

**DAY CALENDAR**  
**Tuesday, April 14, 2015 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

554.0  
TP 14-01910

**GILBERT ORTIZ**  
**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 October 17, 2014) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

**NORMAN P. EFFMAN for GILBERT ORTIZ** Submitted

**PETER H. SCHIFF for ANTHONY ANNUCCI** Submitted

555.0  
KA 12-01515

**PEOPLE**  
**V**  
**JOSE A. PADILLA**

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered January 19, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

**DAVID R. JUERGENS for JOSE A. PADILLA** Submitted

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

556.0  
KA 14-00056

**PEOPLE**  
**V**  
**SHAWN J. SIVERTSON**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered December 18, 2013. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.

**BARBARA J. DAVIES for SHAWN J. SIVERTSON** 10 minutes

**ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

557.0  
KA 14-00925

**PEOPLE**  
**V**  
**JOSHUA J. FRENCH**

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered April 3, 2014. The judgment convicted defendant, upon his plea of guilty, of two counts of driving while intoxicated, class D felonies and two counts of aggravated unlicensed operation of a motor vehicle in the first degree, class E felonies.

**TIMOTHY P. MURPHY for JOSHUA J. FRENCH** Submitted

**MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

558.0  
KA 14-01950

**PEOPLE**  
**V**  
**ROBERT C. DIEHL**

Appeal from a judgment of the Lewis County Court (Donald E. Todd, A.J.), rendered December 4, 2013. The judgment convicted defendant, upon a nonjury verdict, of grand larceny in the third degree, offering a false instrument for filing in the first degree and official misconduct.

CARMEN M. GARUFI for ROBERT C. DIEHL

15 minutes

JOHN A. CIRANDO for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

559.0  
KA 10-01503

PEOPLE

V

JAMIE C. HARRISON

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered June 20, 2007. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

CARA A. WALDMAN for JAMIE C. HARRISON

Submitted

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

560.0  
KA 11-01613

PEOPLE

V

JAMELL R. MCCULLOUGH

Appeal from a judgment of the Supreme Court, Monroe County (David D. Egan, J.), rendered July 29, 2010. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree, robbery in the first degree, robbery in the second degree and assault in the second degree.

JAMES A. HOBBS for JAMELL R. MCCULLOUGH

10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

561.0  
KA 13-01465

PEOPLE

V

HAROLD HOWARD

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered January 30, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the fourth degree.

KRISTIN M. PREVE for HAROLD HOWARD

10 minutes

NICHOLAS T. TEXIDO for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

562.0  
KA 13-00462

PEOPLE

V

ANDRE TERRY

Appeal from a resentence of the Onondaga County Court (Joseph E. Fahey, J.), rendered November 22, 2011. Defendant was resented upon his convictions of assault in the second degree (three counts), reckless endangerment in the first degree (three counts) and criminal possession of a weapon in the second degree (four counts).

PHILIP ROTHSCHILD for ANDRE TERRY

Submitted

ROMANA A. LAVALAS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

563.0  
KA 13-00301

PEOPLE

V

REBECCA R. WALTER

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered May 23, 2012. The judgment convicted defendant, upon a jury verdict, of assault in the third degree and endangering the welfare of a child.

GARY MULDOON for REBECCA R. WALTER 10 minutes

JAMES B. RITTS for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

564.0  
CAF 14-02014

In the Matter of  
ANDREW B.

Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered May 21, 2014 in a proceeding pursuant to Family Court Act article 7. The order, insofar as appealed from, held petitioner in contempt.

PETER ANDREW ESSLEY for MONROE CO. DEPT. OF HUMAN SERVS. 5 minutes

TANYA CONLEY, ATTORNEY FOR CHILD 10 minutes

565.0  
CAF 14-00280

CHAD SPRINGSTEAD  
V  
SALINA WINSHIP BUNK

Appeal from an order of the Family Court, Cattaraugus County (Judith E. Samber, R.), entered January 10, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded respondent sole legal and physical custody of the subject child.

JANINE C. FODOR for CHAD SPRINGSTEAD 10 minutes

LYLE T. HAJDU for SALINA WINSHIP BUNK Submitted

BRONWYN E. ENDERS, ATTORNEY FOR CHILD Submitted

566.0  
CAF 13-01303

In the Matter of  
EMILY A.

Appeal from an order of the Family Court, Livingston County (Dennis S. Cohen, J.), entered June 3, 2013 in a proceeding pursuant to Family Court Act article 10. The order, among other things, continued the subject child's placement with petitioner.

KELIANN M. ARGY for GINA A. 10 minutes

JOHN T. SYLVESTER for LIVINGSTON CO. DEPT. OF SOCIAL SERVS. Submitted

MARY P. DAVISON for GARY L. 10 minutes

SUSAN JAMES, ATTORNEY FOR CHILD 10 minutes

567.0  
CAF 13-01764

In the Matter of  
EMILY A.

Appeal from an order of the Family Court, Livingston County (Dennis S. Cohen, J.), entered August 28, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, terminated respondent's parental rights.

KELIANN M. ARGY for GINA A. Submitted

JOHN T. SYLVESTER for LIVINGSTON CO. DEPT. OF SOCIAL SERVS. Submitted

MARY P. DAVISON for GARY L. Submitted

	<b>SUSAN JAMES, ATTORNEY FOR CHILD</b>	<b>Submitted</b>
<b>568.0</b> <b>CA 14-01849</b>	<b>NANCY BURKHART</b> <b>V</b> <b>PEOPLE, INC.</b>	
	Appeal from an order of the Supreme Court, Niagara County (Catherine R. Nugent Panepinto, J.), entered February 18, 2014. The order denied the motion of defendants People, Inc., Elisa Smith, Katelynne Coleman and Amy Mazurkiewicz for summary judgment dismissing the complaint.	
	<b>AMY ARCHER FLAHERTY for PEOPLE, INC.</b>	<b>15 minutes</b>
	<b>JOSEPH D. MORATH, JR., for NANCY BURKHART</b>	<b>15 minutes</b>
<b>569.0</b> <b>CA 14-02024</b>	<b>MANUEL LOPEZ</b> <b>V</b> <b>FAHS CONSTRUCTION GROUP, INC.</b>	
	Appeal and cross appeals from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered June 13, 2014. The order, insofar as appealed from, denied the motion of plaintiff for partial summary judgment and denied the motions of defendant and third-party defendant for summary judgment dismissing plaintiff's Labor Law §§ 240 (1) and 241 (c) claims.	
	<b>ROBERT A. QUATROCCI for MANUEL LOPEZ</b>	<b>10 minutes</b>
	<b>KAREN J. KROGMAN for FAHS CONSTRUCTION GROUP, INC.</b>	<b>15 minutes</b>
<b>570.0</b> <b>CA 14-00179</b>	<b>ERROL WEATHERS</b> <b>V</b> <b>ANTHONY ANNUCCI</b>	
	Appeal from a judgment of the Supreme Court, Wyoming County (Mark H. Dadd, A.J.), entered December 16, 2013 in a proceeding pursuant to CPLR article 78. The judgment denied the motion of petitioner for a default judgment and dismissed the petition.	
	<b>ADAM W. KOCH for ERROL WEATHERS</b>	<b>Submitted</b>
	<b>PETER H. SCHIFF for ANTHONY ANNUCCI</b>	<b>Submitted</b>
<b>571.0</b> <b>CA 14-01424</b>	<b>DONALD SCHULTZ</b> <b>V</b> <b>EXCELSIOR ORTHOPAEDICS, LLP</b>	
	Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered July 18, 2014. The order, insofar as appealed from, denied the motion of defendants Michael A. Parentis, M.D., and Keith C. Stube, M.D., P.C., individually and doing business as Knee Center of Western New York, to set aside a jury verdict and enter judgment in their favor.	
	<b>LAWRENCE J. VILARDO for MICHAEL A. PARENTIS, M.D.</b>	<b>20 minutes</b>
	<b>JEFFREY A. BLACK for DONALD SCHULTZ</b>	<b>20 minutes</b>
	<b>GREGORY T. MILLER for EXCELSIOR ORTHOPAEDICS, LLP</b>	<b>10 minutes</b>
<b>572.0</b> <b>CA 14-01425</b>	<b>DONALD SCHULTZ</b> <b>V</b> <b>EXCELSIOR ORTHOPAEDICS, LLP</b>	

Appeal from a judgment of the Supreme Court, Erie County (John M. Curran, J.), entered July 18, 2014. The judgment awarded plaintiffs structured money damages, upon a jury verdict, against defendants Michael A. Parentis, M.D., and Keith C. Stube, M.D., individually, and doing business as Knee Center of Western New York.

LAWRENCE J. VILARDO for MICHAEL A. PARENTIS, M.D.

Submitted

JEFFREY A. BLACK for DONALD SCHULTZ

Submitted

573.0  
CA 14-01920

**DONALD SCHULTZ**  
V  
**EXCELSIOR ORTHOPAEDICS, LLP**

Appeal from a judgment of the Supreme Court, Erie County (John M. Curran, J.), entered June 18, 2014. The judgment dismissed the complaint and awarded judgment to defendants Excelsior Orthopaedics, LLP, and Andrew C. Stoeckl, M.D.

LAWRENCE J. VILARDO for MICHAEL A. PARENTIS, M.D.

Submitted

GREGORY T. MILLER for EXCELSIOR ORTHOPAEDICS, LLP

Submitted

574.0  
CA 14-01817

**SUSAN M. ANDREWS**  
V  
**RENAISSANCE CHIROPRACTIC, P.C.**

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered April 24, 2014. The order, insofar as appealed from, denied in part the motion of defendants Renaissance Chiropractic, P.C., and Thomas Joseph Insinna, DC, individually, and as principle owner, officer, director and/or shareholder of Renaissance Chiropractic, P.C. for summary judgment.

JONATHAN H. BARD for RENAISSANCE CHIROPRACTIC, P.C.

15 minutes

KELIANN M. ARGY for SUSAN M. ANDREWS

5 minutes

575.0  
CA 14-01907

**SYNAPSE SUSTAINABILITY TRUST, INC.**  
V  
**CAR CHARGING GROUP, INC.**

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered January 2, 2014. The order granted the motion of plaintiff for a preliminary injunction and enjoined defendant Car Charging Group, Inc., from impeding or preventing plaintiff's sale of certain stock pursuant to their contract.

MICHAEL I. BERNSTEIN for CAR CHARGING GROUP, INC.

15 minutes

RICHARD PERTZ for SYNAPSE SUSTAINABILITY TRUST, INC.

10 minutes

576.0  
CA 14-01993

**LYUBOV KLEPANCHUK**  
V  
**COUNTY OF MONROE**

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered January 10, 2014. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint.

STEPHANIE CAMPBELL for COUNTY OF MONROE

15 minutes

K. JOHN WRIGHT for LYUBOV KLEPANCHUK

10 minutes

ERIC FRIEDHABER for WILLIAM HILL, JR.

Submitted

577.0  
CA 14-01839

WAYNE F. HURLBURT  
V  
NOBLE ENVIRONMENTAL POWER, LLC

Appeal from an order of the Supreme Court, Wyoming County (Mark H. Dadd, A.J.), entered December 24, 2013. The order, insofar as appealed from, denied the motion of defendant Frank Monteleone, doing business as Frank Monteleone Dump Truck & Excavating for summary judgment dismissing the complaint.

RICHARD C. BRISTER for FRANK MONTELEONE

15 minutes

BRADLEY P. KAMMHOLZ for WAYNE F. HURLBURT

15 minutes

578.0  
CA 14-01840

NICOLE MARTIN  
V  
TOWN OF GRAND ISLAND

**SETTLED**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered March 10, 2014. The order denied defendants' motion for summary judgment.

JENNA W. KLUCSIK for TOWN OF GRAND ISLAND

THOMAS S. LANE for NICOLE MARTIN

578.2  
CA 14-01480

STEPHEN CLENDENIN  
V  
TOWN OF MILO

Appeal from an order of the Supreme Court, Yates County (Dennis F. Bender, A.J.), entered November 8, 2013. The order granted the motions of defendants Town of Milo, Colby Petersen, Gary Boardman and Yates County Soil and Water Conservation District for summary judgment.

ANTHONY P. ADORANTE for STEPHEN CLENDENIN

15 minutes

JOHN M. WELLS for COLBY PETERSEN

10 minutes

THOMAS D. SEAMAN for TOWN OF MILO

10 minutes