

**DAY CALENDAR**  
**Thursday, March 2, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

309.0  
TP 16-01446

**ADOLPHUS BARKOR**  
V  
**CITY OF BUFFALO**

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, Erie County [Catherine Nugent Panepinto, J.], entered August 19, 2016) to review a determination of respondent. The determination denied petitioner benefits pursuant to General Municipal Law § 207-c.

CATHERINE ANNE CREIGHTON for ADOLPHUS BARKOR Submitted

MARY B. SCARPINE for CITY OF BUFFALO Submitted

310.0  
TP 16-01391

**AMG MANAGING PARTNERS, LLC**  
V  
**NEW YORK STATE DIVISION OF HUMAN RIGHTS**

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, Erie County [Diane Y. Devlin, J.], entered May 26, 2016) to review a determination of respondent. The determination, among other things, ordered petitioners Michael Aronica, Michael Giangreco and respondent John Suppa to pay respondent Brittany Fragale the sum of \$65,000 for pain and suffering incurred as result of discriminatory actions.

JUSTIN S. WHITE for AMG MANAGING PARTNERS, LLC 15 minutes

TONI ANN HOLLIFIELD for NYS DIVISION OF HUMAN RIGHTS 15 minutes

CHRISTOPHER DAVID GALASSO for BRITTANY FRAGALE 15 minutes

JOHN SUPPA for HIMSELF Submitted

311.0  
KA 15-00075

**PEOPLE**  
V  
**ROBERT J. SAMPSON, JR.**

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered August 5, 2013. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

JOHN A. CIRANDO for ROBERT J. SAMPSON, JR. 10 minutes

HARMONY A. HEALY for PEOPLE OF THE STATE OF NEW YORK Submitted

312.0  
KA 15-00076

**PEOPLE**  
V  
**ROBERT J. SAMPSON, JR.**

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered August 5, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

JOHN A. CIRANDO for ROBERT J. SAMPSON, JR. Submitted

HARMONY A. HEALY for PEOPLE OF THE STATE OF NEW YORK Submitted

313.0  
KA 12-02143

PEOPLE  
V  
RICKEY D. FORD

Appeal from a judgment of the Monroe County Court (Alex R. Renzi, J.), rendered September 12, 2012. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.

KIMBERLY F. DUGUAY for RICKEY D. FORD 10 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

314.0  
KA 14-01958

PEOPLE  
V  
FRANK VANALST

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered July 30, 2014. The judgment revoked a conditional discharged and imposed a term of incarceration.

MARY P. DAVISON for FRANK VANALST 10 minutes

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK Submitted

315.0  
KA 14-01959

PEOPLE  
V  
FRANK VANALST

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered July 30, 2014. The judgment convicted defendant, upon a jury verdict of criminal sale of a controlled substance in the third degree (two counts) and criminal possession of a controlled substance in the third degree (two counts).

MARY P. DAVISON for FRANK VANALST Submitted

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK Submitted

316.0  
KA 15-00977

PEOPLE  
V  
KURT A. MCCALL

Appeal from an order of the Monroe County Court (James J. Piampiano, J.), entered April 27, 2015. The order determined that defendant is a level three risk, pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for KURT A. MCCALL Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

317.0  
KA 11-01819

PEOPLE  
V  
MARIE R. SIMMONS

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered July 1, 2011. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.

JANET C. SOMES for MARIE R. SIMMONS 10 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK 10 minutes

318.0  
KA 15-01503

PEOPLE  
V  
CALVIN CLANTON

Appeal from a judgment of the Monroe County Court (Vincent M. DiNolfo, J.), rendered May 7, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DANIELI EVANS for CALVIN CLANTON 10 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

319.0  
KA 14-01049

PEOPLE  
V  
ORLANDO J. ALICEA

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered January 31, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (four counts) and criminal possession of a controlled substance in the third degree.

JOHN A. CIRANDO for ORLANDO J. ALICEA 10 minutes

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK Submitted

320.0  
KA 14-00930

PEOPLE  
V  
ORLANDO J. ALICEA

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered January 31, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

JOHN A. CIRANDO for ORLANDO J. ALICEA Submitted

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK Submitted

321.0  
KA 13-00434

PEOPLE  
V  
RONELL L. MCFADDEN

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered March 7, 2013. The judgment convicted defendant, upon a jury verdict, of rape in the first degree and criminal sexual act in the first degree (two counts).

BRIDGET L. FIELD for RONELL L. MCFADDEN 10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

322.0  
KA 14-02016

PEOPLE  
V  
JASON SLISHEVSKY

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered January 21, 2014. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

KRISTEN MCDERMOTT for JASON SLISHEVSKY Submitted

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

323.0  
CA 16-00435

**JULIE CLACK**  
V  
**MAGDI E. SAYEGH, M.D.**

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered November 30, 2015. The order granted the motion of defendants Sisters of Charity Hospital, Catholic Health Systems, Inc., Jodi Ball, M.D., Jaime Rehmann, M.D., and Robin Bockack, N.N.P., for a protective order.

JENNIFER L. FAY for JULIE CLACK 15 minutes

JASON T. BRITT for SISTERS OF CHARITY HOSPITAL 15 minutes

324.0  
CA 16-01042

**LANDSMAN DEVELOPMENT CORP.**  
V  
**RLI INSURANCE COMPANY**

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered August 13, 2015. The order, among other things, reinstated the third-party complaint.

STEVEN R. DYKI for TECHNOLOGY INSURANCE COMPANY 15 minutes

SANJEEV DEVABHAKTHUNI for LANDSMAN DEVELOPMENT CORP. Submitted

TIMOTHY E. DELAHUNT for RLI INSURANCE COMPANY 15 minutes

JOSEPH B. RIZZO for GARY MILITELLO Submitted

325.0  
CA 16-00689

**ANITA A. VITULLO**  
V  
**NEW YORK CENTRAL MUTUAL FIRE INSURANCE CO.**

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegal, J.), entered July 7, 2015. The order, among other things, denied defendant's motion to enforce the settlement agreement entered between the parties.

MARCO CERCONE for NEW YORK CENTRAL MUTUAL FIRE INS. CO. 10 minutes

HARRY A. CUMMINS for ANITA A. VITULLO 10 minutes

326.0  
CA 16-00146

**HSBC BANK USA, N.A.**  
V  
**W.A. READ KNOX**

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered July 13, 2015. The order, insofar as appealed from, denied the petition of HSBC Bank USA, N.A., to modify a decree of May 18, 2011, by adding Aurora Knox as a member of the class of remainder beneficiaries, by declaring that damages to the subject Trust following the Appellate Division determination of June 19, 2012, have been fully satisfied and by determining that the adult beneficiaries of the subject Trust are bound by terms of a high/low settlement agreement.

RICHARD T. SULLIVAN for HSBC BANK USA, N.A. 15 minutes

ACEA M. MOSEY for AURORA KNOX 15 minutes

LINDA LALLI STARK for W.A. READ KNOX 15 minutes

JOHN L. SINATRA, JR., for SEYMOUR H. KNOX, IV Submitted

327.0  
CA 16-00572

**JANE HASTEDT**  
V  
**BOVIS LEND LEASE HOLDING, INC.**

Appeals from a duplicate original decision and order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered August 10, 2015. The duplicate original decision and order, inter alia, granted in part the motion of plaintiff for summary judgment on liability pursuant to Labor Law § 240 (1).

JENNA W. KLUCSIK for K.C. MASONRY, INC. 20 minutes

PATRICK M. CARUANA for BOVIS LEND LEASE HOLDING, INC. 15 minutes

CLAIRE G. BOPP for GEORGE A. NOLE & SONS, INC. 20 minutes

ALEXANDER J. WULWICK for JANE HASTEDT 15 minutes

328.0  
CA 16-01543

**JAN C. SHINE**  
V  
**PAUL R. SHINE**

Appeal and cross appeal from a judgment of the Supreme Court, Erie County (James H. Dillon, J.), entered December 4, 2015. The judgment, among other things, adjudged that defendant is to pay plaintiff \$6,000 per month in spousal maintenance until March 1, 2025.

JAMES P. RENDA for PAUL R. SHINE 15 minutes

JAMES M. SHAW for JAN C. SHINE 15 minutes

329.0  
CA 16-00724

**FREDERICK MCMILLIAN**  
V  
**JOHN B. LEMPKE**

Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, J.), entered April 5, 2016. The order denied the CPLR article 78 petition.

FREDERICK MCMILLIAN for FREDERICK MCMILLIAN Submitted

PETER H. SCHIFF for JOHN B. LEMPKE Submitted

330.0  
CA 16-01568

**ANITA A. VITULLO**  
V  
**NEW YORK CENTRAL MUTUAL FIRE INSURANCE CO.**

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered November 16, 2015. The order, among other things, denied plaintiff's motion for summary judgment.

HARRY A. CUMMINS for ANITA A. VITULLO 10 minutes

MARCO CERCONI for NEW YORK CENTRAL MUTUAL FIRE INS. CO. 15 minutes

331.0  
CA 16-01627

HSBC BANK USA N.A.  
V  
SEYMOUR H. KNOX, IV

Appeal from a memorandum and order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered January 28, 2016. The memorandum and order, among other things, denied HSBC Bank USA, N.A.'s motion seeking to deny the transfer of the Trust assets until the remanded damages issue and the issue of whether the adult income beneficiaries are bound by terms of a high/low agreement were determined.

RICHARD T. SULLIVAN for HSBC BANK USA N.A. 10 minutes

LINDA LALLI STARK for SEYMOUR H. KNOX, IV 15 minutes

ACEA M. MOSEY for AURORA KNOX 10 minutes