

DAY CALENDAR
Wednesday, January 16, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

149.0
KA 17-00206

PEOPLE
V
LORENZO ARLINE

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered June 15, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted promoting prison contraband in the first degree.

GUY A. TALIA for LORENZO ARLINE Submitted

MICHAEL FLAHERTY, JR., for THE PEOPLE OF THE STATE OF NEW YORK Submitted

150.0
KA 17-00361

PEOPLE
V
NICHOLAS S. WEBER

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered January 19, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the third degree (two counts).

TIMOTHY P. MURPHY for NICHOLAS S. WEBER Submitted

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

151.0
KA 17-02232

PEOPLE
V
SID HARRISON

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.)P, rendered November 16, 2017. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the seventh degree, obstructing governmental administration in the second degree, aggravated unlicensed operation of a vehicle in the second degree and failure to stop at a stop sign.

DAVID P. ELKOVITCH for SID HARRISON Submitted

BRITTANY GROME ANTONACCI for THE PEOPLE OF THE STATE OF NEW YORK Submitted

152.0
KA 17-00278

PEOPLE
V
ROBERT G. MCDONALD

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered December 13, 2016. The judgment convicted defendant, after a nonjury trial, of driving while ability impaired and aggravated unlicensed operation of a motor vehicle in the first degree.

BENJAMIN MARGO for ROBERT G. MCDONALD 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

153.0
KA 17-02223

PEOPLE
V
KAYLA M. DAMON

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, J.), rendered November 20, 2017. The judgment convicted defendant, upon her plea of guilty, of rape in the second degree.

	THERESA L. PREZIOSO for KAYLA M. DAMON	Submitted
	MARY-JEAN BOWMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
154.0 KA 09-00823	PEOPLE V SAMUEL K. HAILE	
	Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered March 5, 2009. The judgment convicted defendant, upon a jury verdict, of intimidating a victim or a witness in the third degree, aggravated harassment in the second degree (two counts) and attempted assault in the third degree.	
	MARY M. WHITESIDE for SAMUEL K. HAILE	10 minutes
	DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
155.0 KA 18-00007	PEOPLE V CHAD R. BURMAN	
	Appeal from a judgment of the Oswego County Court (Spencer J. Luddington, A.J.), rendered December 14, 2017. The judgment convicted defendant, upon a jury verdict, of assault in the second degree	
	BRUCE R. BRYAN for CHAD R. BURMAN	15 minutes
	AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK	15 minutes
156.0 KA 17-00072	PEOPLE V CAMILLE MCCOY	
	Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered November 16, 2016. The judgment convicted defendant, upon a non jury verdict, of burglary in the first degree, criminal possession of a weapon in the second degree, criminal contempt in the first degree and menacing in the second degree.	
	ERIN A. KULESUS for CAMILLE MCCOY	10 minutes
	JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
157.0 CA 18-00882	DIXIE CHAMBERLIN V TANVIR DARA, M.D.	
	Appeals from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 15, 2017. The order denied in part defendants' motions for summary judgment.	
	MICHAEL J. WILLETT for TANVIR DARA, M.D.	10 minutes
	MATTHEW J. KIBLER for WCA HOSPITAL	10 minutes
	LAURA GENTILE for DIXIE CHAMBERLIN	10 minutes
158.0 CA 18-01674	GENEVA FOUNDRY V STATE OF NEW YORK	
	Appeal from an order of the Court of Claims (Debra A. Martin, J.), entered January 23, 2018. The order granted defendants' motion to dismiss.	

	DAVID M. KATZ for DORTOHY WILLIAMS	15 minutes
	PATRICK A. WOODS for STATE OF NEW YORK	15 minutes
159.0 CA 18-01557	STEVEN M. PATRICOLA V GENERAL MOTORS CORPORATION	
	Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered November 22, 2017. The order, insofar as appealed from, denied the motion of defendants General Motors Corporation and GM Powertrain for summary judgment.	
	JENNA KLUCSIK for GENERAL MOTORS CORPORATION	5 minutes
	ELLEN B. STURM for STEVEN M. PATRICOLA	15 minutes
160.0 CA 18-01186	BRADLEY K. HOGE V CHAUTAUQUA COUNTY	
	Appeal from an order of the Supreme Court, Chautauqua County (David W. Foley, A.J.), entered September 18, 2017. The order denied the application of petitioners to obtain surplus funds after a tax foreclosure sale.	
	ANDREW D. BRAUTIGAM for BRADLEY K. HOGE	10 minutes
	STEPHEN M. ABDELLA for CHAUTAUQUA COUNTY	10 minutes
161.0 CA 18-01699	DEAHANN HARRIS V ERIE COUNTY MEDICAL CENTER	
	Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 22, 2018. The order, insofar as appealed from, directed that the deposition of Noelle Lohr, N.P., be retaken, denied the motion of defendants Riffat Sadiq, M.D., et al., to disqualify counsel for plaintiff and directed counsel for plaintiff to make certain disclosures to counsel for Lohr only.	
	MELISSA L. ZITTEL for RIFFAT SADIQ, M.D.	15 minutes
	KATHERINE M. LIEBNER for DEAHANN HARRIS	10 minutes
162.0 CA 18-01316	FRONTIER STONE, LLC V TOWN OF SHELBY	
	Appeal from an order and judgment (one paper) of the Supreme Court, Orleans County (Tracy A. Bannister, J.), entered February 8, 2018 in a proceeding pursuant to CPLR article 78. The order and judgment dismissed the petition in its entirety.	
	GREGORY M. BROWN for FRONTIER STONE, LLC	15 minutes
	CHARLES W. MALCOMB for TOWN OF SHELBY	15 minutes
163.0 CA 17-01769	DEUTSCHE BANK NATIONAL TRUST COMPANY V DEBORAH L. MILLER	

Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered November 10, 2016. The order, insofar as appealed from,, disallowed plaintiff from interest, costs, disbursements, attorney's fees and late fees accruing after February 2012.

JOSEPH F. BATTISTA for DEUTSCHE BANK NATIONAL TRUST COMPANY 15 minutes

SCOTT BIELICKI for DEBORAH L. MILLER 15 minutes

164.0
CA 18-00986

JOHN T. DILLON
V
PEAK ENVIRONMENTAL, LLC

Appeal from a decision and order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered January 3, 2018. The decision and order, insofar as appealed from, granted the motion of third-party defendants to dismiss the third-party complaint and denied the motion of third-party plaintiffs to disqualify counsel to third-party defendants.

DAVID M. KATZ for PEAK ENVIRONMENTAL, LLC 15 minutes

DAVID B. CABANISS for SAUNDERS KAHLER, LLP 5 minutes

165.0
CA 18-01645

TRACY PRESTON
V
APCH, INC.

Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered December 21, 2017. The order denied defendants' motion for summary judgment and granted plaintiff's cross motion for summary judgment on the issue of liability.

JILL L. YONKERS for APCH, INC. 10 minutes

WILLIAM WHITAKER PULOS for TRACY PRESTON 15 minutes

167.0
CA 18-01678

MOHAMMED ZEIDAN
V
SCOTT'S DEVELOPMENT COMPANY

Appeal from an order of the Supreme Court, Niagara County (Daniel Furlong, J.), entered January 11,2018. The order granted the motion of defendants to dismiss the complaint.

RICHARD ANGELO NICOTRA for MOHAMMED ZEIDAN 15 minutes

PATRICK M. CAREY for SCOTT'S DEVELOPMENT COMPANY 15 minutes

168.0
CA 18-01072

HERKIMER COUNTY IDA
V
VILLAGE OF HERKIMER

Appeal and cross appeal from a decision and order of the Supreme Court, Herkimer County (Erin P. Gall, J.), entered January 22, 2018. The decision and order, inter alia, restrained the Village of Herkimer from enforcing the New York State Uniform Fire Prevention and Building Code against Herkimer County Industrial Development Agency.

CHARLES W. MALCOMB for HERKIMER COUNTY IDA 10 minutes

MICHAEL JON LONGSTREET for JOHN SPANFELNER 15 minutes