

DAY CALENDAR
Thursday, April 12, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

614.0
TP 17-01949

JOHN NOTMAN
V
N.Y.S. DEPARTMENT OF HEALTH

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Onondaga County [Spencer J. Luddington, J.], entered October 31, 2016) to review a determination of respondents. The determination denied petitioner's Medicaid application.

DAVID W. HERKALA for JOHN NOTMAN Submitted

KATE H. NEPVEU for N.Y.S. DEPARTMENT OF HEALTH Submitted

615.0
KA 16-02082

PEOPLE
V
THOMAS M. LASHER

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), rendered June 21, 2016. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree and assault in the first degree.

THERESA L. PREZIOSO for THOMAS M. LASHER Submitted

THOMAS H. BRANDT for PEOPLE OF THE STATE OF NEW YORK Submitted

616.0
KA 16-00777

PEOPLE
V
JAMES WHITEHEAD

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered October 8, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

DEBORAH K. JESSEY for JAMES WHITEHEAD 10 minutes

MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

617.0
KA 14-02100

PEOPLE
V
CHRISTOPHER L. WILMET

Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered November 18, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree.

CATHERINE H. JOSH for CHRISTOPHER L. WILMET 10 minutes

JOSHUA J. TONRA for PEOPLE OF THE STATE OF NEW YORK 5 minutes

618.0
KA 14-00239

PEOPLE
V
SEDRICK D. COUNCIL

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered October 10, 2013. The judgment convicted defendant, upon a jury verdict, of assault in the first degree, criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

KATHLEEN P. REARDON for SEDRICK D. COUNCIL

10 minutes

JOSEPH PLUKAS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

619.0
KA 15-01509

PEOPLE
V
KELLEE L. LEWIS

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered August 3, 2015. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the third degree.

MICHAEL S. DEAL for KELLEE L. LEWIS

Submitted

LORI PETTIT RIEMAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

620.0
KA 15-01510

PEOPLE
V
KELLEE L. LEWIS

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered August 3, 2015. The judgment convicted defendant, upon her plea of guilty, of criminal sale of a controlled substance in the third degree.

MICHAEL S. DEAL for KELLEE L. LEWIS

Submitted

LORI PETTIT RIEMAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

621.0
KA 16-01176

PEOPLE
V
EDWARD LUNDY

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered April 28, 2015. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

NATHANIEL V. RILEY for EDWARD LUNDY

10 minutes

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK

10 minutes

622.0
KA 16-01175

PEOPLE
V
EDWARD LUNDY

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered April 28, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

NATHANIEL V. RILEY for EDWARD LUNDY

Submitted

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK

Submitted

623.0
KA 16-01174

PEOPLE
V
EDWARD LUNDY

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered April 28, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

NATHANIEL V. RILEY for EDWARD LUNDY

Submitted

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK

Submitted

624.0
KA 16-00555

PEOPLE
V
KEVIN FITZRANDOLPH

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered December 22, 2015. The judgment convicted defendant, upon a nonjury verdict, of murder in the second degree.

KRISTIN M. PREVE for KEVIN FITZRANDOLPH

10 minutes

DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK

10 minutes

625.0
CAF 16-01341

In the Matter of
CAIDENCE M.

Appeal from an order of the Family Court, Seneca County (Dennis F. Bender, J.), entered July 21, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, terminated the parental rights of respondent.

MARY M. WHITESIDE for FRANCIS W.M.

10 minutes

DAVID K. ETTMAN for SENECA COUNTY D.S.S.

10 minutes

SARA E. ROOK, ATTORNEY FOR CHILD

5 minutes

626.0
CA 17-01939

BELLA ROSS
V
AVI LANDAU

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered December 7, 2015. The order affirmed a judgment of the Rochester City Court dated May 14, 2015 that dismissed plaintiff's claim for damages in an action involving personal tort.

MICHAEL J. CROSBY for BELLA ROSS

10 minutes

AVI LANDAU for HIMSELF

Submitted

627.0
CA 17-00173

STATE OF NEW YORK
V
EDWARD T.

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered November 3, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.

MICHAEL F. HIGGINS for EDWARD T.

10 minutes

FRANK BRADY for STATE OF NEW YORK

10 minutes

628.0
CA 17-02041

KAREN A. WHITAKER
V
KENNEDY/TOWN OF POLAND

Appeal from an amended decision and order of the Supreme Court, Chautauqua County (Eugene F. Pigott, Jr., A.J.), entered September 20, 2017. The amended decision and order denied the motion of defendants Kennedy/Town of Poland and Town of Poland Highway Department for summary judgment dismissing the complaint.

ZACHARY M. MATTISON for KENNEDY/TOWN OF POLAND 15 minutes

JOHN A. COLLINS for KAREN A. WHITAKER 10 minutes

629.0
CA 17-00471

GLENN T.
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered December 30, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, continued respondent's commitment to a secure treatment facility.

PATRICK T. CHAMBERLAIN for GLENN T. 10 minutes

FRANK BRADY for STATE OF NEW YORK 10 minutes

630.0
CA 17-01005

W. JAMES CAMPERLINO
V
DAN E. BARGABOS

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered July 29, 2016. The order, among other things, denied defendants' motion to preclude plaintiff from offering evidence at trial of all road construction costs expended by plaintiff on his tax returns against section 4B of the Waterford Woods Development.

JOHN A. CIRANDO for DAN E. BARGABOS 15 minutes

MICHAEL JON LONGSTREET for W. JAMES CAMPERLINO 15 minutes

631.0
CA 17-01006

W. JAMES CAMPERLINO
V
DAN E. BARGABOS

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered August 9, 2016. The order granted plaintiff's motion seeking summary judgment on the issue of contractual liability and to dismiss all of defendants' affirmative defenses and counterclaims.

JOHN A. CIRANDO for DAN E. BARGABOS Submitted

MICHAEL JON LONGSTREET for W. JAMES CAMPERLINO Submitted

632.0
CA 17-01007

W. JAMES CAMPERLINO
V
DAN E. BARGABOS

Appeal from an judgment of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered August 24, 2016, upon a jury verdict. The judgment adjudged that plaintiff recover the sum of \$287,222.83 from defendants.

JOHN A. CIRANDO for DAN E. BARGABOS Submitted

MICHAEL JON LONGSTREET for W. JAMES CAMPERLINO Submitted

633.0
CA 17-01008

W. JAMES CAMPERLINO
V
DAN E. BARGABOS

Appeal and cross appeal from an amended judgment of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered February 2, 2017, upon a jury verdict. The amended judgment adjudged that plaintiff recover the sum of \$253,890.80 from defendants.

JOHN A. CIRANDO for DAN E. BARGABOS

Submitted

MICHAEL JON LONGSTREET for W. JAMES CAMPERLINO

Submitted

634.0
CA 17-01837

W. JAMES CAMPERLINO
V
DAN E. BARGABOS

Appeal and cross appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered January 25, 2017. The order, among other things, granted defendants' motion to correct the prejudgment interest rate.

JOHN A. CIRANDO for DAN E. BARGABOS

Submitted

MICHAEL JON LONGSTREET for W. JAMES CAMPERLINO

Submitted

635.0
CA 17-01934

MARY WYZYKOWSKI
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Renee Forgens Minarek, J.), entered January 3, 2017. The decision and order granted the motion of defendant for summary judgment and dismissed the claim.

ANGELO S. GAMBINO for MARY WYZYKOWSKI

10 minutes

PATRICK A. WOODS for STATE OF NEW YORK

10 minutes