

DAY CALENDAR
Monday, January 7, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

2.0
TP 18-01368

WILLIE DAVIS
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, Wyoming County [Michael M. Mohun, A.J.], entered June 29, 2018) to review a determination of respondent. The determination found after Tier III hearing that petitioner violated an inmate rule.

LEAH R. NOWOTARSKI for WILLIE DAVIS

Submitted

BARBARA D. UNDERWOOD for ANTHONY ANNUCCI

Submitted

4.0
KA 17-01088

PEOPLE
V
ROCCO A. BEARDSLEY

Appeal from a judgment of the Chautauqua County Court (Paul B. Wojtaszek, J.), rendered January 12, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

LYLE T. HAJDU for ROCCO A. BEARDSLEY

Submitted

LYNN S. SCHAFFER for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

5.0
KA 16-01991

PEOPLE
V
RAYMOND ALSTON

Appeal from a judgment of Erie County Court (David W. Foley, J.), rendered October 25, 2016. The judgment convicted defendant, after a nonjury trial, of burglary in the second degree.

SHERRY A. CHASE for RAYMOND ALSTON

15 minutes

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

5 minutes

6.0
KA 16-00980

PEOPLE
V
KHARYE JARVIS

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered June 2, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree (two counts).

DAVID R. JUERGENS for KHARYE JARVIS

Submitted

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

7.0
KA 15-01497

PEOPLE
V
JERMAINE E. POINDEXTER

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered June 16, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

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| | JAMES A. HOBBS for JERMAINE E. POINDEXTER | 10 minutes |
| | LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 8.0 KA 17-00268 | PEOPLE V JASON KESTER | |
| | Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered March 31, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree. | |
| | ROBERT L. KEMP for JASON KESTER | 5 minutes |
| | JOHN J. FLYNN for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 9.0 KA 17-01087 | PEOPLE V ROCCO A. BEARDSLEY | |
| | Appeal from a judgment of the Chautauqua County Court (Paul B. Wojtaszek, J.), rendered January 12, 2017. The judgment convicted defendant, upon his plea of guilty, of manufacturing methamphetamine in the third degree. | |
| | LYLE T. HAJDU for ROCCO A. BEARDSLEY | Submitted |
| | LYNN S. SCHAFFER for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 10.0 KA 17-01089 | PEOPLE V ROCCO A. BEARDSLEY | |
| | Appeal from a judgment of the Chautauqua County Court (Paul B. Wojtaszek, J.), rendered January 12, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree. | |
| | LYLE T. HAJDU for ROCCO A. BEARDSLEY | Submitted |
| | LYNN S. SCHAFFER for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 11.0 CA 18-01380 | TEALYE CARRINGTON V NYS OFFICE FOR PEOPLE WITH DEV. DISABILITES | |
| | Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered October 4, 2017. The order granted defendant's pre-answer motion to dismiss the summons and complaint. | |
| | JAMES M. WILLIAMS for TEALYE CARRINGTON | 10 minutes |
| | PATRICK WOODS for NYS OFFICE FOR PEOPLE WITH DEV. DISABILITIES | 10 minutes |
| 12.0 CA 17-01831 | In the Matter of J.C.J. | |
| | Appeal from a decision and order of the Surrogate's Court, Oneida County (Louis P. Gigliotti, S.), entered February 1, 2018. The decision and order determined that the consent of respondent to adoption is not necessary. | |
| | ADAM H. VAN BUSKIRK for ROBERT J. | Submitted |
| | JOSEPH P. GIRUZZI, ATTORNEY FOR THE CHILD | Submitted |

13.0
OP 18-00645

SHAWN JAMES COFFEE
V
HON. VICTORIA M. ARGENTO

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]) for a writ of prohibition.

SHAWN JAMES COFFEE for HIMSELF Submitted

BARBARA D. UNDERWOOD for HON. VICTORIA M. ARGENTO Submitted

MATTHEW D. BROWN for MICHAEL DOLLINGER, ESQ. Submitted

14.0
CA 18-01676

ANDREW R. KOMAREK
V
THE PLANNING BOARD OF MIDDLESEX

Appeal from an order and judgment (one paper) of the Supreme Court, Yates County (William F. Kocher, A.J.), entered February 1, 2018 in a proceeding pursuant to CPLR article 78. The order and judgment, among other things, dismissed the petition in its entirety.

VIVEK J. THIAGARAJAN for ANDREW R. KOMAREK 15 minutes

JANET D. CALLAHAN for THE PLANNING BOARD OF MIDDLESEX 10 minutes

15.0
CA 17-02146

DANNY P. DUNN, SR.
V
COUNTY OF NIAGARA

Appeal from an order of the Supreme Court, Niagara County (Daniel Furlong, J.), entered August 1, 2017. The order, insofar as appealed from, granted the motion of defendant County of Niagara for summary judgment and dismissed the claims of plaintiffs against said defendant.

MICHAEL J. DOWD for DANNY P. DUNN, SR. 10 minutes

KEVIN G. COPE for COUNTY OF NIAGARA 10 minutes

STEVEN C. SHAHAN for CAMBRIA VOLUNTEER FIRE COMPANY, INC 15 minutes

16.0
CA 18-00676

DANNY P. DUNN, SR.
V
COUNTY OF NIAGARA

Appeal from an order of the Supreme Court, Niagara County (Daniel Furlong, J.), entered July 13, 2017. The order granted the motion of defendant Cambria Volunteer Fire Company, Inc., for summary judgment and dismissed the case against said defendant.

MICHAEL J. DOWD for DANNY P. DUNN, SR. Submitted

KEVIN G. COPE for COUNTY OF NIAGARA Submitted

STEVEN C. SHAHAN for CAMBRIA VOLUNTEER FIRE COMPANY, INC Submitted

17.0
CA 18-01465

JOHN LIPSITZ
V
UBF FACULTY-STUDENT HOUSING

Appeal from an order and judgment of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered February 6, 2018. The order and judgment dismissed the petition.

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| | SEAN COONEY for JOHN LIPSITZ | 10 minutes |
| | BENJAMIN ZUFFRANIERI, JR., for UBF FACULTY-STUDENT HOUSING | 15 minutes |
| 18.0 CA 18-01471 | DAVE FERGUSON V NATIONAL GYPSUM SERVICE COMPANY | |
| | Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 29, 2018. The order denied the motion of defendant for summary judgment. | |
| | DANIEL R. MAGUIRE for NATIONAL GYPSUM SERVICE COMPANY | 10 minutes |
| | ETHAN W. COLLINS for DAVE FERGUSON | 10 minutes |
| 19.0 CA 18-01580 | DEBORAH A. EAGAN V PAGE 1 PROPERTIES, LLC | |
| | Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered November 7, 2017. The order denied the motion of defendant for summary judgment. | |
| | THOMAS A. DIGATI for PAGE 1 PROPERTIES, LLC | 15 minutes |
| | JAMES A. PARTACZ for DEBORAH A. EAGAN | 15 minutes |
| 20.0 CA 18-01379 | THOMAS P. JOUSMA V DR. VENKATESWARA R. KOLLI | |
| | Appeals from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered March 15, 2018. The order, among other things, denied in part defendant Kaleida Health's motion for summary judgment and denied in its entirety defendant Dr. Venkateswara R. Kolli's motion for summary judgment dismissing the complaint. | |
| | MICHAEL J. WILLETT for KALEIDA HEALTH | 15 minutes |
| | MARK F. AFFRONTI for DR. VENKATESWARA R. KOLLI | 15 minutes |
| | CAREY C. BEYER for THOMAS P. JOUSMA | 15 minutes |
| 21.0 CA 18-01430 | JENNIFER M. EBBOLE V PETER J. NAGY | |
| | Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered March 26, 2018. The order, insofar as appealed from, denied the motion of defendant for summary judgment. | |
| | ALYSON C. CULLITON for PETER J. NAGY | 10 minutes |
| | JOHN A. COLLINS for JENNIFER M. EBBOLE | 10 minutes |
| 22.0 CA 18-00590 | JOSEPH L. VIRKLER V CARRIE B. VIRKLER | |
| | Appeal from a judgment of the Supreme Court, Lewis County (Hugh A. Gilbert, J.), entered June 19, 2017. The judgment, inter alia, determined maintenance and child support. | |
| | RICHARD B. ALDERMAN for CARRIE B. VIRKLER | 15 minutes |

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).

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| | CATHERINE WALSH for ELLA M. COTTON | Submitted |
| | V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 28.0 KA 16-02165 | PEOPLE V LEWIS J. STEINBRECHER, JR. | |
| | 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). | |
| | JOHN A. CIRANDO for LEWIS J. STEINBRECHER, JR. | 10 minutes |
| | AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 29.0 KA 15-01057 | PEOPLE V JAMEN K. BALKUM | |
| | 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. | |
| | JAMES A. HOBBS for JAMEN K. BALKUM | 10 minutes |
| | LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 30.0 KA 16-02364 | PEOPLE V QUENTIN SUTTLES | |
| | 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. | |
| | KRISTIN M. PREVE for QUENTIN SUTTLES | 10 minutes |
| | MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 31.0 KA 16-00894 | PEOPLE V LISA M. BUTLER | |
| | 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. | |
| | ROSEMARIE RICHARDS for LISA M. BUTLER | 10 minutes |
| | BROOKS T. BAKER for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 32.0 CAF 18-00406 | BRIAN J. RUSSELL V JENNIFER A. CARDINALI RUSSELL | |
| | 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. | |
| | MICHAEL H. RANZENHOFER for JENNIFER A. CARDINALI RUSSELL | 10 minutes |

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| | DAVID M. ABBATOY, JR., for BRIAN J. RUSSELL | 10 minutes |
| | GARY MULDOON, ATTORNEY FOR THE CHILD | 10 minutes |
| 33.0 CA 18-01212 | DION L. BARNES V JOSEPH OCCHINO | |
| | 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 | SEALAND WASTE LLC V TOWN OF CARROLL | |
| | 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 | DAVID PEZZINO V WEDGEWOOD HEALTH CARE CENTER, LLC | |
| | 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 | JAMES TOMASO V LBR ENTERPRISES, LLC | |
| | 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 | JOSEPH BITTINGER, JR. V ERIE INSURANCE COMPANY | |
| | 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. | |

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| | JAMES GRABER for ERIE INSURANCE COMPANY | 10 minutes |
| | JAMES E. WESTMAN for JOSEPH BITTINGER, JR. | 10 minutes |
| 39.0 CA 18-01482 | GERALD TOMASSI V CITY OF BUFFALO | |
| | Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered April 18, 2018. The order denied the petition. | |
| | KATHLEEN ELLEN HOROHOE for GERALD TOMASSI | 10 minutes |
| | J. CHRISTINE CHIRIBOGA for CITY OF BUFFALO | 10 minutes |
| 40.0 CA 18-01696 | RICHARD METCALF, SR. V COUNTY OF ERIE | |
| | 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. | |
| | TIMOTHY M. HUDSON for RICHARD METCALF, SR. | 15 minutes |
| | JENNIFER PERSICO for COUNTY OF ERIE | 15 minutes |
| 41.0 CAF 18-00209 | IVAN DELGADO V VANESSA VEGA | |
| | 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. | |
| | DAVID M. ABBATOY, JR., for VANESSA VEGA | 10 minutes |
| | KATHLEEN P. REARDON for IVAN DELGADO | 10 minutes |
| | TANYA CONLEY, ATTORNEY FOR THE CHILD | 5 minutes |
| 42.0 CAF 18-01126 | IVAN C. DELGADO V VANESSA VEGA | |
| | 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. | |
| | DAVID M. ABBATOY, JR., for VANESSA VEGA | Submitted |
| | KATHLEEN P. REARDON for IVAN C. DELGADO | Submitted |
| | TANYA CONLEY, ATTORNEY FOR THE CHILD | Submitted |
| 43.0 CA 18-01702 | MAREANNE J. MIKOLAJCZYK V DANIEL J. PATTERSON, D.O. | |
| | 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. | |

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

DAY CALENDAR
Tuesday, January 8, 2019 - 10:00 AM
COURTROOM 2

44.0
KA 08-02494

PEOPLE
V
DALE KAHLEY

Appeal from a judgment of the Monroe County Court (Patricia D. Marks, J.), rendered September 20, 1993. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

KATHLEEN P. REARDON for DALE KAHLEY

Submitted

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

Submitted

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 Submitted

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.

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| | 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 |

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| | MATTHEW BROOKS for NIAGARA CO. DSS | Submitted |
| | DEBORAH J. SCINTA, ATTORNEY FOR THE CHILD | Submitted |
| 55.0 CAF 18-00180 | In the Matter of TYRESE M.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. | Submitted |
| | MATTHEW BROOKS for NIAGARA CO. DSS | Submitted |
| | DEBORAH J. SCINTA, ATTORNEY FOR THE CHILD | Submitted |
| 56.0 CAF 18-00181 | In the Matter of IRENE ARIONNA-J.R. | |
| | 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 | In the Matter of LIAM M.J. | |
| | 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 | ANDREW T. PAJEK V STEPHEN FEKETI | |
| | 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 | MARIA S. BROOKS V BENJAMIN S. BROOKS | |

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 BREDENBERG

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 BREDENBERG 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

DAY CALENDAR
Wednesday, January 9, 2019 - 10:00 AM
COURTROOM 2

69.0
TP 18-01378

JAHMEL CLARK
V
ANTHONY ANNUCCI

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, Wyoming County [Michael M. Mohun, A.J.], entered August 2, 2018) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for JAHMEL CLARK Submitted

MARTIN A. HOTVET for ANTHONY ANNUCCI Submitted

70.0
KA 17-00360

PEOPLE
V
JULIE NICPON

Appeal from a judgment of the Erie County Court (David M. Foley, A.J.), rendered December 19, 2016. The judgment convicted defendant, upon her plea of guilty, of grand larceny in the second degree

NICHOLAS P. DIFONZO for JULIE NICPON Submitted

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK Submitted

71.0
KA 17-01068

PEOPLE
V
JOSE L. HERNANDEZ

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered May 1, 2017. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts), aggravated criminal contempt, menacing in the second degree and criminal possession of a weapon in the fourth degree.

J. SCOTT PORTER for JOSE L. HERNANDEZ 15 minutes

CHRISTOPHER W. FOLK for THE PEOPLE OF THE STATE OF NEW YORK Submitted

72.0
KA 16-00290

PEOPLE
V
STANLEY LOSTUMBO

Appeal from a decision/order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), entered October 14, 2015. The order denied the motion of defendant pursuant to CPL 440.10.

JOHN A. CIRANDO for STANLEY LOSTUMBO 10 minutes

BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

73.0
KA 16-00291

PEOPLE
V
STANLEY LOSTUMBO

Appeal from a decision/order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), dated November 17, 2015. The order denied the motion of defendant to renew his CPL 440.10 motion.

| | | |
|---------------------|---|------------|
| | JOHN A. CIRANDO for STANLEY LOSTUMBO | Submitted |
| | BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 74.0 KA 16-01787 | PEOPLE V GERALD CROUSE | |
| | Appeal from a judgment of the Erie County Court (Donald W. Foley, J.), rendered August 8, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree. | |
| | RICHARD L. SULLIVAN for GERALD CROUSE | Submitted |
| | DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 75.0 KA 16-00844 | PEOPLE V CHARQUAN EDWARDS | |
| | Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered October 20, 2015. The judgment convicted defendant upon a jury verdict, of attempted murder in the first degree, robbery in the first degree (two counts), assault in the first degree, criminal use of a firearm in the first degree and criminal possession of a weapon in the second degree. | |
| | KRISTEN MCDERMOTT for CHARQUAN EDWARDS | 15 minutes |
| | NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 76.0 KA 16-00157 | PEOPLE V CHRISTOPHER HICKEY | |
| | Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered October 23, 2015. The judgment convicted defendant, upon a jury verdict, of grand larceny in the fourth degree and unauthorized use of a motor vehicle in the first degree. | |
| | BRITTNEY NICOLE CLARK for CHRISTOPHER HICKEY | 10 minutes |
| | KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 77.0 KA 15-01278 | PEOPLE V BREANNA L. SIMPSON | |
| | Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered May 29, 2015. The judgment convicted defendant, upon a jury verdict, of manslaughter on the first degree, criminal possession of a weapon in the second degree and assault in the first degree. | |
| | JOHN A. CIRANDO for BREANNA L. SIMPSON | 15 minutes |
| | KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 78.0 KA 01-01982 | PEOPLE V SHONDELL PAUL | |

Appeal from a judgment of Onondaga County Court (Fahey, J.), entered May 15, 2001, convicting defendant after a jury trial, inter alia, murder in the second degree (two counts).

THOMAS P. THEOPHILOS for SHONDELL PAUL 15 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

79.0
CAF 17-01464

**In the Matter of
HEAVENLY A.**

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered August 2, 2017, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent Michael P. had neglected the subject children.

JOHN A. CIRANDO for MICHAEL P. 10 minutes

ANN MAGNARELLI for ONONDAGA CO. DSS Submitted

PAMELA A. MUNSON, ATTORNEY FOR THE CHILD Submitted

80.0
CAF 17-00498

**In the Matter of
JILLIAN E.**

Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered January 18, 2017 in a proceeding pursuant to pursuant to Family Court Act article 10. The order, among other things, placed respondent under the supervision petitioner.

PETER J. DIGIORGIO, JR., for JOLENE E. Submitted

JOHN HERBOWY for ONEIDA CO. DSS Submitted

WILLIAM KOSLOSKY, ATTORNEY FOR THE CHILD Submitted

81.0
CAF 16-01182

**In the Matter of
JUSTIN T.**

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered June 6, 2016, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined the subject child to be abused and neglected.

JOHN A. CIRANDO for JOSEPH M. 10 minutes

ANN MAGNARELLI for ONONDAGA CO. DSS Submitted

JOHN WILLIAM SHARON, ATTORNEY FOR THE CHILD Submitted

82.0
CAF 17-00703

**In the Matter of
CHRISTOPHER P.**

Appeal from an order of the Family Court, Jefferson County (Eugene J. Langone, Jr., J.), entered March 28, 2017 in a proceeding pursuant to pursuant to Family Court Act article 10. The order, among other things, adjudged that the subject children remain in the care and custody of petitioner.

JOHN A. CIRANDO for ANTHONY P. 10 minutes

KRISTOPHER STEVENS for JEFFERSON CO. DSS 10 minutes

SCOTT A. OTIS, ATTORNEY FOR THE CHILD 10 minutes

84.0
CA 18-01592

U.S. BANK TRUST, N.A.
V
KARI DAVIS

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered October 24, 2017. The order denied the motion of plaintiff to vacate its default.

JOSEPH F. BATTISTA for U.S. BANK TRUST, N.A. 15 minutes

SANDRA S. POLAND DEMARS for GUARDIAN PRESERVATION, LLC Submitted

85.0
CA 18-00571

JAMIE ANGELHOW
V
FAYEZ CHAHFE, M.D.

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered January 24, 2018. The order denied defendants' motion for summary judgment.

EDWARD J. SMITH, III, for FAYEZ CHAHFE, M.D. 15 minutes

DARREN J. EPSTEIN for JAMIE ANGELHOW 15 minutes

86.0
CA 18-00572

JAMIE ANGELHOW
V
FAYEZ CHAHFE, M.D.

Appeal from an order of the Supreme Court, Oneida County (Gregory R. Gilbert, J.), entered March 8, 2018. The order denied defendants' motion for leave to reargue and/or renew their motion for summary judgment.

EDWARD J. SMITH, III, for FAYEZ CHAHFE, M.D. Submitted

DARREN J. EPSTEIN for JAMIE ANGELHOW Submitted

87.0
CA 18-01683

DONNA ACOX
V
JEFF PETROSKI & SONS, INC.

Appeals and cross appeal from an order and judgment of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered May 30, 2018. The order and judgment, inter alia, granted the motion of plaintiff for partial summary judgment against defendant Jeff Petroski & Sons, Inc., pursuant to Labor Law § 240 (1).

WILLIAM J. GREAGAN for JEFF PETROSKI & SONS, INC. 10 minutes

DANIEL P. FLETCHER for BRIAN SPINK Submitted

ALAN J. PIERCE for DONNA ACOX 15 minutes

88.0
CA 18-01657

JOSEPH M. BERMUDEZ
V
AARON J. PUESER

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered January 10, 2018. The order, inter alia, directed defendants to produce the prior written statement of a non party witness to the non party witness.

THERESA MARIE ZEHE for AARON J. PUESER 10 minutes

MARC JONAS for JOSEPH M. BERMUDEZ Submitted

89.0
CA 18-01636

KATHRYN ANTONACCI-BROWN
V
PETER R. WOODS

Appeal from an order of the Supreme Court, Onondaga County (Deborah A. Karalunas, J.), entered March 15, 2018. The order, inter alia, granted the motion of plaintiff to compel a supplemental bill of particulars and the production of documents.

KEITH D. MILLER for PETER R. WOODS **10 minutes**

ERIC C. NORDBY for KATHRYN ANTONACCI-BROWN **10 minutes**

90.0
TP 18-01530

PATRICIA L. ANSLEY
V
JAMESVILLE-DEWITT CENTRAL SCHOOL DISTRICT

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, Onondaga County [Gregory R. Gilbert, J.], entered June 18, 2018) to review a determination of respondent. The determination terminated the employment of petitioner.

STEPHEN CIOTOLI for PATRICIA L. ANSLEY **10 minutes**

SUBHASH VISWANATHAN for JAMESVILLE-DEWITT CSD **10 minutes**

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

91.0
TP 18-00194

ECHO WESTLEY DIXON
V
ANDREW M. CUOMO

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, Cayuga County [Mark H. Fandrich, A.J.], entered January 23, 2018) to review a determination of repondent. The determination found after Tier III hearing that petitioner had violated an inmate rule.

ECHO WESTLEY DIXON for HIMSELF

Submitted

KATE H. NEPVEU for ANDREW M. CUOMO

Submitted

93.0
TP 18-01387

JASON BAXTER
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, Wyoming County [Michael M. Mohun, A.J.], entered August 2, 2018) to review a determination of respondent. The determination found after Tier III hearing that petitioner violated various inmate rules.

LEAH R. NOWOTARSKI for JASON BAXTER

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

94.0
KA 14-00855

PEOPLE
V
JOSEPH DIXON

Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered March 24, 2014. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree.

JOHN A. CIRANDO for JOSEPH DIXON

15 minutes

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

5 minutes

95.0
KA 17-00453

PEOPLE
V
CLIFTON HUNT

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered December 20, 2016. The judgment convicted defendant, upon a jury trial, of rape in the third degree and endangering the welfare of a child.

KIMBERLY J. CZAPRANSKI for CLIFTON HUNT

10 minutes

BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

96.0
KA 17-00270

PEOPLE
V
CORY C. THOMPSON

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered December 16, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the third degree, burglary in the third degree (four counts), grand larceny in the fourth degree (three counts) and attempted grand larceny in the fourth degree.

GARY MULDOON for CORY C. THOMPSON

5 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

97.0
KA 14-00199

PEOPLE

V

ALEXANDER LATHROP

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered October 1, 2013. The judgment convicted defendant, upon a jury verdict, of rape in the third degree.

DAVID R. JUERGENS for ALEXANDER LATHROP

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

98.0
KA 17-00365

PEOPLE

V

ROBERT J. SAMPSON, JR.

Appeal from a judgment of the Jefferson County Court, (Kim H. Martusewicz, J., rendered August 5, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

JOHN A. CIRANDO for ROBERT J. SAMPSON, JR.

10 minutes

HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

99.0
KA 17-00509

PEOPLE

V

GERALD MAY

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, J.), rendered March 3, 2017. The judgment convicted defendant, upon his plea of guilty of arson in the fourth degree.

SHERRY A. CHASE for GERALD MAY

10 minutes

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

100.0
CA 18-01377

JAYMEE SUE ROWLAND

V

TIMOTHY SLAYTON

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered October 17, 2017. The order denied defendant Timothy Slayton's motion to change the venue of this action from Monroe County to Steuben County.

GREGORY GEORGE BROIKOS for TIMOTHY SLAYTON

15 minutes

EDWARD J. SMITH, III, for JAYMEE SUE ROWLAND

15 minutes

101.0
CA 18-01141

MARK BRATGE

V

JEFFERY SIMONS

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered March 19, 2018. The order dismissed causes of action against defendants County of Oneida and Oneida County Child Advocacy Center.

FRANK POLICELLI for MARK BRATGE

10 minutes

DANIEL KENNETH CARTWRIGHT for COUNTY OF ONEIDA

10 minutes

102.0
TP 18-01401

CENTERS FOR SPECIALTY CARE

V

NEW YORK STATE DEPARTMENT OF HEALTH

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 [Diane Y. Devlin, J.], entered August 1, 2018) to review a determination of respondent. The determination denied the application for Medicaid benefits.

JENNIFER J. NEARY for CENTERS FOR SPECIALTY CARE

Submitted

KATE H. NEPVEU for NEW YORK STATE DEPARTMENT OF HEALTH

Submitted

103.0
CA 18-01601

BACKER & ASSOCIATES, LLC

V

PPB ENGINEERING & SYSTEMS DESIGN

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered November 8, 2017. The order denied the motion of defendants for a protective order, directed the parties to execute a confidentiality stipulation and proceed to discovery and denied the motion of defendants to vacate the note of issue.

KAREN R. SANDERS for PPB ENGINEERING & SYSTEMS DESIGN

10 minutes

FRANK J. FIELDS for BACKER & ASSOCIATES, LLC

10 minutes

104.0
CA 18-00548

TRUDY MENEAR

V

KWIK FILL

Appeals from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered January 10, 2018. The order, insofar as appealed from, denied the motion of defendants Kwik Fill, United Refining Company and United Refining Company, doing business as Kwik Fill, for summary judgment or bifurcation and denied the motion of defendant Husky Corporation for summary judgment.

CHRISTINA M. DEATS for KWIK FILL

20 minutes

MEGHAN MCMANUS DIPASQUALE for HUSKY CORPORATION

15 minutes

AARON J. RYDER for TRUDY MENEAR

10 minutes

MOLLY M. RYAN for MOTOR COACH INDUSTRIES, INC.

10 minutes

105.0
CA 18-00880

WALDEN BAILEY CHIROPRACTIC, P.C.

V

GEICO CASUALTY COMPANY

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered October 26, 2017. The order, insofar as appealed from, denied the motion of defendant to dismiss plaintiff's first, thirteenth and fourteenth causes of action.

| | | |
|----------------------|--|----------------|
| | HENRY MASCIA for GEICO CASUALTY COMPANY | 15 minutes |
| | DANIEL K. MORRIS for WALDEN BAILEY CHIROPRACTIC, P.C. | 15 minutes |
| 106.0 CA 18-00063 | ANNE M. MANCUSO V DOUGLAS S. GRAHAM | |
| | Appeal from an order of the Supreme Court, Onondaga County, (Martha Walsh Hood, A.J.), entered September 25, 2017. The order distributed the benefits of defendant under the New York State and Local Employees Retirement System. | |
| | RICHARD B. ALDERMAN for DOUGLAS S. GRAHAM | 10 minutes |
| | JOHN A. CIRANDO for ANNE M. MANCUSO | 10 minutes |
| 107.0 CA 18-00064 | ANNE M. MANCUSO V DOUGLAS S. GRAHAM | |
| | Appeal from an order of the Supreme Court, Onondaga County, (Martha Walsh Hood, A.J.), entered November 22, 2017. The order denied the motion of defendant to vacate a Domestic Relations order. | |
| | RICHARD B. ALDERMAN for DOUGLAS S. GRAHAM | Submitted |
| | JOHN A. CIRANDO for ANNE M. MANCUSO | Submitted |
| 108.0 CA 18-00864 | LISA M. KLUMPP V JOHN N. PHILIPPS, JR. | SETTLED |
| | Appeal from a decision and order of the Supreme Court, Niagara County (Daniel J. Furlong, J.), entered August 21, 2017. The decision and order granted the motion of plaintiffs for summary judgment on the issues of liability and serious injury. | |
| | PHILIP M. GULISANO for JOHN N. PHILIPPS, JR. | |
| | JOHN A. COLLINS for LISA M. KLUMPP | |
| 109.0 CA 17-01435 | DEREK G. V STATE OF NEW YORK | |
| | Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered July 28, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner is subject to Strict and Intensive Supervision and Treatment. | |
| | PATRICK T. CHAMBERLAIN for DEREK G. | 10 minutes |
| | KATHLEEN M. TREASURE for STATE OF NEW YORK | 10 minutes |
| 110.0 CA 18-01603 | VICTOR KETCH V RIDGE OVERHEAD DOOR, INC. | |
| | Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered November 30, 2017. The order denied the motion of plaintiffs for summary judgment and granted the cross motion of defendant for summary judgment dismissing the complaint. | |

CAITLIN M. HIGGINS for VICTOR KETCH

10 minutes

ROBERT H. FLYNN for RIDGE OVERHEAD DOOR, INC.

10 minutes

**111.0
CA 18-01646**

CATHERINE A. BROOKS

V

SARAH C. BLANCHARD

Appeal from a judgment and order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered February 1, 2018. The judgment and order, insofar as appealed from, denied the motion of plaintiffs to set aside a jury verdict and for a new trial.

EDWARD J. MARKARIAN for CATHERINE A. BROOKS

15 minutes

RYAN J. MILLS for SARAH C. BLANCHARD

15 minutes

DAY CALENDAR
Monday, January 14, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

112.0
KA 17-00357

PEOPLE
V
MICHAEL W. JOHNSON

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, J.), rendered April 19, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree (two counts).

BARBARA J. DAVIES for MICHAEL W. JOHNSON **Submitted**

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

113.0
KA 17-00359

PEOPLE
V
MICHAEL W. JOHNSON

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, J.), entered April 19, 2016. The judgment revoked defendant's probation and imposed a term of imprisonment.

BARBARA J. DAVIES for MICHAEL W. JOHNSON **Submitted**

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

114.0
KA 17-00493

PEOPLE
V
KHALIL DUNAWAY

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered September 27, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree, robbery in the first degree (two counts), criminal possession of a weapon in the second degree (two counts) and resisting arrest.

LINDA M. CAMPBELL for KHALIL DUNAWAY **Submitted**

KENNETH TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK **Submitted**

115.0
KA 17-02228

PEOPLE
V
QUENTIN Z. GEE

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered October 2, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

JOSEPH G. FRAZIER for QUENTIN Z. GEE **Submitted**

MARY-JEAN BOWMAN for THE PEOPLE OF THE STATE OF NEW YORK **Submitted**

116.0
KA 16-00731

PEOPLE
V
WILLIE J. PRUITT

Appeal from a judgment of the Ontario County Court (Stephen D. Aronson, A.J.), rendered February 11, 2016. The judgment convicted defendant, upon his plea of guilty, of aggravated unlicensed operation of a motor vehicle in the first degree (two counts) and driving while intoxicated as a misdemeanor (two counts).

| | | |
|----------------------|---|------------|
| | JOHN A. CIRANDO for WILLIE J. PRUITT | 10 minutes |
| | V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 117.0 KA 18-00050 | PEOPLE V KENNETH R. CALKINS, JR. | |
| | Appeal from a judgment of Steuben County Court (Peter C. Bradstreet, J.), rendered June 28, 2017. The judgment convicted defendant, after a nonjury trial, of criminal sexual act in the first degree (two counts). | |
| | MARY P. DAVISON for KENNETH R. CALKINS, JR. | 10 minutes |
| | JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 118.0 KA 16-02333 | PEOPLE V DYQUANN M. TUCKER | |
| | Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered June 17, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree. | |
| | BRIDGET L. FIELD for DYQUANN M. TUCKER | 5 minutes |
| | LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 119.0 KA 17-00508 | PEOPLE V CARLOS A. VAIL | |
| | Appeal from a judgment of the Supreme Court, Ontario County (Elma A. Bellini, J.), rendered January 13, 2017. The judgment convicted defendant, upon a jury verdict, of kidnapping in the first degree. | |
| | MARY P. DAVISON for CARLOS A. VAIL | 5 minutes |
| | V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 120.0 KA 15-00162 | PEOPLE V TODD JONES | |
| | Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered November 20, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree. | |
| | KATHLEEN P. REARDON for TODD JONES | 5 minutes |
| | DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 121.0 KA 16-01191 | PEOPLE V JOSEPH BRIGGS | |
| | Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered May 23, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the third degree. | |
| | PHILIP ROTHSCHILD for JOSEPH BRIGGS | 10 minutes |
| | KENNETH TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |

122.0
CA 18-00328

TERENCE WINTERS
V
UNILAND DEVELOPMENT CORPORATION

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 18, 2017 in a personal injury action. The order, among other things, dismissed plaintiffs' complaint in its entirety.

WILLIAM A. QUINLAN for TERENCE WINTERS 10 minutes

GERARD E. CONNOR for COZZWILL, INC. 10 minutes

PAUL J. CALLAHAN for UNILAND DEVELOPMENT CORPORATION 15 minutes

MELISSA A. FOTI for J&N SERVICES CORPORATION 10 minutes

123.0
CA 18-01391

THE BUFFALO NEWS, INC.
V
BUFFALO POLICE DEPARTMENT

Appeal from a judgment of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered February 16, 2018. The judgment, among other things, denied the release of certain video recordings pursuant to New York's Freedom of Information Law.

JOSEPH MARTIN FINNERTY for THE BUFFALO NEWS, INC. Submitted

MAEVE E. HUGGINS for BUFFALO POLICE DEPARTMENT Submitted

124.0
CA 18-00045

MELVIN J. MOORE, JR.
V
ANTHONY ANNUCCI

Appeal from an order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered November 24, 2017 in a proceeding pursuant to CPLR article 78. The order dismissed the petition.

ADAM W. KOCH for MELVIN J. MOORE, JR. 10 minutes

MICHELE R. CRAIN for PATRICK M. O'FLYNN 10 minutes

FREDERICK A. BRODIE for ANTHONY ANNUCCI 10 minutes

125.0
CA 18-01404

MARY A. PAUSZEK
V
AMY M. WAYLETT

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered January 23, 2018. The order denied the motion of defendant Amy M. Waylett for summary judgment dismissing the complaint.

ROBERT P. GOODWIN for AMY M. WAYLETT 10 minutes

MARY BARR SCHILLER for MARY A. PAUSZEK 10 minutes

126.0
CA 18-01136

MICHAEL P. CICCIO
V
FRED S. DUROLEK

Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Frank Caruso, J.), entered September 25, 2017. The order and judgment, among other things, dismissed plaintiff's complaint on the merits and awarded defendants costs and disbursements.

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| | RAFAEL O. GOMEZ for MICHAEL P. CICCIO | 15 minutes |
| | JUSTIN L. HENDRICKS for FRED S. DUROLEK | 10 minutes |
| 127.0 | TOWN OF IRONDEQUOIT | |
| CA 18-01448 | V | |
| | COUNTY OF MONROE | |
| | Appeal from a decision, order and judgment of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered November 9, 2017. The decision, order and judgment granted the petition and complaint, denied the dismissal motion of defendants, annulled defendants' tax memo, compelled defendants to guaranty and credit maintenance, repair and demolition charges and restrained defendants from reducing the sales tax distribution to plaintiffs. | |
| | MATTHEW D. BROWN for COUNTY OF MONROE | 15 minutes |
| | KENNETH W. GORDON for TOWN OF BRIGHTON | 5 minutes |
| | EDWARD F. PREMO, II, for TOWN OF IRONDEQUOIT | 10 minutes |
| 128.0 | PARKLANDS EAST, LLC | |
| CA 18-01679 | V | |
| | ROBERT E. SPANGENBERG | |
| | Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered April 15, 2015. The order denied defendants' motion for summary judgment and denied plaintiff's cross motion for summary judgment. | |
| | SHELDON K. SMITH for PARKLANDS EAST, LLC | 10 minutes |
| | JOHN NELSON for ROBERT E. SPANGENBERG | 10 minutes |
| 129.0 | UNITED REFINING COMPANY OF PA | |
| OP 18-01675 | V | |
| | TOWN OF AMHERST | |
| | Proceeding pursuant to Eminent Procedure Law §207 (initiated in the Appellate Division of the Supreme Court for the Fourth Judicial Department) to annul a determination of respondent. The determination resolved to condemn certain real property. | |
| | BRODY D. SMITH for UNITED REFINING COMPANY OF PA | 15 minutes |
| | STANLEY J. SLIWA for TOWN OF AMHERST | 15 minutes |
| 130.0 | LINDA MARTIN BARBER | |
| CA 18-00738 | V | |
| | BORGWARNER, INC. | |
| | Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered February 13, 2018. The order, inter alia, denied the cross motion of respondents to compel the deposition testimony of petitioner. | |
| | MARK A. PACKMAN for BORGWARNER, INC. | 15 minutes |
| | EVAN KNOTT for YORK INTERNATIONAL CORP. | Submitted |
| | LYLE T. HAJDU for LINDA MARTIN BARBER | 15 minutes |

131.0
CA 17-00093

MARK F. GRAVES, JR.
V
JESSICA R. HUFF

Appeal from a decision and order of the Supreme Court, Monroe County (Edward C. Gangarosa, R.), entered September 7, 2016. The decision and order, inter alia, denied the application of plaintiff for a modification of custody.

JAMES A. HOBBS for **MARK F. GRAVES, JR.** 15 minutes

MAUREEN A. PINEAU for **JESSICA R. HUFF** 5 minutes

EFTIHIA BOURTIS, ATTORNEY FOR THE CHILD 10 minutes

132.0
CA 17-02033

MARK F. GRAVES, JR.
V
JESSICA R. HUFF

Appeal from an order of the Supreme Court, Monroe County (John M. Owens, J.), entered September 5, 2017. The order, insofar as appealed from, granted the motion of defendant to dismiss plaintiff's petition.

JAMES A. HOBBS for **MARK F. GRAVES, JR.** Submitted

MAUREEN A. PINEAU for **JESSICA R. HUFF** Submitted

EFTIHIA BOURTIS, ATTORNEY FOR THE CHILD Submitted

133.0
CA 18-01434

MARY FANELLI
V
UPSTATE CEREBRAL PALSY, INC.

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered June 6, 2018. The order granted plaintiff's motion seeking leave to amend the complaint.

HEATHER K. ZIMMERMAN for **UPSTATE CEREBRAL PALSY, INC.** 10 minutes

JOHN J. RASPANTE for **MARY FANELLI** 10 minutes

DAY CALENDAR
Tuesday, January 15, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

134.0
KA 18-00162

PEOPLE
V
AMIN HOBBS

Appeal from a judgment of the Wayne County Court, (Daniel G. Barrett, J.), rendered October 5, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal mischief in the fourth degree and unlawful fleeing a police officer in a motor vehicle in the third degree.

ROBERT TUCKER for AMIN HOBBS Submitted

BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

135.0
KA 16-02252

PEOPLE
V
NICHOLAS MANGIONE

Appeal from an order of the Erie County Court (John L. Michalski, J.), entered November 29, 2016. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

ALAN WILLIAMS for NICHOLAS MANGIONE Submitted

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

136.0
KA 17-01065

PEOPLE
V
NORMAN I. GEDDIS

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered May 30, 2017. The judgment convicted defendant, upon a jury verdict, of assault in the second degree, menacing in the second degree and unlawful imprisonment in the second degree.

BENJAMIN L. NELSON for NORMAN I. GEDDIS 15 minutes

LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

137.0
KA 16-01313

PEOPLE
V
RONALD J. FLAGG

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered January 22, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and attempted criminal possession of a weapon in the second degree.

DAVID A. COOKE for RONALD J. FLAGG Submitted

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK Submitted

138.0
KA 16-02357

PEOPLE
V
LEAH GIGLIOTTI

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered November 23, 2016. The judgment convicted defendant, upon her plea of guilty, of kidnapping in the second degree.

BRIDGET L. FIELD for LEAH GIGLIOTTI Submitted

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| 139.0 KA 17-00401 | STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK PEOPLE V JUSTIN HYMES | Submitted |
| | Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered April 29, 2016. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child. | |
| | NATHANIEL V. RILEY for JUSTIN HYMES | 15 minutes |
| | NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 140.0 KA 12-01363 | PEOPLE V MATTHEW A. TOWNSEND | |
| | Appeal from a judgment of the Monroe County Court (Vincent M. DiNolfo, J.), rendered April 5, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the second degree. | |
| | CATHERINE H. JOSH for MATTHEW A. TOWNSEND | 10 minutes |
| | DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 141.0 KA 16-01937 | PEOPLE V ISAIAH S. CORMACK | |
| | Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 13, 2016. The judgment convicted defendant, upon a non jury verdict, of assault in the first degree. | |
| | BARBARA J. DAVIES for ISAIAH S. CORMACK | 10 minutes |
| | COLIN X. FITZGERALD for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 142.0 CA 18-01251 | ROSALIE SAWYER V KALEIDA HEALTH | SETTLED |
| | Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered October 16, 2017. The order, insofar as appealed from, granted the motion of plaintiff to renew-reargue and granted a temporary stay of arbitration. | |
| | JULIE A. MICKIEWICZ for ABSOLUT CENTER FOR NURSING | |
| | COLLEEN P. FAHEY for ROSALIE SAWYER | |
| | CAITLIN E. O'NEIL for KALEIDA HEALTH | |
| 143.0 TP 18-01460 | THE HURLBUT, LLC V NYS OFFICE OF MEDICAID | |
| | 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 [J. Scott Odorisi, J.], entered July 28, 2018) to review a determination of respondent. The determination, among other things, adjudged that petitioner must provide restitution for their overpayment of Medicaid benefits to petitioner. | |

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| | MICHAEL P. SCOTT-KRISTANSEN for THE HURLBUT, LLC | Submitted |
| | LAURA ETLINGER for NYS OFFICE OF MEDICAID | 10 minutes |
| 144.0 CA 18-01483 | DOUGLAS RIZZO V DHARAM PAUL SINGLA, M.D. | |
| | Appeal from a decision and order of the Supreme Court, Wyoming County (Michael F. Griffith, A.J.), entered May 15, 2018. The decision and order denied the motion of defendants Wyoming County Community Hospital and Wyoming County Community Healthy System for summary judgment dismissing the complaint. | |
| | SANJEEV DEVABHAKTHUNI for WYOMING CO. COMMUNITY HOSPITAL | 15 minutes |
| | MICHELE A. BRAUN for DOUGLAS RIZZO | 15 minutes |
| 145.0 OP 18-01519 | MONROE COUNTY FEDERATION OF SOCIAL WORKERS V THOMAS A. STANDER, J.S.C. | |
| | Proceeding pursuant to CPLR article 78 (commenced in the Appellate Division of the Supreme Court for the Fourth Judicial Department pursuant to CPLR 506 [b]) to compel respondent Thomas a Sander, J.S.C., to render a judgment in the underlying proceeding. | |
| | MICHAEL HARREN for MONROE CO. FEDERATION OF SOCIAL WORKERS | 10 minutes |
| | KATHLEEN M. TREASURE for THOMAS A. STANDER, J.S.C. | Submitted |
| | JOHN A. MANCUSO for COUNTY OF MONROE | 10 minutes |
| 146.0 CA 18-01406 | THE CAMPAIGN FOR BUFFALO HISTORY V ZBA OF CITY OF BUFFALO | |
| | Appeal from an order and judgment of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered March 13, 2013. The order and judgment granted the motions of respondents to dismiss the petition and dismissed the petition. | |
| | RICHARD J. LIPPES for THE CAMPAIGN FOR BUFFALO HISTORY | 15 minutes |
| | MARK C. DAVIS for RACHEL HECKL | 15 minutes |
| | CARIN S. GORDON for ZBA OF CITY OF BUFFALO | 15 minutes |
| 147.0 CA 18-00188 | ERICA L. NYSTROM V ROME MEMORIAL HOSPITAL, INC. | |
| | Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered May 22, 2017. The order, among other things, directed defendant Rome Memorial Hospital to provide the Court with all adverse drug reaction records of the 51 documented cases of former patients who sustained adverse reactions between 2007 and 2010 for in camera review. | |
| | THOMAS A. CULLEN for ROME MEMORIAL HOSPITAL, INC. | 15 minutes |
| | CARRIE L. SMITH for ERICA L. NYSTROM | 15 minutes |

148.0
CA 18-01642

MATTHEW O'DELL
V
COUNTY OF LIVINGSTON

Appeal from a decision and order of the Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered December 14, 2017. The decision and order, insofar as appealed from, denied the motion of defendant Village of Mount Morris to dismiss the complaint.

NICHOLAS J. PONTZER for VILLAGE OF MOUNT MORRIS

10 minutes

MARK A. YOUNG for MATTHEW O'DELL

Submitted

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.

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| | <p>THERESA L. PREZIOSO for KAYLA M. DAMON</p> <p>MARY-JEAN BOWMAN for THE PEOPLE OF THE STATE OF NEW YORK</p> | <p>Submitted</p> <p>Submitted</p> |
| <p>154.0 KA 09-00823</p> | <p>PEOPLE V SAMUEL K. HAILE</p> <p>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.</p> | |
| | <p>MARY M. WHITESIDE for SAMUEL K. HAILE</p> <p>DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK</p> | <p>10 minutes</p> <p>10 minutes</p> |
| <p>155.0 KA 18-00007</p> | <p>PEOPLE V CHAD R. BURMAN</p> <p>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</p> | |
| | <p>BRUCE R. BRYAN for CHAD R. BURMAN</p> <p>AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK</p> | <p>15 minutes</p> <p>15 minutes</p> |
| <p>156.0 KA 17-00072</p> | <p>PEOPLE V CAMILLE MCCOY</p> <p>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.</p> | |
| | <p>ERIN A. KULESUS for CAMILLE MCCOY</p> <p>JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK</p> | <p>10 minutes</p> <p>10 minutes</p> |
| <p>157.0 CA 18-00882</p> | <p>DIXIE CHAMBERLIN V TANVIR DARA, M.D.</p> <p>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.</p> | |
| | <p>MICHAEL J. WILLETT for TANVIR DARA, M.D.</p> <p>MATTHEW J. KIBLER for WCA HOSPITAL</p> <p>LAURA GENTILE for DIXIE CHAMBERLIN</p> | <p>10 minutes</p> <p>10 minutes</p> <p>10 minutes</p> |
| <p>158.0 CA 18-01674</p> | <p>GENEVA FOUNDRY V STATE OF NEW YORK</p> <p>Appeal from an order of the Court of Claims (Debra A. Martin, J.), entered January 23, 2018. The order granted defendants' motion to dismiss.</p> | |

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| | 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 |
| 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. | |

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| | 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 |

DAY CALENDAR
Thursday, January 17, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

169.0
TP 18-01635

MAURICE BURGESS
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, Wyoming County [Michael M. Mohun, A.J.], entered September 5, 2018) to review a determination of respondent. The determination found that petitioner had violated an inmate rule.

ADAM W. KOCH for MAURICE BURGESS

Submitted

BARBARA D. UNDERWOOD for ANTHONY ANNUCCI

Submitted

170.0
KA 17-01709

PEOPLE
V
CHAMIA N. JOHNSON

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered November 4, 2016. The judgment convicted defendant, upon her plea of guilty, of manslaughter in the first degree.

THERESA L. PREZIOSO for CHAMIA N. JOHNSON

Submitted

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

172.0
KA 17-00650

PEOPLE
V
ALEX ROSARIO

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., J.), rendered February 29, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the first and criminal possession weapon in the second degree.

SARA A. GOLDFARB for ALEX ROSARIO

10 minutes

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

173.0
KA 15-01806

PEOPLE
V
TERRANCE M. ELLISON

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered May 12, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

TIMOTHY S. DAVIS for TERRANCE M. ELLISON

Submitted

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

Submitted

174.0
KA 16-00796

PEOPLE
V
SHAMEIYA MCKINNEY

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered April 29, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the first degree, leaving the scene of an incident without reporting and attempted assault in the first degree.

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| | ELIZABETH S. RIKER for SHAMEIYA MCKINNEY | 10 minutes |
| | KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 175.0 KA 18-00174 | PEOPLE V BENITO LENDOF-GONZALEZ | |
| | Appeal from a judgment of the Niagara County Court (John L. Michalski, J.), rendered September 19, 2017. The judgment convicted defendant, upon a jury verdict, of attempted murder in the first degree (two counts), attempted murder in the second degree (two counts) and criminal solicitation in the second degree. | |
| | ROBERT M. GRAFF for BENITO LENDOF-GONZALEZ | 10 minutes |
| | THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 177.0 KAH 18-00368 | PEOPLE EX REL. THEODORE PRICE V HAROLD GRAHAM | |
| | Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered September 11, 2017 in a habeas corpus proceeding. The order denied and dismissed the petition. | |
| | CHARLES A. MARANGOLA for THEODORE PRICE | Submitted |
| | MARCUS J. MASTRACCO for HAROLD GRAHAM | Submitted |
| 178.0 CAF 17-01219 | In the Matter of JACOB W. | |
| | Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered May 31, 2017 in a proceeding pursuant to pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Jemaine W. had neglected Jacob W. and Jalen W. and had derivatively neglected Janair W. | |
| | DANIELLE BLACKABY for JERMAINE W. | 10 minutes |
| | MAGGIE SEIKALY for ONONDAGA CO. DSS | Submitted |
| | KAREN JUNE DOCTER, ATTORNEY FOR THE CHILD | 15 minutes |
| 179.0 CAF 17-00884 | In the Matter of DANIEL K. | |
| | Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, A.J.), entered March 31, 2017 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent Mildred K. had neglected the subject children. | |
| | JOHN A. CIRANDO for MILDRED K. | 10 minutes |
| | MAGGIE SEIKALY for ONONDAGA CO. DSS | Submitted |
| | JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD | 5 minutes |
| | PAUL LEGRAND CHAPMAN, ATTORNEY FOR THE CHILD | Submitted |
| 180.0 CAF 16-02184 | PATRICK J. GIBBARDO V LATASHA L. RAMOS | |

Appeal from an order of the Family Court, Monroe County (Dandrea L. Rhulmann, J.), entered October 25, 2016, in a proceeding pursuant to Family Court article 6. The order, among other things, modified an order of custody.

SUSAN LARAGY for PATRICK J. GIBBARDO Submitted

LATASHA L. RAMOS for HERSELF Submitted

KATIE E. WOODRUFF, ATTORNEY FOR THE CHILD Submitted

181.0
CAF 18-00112

**In the Matter of
JUSTIN M.F.**

Appeals from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered December 29, 2017, in a proceeding pursuant to pursuant to Family Court Act article 10. The order dismissed the petition.

PETER ANDREW ESSLEY for MONROE CO. DSS 5 minutes

RANDALL L. F. for HIMSELF Submitted

TANYA CONLEY, ATTORNEY FOR THE CHILD 10 minutes

182.0
CA 18-01155

**MARY ELLEN HANDS
V
RENE J. BISSON**

Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered December 28, 2017. The order granted plaintiffs' motion to set aside the liability verdict of the jury as against the weight of the evidence.

MATTHEW C. LENAHAN for STEPHANIE HUME 15 minutes

JOHN PETER FEROLETO for MARY ELLEN HANDS 15 minutes

183.0
CA 18-01655

**ENERGY COOPERATIVE OF AMERICA, INC.
V
LUIGI'S FAMILY BAKERY, INC.**

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered March 5, 2008. The order denied the motion of plaintiff for summary judgment.

ADAM M. BRASKY for ENERGY COOPERATIVE OF AMERICA, INC. 10 minutes

RICHARD J KUBINIEC for LUIGI'S FAMILY BAKERY, INC. 10 minutes

184.0
TP 18-01499

**JONATHAN LABELL
V
SHEILA POOLE**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Erie County [E. Jeannette Ogden, J.], entered August 17, 2018) to review a determination of respondent. The determination denied petitioner's request that a report maintained in the New York State Central Register of Child Abuse and Maltreatment, indicating petitioner for maltreatment, be amended to unfounded.

JASON R. DIPASQUALE for JONATHAN LABELL 10 minutes

WILLIAM E. STORRS for SHEILA POOLE 5 minutes

185.0
CA 18-00946

MARIA NEVAREZ
V
UNIVERSITY OF ROCHESTER

Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered February 14, 2018. The order, among other things, granted defendants' motion for summary judgment.

JUAN A. NEVAREZ for MARIA NEVAREZ 15 minutes

DANIEL PATRICK PURCELL for UNIVERSITY OF ROCHESTER 15 minutes

186.0
CA 18-00861

FRANK VALENTE
V
UTICA FIRST INSURANCE COMPANY

Appeal and cross appeal from a order of the Supreme Court, Niagara County (Sara Sheldon. A.J.), entered January 26, 2018. The order granted plaintiffs leave to serve an amended complaint, denied the motion of plaintiffs for partial summary judgment and denied the motion of defendant for summary judgment.

SHERRI N. PAVLOFF for UTICA FIRST INSURANCE COMPANY 15 minutes

LAURENCE D. BEHR for FRANK VALENTE 15 minutes