

DAY CALENDAR
Wednesday, November 29, 2017 - 10:00 AM
COURTROOM 2

1428.0
TP 17-01002

TERRY PETERSON
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 May 26, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for TERRY PETERSON

Submitted

FRANK BRADY for ANTHONY ANNUCCI

Submitted

1429.0
KA 17-00963

PEOPLE
V
MARION MCILWAIN

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered March 5, 2012. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree, attempted robbery in the first degree and criminal possession of a weapon in the second degree.

THOMAS J. EOANNOU for MARION MCILWAIN

Submitted

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

Submitted

1430.0
KA 16-01599

PEOPLE
V
BILLY JOE ARNOLD

Appeal from an order of the Supreme Court, Monroe County (Alex R. Renzi, J.), entered June 23, 2016. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for BILLY JOE ARNOLD

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1431.0
KA 16-00556

PEOPLE
V
LOUIS LOPEZ

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered October 15, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

DEBORAH K. JESSEY for LOUIS LOPEZ

Submitted

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

Submitted

1432.0
KA 16-01502

PEOPLE
V
MELVIN H. MILLER

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered July 28, 2016. The judgment convicted defendant, upon a jury verdict, of, inter alia, burglary in the second degree, driving while intoxicated, a class D felony, and criminal contempt in the first degree.

MICHAEL STEINBERG for MELVIN H. MILLER 10 minutes

MICHAEL J. FLAHERTY, JR., for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1433.0
KA 15-01688

PEOPLE
V
DAION M. JORDAN

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered April 22, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DEBORAH K. JESSEY for DAION M. JORDAN 10 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1434.0
KA 15-01849

PEOPLE
V
CHRISTOPHER W. HOFFMAN

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered September 16, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree, burglary in the second degree and criminal possession of a controlled substance in the seventh degree.

BARBARA J. DAVIES for CHRISTOPHER W. HOFFMAN 10 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1435.0
KA 15-01991

PEOPLE
V
JEFFREY LOWERY

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered September 28, 2015. The judgment convicted defendant, upon a jury verdict, of failure to register or verify as a sex offender.

CATHERINE H. JOSH for JEFFREY LOWERY 10 minutes

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1436.0
KA 10-01734

PEOPLE
V
RONALD J. DELP

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered February 17, 2011. The judgment convicted defendant, upon a jury verdict, of kidnapping in the second degree, sexual abuse in the third degree, sexual abuse in the first degree, endangering the welfare of a child and unlawfully dealing with a child in the first degree (two counts).

JOSEPH G. FRAZIER for RONALD J. DELP Submitted

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

1437.0
KA 15-00890

PEOPLE
V
J.W. HARDY, JR.

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered February 23, 2015. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (five counts), criminal possession of a controlled substance in the third degree (five counts) and criminal possession of a controlled substance in the fifth degree.

BENJAMIN L. NELSON for J.W. HARDY, JR.

15 minutes

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1438.0
CA 17-00501

DANIEL WILLIAMS
V
BEEMILLER, INC.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 20, 2016. The order denied the motion of defendant Charles Brown for summary judgment.

SCOTT L. BRAUM for CHARLES BROWN

15 minutes

JONATHAN E. LOWY for DANIEL WILLIAMS

10 minutes

1439.0
CA 17-00881

CALAMAR SENIOR HOUSING FUND, II, LLC
V
MK CHC HOLDINGS, LLC

SETTLED

Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Henry J. Nowak, Jr., J.), entered April 7, 2017. The order and judgment granted the motion of defendants to dismiss the complaint and dismissed the complaint.

FINLEY T. HARCKHAM for CALAMAR SENIOR HOUSING FUND, II, LLC

JOHN G. HUTCHINSON for MK CHC HOLDINGS, LLC

1440.0
CA 17-01199

ELAINE M. PALUMBO
V
BRISTOL-MYERS SQUIBB COMPANY

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered September 8, 2016. The order granted the motion of defendant Charles J. Mallo, M.D. for summary judgment dismissing the complaint against him.

DUANE D. SCHOONMAKER for ELAINE M. PALUMBO

15 minutes

JOHN TIMOTHY LOSS for CHARLES J. MALLO, M.D.

15 minutes

1441.0
CA 17-00477

FRANCIS X. SMITH
V
VILLAGE OF ARCADE

SETTLED

Appeal from an order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered March 7, 2016. The order, among other things, denied the motion of defendant Donald J. Saulter, Jr., for summary judgment.

AALOK J. KARAMBELKAR for DONALD J. SAULTER, JR.

MATTHEW R. SWENSON for FRANCIS X. SMITH

ROBERT M. LIPPMAN for VILLAGE OF ARCADE

1442.0
CA 17-00478

FRANCIS X. SMITH
V
VILLAGE OF ARCADE

SETTLED

Appeal from an order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered February 2, 2017. The order, among other things, denied in part the motion of defendant Donald J. Saulter, Jr., for a declaration that his co-defendant Village of Arcade is obligated to indemnify him and pay for the costs of his defense.

AALOK J. KARAMBELKAR for DONALD J. SAULTER, JR.

MATTHEW R. SWENSON for FRANCIS X. SMITH

ROBERT M. LIPPMAN for VILLAGE OF ARCADE

1443.0
CA 17-00707

U.S. ENERGY DEVELOPMENT CORPORATION
V
SUPERIOR WELL SERVICES, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered April 21, 2016. The order denied the motion of third-party defendant to dismiss the third-party plaintiff's complaint.

ARLOW M. LINTON for KROFF CHEMICAL COMPANY, INC.

15 minutes

TIMOTHY R. CAPOWSKI for SUPERIOR WELL SERVICES, INC.

15 minutes

1444.0
CA 17-00503

KIMBERLY RUSSELL
V
HONRI HUNT

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered November 28, 2016. The order granted the motion of plaintiff for summary judgment on her strict liability cause of action and denied the motion of defendants for summary judgment dismissing the complaint.

JUSTIN L. HENDRICKS for HONRI HUNT

10 minutes

GREGORY PETER KRULL for KIMBERLY RUSSELL

10 minutes

1445.0
CA 17-01156

ROBERT SCHAEFER
V
CHAUTAUQUA ESCAPES ASSOCIATION, INC.

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered December 12, 2016. The order granted the cross motions of defendants for summary judgment, denied the motion of plaintiffs for partial summary judgment and dismissed the complaint.

PAUL V. WEBB, JR., for ROBERT SCHAEFER

15 minutes

MAURICE L. SYKES for CHAUTAUQUA ESCAPES ASSOCIATION, INC.

15 minutes

DANA A. LUNDBERG for CAMP CHAUTAUQUA, INC.

15 minutes

1446.0
CA 17-01012

MARY LYSIAK
V
SOUTHTOWNS FITNESS CENTER

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered December 13, 2016. The order granted the motion of defendant for summary judgment, dismissed the complaint and denied the motion of plaintiff for summary judgment.

MICHAEL P. SULLIVAN for MARY LYSIAK 15 minutes

MEGHAN M. BROWN for SOUTHTOWNS FITNESS CENTER 15 minutes

1447.0
CA 17-00716

In the Matter of
NEW YORK CENTRAL MUTUAL FIRE INS. CO.
(BRANDON J. BAKER)

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered June 23, 2016. The order granted the petition for a permanent stay of arbitration.

BRANDON BAKER for HIMSELF 5 minutes

JOSEPH M. SCHNITTER for NEW YORK CENTRAL MUTUAL FIRE INS. CO. 5 minutes

1448.0
CA 17-00908

In the Matter of
THE ESTATE OF JOAN W. ALFORD

Appeals from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered July 20, 2016. The order, among other things, denied David H. Alford's objections to the February 16, 2010 final accounting of E.W. Dann Stevens, the now deceased estate fiduciary.

ALAN J. BOZER for SHARON L. WICK 15 minutes

PETER J. BREVORKA for DAVID H. ALFORD 15 minutes

DENNIS R. MCCOY for ELIZABETH GURNEY 15 minutes

CHRISTINA L. GOOD for ANNE ALFORD SURDHAM Submitted