

**DAY CALENDAR**  
**Thursday, May 18, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

768.0  
TP 17-00147

**NOEL KANE**  
**V**  
**NUNZIO DOLDO**

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, Jefferson County [James P. McClusky, J.], entered December 12, 2016) to review a determination of respondent. The determination found after a Tier II hearing that petitioner had violated an inmate rule.

NOEL KANE for HIMSELF

Submitted

MARCUS J. MASTRACCO for NUNZIO DOLDO

Submitted

769.0  
KA 15-00065

**PEOPLE**  
**V**  
**MHALIK J. BALDWIN**

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered October 15, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree (two counts).

JANE I. YOON for MHALIK J. BALDWIN

Submitted

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

Submitted

770.0  
KA 16-01035

**PEOPLE**  
**V**  
**EDGAR MILLS**

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered August 14, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree (two counts).

JOSEPH G. FRAZIER for EDGAR MILLS

Submitted

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

Submitted

771.0  
KA 12-02208

**PEOPLE**  
**V**  
**CHRISTOPHER A. CARTER, JR.**

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered November 2, 2011. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

ERIC M. DOLAN for CHRISTOPHER A. CARTER, JR.

Submitted

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

Submitted

772.0  
KA 14-01706

**PEOPLE**  
**V**  
**SIERRA CLARK**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered May 9, 2014. The judgment convicted defendant, upon her plea of guilty, of rape in the first degree (two counts).

PIOTR BANASIAK for SIERRA CLARK

Submitted

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

Submitted

773.0  
KA 15-00005

PEOPLE  
V  
SAMUEL J. WATKINS

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered June 20, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and criminal possession of marihuana in the third degree.

DAVID R. JUERGENS for SAMUEL J. WATKINS

10 minutes

KELLY CHRISTINE WOLFORD for PEOPLE OF THE STATE OF NEW YORK

10 minutes

774.0  
KA 16-00366

PEOPLE  
V  
PAUL NAHALKA

**SETTLED**

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.); entered September 24, 2015. The judgment revoked defendant's probation and imposed a term of imprisonment.

LYLE T. HAJDU for PAUL NAHALKA

JOSHUA J. TONRA for PEOPLE OF THE STATE OF NEW YORK

775.0  
KA 09-02536

PEOPLE  
V  
FRANKLIN DECAPUA

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered October 21, 2009. The judgment convicted defendant, upon a jury verdict, of criminal possession of stolen property in the fourth degree.

KATHLEEN P. REARDON for FRANKLIN DECAPUA

Submitted

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

5 minutes

776.0  
KA 15-01399

PEOPLE  
V  
BRYAN COLON

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered December 9, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (six counts).

KRISTIN M. PREVE for BRYAN COLON

10 minutes

DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK

10 minutes

777.0  
KA 12-00859

PEOPLE  
V  
JOE N. FLOWERS, JR.

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered August 19, 2011. The judgment convicted defendant, upon a jury verdict, of course of sexual conduct against a child in the second degree.

JANET C. SOMES for JOE N. FLOWERS, JR. 10 minutes

ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK 10 minutes

778.0  
CAF 15-01624

**LAHNI THOMAS**  
V  
**GEOFFREY THOMAS**

Appeal from an order of the Family Court, Steuben County (J.C. Argetsinger, JHO), entered August 27, 2015 in a proceeding pursuant to Family Court Act article 8. The order, among other things, dismissed the petition.

RUTH A. CHAFFEE for LAHNI THOMAS Submitted

JOHN A. CIRANDO for GEOFFREY THOMAS 10 minutes

JOAN D. MERRY, ATTORNEY FOR CHILD 5 minutes

779.0  
CAF 15-01625

**GEOFFREY THOMAS**  
V  
**LAHNI THOMAS**

Appeal from an order of the Family Court, Steuben County (J.C. Argetsinger, JHO), entered September 17, 2015, in a proceeding pursuant to Family Court Act article 10. The order, among other things, denied respondent's request to relocate to Buffalo, New York.

RUTH A. CHAFFEE for LAHNI THOMAS Submitted

JOHN A. CIRANDO for GEOFFREY THOMAS Submitted

JOAN D. MERRY, ATTORNEY FOR CHILD Submitted

780.0  
CA 16-01791

**DAGMAR NEARPASS**  
V  
**SENECA COUNTY INDUSTRIAL DEVELOPMENT**

Appeal from a memorandum-decision and order of the Supreme Court, Seneca County (W. Patrick Falvey, A.J.), entered August 18, 2016 in a CPLR article 78 proceeding. The memorandum-decision and order denied the petition.

JEFFREY HOOPS for DAGMAR NEARPASS 20 minutes

MARK C. HOLSCHER for LAGO RESORT & CASINO, LLC 20 minutes

ROBERT L. HALPIN for SENECA COUNTY INDUSTRIAL DEVELOPMENT 10 minutes

781.0  
CA 16-00710

**LUIS ROSALES**  
V  
**ANTHONY J. ANNUCCI**

Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, J.), entered February 2, 2016. The order dismissed the CPLR article 78 petition.

LUIS ROSALES for HIMSELF Submitted

FRANK BRADY for ANTHONY J. ANNUCCI Submitted

782.0  
CA 16-00937

**BETTE DAVIS WEHLE**  
**V**  
**ALFREDA MOROCZKO**

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered January 6, 2016. The order granted the motion of plaintiff for summary judgment against decedent in the amount of \$149,652 and denied the cross motion of decedent to dismiss the complaint.

JUSTIN S. WHITE for ACEA M. MOSEY 15 minutes

RALPH C. LORIGO for BETTE DAVIS WEHLE 15 minutes

783.0  
CA 16-02279

**DIPIZIO CONSTRUCTION COMPANY, INC.**  
**V**  
**ERIE CANAL HARBOR DEVELOPMENT CORP.**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered April 11, 2016. The order, among other things, granted the cross motion of Travelers Casualty and Surety Company of America seeking to intervene in this matter and to replace plaintiff DiPizio Construction Company, Inc., as the plaintiff and real party of interest in this matter.

ANNAMARIE RICHMOND for DIPIZIO CONSTRUCTION COMPANY, INC. 10 minutes

PATRICIA A. MANCABELLI for ERIE CANAL HARBOR DEV. CORP. 10 minutes

BENJAMIN D. LENTZ for TRAVELERS CASUALTY AND SURETY CO. 15 minutes

784.0  
CA 16-01946

**LORI L. MARTINEZ**  
**V**  
**BARBARA A. GRIMM**

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered February 10, 2016. The order granted the motion of plaintiff to reargue, reinstated the complaint, vacated an order granting the motion of defendants' motion for summary judgment, denied the motion of defendant for summary judgment and granted the motion of plaintiff for summary judgment on the issue of serious injury.

WILLIAM A. LONG, JR., for BARBARA A. GRIMM 15 minutes

MARK P. DELLA POSTA for LORI L. MARTINEZ 15 minutes

785.0  
CA 17-00002

**DAVID M. AHLERS**  
**V**  
**ECOVATION, INC.**

Appeal from an order of the Supreme Court, Ontario County (Matthew A. Rosenbaum, J.), entered October 3, 2016. The order granted the motions of defendants W. Jerone Frautschi, et al., and defendants Diane C. Creel, et al., for summary judgment dismissing the third amended complaint.

JONATHAN D. FORSTOT for DAVID M. AHLERS 20 minutes

KEVIN M. KEARNEY for W. JEROME FRAUTSCHI 20 minutes

ELI SEGAL for DIANE C. CREEL 20 minutes

786.0  
CA 16-02316

**DARRYL E. SOMMERFELDT**  
**V**  
**MADELINE PICKETT**

Appeals from an order of the Supreme Court, Orleans County (Tracey A. Bannister, J.), entered June 20, 2015. The order granted the motion of plaintiff for summary judgment on liability against defendants Madeline Pickett and Diane Hart and denied the motion of defendant Star Growers Farm, LLC, for summary judgment.

DANIEL M. DIMATTEO for MADELINE PICKETT 10 minutes

KRISTIE L. DEFREZE for DARRYL E. SOMMERFELDT 10 minutes

DAVID M. DIMATTEO for STAR GROWERS FARM, LLC Submitted

787.0  
CA 17-00084

**DEMARIS WILSON**  
**V**  
**EXIGENCE OF TEAM HEALTH**

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered March 22, 2016. The order granted the motion of defendant to dismiss the complaint and dismissed the complaint.

HARVEY PHILIP SANDERS for DEMARIS WILSON 10 minutes

MARTIN W. ARON for EXIGENCE OF TEAM HEALTH 15 minutes

788.0  
CA 16-02060

**KRISTEN SMITH**  
**V**  
**TRAVELERS CASUALTY AND SURETY COMPANY**

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered March 15, 2016. The order granted the motion of defendant for summary judgment and dismissed the complaint.

MICHELE E. DETRAGLIA for KRISTEN SMITH 10 minutes

ANTHONY G. MARECKI for TRAVELERS CASUALTY AND SURETY CO. 10 minutes

789.0  
CA 16-02061

**KRISTEN SMITH**  
**V**  
**TRAVELERS CASUALTY AND SURETY COMPANY**

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered June 22, 2016. The order denied the motion of plaintiff to renew or reargue.

MICHELE E. DETRAGLIA for KRISTEN SMITH Submitted

ANTHONY G. MARECKI for TRAVELERS CASUALTY AND SURETY CO. Submitted