

**DAY CALENDAR**  
**Wednesday, April 8, 2020 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

<b>519.0</b> <b>TP 19-01983</b>	<b>ROCHESTER REDEVELOPMENT, LLC</b> <b>V</b> <b>NEW YORK STATE DEC</b>  <b>Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Monroe County [James J. Piampiano, J.], entered July 29, 2019) to review a determination of respondents. The determination denied the application of petitioner for a freshwater wetland permit.</b>  <b>AMY K. KENDALL for ROCHESTER REDEVELOPMENT, LLC</b>  <b>DUSTIN J. BROCKNER for NEW YORK STATE DEC</b>	<b>10 minutes</b>  <b>10 minutes</b>
<b>520.0</b> <b>KA 18-00658</b>	<b>PEOPLE</b> <b>V</b> <b>MOHAMED JUMALE</b>  <b>Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered March 10, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.</b>  <b>ERIN A. KULESUS for MOHAMED JUMALE</b>  <b>DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>  <b>10 minutes</b>
<b>521.0</b> <b>KA 17-00620</b>	<b>PEOPLE</b> <b>V</b> <b>JUDITH C. KELLEY</b>  <b>Appeal from a judgment of the Monroe County Court (Victoria M. Argenti, J.), rendered August 4, 2016. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated, a class D felony (two counts).</b>  <b>CAITLIN M. CONNELLY for JUDITH C. KELLEY</b>  <b>NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>  <b>Submitted</b>
<b>522.0</b> <b>KA 18-01286</b>	<b>PEOPLE</b> <b>V</b> <b>SKYLER A. CARLSON</b>  <b>Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered September 25, 2017. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, rape in the third degree and sexual abuse in the first degree.</b>  <b>JAMES M. SPECYAL for SKYLER A. CARLSON</b>  <b>LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>15 minutes</b>  <b>Submitted</b>
<b>523.0</b> <b>KA 19-01423</b>	<b>PEOPLE</b> <b>V</b> <b>DAMION R. RUVALCABA</b>  <b>Appeal from an order of the Monroe County Court (Sam L. Valleriani, J.), dated April 5, 2019. The order dismissed count one of the indictment charging the crime of strangulation in the second degree and reduced count one to criminal obstruction of breathing or blood circulation.</b>	

	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
	JANET C. SOMES for DAMION R. RUVALCABA	5 minutes
524.0 KA 18-00282	PEOPLE V JAVARIUS BUMPERS	
	Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered January 2, 2015. The judgment convicted defendant, upon a plea of guilty, of robbery in the first degree.	
	SHERRY A. CHASE for JAVARIUS BUMPERS	Submitted
	MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
525.0 KA 18-00492	PEOPLE V JASON E. CARPENTER	
	Appeal from a judgment of the Genesee County Court (Charles N. Zambito, J.), rendered January 26, 2018. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.	
	SUSAN C. MINISTERO for JASON E. CARPENTER	10 minutes
	SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
526.0 KA 18-01171	PEOPLE V SHANNON MARCUS	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered January 4, 2018. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the fourth degree.	
	KATHY E. MANLEY for SHANNON MARCUS	10 minutes
	KENNETH H. TYLER for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
527.0 KA 18-00862	PEOPLE V DAVID L. COTTON	
	Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered February 16, 2018. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree, sexual abuse in the first degree, aggravated criminal contempt, aggravated harassment in the second degree and criminal contempt in the second degree.	
	BRIDGET L. FIELD for DAVID L. COTTON	10 minutes
	LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
528.0 CA 19-00643	ELDERWOOD AT AMHERST V HOWARD A. ZUCKER, M.D., J.D.	
	Appeal from a judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered September 20, 2018 in a proceeding pursuant to CPLR article 78. The judgment granted the petition.	
	KATHLEEN M. TREASURE for HOWARD A. ZUCKER, M.D., J.D.	10 minutes

	BRIAN MARC FELDMAN for ELDERWOOD AT AMHERST	15 minutes
530.0 CA 19-01226	JOHN DOE 1 V SYRACUSE UNIVERSITY	
	Appeal from a memorandum decision and order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered January 8, 2019. The memorandum decision and order denied in part the CPLR article 78 petition.	
	DANIELLE C. WILD for JOHN DOE 3	15 minutes
	JOHN G. POWERS for SYRACUSE UNIVERSITY	15 minutes
532.0 CA 19-01995	MICHAEL CHURCHILL V TOWN OF HAMBURG	
	Appeal from a judgment of the Supreme Court, Erie County (Dennis E. Ward, J.), entered May 22, 2019 in a proceeding pursuant to CPLR article 78. The judgment denied the petition.	
	JOHN CHARLES GARAS for MICHAEL CHURCHILL	15 minutes
	ADAM C. FERRANDINO for TOWN OF HAMBURG	10 minutes
533.0 CA 19-00633	ELDERWOOD AT CHEEKTOWAGA V HOWARD A. ZUCKER, M.D.	
	Appeal from a decision and judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered January 28, 2019. The decision and judgment granted the CPLR article 78 petition, annulled the determination of respondents and remanded for further proceedings.	
	KATHLEEN M. TREASURE for HOWARD A. ZUCKER, M.D.	10 minutes
	BRIAN MARC FELDMAN for ELDERWOOD AT CHEEKTOWAGA	15 minutes
534.0 CA 19-01568	MICHAEL J. CARLSON, SR. V AMERICAN INTERNATIONAL GROUP, INC.	
	Appeal from a decision and order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered February 6, 2019. The order granted the motions of defendants to dismiss the complaint.	
	TIMOTHY M. HUDSON for MICHAEL J. CARLSON, SR.	15 minutes
	KEVIN D. SZCZEPANSKI for AMERICAN INTERNATIONAL GROUP, INC.	15 minutes
	PAUL KOVNER for AMERICAN ALTERNATIVE INSURANCE CO.	5 minutes
	PATRICK J. LAWLESS for DHL EXPRESS (USA), INC.	15 minutes
535.0 CA 19-00751	STATE OF NEW YORK V ORLANDO T.	
	Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered February 11, 2019 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.	

	EMILY M. NORTH for ORLANDO T.	10 minutes
	FREDERICK A. BRODIE for STATE OF NEW YORK	10 minutes
536.0 CA 19-00874	RICHARD TIMMONS V STATE OF NEW YORK	
	Appeal from a decision and order of the Court of Claims (Renee Forgensi Minarik, J.), entered November 27, 2018. The decision and order granted the motion of defendant to dismiss the claim and dismissed the claim.	
	RICHARD TIMMONS for HIMSELF	Submitted
	OWEN DEMUTH for STATE OF NEW YORK	Submitted
537.0 CA 19-01801	DELAWARE OPERATIONS ASSOCIATES LLC V NEW YORK STATE DEPARTMENT OF HEALTH	
	Appeal from an order and judgment of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered March 15, 2019. The order and judgment granted the motion of respondent to dismiss the petition, denied the motion of petitioner to extend the time to serve the petition and dismissed the petition.	
	JENNIFER J. NEARY for DELAWARE OPERATIONS ASSOCIATES LLC	Submitted
	KATHLEEN M. TREASURE for NYS DEPARTMENT OF HEALTH	Submitted
538.0 CA 19-00642	ELDERWOOD AT GRAND ISLAND V HOWARD A. ZUCKER, M.D.	
	Appeal from a judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered September 20, 2018 in a CPLR article 78 proceeding. The judgment vacated and annulled the disallowance of occupational services reimbursement.	
	KATHLEEN M. TREASURE for HOWARD A. ZUCKER, M.D.	10 minutes
	BRIAN MARC FELDMAN for ELDERWOOD AT GRAND ISLAND	15 minutes