

DAY CALENDAR
Wednesday, April 3, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

457.0
KA 18-00359

PEOPLE
V
KEVIN J. DAVIS, II

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Erie County Court (Michael F. Pietruszka, J.), entered February 7, 2015. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

SHERRY A. CHASE for KEVIN J. DAVIS, II

10 minutes

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

5 minutes

450.0
TP 18-02158

DONOVAN SINGLETON
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 November 21, 2018) 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 DONOVAN SINGLETON

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

452.0
KA 16-01448

PEOPLE
V
DEVROY SEWELL

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered February 10, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the first degree.

KRISTIN M. PREVE for DEVROY SEWELL

Submitted

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

453.0
KA 16-00642

PEOPLE
V
PASCUAL CRUZ

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 30, 2012. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree and criminal use of a firearm in the first degree.

THOMAS J. EOANNOU for PASCUAL CRUZ

Submitted

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

454.0
KA 16-01938

PEOPLE
V
JENNIFER SAGE

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered February 25, 2016. The judgment convicted defendant, upon her plea of guilty, of vehicular manslaughter in the first degree.

	DEBORAH K. JESSEY for JENNIFER SAGE	Submitted
	DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
455.0 KA 15-01680	PEOPLE V MICHAEL A. HEAD	
	Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered July 8, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts).	
	NANCY BIZUB for MICHAEL A. HEAD	10 minutes
	LAWRENCE FRIEDMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
456.0 KA 17-00648	PEOPLE V WILLIE MCKEE	
	Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered December 9, 2016. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree, assault in the first degree, criminal possession of stolen property in the fourth degree, assault in the second degree and resisting arrest.	
	NATHANIEL V. RILEY for WILLIE MCKEE	10 minutes
	NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
458.0 KA 18-01290	PEOPLE V VICTOR DIAZ	
	Appeal from an order of the Monroe County Court (John L. DeMarco, J.), dated March 27, 2018. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.	
	DAVID R. JUERGENS for VICTOR DIAZ	Submitted
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
459.0 CA 18-01877	GAIL G. FELLOWS V DOLORES ROSATI	
	Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered December 14, 2017. The order and judgment awarded plaintiff money damages after a nonjury trial.	
	GREGG A. STARCZEWSKI for DOLORES ROSATI	Submitted
	MARK A. WOLBER for GAIL G. FELLOWS	Submitted
460.0 CA 18-02141	SEAN P. WILCZAK V CITY OF NIAGARA FALLS	

Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Daniel Furlong, J.), entered May 18, 2018. The order and judgment granted the motion of defendant to dismiss the complaint and dismissed the complaint.

MATTHEW J. BIRD for SEAN P. WILCZAK

10 minutes

THOMAS M. O'DONNELL for CITY OF NIAGARA FALLS

5 minutes

461.0
CA 18-02262

AMY WITRYOL
V
CWM CHEMICAL SERVICES, L.L.C.

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (Mark A. Montour, J.) entered May 8, 2018 in a CPLR article 78 proceeding. The judgment, among other things, granted respondents' motions to dismiss the verified petition and complaint.

ALAN J. KNAUF for AMY WITRYOL

20 minutes

JOSHUA M. TALLENT for NYSDEC

10 minutes

THOMAS R. SMITH for CWM CHEMICAL SERVICES, L.L.C.

15 minutes

462.0
CA 18-02281

JEFFREY R. SMITH
V
MARIANNE D.S. BAILEY

Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered August 3, 2018. The order, inter alia, denied the motion of plaintiffs for summary judgment.

MICHAEL R. VACCARO for JEFFREY R. SMITH

15 minutes

JANET D. CALLAHAN for MARIANNE D.S. BAILEY

10 minutes

463.0
CA 18-02234

TERESSA CHAPLIN
V
TIM N. TOMPKINS

Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered June 22, 2018. The order dismissed plaintiffs' complaint as untimely as against defendant West Main Street Partners, L P.

MO J. ATHARI for TERESSA CHAPLIN

10 minutes

SARAH H. MORRISSEY for TIM N. TOMPKINS

10 minutes

JONATHAN SABLONE for WEST MAIN STREET PARTNERS, L.P.

10 minutes

464.0
CA 18-02257

TERESSA CHAPLIN
V
TIM N. TOMPKINS

Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered September 6, 2018. The order dismissed plaintiffs' complaint as untimely as against defendant Tim N. Tompkins.

MO J. ATHARI for TERESSA CHAPLIN

Submitted

SARAH H. MORRISSEY for TIM N. TOMPKINS

Submitted

JONATHAN SABLONE for WEST MAIN STREET PARTNERS, L.P.

Submitted

465.0
CA 18-02215

TODD FORMAN
V
CARRIER CORPORATION

Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered September 11, 2018. The order, among other things, denied in part defendant's motion for summary judgment.

AARON M. SCHIFFRIK for CARRIER CORPORATION

15 minutes

DAVID S. GRASSO for TODD FORMAN

10 minutes

466.0
CA 18-02191

VIRGINIA F. KLEIST
V
DANIEL STERN

Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered May 16, 2016. The order granted the motion of defendant for a directed verdict and dismissed the complaint.

PAUL V. WEBB, JR., for VIRGINIA F. KLEIST

15 minutes

EDWARD P. WRIGHT for DANIEL STERN

15 minutes

467.0
CA 17-02104

SHERI SCAVONE
V
CAMPBELL MEADOWS CONDOMINIUM ASSOC.

SETTLED

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.) entered September 20, 2017. The order, among other things, granted plaintiffs' motion to dismiss defendants' affirmative defenses and counterclaim.

JOSEPH DEMARIE for CAMPBELL MEADOWS CONDOMINIUM ASSOC.

PATRICK M. MCNELIS for SHERI SCAVONE

468.0
CA 17-02105

SHERI SCAVONE
V
CAMPBELL MEADOWS CONDOMINIUM ASSOC.

SETTLED

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.) entered November 27, 2017. The order, among other things, denied defendants' motion for an order to compel/preclude plaintiffs for failing to answer interrogatories or disclose pursuant to a demand for discovery/disclosure.

JOSEPH DEMARIE for CAMPBELL MEADOWS CONDOMINIUM ASSOC

PATRICK M. MCNELIS for SHERI SCAVONE

469.0
CA 19-00003

SHERI SCAVONE
V
CAMPBELL MEADOWS CONDOMINIUM ASSOC.

SETTLED

Appeal from a declaratory judgment and permanent injunction (one paper) of the Supreme Court, Erie County (E. Jeannette Ogden, J.) entered September 26, 2018. The declaratory judgment and permanent injunction, among other things, enjoined defendants from denying plaintiffs the placement, maintenance and/or use of a portable basketball hoop.

JOSEPH DEMARIE for CAMPBELL MEADOWS CONDOMINIUM ASSOC.

PATRICK M. MCNELIS for SHERI SCAVONE

470.0
CA 18-01687

COUNTY OF NIAGARA
V
COLLINGWOOD CONSTRUCTION CORP.

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered December 11, 2017. The order denied the motion of claimant for an award of surplus funds.

STEVEN M. COHEN for COLLINGWOOD CONSTRUCTION CORP. 10 minutes

JOHN J. OTTAVIANO for COUNTY OF NIAGARA 10 minutes

471.0
CA 18-01990

BATAVIA CITY CENTRE MERCHANTS ASSOC
V
CITY OF BATAVIA

Appeal from an order of the Supreme Court, Genesee County (Catherine R. Nugent Panepinto, J.) entered January 24, 2018. The order, among other things, granted the motion of the City of Batavia for a declaration that a Settlement Agreement, Termination of Agreements and Restated Easement Agreement entered into by the parties are binding and enforceable on non-party appellant RTMS Properties, LLC.

DAVID J. MCNAMARA for RTMS PROPERTIES LLC 10 minutes

GEORGE STILWELL VAN NEST for CITY OF BATAVIA 10 minutes

472.0
CA 18-01742

JOHN A. KELSEY
V
GERALD E. HOURIGAN, JR.

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.) entered March 21, 2018. The order, among other things, denied defendants' motion for summary judgment.

ERIN K. SKUCE for GERALD E. HOURIGAN, JR. 10 minutes

JOHN ADOLPH MAYA for JOHN A. KELSEY 15 minutes

473.0
CA 18-01954

JOHN A. KELSEY
V
GERALD E. HOURIGAN, JR.

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.) entered October 11, 2018. The order denied defendants' motion seeking renewal and reargument of their motion for summary judgment.

ERIN K. SKUCE for GERALD E. HOURIGAN, JR. Submitted

JOHN ADOLPH MAYA for JOHN A. KELSEY Submitted