

**DAY CALENDAR**  
**Wednesday, January 9, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**45.0**  
**KA 17-00455**

**PEOPLE**  
**V**  
**TIMOTHY M. LOGSDON**

Appeal from an order of the Genesee County Court (Charles N. Zambito, J.), entered February 22, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

CAITLIN M. CONNELLY for TIMOTHY M. LOGSDON

Submitted

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

Submitted

**46.0**  
**KA 09-00914**

**PEOPLE**  
**V**  
**TERROL MASSEY**

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered April 20, 2007. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, conspiracy in the second degree, and criminal possession of a weapon in the third degree.

BARBARA J. DAVIES for TERROL MASSEY

10 minutes

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

5 minutes

**47.0**  
**KA 17-00929**

**PEOPLE**  
**V**  
**DOUGLAS J. MADIGAN**

Appeal from a judgment of the Steuben County Court (Marrienne Furure, J.), rendered July 7, 2016. The judgment convicted defendant, upon a jury verdict, of possessing a sexual performance by a child (eleven counts) and promoting sexual performance by a child (eleven counts).

MARY P. DAVISON for DOUGLAS J. MADIGAN

Submitted

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

5 minutes

**48.0**  
**KA 18-00490**

**PEOPLE**  
**V**  
**DAMONE M. CLAYTON**

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered December 18, 2017. The judgment convicted defendant, upon her plea of guilty, of attempted murder in the second degree.

JOSEPH G. FRAZIER for DAMONE M. CLAYTON

Submitted

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

Submitted

**49.0**  
**KA 17-01611**

**PEOPLE**  
**V**  
**JOSEPH D. LOMBARDO**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered November 28, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted course of sexual conduct against a child in the first degree.

	JOSEPH G. FRAZIER for JOSEPH D. LOMBARDO	Submitted
	MARY-JEAN BOWMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
50.0 KA 14-01877	PEOPLE V DELSHAWN S. JACKSON	
	Appeal from a judgment of the Monroe County Court (Christopher S. Ciaccio, J.), rendered August 27, 2014. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree and menacing in the third degree.	
	REETUPARNA DUTTA for DELSHAWN S. JACKSON	10 minutes
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
51.0 KA 17-00186	PEOPLE V WILLIE SANDERS	
	Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered December 6, 2016. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault and attempted rape in the first degree.	
	DEBORAH K. JESSEY for WILLIE SANDERS	10 minutes
	ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
52.0 KA 15-00308	PEOPLE V KAREN J. WINSTON	
	Appeal from a judgment of the Monroe County Court (Vincent M. DiNolfo, J.), rendered January 29, 2015. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the second degree.	
	KIMBERLY F. DUGUAY for KAREN J. WINSTON	10 minutes
	DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
53.0 CAF 18-00178	In the Matter of DOMINIC T.M.	
	Appeal from an order of the Family Court, Niagara County (Kathleen Wojtaszek-Gariano, J.), entered January 9, 2018, in a proceeding pursuant to pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject child.	
	JESSICA J. BURGASSER for CASSIE M.	10 minutes
	MATTHEW BROOKS for NIAGARA CO. DSS	Submitted
	DEBORAH J. SCINTA, ATTORNEY FOR THE CHILD	5 minutes
54.0 CAF 18-00179	In the Matter of NYJEER K.S.	
	Appeal from an order of the Family Court, Niagara County (Kathleen Wojtaszek-Gariano, J.), entered January 9, 2018, in a proceeding pursuant to pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject child.	
	JESSICA J. BURGASSER for CASSIE M.	Submitted

	MATTHEW BROOKS for NIAGARA CO. DSS	Submitted
	DEBORAH J. SCINTA, ATTORNEY FOR THE CHILD	Submitted
55.0 CAF 18-00180	<b>In the Matter of TYRESE M.M.</b>	
	Appeal from an order of the Family Court, Niagara County (Kathleen Wojtaszek-Gariano, J.), entered January 9, 2018, in a proceeding pursuant to pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject child.	
	JESSICA J. BURGASSER for CASSIE M.	Submitted
	MATTHEW BROOKS for NIAGARA CO. DSS	Submitted
	DEBORAH J. SCINTA, ATTORNEY FOR THE CHILD	Submitted
56.0 CAF 18-00181	<b>In the Matter of IRENE ARIONNA-J.R.</b>	
	Appeal from an order of the Family Court, Niagara County (Kathleen Wojtaszek-Gariano, J.), entered January 9, 2018, in a proceeding pursuant to pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject child.	
	JESSICA J. BURGASSER for CASSIE M.	Submitted
	MATTHEW BROOKS for NIAGARA CO. DSS	Submitted
	DEBORAH J. SCINTA, ATTORNEY FOR THE CHILD	Submitted
57.0 CAF 17-02173	<b>In the Matter of LIAM M.J.</b>	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered December 1, 2017 in a proceeding pursuant to pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent had neglected and abused the subject child.	
	BRIDGET L. FIELD for CYRIL M. J.	10 minutes
	COLLEEN S. HEAD for GENESEE CO. DSS	Submitted
	JACQUELINE M. GRASSO, ATTORNEY FOR THE CHILD	5 minutes
58.0 CAF 17-01823	<b>ANDREW T. PAJEK V STEPHEN FEKETI</b>	
	Appeal from an order of the Family Court, Monroe County (James E. Walsh, J.), entered September 25, 2017 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition	
	CHELSEA L. PALMISANO for ANDREW T. PAJEK	10 minutes
	STEPHEN FEKETI for HIMSELF	Submitted
	EMILY KATHERINE IRELAND, ATTORNEY FOR THE CHILD	Submitted
59.0 CAF 18-01219	<b>MARIA S. BROOKS V BENJAMIN S. BROOKS</b>	

Appeal from an order of the Family Court, Ontario County (Stephen D Aronson, J.), entered August 23, 2017, in a proceeding pursuant to Family Court article 4. The order, among other things, denied petitioner's objections to an order issued by the Support Magistrate.

MARGARET MCMULLEN RESTON for MARIA S. BROOKS

10 minutes

SUSAN GRAY for BENJAMIN S. BROOKS

10 minutes

60.0  
CA 18-01680

ANREA KALINOWSKI  
V  
UNITED CHAIR COMPANY. INC.

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered June 6, 2018. The order denied the motion of defendants United Chair Company, Inc., and Haworth, Inc. for summary judgment dismissing plaintiffs' complaint.

BRADLEY STEVENS for UNITED CHAIR COMPANY. INC.

15 minutes

PHILIPP LEE RIMMLER for ANREA KALINOWSKI

10 minutes

61.0  
CA 18-01381

DIANE M. FULLER  
V  
ARMOR VOLUNTEER FIRE CO., INC.

Appeal from an order of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered April 3, 2018. The order denied defendant's motion for summary judgment.

SARAH E. HANSEN for ARMOR VOLUNTEER FIRE CO., INC.

15 minutes

ELLEN B. STURM for DIANE M. FULLER

15 minutes

62.0  
CA 18-00595

MICHAEL L. GILKERSON  
V  
JASON L. BUCK

Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, J.), entered November 16, 2017. The order denied defendant Ashley E. Evans' motion for summary judgment.

SHAYNA D. GORSKI for ASHLEY E. EVANS

10 minutes

STEPHEN BOYD for AMBER M. TALARICO

10 minutes

PAUL K. BARR for MICHAEL L. GILKERSON

10 minutes

63.0  
CA 18-00596

AMBER M. TALARICO  
V  
JASON L. BUCK

Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, J.), entered November 28, 2017. The order denied defendant Ashley E. Evans' motion for summary judgment.

SHAYNA D. GORSKI for ASHLEY E. EVANS

Submitted

STEPHEN BOYD for AMBER M. TALARICO

Submitted

PAUL K. BARR for MICHAEL L. GILKERSON

Submitted

64.0  
CA 18-01485

STATE BANK OF TEXAS  
V  
KAANAM, LLC

Appeal from an order of the Supreme Court, Chautauqua County (Thomas J. Drury, J.), entered June 17, 2016. The order, among other things, awarded plaintiff damages in the amount of \$300,000, with interest.

CARL E. PERSON for KAAANAM, LLC 15 minutes

RICHARD J. MORRISROE for STATE BANK OF TEXAS 15 minutes

65.0  
CA 18-01432

NED E. DEAN, JR.

V

TOWN OF POLAND ZBA

Appeal from a judgment of the Supreme Court, Chautauqua County (Paula L. Feroletto, J.), entered December 29, 2017 in a proceeding pursuant to CPLR article 78. The judgment denied the petition.

EDWARD P. WRIGHT for NED E. DEAN, JR. 10 minutes

PAUL V. WEBB, JR., for TOWN OF POLAND ZBA Submitted

DAVID R. STAPLETON for BRENDA M. BUNCE 10 minutes

66.0  
CA 18-01611

WALTER KRYCH

V

ROBERT BREDEMBERG

Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, J.), entered January 23, 2018. The order, insofar as appealed from, denied in part the motion of defendant Robert Bredenberg for summary judgment.

NORMAN E.S. GREENE for ROBERT BREDEMBERG 10 minutes

RICHARD S. BINKO for WALTER KRYCH 10 minutes

67.0  
CA 18-01458

DOUGLAS FRANK

V

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered November 8, 2017. The order denied the motion of defendant to set aside a jury verdict.

TODD C. BUSHWAY for WILLIAMSVILLE CSD 10 minutes

JOHN A. COLLINS for DOUGLAS FRANK 10 minutes

68.0  
CA 18-01701

MATTHEW ZINNO

V

FRANK J. SCHLEHR, M.D., P.C.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered March 8, 2018. The order denied plaintiff's motion for summary judgment.

DAVID L. ROACH for MATTHEW ZINNO 10 minutes

EDWARD C. COSGROVE for FRANK J. SCHLEHR, M.D., P.C. 15 minutes