

DAY CALENDAR
Monday, April 1, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

397.0
TP 18-02318

JOHNSON IRRON
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 December 12, 2018) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for JOHNSON IRRON

Submitted

FRANK BRADY for ANTHONY ANNUCCI

Submitted

398.0
TP 18-02319

RICHARD J. RIVERA
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 December 12, 2018) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for RICHARD J. RIVERA

Submitted

JULIE M. SHERIDAN for ANTHONY ANNUCCI

Submitted

399.0
KA 16-02161

PEOPLE
V
SEAN TIMMONS

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered October 14, 2016. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

SARA A. GOLDFARB for SEAN TIMMONS

Submitted

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

400.0
KA 16-01240

PEOPLE
V
GARFIELD HECTOR

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered June 17, 2016. The judgment convicted defendant, upon his plea of guilty, of offering a false instrument for filing in the first degree.

WILLIAM CLAUSS for GARFIELD HECTOR

10 minutes

BRADLEY OASTLER for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

401.0
KA 16-01833

PEOPLE
V
DEONDRA WALKER

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., A.J.), rendered September 26, 2016. The judgment convicted defendant, upon her plea of guilty, of robbery in the third degree.

PIOTR BANASIAK for DEONDRA WALKER

Submitted

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

402.0
KA 16-01656

PEOPLE
V
DAVID A. BROWN

Appeal from a judgment of the Steuben County Court (Mathew K. McCarthy, A.J.), rendered June 27, 2016. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree (three counts), criminal possession of stolen property in the third degree, criminal possession of a weapon in the fourth degree and criminal possession of burglar's tools.

MARY P. DAVISON for DAVID A. BROWN

10 minutes

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

5 minutes

404.0
KA 17-00300

PEOPLE
V
JOHN R. CHRISLEY

Appeal from an order of the Genesee County Court (Charles N. Zambito, J.), dated January 31, 2017. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

JAMES M. SPECYAL for JOHN R. CHRISLEY

Submitted

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

405.0
KA 16-01367

PEOPLE
V
LUIS GONZALEZ

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered August 1, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

CHRISTINE M. COOK for LUIS GONZALEZ

Submitted

BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

406.0
CAF 18-02026

In the Matter of
HAYDEN B. S.

Appeal from an order of the Family Court, Steuben County (Patrick F. McAllister, A.J.), entered September 26, 2018 in a proceeding pursuant to Family Court Act article 3. The order dismissed the petition on the court's own motion.

CRAIG A. PATRICK for STEUBEN COUNTY ATTORNEY

5 minutes

PAUL B. WATKINS , ATTORNEY FOR THE CHILD

5 minutes

407.0
CAF 17-02163

In the Matter of
NYJEEM D.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered November 9, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, temporarily placed the subject child with petitioner.

DANIELLE BLACKABY for JOHN D. 10 minutes

ANTHONY PETER BELLETIER, JR., for SHAINA D. 5 minutes

CATHERINE Z. GILMORE for ONONDAGA COUNTY DSS Submitted

RICHARD T. WARD, ATTORNEY FOR CHILD Submitted

408.0
CAF 17-02164

In the Matter of
JOHN D., JR.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered November 9, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, temporarily placed the subject child with petitioner.

DANIELLE BLACKABY for JOHN D. Submitted

ANTHONY PETER BELLETIER, JR., for SHAINA B. Submitted

CATHERINE Z. GILMORE for ONONDAGA COUNTY DSS Submitted

RICHARD T. WARD, ATTORNEY FOR THE CHILD Submitted

409.0
CAF 18-00582

In the Matter of
NYJEEM D.

Appeals from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered February 16, 2018 in a proceeding pursuant to Family Court Act article 10. The order, among other things, modified a prior order by vacating the release of the subject child to respondents and placing the subject child in the custody of petitioner pending a permanency hearing

DANIELLE BLACKABY for JOHN D. Submitted

ANTHONY PETER BELLETIER, JR., for SHAINA D. Submitted

CATHERINE Z. GILMORE for ONONDAGA COUNTY DSS Submitted

RICHARD T. WARD, ATTORNEY FOR THE CHILD Submitted

410.0
CAF 18-00583

In the Matter of
JOHN D., JR.

Appeals from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered February 16, 2018 in a proceeding pursuant to Family Court Act article 10. The order, among other things, modified a prior order by vacating the release of the subject child to respondents and placing the subject child in the custody of petitioner pending a permanency hearing

DANIELLE BLACKABY for JOHN D. Submitted

ANTHONY PETER BELLETIER, JR., for SHAINA B. Submitted

CATHERINE Z. GILMORE for ONONDAGA COUNTY DSS Submitted

RICHARD T. WARD, ATTORNEY FOR THE CHILD Submitted

411.0
CA 18-02325

JARED N. UNDERBERG
V
DRYDEN MUTUAL INSURANCE CO.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered June 7, 2018. The order denied the motion of defendant for summary judgment, declared that the assault and battery exclusion of defendant's policy does not apply and granted in part and denied in part the cross motion of plaintiff for summary judgment.

PHYLISS A. HAFNER for JARED N. UNDERBERG 15 minutes

ANTHONY J. PIAZZA for DRYDEN MUTUAL INSURANCE CO. 15 minutes

412.0
CAF 18-01364

SAMANTHA R. MONTGOMERY
V
WILLIAM P. LIST

Appeal from an order of the Family Court, Monroe County (Stacey Romeo, J.), entered May 17, 2018 in a proceeding pursuant to Family Court Act article 4. The order, among other things, granted petitioner's written objections to the findings of fact and conclusions of law and order of the Support Magistrate.

FRANK BERETTA for WILLIAM P. LIST 5 minutes

JUAN A. NEVAREZ for SAMANTHA R. MONTGOMERY 10 minutes

413.0
CA 18-01828

CARLA M. VELEZ **SETTLED**
V
KEVIN A. MITCHELL, II

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered September 28, 2018. The order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment on the issues of serious injury, negligence and proximate cause.

JANET D. CALLAHAN for KEVIN A. MITCHELL, II

CHRISTOPHER J. O'BRIEN for CARLA M. VELEZ

414.0
CA 18-02192

JAMES WICK
V
DAVID D. O'NEIL, M.D., PhD.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 3, 2018. The order, insofar as appealed from, denied the motion of Mary L. Turkiewicz, M.D., Mary L. Turkiewicz, M.D., P.C., and Southtowns Radiology Associates, LLC, for summary judgment dismissing the complaint.

MARK SPITLER for MARY L. TURKIEWICZ, M.D. 10 minutes

JOHN A. COLLINS for JAMES WICK 10 minutes

415.0
CA 18-01938

UTICA MUTUAL INSURANCE COMPANY **SETTLED**
V
ALFA MUTUAL INSURANCE CO.

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Patrick F. MacRae, J.) entered March 16, 2018. The order and judgment, among other things, dismissed the complaint in its entirety as to all defendants with prejudice.

LARRY P. SCHIFFER for UTICA MUTUAL INSURANCE COMPANY

SEAN THOMAS KELLY for ECRA POOL MEMBERS

KAREN G. FELTER for FINANCIAL SECURITY ASSURANCE CO. OF IOWA

416.0
CA 18-00394

JODY T.
V
STATE OF NEW YORK

Appeal from an amended order of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered December 18, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner is subject to strict and intensive supervision and treatment.

CAROLINE L. LEVITT for JODY T. 10 minutes

JENNIFER L. CLARK for STATE OF NEW YORK 10 minutes

417.0
TP 18-01738

JOHN KENNEDY
V
NYS OFFICE PEOPLE WITH DEV. DISABILITIES

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, Onondaga County [James P. Murphy, J.], entered February 5, 2018) to review a determination of respondents. The determination terminated petitioner's employment.

D. JEFFREY GOSCH for JOHN KENNEDY 10 minutes

KATHLEEN TREASURE for NYS OFFICE PEOPLE WITH DEV. DISABILITIES 10 minutes

418.0
CA 18-02115

ABDUKADIR ABDULLAHI
V
KALEIDA HEALTH

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered April 6, 2018. The order, insofar as appealed from, granted the motion of defendant Kaleida Health for a protective order.

JOHN A. COLLINS for ABDUKADIR ABDULLAHI 10 minutes

MICHAEL J. ROACH for KALEIDA HEALTH 10 minutes

419.0
CA 18-02193

ONX3, LLC
V
LEXINGTON INSURANCE COMPANY

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Erin P. Gall, J.), entered July 23, 2018. The order and judgment, insofar as appealed from, denied the motion of defendant Lexington Insurance Company to dismiss the complaint.

SCOTT J. SHELDON for LEXINGTON INSURANCE COMPANY Submitted

ALAN J. PIERCE for ONX3, LLC Submitted