New York State & Local Retirement Sys., 44 A.D.3d 1235

... period, no law or decisional authority supported this position. The Sarcone Law Firm, P.L.L.C. , White Plains (John A. Sarcone III of counsel), for appellant-respondent. Bond, Schoeneck & King, ...

Jurisdiction: New York | Court: Appellate Division 3rd Department

35. Date: 2007-05-08

Matter of Corliss v. Zoning Bd. of Town of Eastchester, 40 A.D.3d 754

Overview: Judgment was affirmed as modified as Eastchester, N.Y., Zoning Ordinance § 9(O) was not applicable to de minimis lot-line adjustment requested by property owners since owners did not request creation of two new lots through subdivision process. Jody T. Cross of counsel, and John Sarcone III , Town Attorney, Eastchester, N.Y., for appellant

Jurisdiction: New York | Court: Appellate Division 2nd Department

36. Date: 2007-04-26

Jimenez v. Haros, 39 A.D.3d 437

Overview: Because the plaintiffs offered a justifiable excuse for a purported delay in prosecuting an action and demonstrated a meritorious cause of action under CPLR 3216(d), and because the defendants' motion for summary judgment was made more than 120 days after the filing of the note of issue, the defendants' motions were properly denied. of Prosecution Motions and Orders--Timeliness of Motion The Sarcone Law Firm, PLLC , White Plains (John A. Sarcone , III of counsel), for appellants. Kahn Gordon Timko & ...

Jurisdiction: New York | Court: Appellate Division 1st Department

37. Date: 2007-03-22

Morales v. Solomon Mgt. Co., LLC, 38 A.D.3d 381

Overview: Tenant and her husband were entitled to restore a personal injury action regarding a 1997 incident to the trial calendar because a release specifically referred to only the date of a 1998 incident and the tenant did not abandon the 1997 action as she responded to defense counsel's requests for authorizations during the entire stay period. Norman E. Frowley of counsel), for appellants. The Sarcone Law Firm, PLLC , White Plains (John A. Sarcone III , of counsel), for respondents.

Jurisdiction: New York | Court: Appellate Division 1st Department

38. Date: 2007-02-20

Williams v. Peralta, 37 A.D.3d 712

Overview: Defendants failed to make prima facie showing that plaintiffs did not sustain serious injury under Insurance Law § 5102(d) because they failed to refute plaintiffs' allegations that they each sustained injury that prevented them from performing usual and customary daily activity for 90 days during 180 days immediately following car accident. ... pursuant to CPLR 3212 (a) . The Sarcone Law Firm, PLLC , White Plains , N.Y. (Pasquale Sommella and John A. Sarcone III for Defendant)

Jurisdiction: New York | Court: Appellate Division 2nd Department

39. Date: 2006-06-23

In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig., 438 F. Supp. 2d 305

Overview: Law firms that represented plaintiffs in a groundwater contamination suit against gasoline producers, and that also represented a town in the producers' third-party complaint, were not disqualified from representing plaintiffs after they withdrew from representation of the town because there was no trial taint from their representation of the town. John A. Sarcone , Esq., The Sarcone Law Firm PLLC , White Plains , NY. For Plaintiff's...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

40. Date: 2005-12-14

JAV Auto Ctr., Inc. v. Behrens, 418 F. Supp. 2d 439

Overview: In an action by a truck towing and storage corporation and its owner against a state highway authority and its traffic management director, the corporation's and owner's U.S. Const. amend. XIV equal protection claims survived dismissal as it was alleged that the authority and director demonstrated a continual pattern of treating them differently. .. business as Monroe Automotive, John Vest, Plaintiffs: John A. Sarcone, III , Sarcone Law Firm, PLLC for Plaintiff's, White Plains, NY. For William A. ...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

41. **Date: 2005-05-23**

United Water New Rochelle, Inc. v. King, 18 A.D.3d 763

Overview: Despite the fact that a site plan approval had expired under Eastchester, N.Y., Zoning Laws § 11(I), a petition to compel a building inspector to grant a building permit should have been granted because a prior judgment stated that the time did not begin to run until litigation was resolved, and the inspector asked for a delay. ... Mark R. Rielly of counsel and John A. Sarcone III , Town Attorney, Eastchester, N.Y., for respondent

Jurisdiction: New York | Court: Appellate Division 2nd Department

42. **Date: 2005-02-10**

Crown Commun. N.Y., Inc. v. DOT, 4 N.Y.3d 159

Overview: New York Transportation Department's construction of wireless communications towers was exempt from local zoning requirements, based on balancing of competing public as well as private interests, even though private providers also used them. ... Katherine H. Zalantis of counsel, and John A. Sarcone III , Town Attorney, Eastchester, for intervenor-respondent.

Jurisdiction: New York | Court: Court of Appeals

43. **Date: 2004-03-08**

S.N.H.N.C.Y.I., Inc. v. City of Mt. Vernon, 5 A.D.3d 495

... Maurice W. Heller of counsel) and John A. Sarcone III , White Plains , N.Y. , for ...Appellant

Jurisdiction: New York | Court: Appellate Division 2nd Department

44. **Date: 2002-09-24**

Campisi v. Epos Contr. Corp., 299 A.D.2d 4

Overview: As the construction superintendent was as much employed in the erection of the building as any of the employees whose work he inspected, and his fall was an elevation-related incident, he established the necessary predicate for liability.

... Schuller, P.C. , attorneys), for appellants. John A. Sarcone, III , of counsel (The Sarcone Law Firm , attorneys), for Epos Contracting Corporation ...

Jurisdiction: New York | Court: Appellate Division 1st Department

45. **Date: 2002-05-02**

Amicola v. N.Y. Tel. Co., 294 A.D.2d 621

Overview: Substantial evidence supported workers' compensation board's ruling that claimant voluntarily withdrew from the labor market, where he conceded that he volunteered to take retirement incentive package, though he could have continued working.

... decisions were affirmed. Board decisions affirmed without costs. Sarcone Law Firm , White Plains (John A. Sarcone III of counsel), for appellant. Foley, Smit, O'Boyle & ...

Jurisdiction: New York | Court: Appellate Division 3rd Department

46. **Date: 2000-03-06**

Carey v. Massaro, 270 A.D.2d 222

Charles O. Heine of counsel, for appellant. Dillon & Sarcone , LLP , White Plains , N.Y.

Jurisdiction: New York | Court: Appellate Division 2nd Department

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Jurisdiction: New York | Court: Supreme Court, 9th JD

12. **Date: 2013-01-31**

COR-IBS, Inc. v Portfolio Analysis Sys., Inc., 102 A.D.3d 635

... of Financial Software License and Support Agreements The Sarcone Law Firm PLLC , White Plains

Jurisdiction: New York | Court: Appellate Division 1st Department

13. **Date: 2012-09-21**

Dutchess Truck Repair Inc. v Boyce, 36 Misc. 3d 1243(A)

... INC. , PASQUALE SOMMELLA , ESQ. , THE SARCONE LAW FIRM, PLLC , White Plains , NY

Jurisdiction: New York | Court: Supreme Court, 9th JD

14. **Date: 2012-07-13**

Avon Group LLC v. Mosdos Chofetz Chaim, Inc., 2012 U.S. Dist. LEXIS 98629

Overview: Federal question jurisdiction under 28 U.S.C.S. § 1331 could not serve as basis for removal because causes of action were based in New York law, and complaint's references to federal law only anticipated and refuted defenses. Removal was improper under 28 U.S.C.S. § 1441 because consent of at least one non-nominal defendant was not obtained. ... Silverberg Zalantis L.L.P. , White Plains, NY; John A. Sarcone, III , The Sarcone Law Firm, PLLC , White Plains, NY. For Nachum Brody, ...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

15. Date: 2012-02-01

FTA Mkt. Inc. v. Vevi, Inc., 2012 U.S. Dist. LEXIS 19180

Overview: Television programming provider's Computer Fraud and Abuse Act claim was time-barred under 18 U.S.C.S. § 1030(g), as the limitations period began to run on the date defendants allegedly accessed the provider's computer systems. The provider stated a claim under 15 U.S.C.S. § 1125(a)(1)(B) based on alleged false statements about the provider.

... Edmond Pruthi, Shkelzen Pruthi, Ilir Pruthi, Defendants: John A. Sarcone, III, LEAD ATTORNEY, The Sarcone Law Firm, PLLC, White Plains, NY. Vincent L. Briccetti ...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

16. Date: 2011-01-11

DiLacio v NY City Dist. Council of United Bhd. of Carpenters & Joiners of Am., 80 A.D.3d 553

... Joy K. Mele of counsel), for appellants. Sarcone Law Firm, PLLC, White Plains, N.Y. (John A. Sarcone III of counsel), for respondent. Ruth C. Balkin...

Jurisdiction: New York | Court: Appellate Division 2nd Department

17. Date: 2010-11-03

Rosendale v Harrison & Burrowes Bridge Constructors, Inc., 78 A.D.3d 680

... P. Rosendale, Amenia, N.Y., appellant Pro se. The Sarcone Law Firm, PLLC, White Plains, N.Y. for Defendants

Jurisdiction: New York | Court: Appellate Division 2nd Department

18. Date: 2010-10-05

Lanos v Cronheim, 77 A.D.3d 631

... James Alexander Burke of counsel), for appellants-respondents. The Sarcone Law Firm, PLLC, White Plains, N.Y. (John A. Sarcone III and Pasquale Sommella of counsel), for ...appellees-petitioners

Jurisdiction: New York | Court: Appellate Division 2nd Department

19. Date: 2010-10-01

Rodriguez v Sepe, 29 Misc. 3d 1011

Overview: A former wife's interest in half of a former husband's stock was superior to his girlfriend's relatives' interest as judgment creditors because (1) a prior divorce judgment gave her a half interest in their sale's proceeds and they were now to be sold, and (2) her inchoate right to the proceeds matured and vested upon the divorce judgment's filing. The Sarcone Law Firm, PL White Plains, for Defendant

Jurisdiction: New York | Court: Supreme Court, 9th JD

20. Date: 2009-06-02

Matter of Grasso v. New York City Tr. Auth., 63 A.D.3d 410

(N.Y. Sup. Ct., Nov. 25, 2008) The Sarcone Law Firm, PLLC, White Plains, for Petitioner

Jurisdiction: New York | Court: Appellate Division 1st Department

21. Date: 2009-04-07

Straus v. Ambinder, 61 A.D.3d 672

The Sarcone Law Firm, PLLC, White Plains, N.Y. John A. Sarcone III of counsel, for appellant

Jurisdiction: New York | Court: Appellate Division 2nd Department

22. Date: 2008-12-15

Dilacio v. NYC Dist. Council of United Bhd. of Carpenters & Joiners of Am., 593 F. Supp. 2d 571
Overview: A former union officer failed to state a claim under the Labor Management Reporting and Disclosure Act, 29 U.S.C.S. § 411, against a court-appointed independent investigator based on his termination from his union office because the investigator was not a union officer, and in any event, the investigator was entitled to absolute immunity from suit. For George Dilacio, Jr., Plaintiff: John A. Sarcone, III , The Sarcone Law Firm, PLLC , White Plains , NY. For ...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

23. Date: 2008-12-09

In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig., 2008 U.S. Dist. LEXIS 101515
John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York. Liaison ...for Plaintiff's
Jurisdiction: U.S. Federal | Court: New York Southern District Court

24. Date: 2008-11-18

Bergassi, LLC v. Ikon Solutions, Inc., 21 Misc. 3d 1133(A)
... OFFICIAL REPORTS Stipulations--Enforcement. Dismissal and Nonsuit--Discontinuance. JOHN A. SARCONI, III , ESQ. , The Sarcone Law Firm, PLLC , White Plains , NY, Attorney ...
Jurisdiction: New York | Court: Supreme Court, 9th JD

25. Date: 2008-09-30

Tretter v. Tretter, 54 A.D.3d 1026
... account constituted proceeds of loan or loans to corporation. Sarcone Law Firm, PLLC , White Plains ,N.Y. (John A. Sarcone III and Pasquale Sommella of counsel for Plaintiff)
Jurisdiction: New York | Court: Appellate Division 2nd Department

26. Date: 2008-09-29

Dilacio v. N.Y. City Dist. Council of the United Bhd. of Carpenters & Joiners of Am., 2008 U.S. Dist. LEXIS 75300 (S.D.N.Y., 2008)
For George Dilacio, Jr., Plaintiff: John A. Sarcone, III , The Sarcone Law Firm, White Plains , NY.
Jurisdiction: U.S. Federal | Court: New York Southern District Court

27. Date: 2008-07-16

Tonneson v. Sunoco, Inc. (In re Methyl Terti Butyl Ether Prods. Liab. Litig.), 568 F. Supp. 2d 376
For Plaintiff, John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York.
Jurisdiction: U.S. Federal | Court: New York Southern District Court

28. Date: 2008-07-01

In re Methyl Tertiary Butyl Ether Prods. Liab. Litig., 2008 U.S. Dist. LEXIS 50255
... Sacramento , California ; John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York. For Plaintiff's...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

29. Date: 2008-06-04

In re Methyl Tertiary Butyl Ether Prods. Liab. Litig., 2008 U.S. Dist. LEXIS 44216
... Sacramento , California ; John A. Sarcone III , Esq. The Sarcone Law Firm , White Plains , New York. Counsel for Plaintiff's...
Jurisdiction: U.S. Federal | Court: New York Southern District Court

30. Date: 2008-05-20

Town of Eastchester v. Shawn's Lawns, Inc., 51 A.D.3d 906

Overview: Order for town to allow access to conduct sampling and testing in case for injury to real property was proper because, pursuant to CPLR 3101(a), corporation showed that sampling and testing was material and necessary to defense. Order directing town to pay cost of repair after sampling was proper because town should have sought protective order. ... Jillian K. Mooney of counsel, and John A. Sarcone III , Town Attorney, Eastchester, N.Y., for appellants

Jurisdiction: New York | Court: Appellate Division 2nd Department

31. Date: 2008-02-05

Matter of National Grange Mut. Ins. Co. v. Town of Eastchester, 48 A.D.3d 467

Overview: Order granting leave to serve late notice of claim on a town pursuant to General Municipal Law § 50-e(5) was error because, inter alia, the town did not receive actual notice or acquire knowledge of essential facts of the claim asserted within 90 days after accident or reasonable time thereafter.

Insurance company provided no excuse for delay. ... for its lengthy delay in bringing proceeding. John A. Sarcone III , Town Attorney, Eastchester, N.Y.

Jurisdiction: New York | Court: Appellate Division 2nd Department

32. Date: 2007-11-27

In re Methyl Tertiary Butyl Ether Prods. Liab. Litig., 528 F. Supp. 2d 303

Overview: Gas station owners and gas suppliers were not entitled to summary judgment dismissing claims of negligent infliction of emotional distress because there were disputed issues of material fact as to whether residents and business owners exposed to MTBE demonstrated the presence of MTBE in their bodies and whether their fear of disease was reasonable. ... Sacramento , California ; John A. Sarcone III , Esq. , The Sarcone Law Firm , White Plains , New York. For Plaintiff's...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

33. Date: 2007-10-30

Access Med. Group, P.C. v. Straus Family Capital Group, LLC, 44 A.D.3d 975

... Clifford J. Bond of counsel), and The Sarcone Law Firm, PLLC , White Plains , N.Y. (John A. Sarcone III , of counsel), for appellant (one brief filed)...

Jurisdiction: New York | Court: Appellate Division 2nd Department

34. Date: 2007-10-25

Matter of Deem v. New York State & Local Retirement Sys., 44 A.D.3d 1235

... period, no law or decisional authority supported this position. The Sarcone Law Firm, P.L.L.C. , White Plains (John A. Sarcone III of counsel), for appellant-respondent. Bond, Schoeneck & King, ...

Jurisdiction: New York | Court: Appellate Division 3rd Department

35. Date: 2007-05-08

Matter of Corliss v. Zoning Bd. of Town of Eastchester, 40 A.D.3d 754

Overview: Judgment was affirmed as modified as Eastchester, N.Y., Zoning Ordinance § 9(O) was not applicable to de minimis lot-line adjustment requested by property owners since owners did not request creation of two new lots through subdivision process. Jody T. Cross of counsel, and John Sarcone III , Town Attorney, Eastchester, N.Y., for appellant

Jurisdiction: New York | Court: Appellate Division 2nd Department

36. Date: 2007-04-26

Jimenez v. Haros, 39 A.D.3d 437

Overview: Because the plaintiffs offered a justifiable excuse for a purported delay in prosecuting an action and demonstrated a meritorious cause of action under CPLR 3216(d), and because the defendants' motion for summary judgment was made more than 120 days after the filing of the note of issue, the defendants' motions were properly denied. of Prosecution Motions and Orders--Timeliness of Motion The Sarcone Law Firm, PLLC , White Plains (John A. Sarcone , III of counsel), for appellants. Kahn Gordon Timko & ...

Jurisdiction: New York | Court: Appellate Division 1st Department

37. Date: 2007-03-22

Morales v. Solomon Mgt. Co., LLC, 38 A.D.3d 381

Overview: Tenant and her husband were entitled to restore a personal injury action regarding a 1997 incident to the trial calendar because a release specifically referred to only the date of a 1998 incident and the tenant did not abandon the 1997 action as she responded to defense counsel's requests for authorizations during the entire stay period. Norman E. Frowley of counsel), for appellants. The Sarcone Law Firm, PLLC , White Plains (John A. Sarcone III , of counsel), for respondents.

Jurisdiction: New York | Court: Appellate Division 1st Department

38. Date: 2007-02-20

Williams v. Peralta, 37 A.D.3d 712

Overview: Defendants failed to make prima facie showing that plaintiffs did not sustain serious injury under Insurance Law § 5102(d) because they failed to refute plaintiffs' allegations that they each sustained injury that prevented them from performing usual and customary daily activity for 90 days during 180 days immediately following car accident. ... pursuant to CPLR 3212 (a) . The Sarcone Law Firm, PLLC , White Plains , N.Y. (Pasquale Sommella and John A. Sarcone III for Defendant)

Jurisdiction: New York | Court: Appellate Division 2nd Department

39. Date: 2006-06-23

In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig., 438 F. Supp. 2d 305

Overview: Law firms that represented plaintiffs in a groundwater contamination suit against gasoline producers, and that also represented a town in the producers' third-party complaint, were not disqualified from representing plaintiffs after they withdrew from representation of the town because there was no trial taint from their representation of the town. John A. Sarcone , Esq., The Sarcone Law Firm PLLC , White Plains , NY. For Plaintiff's...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

40. Date: 2005-12-14

JAV Auto Ctr., Inc. v. Behrens, 418 F. Supp. 2d 439

Overview: In an action by a truck towing and storage corporation and its owner against a state highway authority and its traffic management director, the corporation's and owner's U.S. Const. amend. XIV equal protection claims survived dismissal as it was alleged that the authority and director demonstrated a continual pattern of treating them differently. .. business as Monroe Automotive, John Vest, Plaintiffs: John A. Sarcone, III , Sarcone Law Firm, PLLC for Plaintiff's, White Plains, NY. For William A. ...

Jurisdiction: U.S. Federal | Court: New York Southern District Court

41. **Date: 2005-05-23**

United Water New Rochelle, Inc. v. King, 18 A.D.3d 763

Overview: Despite the fact that a site plan approval had expired under Eastchester, N.Y., Zoning Laws § 11(I), a petition to compel a building inspector to grant a building permit should have been granted because a prior judgment stated that the time did not begin to run until litigation was resolved, and the inspector asked for a delay. ... Mark R. Rielly of counsel and John A. Sarcone III , Town Attorney, Eastchester, N.Y., for respondent

Jurisdiction: New York | Court: Appellate Division 2nd Department

42. **Date: 2005-02-10**

Crown Commun. N.Y., Inc. v. DOT, 4 N.Y.3d 159

Overview: New York Transportation Department's construction of wireless communications towers was exempt from local zoning requirements, based on balancing of competing public as well as private interests, even though private providers also used them. ... Katherine H. Zalantis of counsel, and John A. Sarcone III , Town Attorney, Eastchester, for intervenor-respondent.

Jurisdiction: New York | Court: Court of Appeals

43. **Date: 2004-03-08**

S.N.H.N.C.Y.I., Inc. v. City of Mt. Vernon, 5 A.D.3d 495

... Maurice W. Heller of counsel) and John A. Sarcone III , White Plains , N.Y. , for ...Appellant

Jurisdiction: New York | Court: Appellate Division 2nd Department

44. **Date: 2002-09-24**

Campisi v. Epos Contr. Corp., 299 A.D.2d 4

Overview: As the construction superintendent was as much employed in the erection of the building as any of the employees whose work he inspected, and his fall was an elevation-related incident, he established the necessary predicate for liability.

... Schuller, P.C. , attorneys), for appellants. John A. Sarcone, III , of counsel (The Sarcone Law Firm , attorneys), for Epos Contracting Corporation ...

Jurisdiction: New York | Court: Appellate Division 1st Department

45. **Date: 2002-05-02**

Amicola v. N.Y. Tel. Co., 294 A.D.2d 621

Overview: Substantial evidence supported workers' compensation board's ruling that claimant voluntarily withdrew from the labor market, where he conceded that he volunteered to take retirement incentive package, though he could have continued working.

... decisions were affirmed. Board decisions affirmed without costs. Sarcone Law Firm , White Plains (John A. Sarcone III of counsel), for appellant. Foley, Smit, O'Boyle & ...

Jurisdiction: New York | Court: Appellate Division 3rd Department

46. **Date: 2000-03-06**

Carey v. Massaro, 270 A.D.2d 222

Charles O. Heine of counsel, for appellant. Dillon & Sarcone , LLP , White Plains , N.Y.

Jurisdiction: New York | Court: Appellate Division 2nd Department

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Change Management: Set the tone with staff across the enterprise: “It cannot be done” was a non-starter. Delivered a clear message prioritizing customer centricity; instituted a culture of ownership, accountability, and sense of urgency; and empowered staff to embrace their roles as innovative solutions providers laser-focused on solving customers’ problems.

Relationship Building: Reestablished trust and repaired fractured relationships with customers, cultivating greater levels of communication, responsiveness, and transparency. Forged alliances and partnerships across the region that promoted collegiality and collaboration; collaborated with the labor union president and forged an alliance with management to reduce the number of claims in the region.

Performance Improvement: Spearheaded initiatives that streamlined workflow, improved the customer experience, and bettered service delivery, while cutting costs and enhancing the region’s overall effectiveness. Eliminated the proliferation of labor complaints by enacting measures to prevent escalations and training the executive team in more effective resolution of labor disputes at the supervisory level.

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- **Restored the region’s reputation as a customer-centric, results-driven organization** that served as a true strategic partner to its stakeholders and delivered on its commitments regardless of the challenge or complexity.
- **Saved millions of taxpayer dollars** by developing a comprehensive regional customer and stakeholder engagement plan that advanced the Administrator’s priorities with the executive branch, legislative branch, and industry partners.
- **Brought resolution to longstanding real estate facilities issues**, from broken HVAC systems and elevators to the \$217M ground-up rehabilitation of the Silvio V. Mollo Federal Building—a project that had been stalled for 2 years.
- **Recouped nearly \$500K in demand response (DR) revenue** by promoting energy/sustainability initiatives and curbing power consumption. Guided NY energy savings performance contracts (ESPC) to generate an \$8.2M savings. Oversaw the region’s 6 LEED®-certified buildings.

US GENERAL SERVICES ADMINISTRATION | continued

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- **Improved small business utilization to 64.51%, exceeding the goal by an unprecedented 222%.** Delivered 3%-5% gains across the other categories: Small Disadvantaged Business (+24.37%), Women-Owned Small Business (+17.77%), Historically Underutilized Business (HUB Zone, +6.98%), and Service-Disabled Veteran-Owned Small Businesses (SDVOSB, +5.20%), with SDVOSB not only meeting but skyrocketing past the 3% goal for the first time in ~10 years.
- **Led the region in preventing an ~\$82M taxpayer expense** with negotiation of a 20-year lease for the US Security and Exchange Commission's (SEC) new offices—providing a modern, efficient, and technologically advanced workspace while relocating SEC closer to the NYC financial markets.
- **Earned the Administrator's Exceptional Service Award in 2020** for excellence in customer service, innovation, leadership, mission results, and cost savings.

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Managing Partner

1998 – 2018

Founded and directed the business operations of a general practice firm focused primarily on insurance defense, small business and family-owned corporations, construction arbitration and litigation, federal/state court commercial litigation, and toxic torts. Oversaw all aspects of the firm's development and growth, including marketing, finance, accounting, HR, and IT. Completed major real estate transactions, handled complex state/federal litigations and appeals, and navigated municipal zoning and planning matters for developers. Former General Counsel to United Federation of Special Police Officers, Inc.

- **Negotiated a 10-figure settlement from ExxonMobil/Sunoco** in a toxic tort claim for groundwater contamination in the Town of Highlands, NY and worked with the Town and Village to build its first municipal water system.
- **Protected through litigation a \$13M judgment for real estate holding company Avon Group LLC** against a defendant that had defaulted on its mortgage and construction loans.
- **Former Town Attorney, Town of Eastchester, NY. Former Attorney for the Town of Cornwall, NY.**
- **Represented high-profile clients, including the US's largest bank, JP Morgan Chase,** as well as one of the US's largest labor unions, the United Federation of Special Police Officers, Inc.

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New York State Bar Association • Westchester County Bar Association
Columbian Lawyers Association • Westchester County Women's Bar Association

Bar Admissions: United States Supreme Court (2000), 2nd Circuit Court of Appeals (2015, inactive),
EDNY (2015), United States District Court SDNY (1998), New York (1997)

Former Member, Elisabeth Haub School of Law at Pace University Alumni Board of Directors (22 years)
Former Member, Board of Grand Central Terminal Employees Federal Credit Union
Former Director, New York State Department of Motor Vehicles Appeals Board
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