

DAY CALENDAR
Thursday, February 22, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

294.0
TP 17-01851

ANGEL MORALES
V
ANTHONY ANNUCCI

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, Wyoming County [Michael M. Mohun, A.J.], entered October 23, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for ANGEL MORALES

Submitted

VICTOR PALADINO for ANTHONY ANNUCCI

Submitted

295.0
KA 14-00943

PEOPLE
V
DETROIT A. KELLY

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered February 26, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

KATHLEEN P. REARDON for DETROIT A. KELLY

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

296.0
KA 17-00886

PEOPLE
V
LAWRENCE J. SMITH

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered December 16, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

JOSEPH G. FRAZIER for LAWRENCE J. SMITH

Submitted

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

Submitted

297.0
KA 14-00037

PEOPLE
V
KENNETH BROWN

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered December 9, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (three counts).

PHILIP ROTHSCHILD for KENNETH BROWN

Submitted

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

Submitted

298.0
KA 16-00849

PEOPLE
V
EMMANUEL L. JENKINS

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered April 26, 2016. The judgment convicted defendant, upon his plea of guilty, of predatory sexual assault (three counts), aggravated sexual abuse in the third degree (two counts), rape in the first degree and criminal sexual act in the first degree (two counts).

ROBERT L. KEMP for EMMANUEL L. JENKINS

10 minutes

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

299.0
KA 15-00970

PEOPLE

V

JOHN CONWAY

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered May 11, 2015. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, assault in the first degree, criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree and conspiracy in the second degree.

NATHANIEL V. RILEY for JOHN CONWAY

10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

300.0
KA 14-01137

PEOPLE

V

JAMES R. MCINTOSH

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered June 19, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and manslaughter in the first degree.

JAMES A. HOBBS for JAMES R. MCINTOSH

10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

301.0
KA 15-01614

PEOPLE

V

SAMUEL CHANDLER

Appeal from a memorandum and order of the Supreme Court, Erie County (M. William Boller, A.J.), dated June 26, 2015. The memorandum and order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

TIMOTHY P. MURPHY for SAMUEL CHANDLER

10 minutes

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

5 minutes

303.0
CAF 16-01127

In the Matter of

AMYN C.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered June 23, 2016 in a proceeding pursuant to Family Court Act article 10. The order terminated respondent's parental rights to the subject child.

WILLIAM D. BRODERICK, JR., for CHELSEA K.

10 minutes

JAMES E. BROWN for ERIE COUNTY DSS

Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

304.0
CA 17-01761

MARGARET SULLIVAN
V
NEW YORK STATE DIVISION OF HUMAN RIGHTS

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered December 8, 2016 in a proceeding pursuant to Executive Law § 298. The order denied the petition.

CHARLES L. MILLER, II, for MARGARET SULLIVAN 10 minutes

NICHOLAS I. VOZZO for ORCHARD PARK CENTRAL SCHOOL DISTRICT 15 minutes

MARILYN BALCACER for NEW YORK STATE DIVISION OF HUMAN RIGHTS Submitted

305.0
CA 17-01660

CCS MEDICAL, PLLC
V
HAIDER ALI KHADIM, M.D.

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered August 3, 2017. The order, among other things, granted plaintiff's motion for a preliminary injunction requiring defendants to comply fully with all restrictive covenants contained within their employment agreements with the plaintiff.

STEPHEN W, KELKENBERG for HAIDER ALI KHADIM, M.D. 10 minutes

STEVEN W. WILLIAMS for CCS MEDICAL, PLLC 10 minutes

306.0
CA 17-01740

SARAH E. LAVECK
V
CHAD G. LAVECK

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered April 24, 2017. The order, inter alia, denied the motion of plaintiff for primary physical custody of the parties' children.

DONALD A. WHITE for SARAH E. LAVECK 15 minutes

RONALD G. HULL for CHAD G. LAVECK 15 minutes

EDWARD W. RILEY, ATTORNEY FOR CHILD Submitted

307.0
CA 17-01659

In the Matter of Arbitration Between
PROGRESSIVE CASUALTY INSURANCE COMPANY
(ELITE MEDICAL SUPPLY OF NEW YORK, LLC)

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered April 20, 2017 in a proceeding pursuant to CPLR article 75. The order denied and dismissed the petition.

ROY ALBERT MURA for PROGRESSIVE CASUALTY INSURANCE CO. 15 minutes

SHELDON K. SMITH for ELITE MEDICAL SUPPLY OF NEW YORK, LLC 15 minutes

308.0
CA 16-01351

STATE OF NEW YORK
V
STEVEN M.

Appeal from an order of the Supreme Court, Cattaraugus County (John L. Michalski, A.J.), entered May 4, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.

KATHRYN B. FRIEDMAN for STEVEN M. 15 minutes

	KATHLEEN M. TREASURE for STATE OF NEW YORK	10 minutes
309.0	RANDOLPH SCOTT	
TP 17-01551	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 30, 2017) to review a determination of respondent. The determination placed petitioner in involuntary protective custody.	
	LEAH R. NOWOTARSKI for RANDOLPH SCOTT	Submitted
	BRIAN D. GINSBERG for ANTHONY ANNUCCI	5 minutes
310.0	KELIANN M. ARGY	SETTLED
CA 17-01679	V	
	NIAGARA FALLS COACH LINES, INC.	
	Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered July 20, 2017. The order, insofar as appealed from, granted the application of petitioner to compel respondent to produce certain corporate books and records.	
	TIMOTHY J. GRABER for NIAGARA FALLS COACH LINES, INC.	
	JOSEPH E. ZDARSKY for KELIANN M. ARGY	
311.0	CHRISTINE CHAMBERLAIN	
CA 17-01726	V	
	THE CHURCH OF THE HOLY FAMILY	
	Appeal and cross appeals from an order of the Supreme Court, Jefferson County (Charles C. Merrell, J.), entered May 9, 2017. The order granted in part and denied in part the motion of defendants for summary judgment dismissing the complaint, granted the motion of third-party defendant for summary judgment dismissing defendants' contribution cause of action and denied the motion of third-party defendant for summary judgment dismissing defendants' indemnification cause of action.	
	JOHN J. MULDOWNEY for THE CHURCH OF THE HOLY FAMILY	20 minutes
	ANDREW W. KIRBY for CHRISTINE CHAMBERLAIN	20 minutes
	KIMBERLY E. KENEALY for SWGB-WHOLESALE, INC.	10 minutes
312.0	BRANDI LEE GROFF	
CA 17-00709	V	
	KALEIDA HEALTH	
	Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 17, 2017. The order, insofar as appealed from, denied the motion of defendants Kaleida Health, d/b/a Women and Children's Hospital of Buffalo, Farkad Balaya, M.D., Samadh Ravangard, D.O., Nita Thapa, MBBS, and Allison Dailey, M. D., for summary judgment.	
	MICHAEL J. WILLETT for KALEIDA HEALTH	10 minutes
	BRIAN SUTTER for UNIVERSITY GYNECOLOGISTS & OBSTETRICIANS	10 minutes
	HELEN KANEY DEMPSEY for BRANDI LEE GROFF	10 minutes

313.0
CA 17-00710

BRANDI LEE GROFF
V
UNIVERSITY GYNECOLOGISTS & OBSTETRICIANS, INC.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 13, 2017. The order denied th motion of defendants University Gynecologists & Obstetricians, Inc., Faye Justica-Linde, M.D., and

MICHAEL J. WILLETT for KALEIDA HEALTH Submitted

BRIAN SUTTER for UNIVERSITY GYNECOLOGISTS & OBSTETRICIANS, INC. Submitted

HELEN KANEY DEMPSEY for BRANDI LEE GROFF Submitted

314.0
CA 17-00725

STEPHEN T. DIVITO
V
EDWARD L. FIANDACH

Appeal from an order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered December 2, 2016. The order granted the motion of defendant to vacate an income execution, vacated the income execution, precluded plaintiff from pursuing enforcement proceedings and determined the conduct of plaintiff to be frivolous.

STEPHEN T. DIVITO for HIMSELF Submitted

MICHAEL J. WILLETT for EDWARD L. FIANDACH 10 minutes