

DAY CALENDAR
Monday, May 18, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

643.0
KA 13-02191

PEOPLE
V
JAMES D. BRADBERRY

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered September 8, 2011. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child (two counts) and incest in the second degree.

KATHRYN B. FRIEDMAN for JAMES D. BRADBERRY 10 minutes

MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

635.0
KA 15-00119

PEOPLE
V
CHARLES R. PIERRE

Appeal from an order of the Monroe County Court (Douglas A. Randall, J.), entered July 21, 2014. The order granted the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10 (1) (g).

STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

VAN HENRI WHITE for CHARLES R. PIERRE 15 minutes

636.0
KA 12-01348

PEOPLE
V
WILLARD BAILEY

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered July 9, 2012. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree.

MARK C. CURLEY for WILLARD BAILEY 15 minutes

STEVEN G. COX for PEOPLE OF THE STATE OF NEW YORK 10 minutes

637.0
KA 14-00570

PEOPLE
V
WILLARD BAILEY

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Oneida County (Barry M. Donalty, A.J.), dated January 14, 2014. The order denied the motion of defendant to vacate his conviction pursuant to CPL 440.10 (1) (6).

MARK C. CURLEY for WILLARD BAILEY Submitted

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

638.0
KA 12-00591

PEOPLE
V
CORI BUCKMAN

Appeal from a resentencing of the Monroe County Court (Alex R. Renzi, J.), rendered February 1, 2012. Defendant was resentenced upon his conviction of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

JAMES A. HOBBS for CORI BUCKMAN

Submitted

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

Submitted

639.0
KA 10-02418

PEOPLE
V
TIMOTHY BREWER

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered October 4, 2010. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child (two counts) and sexual abuse in the first degree (two counts).

BRIAN SHIFFRIN for TIMOTHY BREWER

10 minutes

ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK

10 minutes

640.0
KA 13-01924

PEOPLE
V
JOVAN L. BARKSDALE

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered August 29, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

ROBERT L. KEMP for JOVAN L. BARKSDALE

10 minutes

NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK

10 minutes

641.0
KA 11-00414

PEOPLE
V
ALBERT BURNICE

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered December 17, 2010. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (two counts).

MARY P. DAVISON for ALBERT BURNICE

Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

642.0
KA 14-02078

PEOPLE
V
CODY BACKUS

Appeal from an order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), dated March 19, 2014. The order granted the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

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

10 minutes

LUCILLE M. RIGNANESE for CODY BACKUS

15 minutes

644.0
KA 13-01863

PEOPLE
V
MATTHEW B. HORTON

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered July 9, 2013. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the second degree and attempted kidnapping in the second degree.

MARY P. DAVISON for MATTHEW B. HORTON

Submitted

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

5 minutes

645.0
KA 14-00512

PEOPLE
V
WALTER M. EDWARDS

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered February 28, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree, intimidating a witness in the second degree and assault in the third degree (two counts).

MARY-JEAN BOWMAN for WALTER M. EDWARDS

Submitted

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

Submitted

646.0
CAF 12-01975

PAULINE KEICHER
V
DONALD SCHEIFLA

Appeal from an order of the Family Court, Erie County (Rosalie Bailey, J.), entered October 1, 2012 in a proceeding pursuant to Family Court Act article 8. The order dismissed the petition

EVELYNE A. O'SULLIVAN for PAULINE KEICHER

Submitted

BERNADETTE HOPPE for DONALD SCHEIFLA

Submitted

647.0
CAF 14-01318

SANDRA STIDHAM
V
GARY STIDHAM

Appeal from an order of the Family Court, Monroe County (John B. Gallagher, Jr., J.), entered October 21, 2013 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's written objections to the order of the Support Magistrate.

SANDRA STIDHAM for HERSELF

Submitted

GARY STIDHAM for HIMSELF

Submitted

648.0
CAF 14-01134

In the Matter of
ZACHARY H.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered May 28, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, terminated respondent's parental rights and transferred guardianship and custody of the child to petitioner.

PHILIP ROTHSCHILD for JESSICA H.

10 minutes

POLLY E. JOHNSON for ONONDAGA COUNTY D.S.S.

10 minutes

STEPHANIE N. DAVIS, ATTORNEY FOR CHILD

5 minutes

649.0
CA 13-00580

RUTH A. SHATZEL
V
VILLAGE OF HAMBURG

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 19, 2012. The order, insofar as appealed from, denied the motion of defendant 152 Buffalo Street, Ltd., for summary judgment and granted the cross motion of plaintiff for summary judgment against 152 Buffalo Street, Ltd., on the issue of negligence.

JONATHAN D. COX for 152 BUFFALO STREET, LTD 15 minutes

WILLIAM A. QUINLAN for RUTH A. SHATZEL 10 minutes

650.0
CA 14-01846

RACHEL HECKL
V
DANIEL M. WALSH

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered July 25, 2014. The order, insofar as appealed from, denied the motion of defendants HSBC North America, Inc., and HSBC Bank USA N.A. to dismiss the amended complaint with respect to the causes of action asserted on behalf of Aida Corey, adjudicated Aida Corey insane for the purposes of CPLR 208 and tolled the statute of limitations on the claims of Aida Corey as of July 11, 2005.

MITCHELL J. BANAS, JR., for HSBC NORTH AMERICA, INC. 15 minutes

BRENDAN H. LITTLE for RACHEL HECKL 15 minutes

651.0
CA 14-02303

BETH ANN PIENTA
V
A.W. CHESTERTON COMPANY

Appeal from an order of the Supreme Court, Erie County (John P. Lane, J.H.O.), entered April 15, 2013. The order, insofar as appealed from, denied the motion of defendant Crane Co. for summary judgment.

MICHAEL J. ROSS for CRANE CO. 15 minutes

JON NED LIPSITZ for CAROL A. HOLDSWORTH 10 minutes

652.0
CA 14-01886

COUNTY OF CAYUGA
V
NIRAV R. SHAH, M.D.

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered June 13, 2014 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment, among other things, annulled respondents' determination dated February 10, 2014 that denied petitioner's claims for reimbursement of overburden expenses incurred prior to January 1, 2006.

VICTOR PALADINO for NIRAV R. SHAH, M.D. 10 minutes

CHRISTOPHER BUCKEY for COUNTY OF CAYUGA Submitted

653.0
CA 14-02082

KELLY VARANO
V
FORBA HOLDINGS, LLC

SETTLED

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered August 7, 2014. The order denied the motion of defendants Forba Holdings, LLC, now known as Church Street Health Management, LLC, Forba NY, LCC, and Small Smiles Dentistry of Syracuse, LLC, for recusal.

MATTHEW S. LERNER for FORBA HOLDINGS, LLC

MICHAEL J. HUTTER for KELLY VARANO

654.0
CA 15-00060

MOLLY R. COURTNEY

V

HEATHER G. HEBELER

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 4, 2014. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint.

MICHAEL P. SULLIVAN for HEATHER G. HEBELER

15 minutes

ALAN D. VOOS for MOLLY R. COURTNEY

10 minutes

655.0
CA 14-02110

PRISCILLA MORRIS

SETTLED

V

ROCHESTER-GENESEE REGIONAL TRANS.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered April 7, 2014. The order, insofar as appealed from, denied the motion of defendants Rochester-Genesee Regional Transportation Authority and Lift Line, Inc., to dismiss plaintiff's first and second causes of action and granted the motion of plaintiff for partial summary judgment on the issues of serious injury and "use and operation" and to compel discovery.

GRETA KATRIN KOLCON for ROCHESTER-GENESEE REGIONAL TRANS.

K. JOHN WRIGHT for PRISCILLA MORRIS

656.0
CA 15-00015

SHELLY F. MOORE

V

NANCY A. CURTISS

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered August 12, 2014. The order denied the motion of defendant Nancy A. Curtiss for summary judgment dismissing the complaint and all cross claims.

BETHANY A. RUBIN for NANCY A. CURTISS

15 minutes

KRIS E. LAWRENCE for HENRY COX

15 minutes

JOHN A. COLLINS for SHELLY F. MOORE

10 minutes

657.0
CA 14-01888

COUNTY OF MONROE

V

NIRAV R. SHAH, M.D.

Appeal and cross appeal from an order of the Supreme Court, Monroe County (William P. Polito, J.), entered July 3, 2014. The order, among other things, annulled respondents' February 20, 2014 and March 6, 2014 denial of petitioner's reimbursement claims and denied respondents' motion for summary judgment.

VICTOR PALADINO for NIRAV R. SHAH, M.D.

10 minutes

CHRISTOPHER BUCKEY for COUNTY OF MONROE

Submitted

**658.0
CA 14-02081**

PATRICIA DEROSA

V

PAUL DYSTER

Appeal from a judgment (denominated order) of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered May 4, 2014 in a proceeding pursuant to CPLR article 78. The judgment granted the motion of respondents to dismiss the petition and dismissed the petition.

W. JAMES SCHWAN for PATRICIA DEROSA

10 minutes

CHRISTOPHER M. MAZUR for PAUL DYSTER

10 minutes