

**DAY CALENDAR**  
**Tuesday, January 8, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**23.0**  
**TP 18-01652**

**KYLE WATSON**  
**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, Erie County [M. William Boller, A.J.], entered September 7, 2018) to review a determination of respondent. The determination found after a Tier III hearing that petitioner violated an inmate rule.

**KYLE WATSON for HIMSELF**

**Submitted**

**MARCUS J. MASTRACCO for ANTHONY ANNUCCI**

**Submitted**

**24.0**  
**KA 17-02056**

**PEOPLE**  
**V**  
**BRYAN A. JORDAN**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, J.), rendered October 2, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

**THERESA L. PREZIOSO for BRYAN A. JORDAN**

**Submitted**

**LAURA T. JORDAN for THE PEOPLE OF THE STATE OF NEW YORK**

**Submitted**

**25.0**  
**KA 18-00335**

**PEOPLE**  
**V**  
**STEVEN MORRIS**

Appeal from an order of the Chautauqua County Court (David W. Foley, J.), entered December 21, 2017. The order granted defendant's motion to suppress certain statements.

**WENDY EVAN LEHMANN for THE PEOPLE OF THE STATE OF NEW YORK**

**10 minutes**

**LYLE T. HAJDU for STEVEN MORRIS**

**10 minutes**

**26.0**  
**KA 16-00893**

**PEOPLE**  
**V**  
**LISA M. BUTLER**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered April 16, 2015. The judgment convicted defendant, upon her plea of guilty, of grand larceny in the second degree (two counts).

**ROSEMARIE RICHARDS for LISA M. BUTLER**

**10 minutes**

**JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK**

**5 minutes**

**27.0**  
**KA 16-01986**

**PEOPLE**  
**V**  
**ELLA M. COTTON**

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered February 3, 2016. The judgment convicted defendant, upon her plea of guilty, of assault in the second degree and grand larceny in the fourth degree (two counts).

	<b>CATHERINE WALSH for ELLA M. COTTON</b>	<b>Submitted</b>
	<b>V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>28.0 KA 16-02165</b>	<b>PEOPLE V LEWIS J. STEINBRECHER, JR.</b>	
	<b>Appeal from a judgment of the Supreme Court, Oswego County (James W. McCarthy, J.), rendered September 28, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree (two counts).</b>	
	<b>JOHN A. CIRANDO for LEWIS J. STEINBRECHER, JR.</b>	<b>10 minutes</b>
	<b>AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>29.0 KA 15-01057</b>	<b>PEOPLE V JAMEN K. BALKUM</b>	
	<b>Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered April 24, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.</b>	
	<b>JAMES A. HOBBS for JAMEN K. BALKUM</b>	<b>10 minutes</b>
	<b>LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>30.0 KA 16-02364</b>	<b>PEOPLE V QUENTIN SUTTLES</b>	
	<b>Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered October 27, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.</b>	
	<b>KRISTIN M. PREVE for QUENTIN SUTTLES</b>	<b>10 minutes</b>
	<b>MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>31.0 KA 16-00894</b>	<b>PEOPLE V LISA M. BUTLER</b>	
	<b>Appeal from an order of the Steuben County Court (Joseph W. Latham, J.) entered June 29, 2015. The order, among other things, directed defendant to pay restitution.</b>	
	<b>ROSEMARIE RICHARDS for LISA M. BUTLER</b>	<b>10 minutes</b>
	<b>BROOKS T. BAKER for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>32.0 CAF 18-00406</b>	<b>BRIAN J. RUSSELL V JENNIFER A. CARDINALI RUSSELL</b>	
	<b>Appeals from an of the Family Court, Genesee County (Eric R. Adams, J.), entered February 5, 2018, in proceedings pursuant to the Family Court Act article 6. The order, among other things, awarded petitioner Brian J. Russell sole custody of the subject child.</b>	
	<b>MICHAEL H. RANZENHOFER for JENNIFER A. CARDINALI RUSSELL</b>	<b>10 minutes</b>

	DAVID M. ABBATOY, JR., for BRIAN J. RUSSELL	10 minutes
	GARY MULDOON, ATTORNEY FOR THE CHILD	10 minutes
33.0 CA 18-01212	<b>DION L. BARNES</b> V <b>JOSEPH OCCHINO</b>	
	Appeal from an of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered September 6, 2017. The order, insofar as appealed from, granted in part the motion of defendants for summary judgment.	
	TIMOTHY JAMES ANDRUSCHAT for DION L. BARNES	10 minutes
	NICHOLAS DICESARE for JOSEPH OCCHINO	15 minutes
34.0 CA 18-00013	<b>SEALAND WASTE LLC</b> V <b>TOWN OF CARROLL</b>	
	Appeal from a judgment of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered April 6, 2017. The judgment, among other things, denied the petition of Sealand Waste LLC, in its entirety.	
	ALAN J. KNAUF for SEALAND WASTE LLC	15 minutes
	PAUL V. WEBB, JR., for TOWN OF CARROLL	15 minutes
	DAVID R. STAPLETON for CAROL L. JONES	Submitted
36.0 CA 18-01610	<b>DAVID PEZZINO</b> V <b>WEDGEWOOD HEALTH CARE CENTER, LLC</b>	
	Appeal from a decision and order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered November 29, 2017. The decision and order, insofar as appealed from, granted the motion of plaintiff for summary judgment on liability, granted the motion of plaintiff to compel disclosure of insurance policies and denied the cross motion of defendant to preclude plaintiff from testifying at trial.	
	ADAM M. LYNCH for WEDGEWOOD HEALTH CARE CENTER, LLC	15 minutes
	KATHRYN MORGAN EASTMAN for DAVID PEZZINO	10 minutes
37.0 CA 18-01210	<b>JAMES TOMASO</b> V <b>LBR ENTERPRISES, LLC</b>	
	Appeal and cross-appeal from an order of the Herkimer County Court (John H. Crandall, J.), entered April 18, 2018. The order affirmed in part an order of the Little Falls City Court entered December 7, 2017.	
	KARL E. MANNE for LBR ENTERPRISES, LLC	10 minutes
	NORMAN L MASTROMORO for JAMES TOMASO	10 minutes
38.0 CA 18-01511	<b>JOSEPH BITTINGER, JR.</b> V <b>ERIE INSURANCE COMPANY</b>	
	Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered May 16, 2018. The order denied defendant's motion for an order dismissing this action pursuant to CPLR §§ 3012 and 3211.	

	<b>JAMES GRABER for ERIE INSURANCE COMPANY</b>	<b>10 minutes</b>
	<b>JAMES E. WESTMAN for JOSEPH BITTINGER, JR.</b>	<b>10 minutes</b>
<b>39.0 CA 18-01482</b>	<b>GERALD TOMASSI V CITY OF BUFFALO</b>	
	<b>Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered April 18, 2018. The order denied the petition.</b>	
	<b>KATHLEEN ELLEN HOROHOE for GERALD TOMASSI</b>	<b>10 minutes</b>
	<b>J. CHRISTINE CHIRIBOGA for CITY OF BUFFALO</b>	<b>10 minutes</b>
<b>40.0 CA 18-01696</b>	<b>RICHARD METCALF, SR. V COUNTY OF ERIE</b>	
	<b>Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered January 23, 2018. The order granted the motion of defendant County of Erie for summary judgment dismissing plaintiff's fourth cause of action and dismissed as moot the motion of plaintiff to compel discovery.</b>	
	<b>TIMOTHY M. HUDSON for RICHARD METCALF, SR.</b>	<b>15 minutes</b>
	<b>JENNIFER PERSICO for COUNTY OF ERIE</b>	<b>15 minutes</b>
<b>41.0 CAF 18-00209</b>	<b>IVAN DELGADO V VANESSA VEGA</b>	
	<b>Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered January 2, 2018, in a proceeding pursuant to Family Court Act article 6. The order denied the motion of respondent to vacate an order entered on her default.</b>	
	<b>DAVID M. ABBATOY, JR., for VANESSA VEGA</b>	<b>10 minutes</b>
	<b>KATHLEEN P. REARDON for IVAN DELGADO</b>	<b>10 minutes</b>
	<b>TANYA CONLEY, ATTORNEY FOR THE CHILD</b>	<b>5 minutes</b>
<b>42.0 CAF 18-01126</b>	<b>IVAN C. DELGADO V VANESSA VEGA</b>	
	<b>Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered April 26, 2018, in a proceeding pursuant to Family Court Act article 6. The order denied the motion of respondent to renew.</b>	
	<b>DAVID M. ABBATOY, JR., for VANESSA VEGA</b>	<b>Submitted</b>
	<b>KATHLEEN P. REARDON for IVAN C. DELGADO</b>	<b>Submitted</b>
	<b>TANYA CONLEY, ATTORNEY FOR THE CHILD</b>	<b>Submitted</b>
<b>43.0 CA 18-01702</b>	<b>MAREANNE J. MIKOLAJCZYK V DANIEL J. PATTERSON, D.O.</b>	
	<b>Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered December 18, 2017. The order, insofar as appealed from, denied the motion of defendant Catholic Healthy System, doing business as Mercy Hospital of Buffalo, to amend its answer.</b>	

**JASON T. BRITT for CATHOLIC HEALTH SYSTEM**

**10 minutes**

**MELISSA L. ZITTEL for DANIEL J. PATTERSON, D.O.**

**10 minutes**

**CATHERINE B. FOLEY for MAREANNE J. MIKOLAJCZYK**

**Submitted**