

DAY CALENDAR
Monday, November 18, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1145.0
TP 19-01191

MAURICE BURGESS
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 June 21, 2019) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for MAURICE BURGESS

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

1146.0
KA 18-01558

PEOPLE
V
DAVID P. DAOUST, JR.

Appeal from a judgment of the Niagara County Court (Mark A. Violante, A.J.), rendered April 25, 2018. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree and petit larceny.

THERESA L. PREZIOSO for DAVID P. DAOUST, JR.

Submitted

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

Submitted

1147.0
KA 16-00185

PEOPLE
V
JUSTIN WOODARD

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, Monroe County (Francis A. Affronti, J.), entered December 26, 2015. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

JONATHAN I. EDELSTEIN for JUSTIN WOODARD

15 minutes

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

10 minutes

1148.0
KA 17-00953

PEOPLE
V
JOHN A. RATHBURN

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered April 5, 2017. The judgment convicted defendant, upon a plea of guilty, of course of sexual conduct against a child in the first degree and endangering the welfare of a child.

JOHN A. CIRANDO for JOHN A. RATHBURN

10 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NY

5 minutes

1149.0
KA 18-02097

PEOPLE
V
LOIRMUS DESIUS

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered July 26, 2018. The judgment convicted defendant, upon a nonjury verdict, of assault in the second degree (two counts).

MARY P. DAVISON for LOIRMUS DESIUS

Submitted

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

Submitted

1150.0
KA 17-01371

PEOPLE

V

RICHARD E. VANGORDEN

Appeal from a resentence of the Steuben County Court (Joseph W. Latham, J.), rendered April 26, 2017. Defendant was resented upon his conviction of attempted murder in the second degree (two counts), tampering with evidence (two counts), criminal mischief in the second degree, criminal use of a firearm in the first degree, criminal possession of a weapon in the fourth degree and reckless endangerment in the first degree.

JOHN A. CIRANDO for RICHARD E. VANGORDEN

10 minutes

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

5 minutes

1151.0
KA 18-01559

PEOPLE

V

DAVID P. DAOUST, JR.

Appeal from a judgment of the Niagara County Court (Mark A. Violante, A.J.), rendered April 25, 2018. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree and petit larceny.

THERESA L. PREZIOSO for DAVID P. DAOUST, JR.

Submitted

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

Submitted

1152.0
KA 17-01341

PEOPLE

V

LESLIE A. FINCH

Appeal from a judgment of the Cattaraugus County Court (M. William Boller, A.J.), rendered February 3, 2017. The judgment convicted defendant, upon a nonjury verdict, of manslaughter in the second degree, reckless assault of a child, assault in the second degree and endangering the welfare of a child.

JAMES M. SPECYAL for LESLIE A. FINCH

15 minutes

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

15 minutes

1153.0
KA 16-02111

PEOPLE

V

RAHKEIM K. SCARLETT

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered September 17, 2015. The judgment convicted defendant, upon a plea of guilty, of criminal possession of a forged instrument in the second degree, attempted grand larceny in the third degree, identity theft in the first degree and criminal possession of stolen property in the third degree (two counts).

CARA A. WALDMAN for RAHKEIM K. SCARLETT

Submitted

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NY

Submitted

1154.0 KA 18-00698	PEOPLE V DANIEL S. SERRANO	
	Appeal from an order of the Monroe County Court (Stephen T. Miller, A.J.), entered January 8, 2018. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.	
	TIMOTHY S. DAVIS for DANIEL S. SERRANO	Submitted
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1155.0 CAF 18-00626	KRISTA FAITH LAPOINT V STEPHEN M. LAPOINT, SR.	
	Appeal from an order of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered February 16, 2018 in a proceeding pursuant to Family Court Act article 8. The order dismissed the petition.	
	JOHN A. CIRANDO for KRISTA FAITH LAPOINT	10 minutes
	DANIELLE BLACKABY for STEPHEN M. LAPOINT, SR.	10 minutes
	CASEY EDMUND JORDAN, ATTORNEY FOR CHILD	Submitted
1156.0 CAF 18-01010	NICHOLAS PALIANI V STEPHANIE SELAPACK	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered April 25, 2018 in a proceeding pursuant to Family Court Act article 8. The order granted an order of protection.	
	CHARLES J. GREENBERG for STEPHANIE SELAPACK	5 minutes
	BRIDGET L. FIELD for NICHOLAS PALIANI	5 minutes
	AUDREY ROSE HERMAN, ATTORNEY FOR CHILD	5 minutes
1157.0 CAF 18-01009	NICHOLAS PALIANI V STEPHANIE SELAPACK	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered May 8, 2018 in a proceeding pursuant to Family Court Act article 8. The order, inter alia, found that respondent has willfully violated a court order.	
	CHARLES J. GREENBERG for STEPHANIE SELAPACK	Submitted
	BRIDGET L. FIELD for NICHOLAS PALIANI	Submitted
	AUDREY ROSE HERMAN, ATTORNEY FOR CHILD	Submitted
1158.0 CAF 18-00540	DEANDRE GRAYSON V KARINA LOPEZ	
	Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered February 21, 2018 in a proceeding pursuant to Family Court Act article 6. The order confirmed the report of the Referee.	
	WILLIAM D. BRODERICK, JR. for DEANDRE GRAYSON	10 minutes

	DAVID J. PAJAK for KARINA LOPEZ	Submitted
	JAMIE CODJOVI, ATTORNEY FOR CHILD	5 minutes
1159.0 CA 18-02309	TROY A. DUNN V KANDEY COMPANY, INC.	
	Appeal from an order of the Supreme Court, Erie County, (Joseph R. Glowonia, J.), entered November 2, 2018. The order, among other things, granted plaintiff's motion for summary judgment on the issue of common law negligence as against defendant Kande Company, Inc.	
	JOSEPH A. MATTELIANO for KANDEY COMPANY, INC.	10 minutes
	JOSEPH D. MORATH, JR. for TROY A. DUNN	10 minutes
1160.0 CA 19-00635	SNYDER CORP. V FITNESS RIDGE WORLDWIDE, LLC	
	Appeal and cross appeal from an order of the Supreme Court, Wyoming County (Deborah A. Chimes, J.), entered October 26, 2018. The order granted in part defendants' motion to compel arbitration and staying all claims, and dismissing plaintiffs' amended complaint with prejudice.	
	JOANNA J. CHEN for SNYDER CORP.	15 minutes
	DANIEL JOSEPH BRADY for FITNESS RIDGE WORLDWIDE, LLC	15 minutes
1161.0 CA 19-01052	SNYDER CORP. V FITNESS RIDGE WORLDWIDE, LLC	
	Appeal from an order of the Supreme Court, Wyoming County (Deborah A. Chimes, J.), entered May 9, 2019. The order stayed all claims remaining in this action pending arbitration.	
	JOANNA J. CHEN for SNYDER CORP.	Submitted
	DANIEL JOSEPH BRADY for FITNESS RIDGE WORLDWIDE, LLC	Submitted
1162.0 CA 19-00728	PITTSFORD CANALSIDE PROPERTIES, LLC V VILLAGE OF PITTSFORD ZBA	
	Appeal and cross appeals from a judgment (denominated order and judgment) of the Supreme Court, Monroe County (John J. Ark, J.), entered October 22, 2018 in a CPLR article 78 proceeding. The judgment, among other things, directed respondent Village of Pittsford Architectural Preservation and Review Board to issue a Certificate of Approval.	
	CHARLES W. MALCOMB for VILLAGE OF PITTSFORD ZBA	15 minutes
	JOHN A. MANCUSO for PITTSFORD CANALSIDE PROPERTIES, LLC	15 minutes
	AMY K. KENDALL for FRIENDS OF PITTSFORD VILLAGE, INC.	20 minutes
1163.0 CA 19-00929	JARED N. UNDERBERG V DRYDEN MUTUAL INSURANCE CO.	

Appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered October 26, 2018. The order denied the motion of defendant to dismiss the complaint and granted the cross motion of plaintiff for leave to serve an amended complaint.

ANTHONY J. PIAZZA for DRYDEN MUTUAL INSURANCE CO.

15 minutes

PHYLISS A. HAFNER for JARED N. UNDERBERG

15 minutes

1164.0
CA 19-01197

JOSEPH P. DANIEL

V

ERIE COUNTY MEDICAL CENTER CORPORATION

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered June 3, 2019. The order denied the motion of defendant Wonhoon Park, M.D. for summary judgment dismissing plaintiff's complaint.

CARYN ELISE LILLING for WONHOON PARK, M.D.

15 minutes

ROBERT J. MARANTO, JR. for JOSEPH P. DANIEL

Submitted

1165.0
CA 18-02233

TROY A. DUNN

V

COVANTA NIAGARA I, LLC

Appeal from an order of the Supreme Court, Erie County, (Joseph R. Glownia, J.), entered November 2, 2018. The order, among other things, denied the cross motion of defendants Covanta Niagara I, LLC and LPCiminelli, Inc. for summary judgment against defendants Kandey Company, Inc. and Pinto Construction Services, Inc.

RYAN J. LUCINSKI for COVANTA NIAGARA I, LLC

15 minutes

JOSEPH A. MATTELIANO for KANDEY COMPANY, INC.

10 minutes

THOMAS P. CUNNINGHAM for PINTO CONSTRUCTION SERVICES, INC.

10 minutes

1166.0
OP 19-01241

JANET JACOB

SETTLED

V

HON. PATRICK F. MCALLISTER

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 511 [b]) for a writ of mandamus.

ZEV GOLDSTEIN for JANET JACOB

PATRICK A. WOODS for HON. PATRICK F. MCALLISTER