

DAY CALENDAR
Tuesday, January 16, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

114.0
TP 17-01438

JENNIFER MULE
V
TOWN OF BOSTON

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 [Joseph R. Glownia, J.], entered August 7, 2017) to review a determination of respondent. The determination, inter alia, assessed a fine of \$35,146.92 against petitioners.

JACOB A. PIORKOWSKI for JENNIFER MULE

Submitted

DAVID HENRY WALSH, IV for TOWN OF BOSTON

Submitted

115.0
KA 15-01657

PEOPLE
V
CRISTY L. STUTZMAN

Appeal from a judgment of the Chautauqua County Court (John T. Ward, J.), rendered July 6, 2015. The judgment convicted defendant, upon her plea of guilty, of unlawful manufacture of methamphetamine in the third degree.

JOHN A. CIRANDO for CRISTY L. STUTZMAN

10 minutes

EMILY A. WOODARD for PEOPLE OF THE STATE OF NEW YORK

5 minutes

116.0
KA 15-01995

PEOPLE
V
FRANKIE L. BARRINGTON

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered June 25, 2015. The judgment convicted defendant, upon his plea of guilty, of welfare fraud in the fourth degree and misuse of food stamps.

MARIO J. GUTIERREZ for FRANKIE L. BARRINGTON

Submitted

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK

Submitted

117.0
KA 15-01994

PEOPLE
V
FRANKIE L. BARRINGTON

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered June 25, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and unlawful manufacture of methamphetamine in the third degree.

MARIO J. GUTIERREZ for FRANKIE L. BARRINGTON

Submitted

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK

Submitted

118.0
KA 16-02160

PEOPLE
V
ANDREW FREY

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered October 7, 2016. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony.

ROBERT TUCKER for ANDREW FREY

Submitted

CHRISTOPHER BOKELMAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

119.0
KA 12-01814

PEOPLE
V
MARTINOUS HUDSON

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered June 1, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), attempted murder in the second degree, criminal possession of a weapon in the second degree (two counts), robbery in the first degree and robbery in the second degree.

KRISTEN MCDERMOTT for MARTINOUS HUDSON

15 minutes

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

10 minutes

120.0
KA 16-01012

PEOPLE
V
DARNELL JACKSON

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 12, 2016. The judgment convicted defendant, upon a jury verdict, of promoting prison contraband in the first degree.

ADAM H. VAN BUSKIRK for DARNELL JACKSON

Submitted

JESSE M. ESHKOL for PEOPLE OF THE STATE OF NEW YORK

Submitted

121.0
KA 11-00794

PEOPLE
V
KENNETH BARKSDALE

Appeal from a judgment of the Supreme Court, Monroe County (Robert B. Wiggins, A.J.), rendered March 22, 2011. The judgment convicted defendant, upon a his plea of guilty, of criminal possession of a controlled substance in the fourth degree.

WILLIAM G. PIXLEY for KENNETH BARKSDALE

Submitted

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

Submitted

122.0
KA 16-00320

PEOPLE
V
DANIEL BOYKINS

Appeal from a decision and order of the Wyoming County Court (Michael M. Mohun, J.), dated November 10, 2015. The decision and order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

NORMAN P. EFFMAN for DANIEL BOYKINS

10 minutes

GREGORY A. KILBURN for PEOPLE OF THE STATE OF NEW YORK

5 minutes

123.0
KA 16-01467

PEOPLE
V
REGINALD D. BOYKINS

Appeal from a memorandum decision and order of the Yates County Court (W. Patrick Falvey, J.), dated May 23, 2016. The memorandum decision and order denied the motion of defendant to set aside his sentence.

JOHN A. CIRANDO for REGINALD D. BOYKINS 15 minutes

DAVID G. MASHEWSKE for PEOPLE OF THE STATE OF NEW YORK 5 minutes

124.0
KA 15-01058

PEOPLE
V
MARY R. BAKER

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered April 23, 2015. The judgment convicted defendant, upon her plea of guilty, of aggravated driving while intoxicated; driving while intoxicated (two counts); aggravated unlicensed operation of a motor vehicle in the first degree (two counts); driving a vehicle not equipped with an ignition interlock device; and reckless driving.

JANET C. SOMES for MARY R. BAKER Submitted

STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK Submitted

125.0
KA 15-02119

PEOPLE
V
BENILUIS RUIZ

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 22, 2015. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree, criminal sexual act in the third degree (three counts), rape in the third degree, endangering the welfare of a child (two counts) and unlawfully dealing with a child in the first degree (two counts).

ERIN A. KULESUS for BENILUIS RUIZ 10 minutes

SHIRLEY A. GORMAN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

126.0
KA 16-01944

PEOPLE
V
DYLLAN M. COATS

Appeal from a judgment of the Allegany County (Thomas P. Brown, J.), rendered July 21, 2016. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree, criminal possession of stolen property in the fourth degree and burglary in the second degree.

DANIEL MARK GRIEBEL for DYLLAN M. COATS 10 minutes

KEITH A. SLEP for PEOPLE OF THE STATE OF NEW YORK Submitted

127.0
CA 17-01336

DANTA MARIE QUINTON BOLIN
V
DANIEL C. GOODMAN, M.D.

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered October 5, 2016. The order dismissed the complaint upon a directed verdict.

MARK D. GORIS for DANTA MARIE QUINTON BOLIN 10 minutes

DANIEL P. LARABY for DANIEL C. GOODMAN, M.D. 10 minutes

128.0
CA 17-01263

ASHLEY BENZ
V
JEAN CALDER

Appeals from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered October 4, 2016. The order, insofar as appealed from, denied the motions of defendants John M. Szczepanski and M.G. Fitzpatrick for summary judgment.

TAMARA M. HARBOLD for JOHN M. SZCZEPANSKI 15 minutes

NORMAN E.S. GREENE for M.G. FITZPATRICK 15 minutes

DENNIS P. HAMILTON for ASHLEY BENZ 15 minutes

129.0
CA 17-01526

KRISTIN AHRENS
V
PETER W. AHRENS

Appeal from an order of the Supreme Court, Erie County (Sharon S. Townsend, J.), entered April 19, 2017 in a divorce action. The order, among other things, denied defendant's request for maintenance.

MICHAEL P.J. MCGORRY for PETER W. AHRENS 15 minutes

SHARI JO REICH for KRISTIN AHRENS 15 minutes

130.0
CA 17-01527

KRISTIN AHRENS
V
PETER W. AHRENS

Appeal from a judgment of the Supreme Court, Erie County (Sharon S. Townsend, J.), entered May 15, 2017 in a divorce action. The judgment, among other things, adjudged that neither party is entitled to maintenance.

MICHAEL P.J. MCGORRY for PETER W. AHRENS Submitted

SHARI JO REICH for KRISTIN AHRENS Submitted

131.0
CA 17-00327

ANDREW SOLECKI
V
OAKWOOD CEMETERY ASSOCIATION

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered November 23, 2016. The order, among other things, granted defendants' motions for summary judgment dismissing plaintiffs' amended complaint in its entirety.

CATHERINE B. FOLEY for ANDREW SOLECKI 15 minutes

MELISSA A. FOTI for OAKWOOD CEMETERY ASSOCIATION 10 minutes

CORY J. WEBER for WOLCOTT GRASS FARM, INC. 15 minutes

132.0
CA 17-00875

KIMBERLY SNICKLES
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Michael E. Hudson, J.), entered July 19, 2016. The decision and order granted the motion of defendant to dismiss the claim, dismissed the claim as untimely, denied the motion of claimant to late file or amend the notice of intention, denied the motion of claimant to file and serve a late notice of claim and denied the motion of claimant to amend the notice of claim.

MATTHEW J. BIRD for KIMBERLY SNICKLES 10 minutes

ROBERT M. GOLDFARB for STATE OF NEW YORK 10 minutes

133.0
CA 17-00876

ANNALISE C. FRELING
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Michael E. Hudson, J.), entered July 5, 2016. The decision and order granted the motion of defendant to dismiss the claim, dismissed the claim as untimely, denied the motion of claimant to late file or amend the notice of intention, denied the motion of claimant to file and serve a late notice of claim and denied the motion of claimant to amend the notice of claim.

MATTHEW J. BIRD for ANNALISE C. FRELING Submitted

ROBERT M. GOLDFARB for STATE OF NEW YORK Submitted

134.0
CA 17-00877

JAMIE L. CAMPBELL
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Michael E. Hudson, J.), entered July 19, 2016. The decision and order granted the motion of defendant to dismiss the claim, dismissed the claim as untimely, denied the motion of claimant to late file or amend the notice of intention, denied the motion of claimant to file and serve a late notice of claim and denied the motion of claimant to amend the notice of claim.

MATTHEW J. BIRD for JAMIE L. CAMPBELL Submitted

ROBERT M. GOLDFARB for STATE OF NEW YORK Submitted

135.0
CA 17-00878

EMILY C. TRIMPER
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Michael E. Hudson, J.), entered June 8, 2016. The decision and order granted the motion of defendant to dismiss the claim, dismissed the claim as untimely, denied the motion of claimant to late file or amend the notice of intention, denied the motion of claimant to file and serve a late notice of claim and denied the motion of claimant to amend the notice of claim.

MATTHEW J. BIRD for EMILY C. TRIMPER Submitted

ROBERT M. GOLDFARB for STATE OF NEW YORK Submitted

136.0
CA 17-00879

TRINA TARDONE
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Michael E. Hudson, J.), entered June 13, 2016. The decision and order granted the motion of defendant to dismiss the claim, dismissed the claim as untimely, denied the motion of claimant to late file or amend the notice of intention, denied the motion of claimant to file and serve a late notice of claim and denied the motion of claimant to amend the notice of claim.

MATTHEW J. BIRD for TRINA TARDONE Submitted

ROBERT M. GOLDFARB for STATE OF NEW YORK Submitted

137.0
CA 17-00880

KRISTY L. MAZUREK
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Michael E. Hudson, J.), entered June 13, 2016. The decision and order granted the motion of defendant to dismiss the claim, dismissed the claim as untimely, denied the motion of claimant to late file or amend the notice of intention, denied the motion of claimant to file and serve a late notice of claim and denied the motion of claimant to amend the notice of claim.

MATTHEW J. BIRD for KRISTY L. MAZUREK

Submitted

ROBERT M. GOLDFARB for STATE OF NEW YORK

Submitted

138.0
CA 17-00798

MAXIMUM INCOME PARTNERS, INC.
V
MARIO CURCIO

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered October 3, 2016. The order denied the motion of plaintiff to renew or reargue.

MICHAEL A. ROSENHOUSE for MAXIMUM INCOME PARTNERS, INC.

15 minutes

DERRICK A. SPATORICO for MARIO CURCIO

10 minutes

139.0
CA 17-00822

MAXIMUM INCOME PARTNERS, INC.
V
CARL E. WEBBER

Appeal from an order and judgment of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered August 1, 2016. The order and judgment denied the motion of plaintiff for summary judgment and granted the cross motion of defendants Mario Curcio and Nicole Curcio for judgment declaring the priority of liens.

MICHAEL A. ROSENHOUSE for MAXIMUM INCOME PARTNERS, INC.

Submitted

DERRICK A. SPATORICO for MARIO CURCIO

Submitted

140.0
CA 17-00604

MEGAN ULIN
V
HOBART AND WILLIAM SMITH COLLEGES

Appeal from an order of the Supreme Court, Onondaga County (Spencer J. Ludington, A.J.), entered December 19, 2016. The order denied defendants' motion for summary judgment dismissing the complaint.

NORAH M. MURPHY for HOBART AND WILLIAM SMITH COLLEGES

10 minutes

ADAM P. MASTROLEO for MEGAN ULIN

10 minutes

141.0
CA 17-01315

JOSEPH LATES
V
TOWN OF HUME

Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered November 10, 2016. The order denied defendant's motion for summary judgment dismissing plaintiff's complaint.

SARAH E. HANSEN for TOWN OF HUME

15 minutes

DOUGLAS WALTER DRAZEN for JOSEPH LATES

5 minutes