

DAY CALENDAR
Wednesday, March 8, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

377.0
TP 16-01408

GERMONE THREAT
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 August 16, 2016) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for GERMONE THREAT

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

378.0
TP 16-00337

RAMONN DRISCOLL
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, Oneida County [Bernadette T. Clark, J.], entered February 11, 2016) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

RAMONN DRISCOLL for HIMSELF

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

379.0
KA 16-00437

PEOPLE
V
ANTHONY D. BONES

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered January 13, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fifth degree.

JOSEPH G. FRAZIER for ANTHONY D. BONES

Submitted

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

Submitted

380.0
KA 15-00971

PEOPLE
V
JONATHAN ARCHIBALD

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered October 29, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the second degree

SHERRY A. CHASE for JONATHAN ARCHIBALD

10 minutes

NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK

10 minutes

381.0
KA 15-01254

PEOPLE
V
RODNEY HAWKINS

Appeal from a judgment of the Chautauqua County Court (John T. Ward, J.), rendered January 26, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

LYLE T. HAJDU for RODNEY HAWKINS

Submitted

ANDREW M. MOLITOR for PEOPLE OF THE STATE OF NEW YORK

Submitted

382.0
KA 15-01729

PEOPLE
V
PRESTON S. DAIGLER

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 14, 2015. The judgment convicted defendant upon his plea of guilty, of attempted robbery in the second degree

BENJAMIN L. NELSON for PRESTON S. DAIGLER

10 minutes

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

10 minutes

383.0
KA 15-00636

PEOPLE
V
RONALD T. SPOOR

Appeal from a judgment of the Supreme Court, Seneca County (Daniel J. Doyle, J.), rendered February 6, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the first degree.

CHARLES J. GREENBERG for RONALD T. SPOOR

10 minutes

BARRY L. PORSCHE for PEOPLE OF THE STATE OF NEW YORK

Submitted

384.0
KA 14-01561

PEOPLE
V
CANDACE J. CARTAGENA

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered August 26, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

TIMOTHY P. MURPHY for CANDACE J. CARTAGENA

15 minutes

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

10 minutes

385.0
CAF 14-01363

In the Matter of
JAYLA A.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered June 30, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondents had neglected the subject children.

CHARLES J. GREENBERG for ISAAC C.

5 minutes

NATALIE MUNOZ STUTZ for ERIE COUNTY D.S.S.

10 minutes

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

10 minutes

387.0
CA 16-01357

CHRISTOPHER R. MARRIOTT
V
VIRGINIA A. CAPPELLO

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered February 26, 2016. The order denied the motion of plaintiff to preclude the testimony and report of Dr. Michael P. Santa Maria.

MATTHEW JOHN GARVEY for CHRISTOPHER R. MARRIOTT

10 minutes

KRIS E. LAWRENCE for VIRGINIA A. CAPPELLO

10 minutes

388.0
CA 16-01150

JACQUELINE FLEMING

V

EARNSTEIN SANGSTER

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 1, 2015. The order, among other things, granted defendant's motion for summary judgment dismissing plaintiff's complaint.

LOUIS ROSADO for JACQUELINE FLEMING

10 minutes

JOSHUA ISRAEL RAMOS for EARNSTEIN SANGSTER

10 minutes

389.0
CA 16-00977

MARIA S. DALMAU

V

VERTIS, INC.

Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin, J.), entered March 2, 2016. The order, insofar as appealed from, granted the motion of defendant Price Rite for summary judgment dismissing the cross claims of defendants Vertis, Inc., Catch the Wind, LLC, Light Bulb, LLC, On the River, LLC, and 1230 University Avenue, LLC, and dismissed said cross claims.

ELISE L. CASSAR for VERTIS, INC.

10 minutes

ASHELY M. EMERY for PRICE RITE

10 minutes

390.0
CA 16-01345

THOMAS P. JOUSMA

V

DR. VENKATESWARA R. KOLLI

Appeals from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered March 2, 2016. The order, among other things, adjudged that all of the records produced for an in camera review are discoverable and that plaintiffs are entitled to depose defendant Dr. Venkateswara R. Kolli regarding all previously undisclosed information.

VICTOR A. OLIVERI for KALEIDA HEALTH

15 minutes

JOHN PATRICK DANIEU for DR. VENKATESWARA R. KOLLI

10 minutes

CAREY C. BEYER for THOMAS P. JOUSMA

10 minutes

391.0
CA 16-01605

TIM KOPASZ

V

CITY OF BUFFALO

Appeal from an amended order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered August 29, 2016. The amended order, insofar as appealed from, granted the motion of plaintiff for summary judgment finding that Labor Law § 240 (1) and 12 NYCRR 12-5.18 (b) were violated and denied in part the cross motion of defendants for summary judgment.

PATRICK J. HINES for CITY OF BUFFALO

15 minutes

	ANNE M. WHEELER for TIM KOPASZ	15 minutes
392.0 CA 16-01307	DAVID KUBIAK V DANIEL DERENDA	
	Appeal from an order of the Supreme Court, Erie Count (Deborah A. Chimes, J.), entered October 27, 2015. The order denied the CPLR article 78 petition and granted the motion of respondents to dismiss the petition.	
	JASON R. DIPASQUALE for DAVID KUBIAK	15 minutes
	CINDY T. COOPER for DANIEL DERENDA	15 minutes
393.0 CA 16-01572	MILDRED LINGENFELTER V DELEVAN TERRACE ASSOCIATES	
	Appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered May 9, 2016. The order denied defendant William Krotz Contracting's motion for summary judgment.	
	ANDREW D. MERRICK for WILLIAM KROTZ CONTRACTING	10 minutes
	BRIAN G. STAMM for MILDRED LINGENFELTER	10 minutes
394.0 CA 16-00096	MICHAEL A. SERRANO V THOMAS A. GILRAY, JR.	
	Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 8, 2015. The order granted the motion of defendant Corpus Christi Church for summary judgment and dismissed the complaint and all cross claims against said defendant.	
	JOSEPH A. MATTELIANO for MICHAEL A. SERRANO	15 minutes
	THOMAS JOSEPH SPEYER for CORPUS CHRISTI CHURCH	10 minutes
	ERIC S. BERNHARDT for MARCY A. SHEEHAN	15 minutes
395.0 CA 16-00967	MICHAEL A. SERRANO V THOMAS A. GILRAY, JR.	
	Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered April 4, 2016. The order granted the motion of defendant Marcy C. Sheehan for summary judgment and dismissed the complaint against said defendant.	
	JOSEPH A. MATTELIANO for MICHAEL A. SERRANO	Submitted
	THOMAS JOSEPH SPEYER for CORPUS CHRISTI CHURCH	Submitted
	ERIC S. BERNHARDT for MARCY A. SHEEHAN	Submitted
396.0 CA 16-00666	AMY REID V CARRIE LEVY	
	Appeal from a decision and order of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered November 20, 2015. The decision and order denied the motion of plaintiff to set aside a jury verdict and for a new trial.	

ERIC M. SHELTON for AMY REID

15 minutes

TODD C. BUSHWAY for CARRIE LEVY

15 minutes

397.0
CA 16-00667

AMY REID

V

CARRIE LEVY

Appeal from a judgment of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered December 29, 2015. The judgment granted defendants no cause of action.

ERIC M. SHELTON for AMY REID

Submitted

TODD C. BUSHWAY for CARRIE LEVY

Submitted

398.0
CA 16-00840

JOSEPH M. BRAINARD

V

CINDY BARDEN

Appeal from an order and judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered March 7, 2016. The order and judgment granted the motion of defendants Cindy Barden, John Barden and Double Down Transport NY, Inc., for summary judgment on their third counterclaim and awarded said defendants money damages.

ANTHONY J. CERVI for JOSEPH M. BRAINARD

Submitted

WILLIAM F. SAVINO for CINDY BARDEN

Submitted