

DAY CALENDAR
Thursday, February 28, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

372.0
TP 18-01839

CHRISTIAN CENTRAL ACADEMY
V
NEW YORK STATE DIVISION OF HUMAN RIGHTS

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Erie County [Timothy J. Walker, A.J.], entered October 1, 2018) to review a determination of respondent. The determination found unlawful discrimination on the basis of familial status.

MICHAEL J. BALESTRA for CHRISTIAN CENTRAL ACADEMY 10 minutes
TONI ANN HOLLIFIELD for NYS DIVISION OF HUMAN RIGHTS 15 minutes
KATHLEEN LYSEK for HERSELF Submitted

373.0
KA 17-00059

PEOPLE
V
WILLIAM MCCULLOUGH

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered June 30, 2016. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.

KRISTIN M. PREVE for WILLIAM MCCULLOUGH 10 minutes
DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

374.0
KA 18-01621

PEOPLE
V
THOMAS RAFFERTY

Appeal from a decision and order of the Ontario County Court (Frederick G. Reed, J.), dated June 4, 2018. The decision and order granted defendant's motion to dismiss the indictment and dismissed the indictment.

JEFFERY R. FRIESEN for THE PEOPLE OF THE STATE OF NEW YORK Submitted
THOMAS RAFFERTY for THOMAS RAFFERTY 10 minutes

376.0
CAF 17-01278

GERALD JOHNSON
V
NANCY JIMERSON

Appeal from a decision and order of the Family Court, Erie County (Margaret A. Logan, R.), entered July 10, 2017, in a proceeding pursuant to Family Court Act article 6. The decision and order, inter alia, granted sole custody to petitioner.

CHARLES J. GREENBERG for NANCY JIMERSON Submitted
RICHARD JAMES FRIEDMAN for GERALD JOHNSON Submitted
JENNIFER M. PAULINO, ATTORNEY FOR THE CHILD Submitted

377.0
CAF 18-00541

JAMIE CULLOP
V
JASON MILLER

Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered March 13, 2018 in a proceeding pursuant to pursuant to Family Court Act article 6. The order dismissed the petition with prejudice.

SCOTT GODKIN for JAMIE CULLOP

Submitted

MICHAEL THOMAS JOHNSON for JASON MILLER

Submitted

PETER J. DIGIORGIO, JR., ATTORNEY FOR THE CHILD

Submitted

378.0
CAF 18-00103

JAMES CHROMCZAK
V
ANGELIA SALEK

Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered December 15, 2017 in a proceeding pursuant to pursuant to Family Court Act article 6. The order, among other things, dismissed the petition.

TRACY LEE PUGLIESE for JAMES CHROMCZAK

Submitted

ANGELIA SALEK for HERSELF

Submitted

PETER J. DIGIORGIO, JR., ATTORNEY FOR THE CHILD

Submitted

379.0
CAF 18-00104

JAMES CHROMCZAK
V
ANGELIA SALEK

Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered December 26, 2017 in a proceeding pursuant to pursuant to Family Court Act article 6. The order, among other things, dismissed the petition.

TRACY LEE PUGLIESE for JAMES CHROMCZAK

Submitted

ANGELIA SALEK for HERSELF

Submitted

PETER J. DIGIORGIO, JR., ATTORNEY FOR THE CHILD

Submitted

380.0
CAF 18-00534

ANGELIA SALEK
V
JAMES CHROMCZAK

Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered March 9, 2018 in a proceeding pursuant to pursuant to Family Court Act article 6. The order, among other things, adjudged that respondent's paramour shall have no contact with the subject child.

TRACY LEE PUGLIESE for JAMES CHROMCZAK

Submitted

ANGELIA SALEK for HERSELF

Submitted

PETER J. DIGIORGIO, JR., ATTORNEY FOR THE CHILD

Submitted

381.0
TP 18-00451

GREGORY THOMPSON
V
NYS DMV

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, Monroe County [William K. Taylor, J.], entered October 27, 2017) to review a determination of respondent. The determination revoked petitioner's driving privileges in the State of New York.

ZACHARY T. RUETZ for GREGORY THOMPSON

Submitted

BRIAN D. GINSBERG for NYS DMV

10 minutes

382.0
OP 18-02035

ANDIS R. ZELTINS

V

HON. JASON L. COOK

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court for the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to annul a determination of respondent. The determination denied the application of petitioner for a pistol permit.

BRIAN T. STAPLETON for ANDIS R. ZELTINS

Submitted

HON. JASON L. COOK for HIMSELF

Submitted

383.0
CA 17-02195

CELLINO & BARNES, PC

V

BRIAN CHAPIN YORK

Appeal from an order of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered September 29, 2017. The order, among other things, awarded plaintiff attorneys fees.

BRIAN CHAPIN YORK for HIMSELF

10 minutes

GREGORY V. PAJAK for CELLINO & BARNES, PC

10 minutes

384.0
CA 18-00706

CELLINO & BARNES, PC

V

BRIAN CHAPIN YORK

Appeal from a judgment of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered January 8, 2018. The judgment, among other things, awarded plaintiff the sum of \$32,028.28 as against defendant.

BRIAN CHAPIN YORK for HIMSELF

Submitted

GREGORY V. PAJAK for CELLINO & BARNES, PC

Submitted

385.0
CA 18-01444

BAYVIEW LOAN SERVICING, LLC.

V

GERARD A. STRAUSS

Appeal from an order of the Supreme Court, Erie County (Deborah A. Haendiges, J.), entered August 15, 2017. The order, among other things, directed plaintiff to transfer title of the subject premises.

HILARY PRADA for BAYVIEW LOAN SERVICING, LLC.

Submitted

NICHOLAS PAUL DEMARCO for DARYL R. FOX

10 minutes

386.0
CA 17-01048

JOANNE FRASCA

V

LEGEND DEVELOPERS, LLC

Appeals from a decision and order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered December 10, 2015. The order, inter alia, granted in part the motions of defendants for summary judgment.

MERRITT S. LOCKE for LEGEND DEVELOPERS, LLC 15 minutes

A.J. BOSMAN for JOANNE FRASCA 15 minutes

KURT DAVID PARRY for ROBERT ROSSI Submitted

RICHARD A. LILLING for RAVEN ROCK HOMEOWNERS ASSOCIATION, Submitted

ROCCO L. VERSACE for TIMOTHY HOGAN, P.E. Submitted

JANET F. NEUMANN for ROBERT M. CARRIER Submitted

387.0
CA 17-01392

ELLEN SUE SESITITO
V
DAVID L. VICKERS & SONS

Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.

A.J. BOSMAN for ELLEN SUE SESITITO Submitted

MERRITT S. LOCKE for DAVID L. VICKERS & SONS Submitted

388.0
CA 17-01393

RICHARD TRIFICANA
V
DAVID L. VICKERS & SONS

Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.

MERRITT S. LOCKE for DAVID L. VICKERS & SONS Submitted

A.J. BOSMAN for RICHARD TRIFICANA Submitted

389.0
CA 17-01394

DONALD CARDIFF
V
DAVID L. VICKERS & SONS

Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.

MERRITT S. LOCKE for DAVID L. VICKERS & SONS Submitted

A.J. BOSMAN for DONALD CARDIFF Submitted

390.0
CA 17-01395

DOUGLAS SINGLETON
V
DAVID L. VICKERS & SONS

Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.

MERRITT S. LOCKE for DAVID L. VICKERS & SONS Submitted

A.J. BOSMAN for DOUGLAS SINGLETON Submitted

391.0 CA 17-01396	RANDY J. SCHALL V DAVID L. VICKERS	
	Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.	
	MERRITT S. LOCKE for DAVID L. VICKERS	Submitted
	A.J. BOSMAN for RANDY J. SCHALL	Submitted
392.0 CA 17-01397	GLORIA M. IZZO V DAVID L. VICKERS & SONS	
	Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.	
	MERRITT S. LOCKE for DAVID L. VICKERS & SONS	Submitted
	A.J. BOSMAN for GLORIA M. IZZO	Submitted
393.0 CA 17-01398	JOANNE FRASCA V DAVID L. VICKERS & SONS	
	Appeal and cross appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 20, 2017. The judgment awarded plaintiff money damages.	
	MERRITT S. LOCKE for DAVID L. VICKERS & SONS	Submitted
	A.J. BOSMAN for JOANNE FRASCA	Submitted
394.0 CA 18-01771	ISKALO ELECTRIC TOWER LLC V STANTEC CONSULTING SERVICES, INC.	
	Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Donna M. Siwek, J.), entered March 21, 2018. The order and judgment, among other things, denied in part plaintiffs' motion for summary judgment.	
	JOHN CHARLES GARAS for ISKALO ELECTRIC TOWER LLC	10 minutes
	F. PAUL GREENE for STANTEC CONSULTING SERVICES, INC.	15 minutes
395.0 CA 18-01420	A.E. V HAMILTON COLLEGE	
	Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered May 16, 2018. The order denied and dismissed a CPLR article 78 proceeding.	
	DONNA ALDEA for A.E.	20 minutes
	JONATHAN B. FELLOWS for HAMILTON COLLEGE	10 minutes
395.1 KA 18-01593	PEOPLE V BENJAMIN M. WASSELL	

Appeal from a judgment of the Chautauqua County Court (Michael L. D'Amico, A.J.), rendered May 30, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree and criminal sale of a firearm in the third degree (two counts).

JAMES OSTROWSKI for BENJAMIN M. WASSELL 10 minutes

MATTHEW B. KELLER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes