

DAY CALENDAR
Tuesday, April 7, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

455.0
TP 14-01741

RALPH ALICEA
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered September 26, 2014) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

LEAH R. NOWOTARSKI for RALPH ALICEA Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI Submitted

456.0
KA 11-02322

PEOPLE
V
ERIC F. MCCLOUGH

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered September 20, 2011. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

JANE I. YOON for ERIC F. MCCLOUGH Submitted

DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

457.0
KA 13-02113

PEOPLE
V
SCOTT D. STANLEY

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered October 28, 2013. The judgment convicted defendant, upon his plea of guilty, of rape in the second degree.

NICHOLAS P. DIFONZO for SCOTT D. STANLEY Submitted

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

458.0
KA 13-02127

PEOPLE
V
DAVID L. ALFONSO

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered September 30, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

ROBERT M. GRAFF for DAVID L. ALFONSO Submitted

LAURA T. BITTNER for THE PEOPLE OF THE STATE OF NEW YORK Submitted

459.0
KA 11-01223

PEOPLE
V
BRIAN L. PATTERSON

Appeal from a judgment of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered April 8, 2011. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and criminal contempt in the first degree.

MARY P. DAVISON for BRIAN L. PATTERSON

Submitted

STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

460.0
KA 14-01527

PEOPLE
V
BRIAN L. PATTERSON

Appeal from a judgment of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered April 15, 2011. Defendant was resentenced upon his conviction of assault in the second degree and criminal contempt in the first degree.

MARY P. DAVISON for BRIAN L. PATTERSON

Submitted

STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

461.0
KA 09-00607

PEOPLE
V
HERMAN H. BANK

Appeal from a judgment of the Monroe County Court (John J. Connell, J.), rendered February 27, 2009. The judgment convicted defendant, after a nonjury trial, of manslaughter in the second degree (two counts), vehicular manslaughter in the first degree, vehicular manslaughter in the second degree (two counts), vehicular assault in the second degree, operating a motor vehicle while ability is impaired by drugs, and one-way violation: designated road.

JAMES ECKERT for HERMAN H. BANK

10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

462.0
KA 11-00324

PEOPLE
V
THOMAS G. WITT

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered October 14, 2010. The judgment convicted defendant, upon his plea of guilty, of criminal possession of stolen property in the fourth degree.

JAMES ECKERT for THOMAS G. WITT

10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

463.0
KA 13-01457

PEOPLE
V
SCOTT D. STANLEY

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered August 1, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the first degree and rape in the second degree.

NICHOLAS P. DIFONZO for SCOTT D. STANLEY

10 minutes

WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

464.0
KA 13-00523

PEOPLE
V
JAMES O. RICHARDSON

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered September 26, 2012. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree (two counts), criminal sale of a controlled substance in the third degree, criminal nuisance in the first degree and criminal possession of a controlled substance in the fifth degree.

JOHN A. CIRANDO for JAMES O. RICHARDSON 10 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

465.0
KA 10-02118

PEOPLE
V
ALVIN E. SIMMONS

Appeal from a judgment of the Monroe County Court (Joan S. Kohout, A.J.), rendered September 3, 2010. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.

DAVID R. JUERGENS for ALVIN E. SIMMONS 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

466.0
CA 14-01041

COUNTY OF GENESEE
V
NIRAV R. SHAH, M.D., M.P.H.

Appeal from a judgment of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered May 22, 2014. The judgment, among other things, directed respondents to pay petitioner's claims for reimbursement of overburden expenditures.

VICTOR PALADINO for NIRAV R. SHAH, M.D., M.P.H. 10 minutes

CHRISTOPHER BUCKEY for COUNTY OF GENESEE 10 minutes

467.0
CA 14-01440

VINCENT D. IOCOVOZZI **SETTLED**
V
BONNETTE IOCOVOZZI

Appeal from an order of the Supreme Court, Herkimer County (Erin P. Gall, J.), entered October 17, 2013. The order granted the motion of defendant for an award of expert fees, legal fees, costs and disbursements.

LORRAINE H. LEWANDROWSKI for VINCENT D. IOCOVOZZI

DEAN L. GORDON for BONNETTE IOCOVOZZI

468.0
CAF 13-01801

In the Matter of
ISHANELLYS O.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered October 1, 2013 in a proceeding pursuant to Family Court Act article 10. The order determined that respondent had derivatively neglected and abused the subject children.

ALAN BIRNHOLZ for LUIS A. O. Submitted

JOSEPH T. JARZEMBEK for ERIE CO. DEPT. OF SOCIAL SERVS. 10 minutes

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| | LEAH A. BOUQUARD, ATTORNEY FOR CHILD | Submitted |
| | CHARLES D. HALVORSEN, ATTORNEY FOR CHILD | Submitted |
| 469.0 CAF 13-01802 | In the Matter of JONATHAN L.P. | |
| | Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered October 1, 2013 in a proceeding pursuant to Family Court Act article 10. The order determined that respondent had abused the subject children. | |
| | ALAN BIRNHOLZ for LUIS O. | Submitted |
| | JOSEPH T. JARZEMBEK for ERIE CO. DEPT. OF SOCIAL SERVS. | Submitted |
| | CHARLES D. HALVORSEN, ATTORNEY FOR CHILD | Submitted |
| 470.0 CAF 13-01932 | CANDIE A. FOSTER V ANDREW J. FOSTER | |
| | Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered October 11, 2013 in a proceeding pursuant to Family Court Act article 6. The order denied the petition. | |
| | PAUL M. DEEP for CANDIE A. FOSTER | 5 minutes |
| | RICHARD A. COHEN for ANDREW J. FOSTER | Submitted |
| | JOHN J. RASPANTE, ATTORNEY FOR CHILD | Submitted |
| 471.0 CAF 14-00140 | CHARLES E. WILSON, SR. V DARCIE M. HAYWARD | |
| | Appeal from an order of the Family Court, Jefferson County (Diana D. Trahan, R.), entered December 27, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the custody of the subject children shall remain with Darcie M. Hayward. | |
| | PAUL B. WATKINS for CHARLES E. WILSON, SR. | 10 minutes |
| | DARCIE M. HAYWARD for HERSELF | Submitted |
| | ASHLEY LYON, ATTORNEY FOR CHILD | 10 minutes |
| 472.0 CA 14-01405 | COUNTY OF ONEIDA V NIRAV R. SHAH, M.D., M.P.H. | |
| | Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered March 14, 2014. The order, among other things, directed respondents to pay petitioner's pending claims for reimbursement in the amount of \$3,123,878.56. | |
| | VICTOR PALADINO for NIRAV R. SHAH, M.D., M.P.H. | 10 minutes |
| | CHRISTOPHER BUCKEY for COUNTY OF ONEIDA | 10 minutes |
| 473.0 CA 14-02013 | SARAH E. WOLF V ANDRE A. PERSAUD, M.D. | |

Appeal and cross appeal from an order and judgment (one paper) of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered February 26, 2014. The order and judgment, among other things, granted in part plaintiffs' posttrial motion to set aside the jury verdict.

MARYLOU KATHRYN ROSHIA for ANDRE A. PERSAUD, M.D. 20 minutes

JOHN A. COLLINS for SARAH E. WOLF 20 minutes

474.0
CA 14-02046

JAMES CHARLES
V
VILLAGE OF MOHAWK

Appeal from an order of the Supreme Court, Herkimer County (Erin P. Gall, J.), entered May 21, 2014. The order, insofar as appealed from, denied the motion of defendant for summary judgment dismissing the complaint.

CHRISTINE GASSER for VILLAGE OF MOHAWK 15 minutes

JESSE B. BALDWIN for JAMES CHARLES 10 minutes

475.0
CA 14-01003

LOTFI BELKHIR
V
SOUAD AMRANE-BELKHIR

Appeal from an order of the Supreme Court, Ontario County (William F. Kocher, A.J.), entered May 30, 2014 in a divorce action. The order, among other things, held plaintiff in civil contempt of court.

LOFTI BELKHIR for HIMSELF 15 minutes

LEONARD A. ROSNER for SOUAD AMRANE-BELKHIR 15 minutes

476.0
CA 14-01909

ACCADIA SITE CONTRACTING, INC.
V
JEFFREY SKURKA

Appeal from an order of the Supreme Court, Erie County (Kevin M. Dillon, J., for Joseph R. Glownia, J.), entered February 4, 2014. The order, insofar as appealed from, granted the cross motion of defendant to dismiss the complaint.

JASON G. ULATOWSKI for ACCADIA SITE CONTRACTING, INC. 10 minutes

BRIAN D. GWITT for JEFFREY SKURKA 10 minutes

477.0
CA 14-01406

ROBERT H. METCALF
V
DAVID M. CUNNINGHAM

Appeal and cross appeal from an order of the Supreme Court, Ontario County (William F. Kocher, A.J.), entered October 29, 2013. The order, among other things, denied the motion of David M. Cunningham, Joan S. Cunningham, Peter Cunningham and Kim Cunningham seeking to dismiss plaintiff's complaint.

JEFFREY F. ALLEN for DAVID M. CUNNINGHAM 10 minutes

PETER ROLPH for ROBERT H. METCALF 20 minutes

478.0
CA 14-02011

SCOTT M. HARVEY
V
HANDELMAN, WITKOWICZ AND LEVITSKY

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered March 18, 2014. The order granted the motion of defendants for summary judgment and dismissed the complaint.

ROBERT D. STEINHAUS for SCOTT M. HARVEY

15 minutes

JAMES J. DUGGAN for HANDELMAN, WITKOWICZ AND LEVITSKY

15 minutes

479.0
CA 14-01989

CHARLES T. SITRIN HEALTH CARE CENTER

V

COMMISSIONER OF HEALTH

Appeal and cross appeal from a judgment (denominated order and judgment) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered March 19, 2014 in a proceeding pursuant to CPLR article 78. The judgment, among other things, annulled the determination of respondent Commissioner of Health of State of New York to the extent it applies to petitioner's capital cost component of its reimbursement rates for the time period of September 1, 2009 through September 30, 2011.

VICTOR PALADINO for COMMISSIONER OF HEALTH

10 minutes

RAUL A. TABORA, JR., for CHARLES T. SITRIN HEALTH CARE CENTER

10 minutes