

**DAY CALENDAR**  
**Tuesday, November 19, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1169.0  
TP 19-01328

**RONALD PLAZA**  
**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, Seneca County [Daniel J. Doyle, J.], entered July 17, 2019) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

**RONALD PLAZA for HIMSELF**

Submitted

**TED O'BRIEN for ANTHONY ANNUCCI**

Submitted

1170.0  
KA 16-00531

**PEOPLE**  
**V**  
**JOHN KOSMETATOS**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered December 4, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the first degree, attempted arson in the second degree and burglary in the second degree.

**JOHN A. CIRANDO for JOHN KOSMETATOS**

10 minutes

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

10 minutes

1171.0  
KA 16-00532

**PEOPLE**  
**V**  
**JOHN KOSMETATOS**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered December 14, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

**JOHN A. CIRANDO for JOHN KOSMETATOS**

Submitted

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

Submitted

1172.0  
KA 16-02093

**PEOPLE**  
**V**  
**STACY R. MOSS**

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered December 7, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the third degree (three counts), grand larceny in the third degree and grand larceny in the fourth degree.

**JANET C. SOMES for STACY R. MOSS**

Submitted

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

Submitted

1173.0  
KA 17-00044

**PEOPLE**  
**V**  
**SAMMIE GRINER, III**

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered September 14, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and assault in the second degree.

	<b>BRIAN SHIFFRIN for SAMMIE GRINER, III</b>	<b>10 minutes</b>
	<b>NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1174.0 KA 15-00914</b>	<b>PEOPLE V DERRICK BOND</b>	
	<b>Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered February 5, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree (two counts) and criminal possession of a controlled substance in the seventh degree.</b>	
	<b>PATRICK J. MARTHAGE for DERRICK BOND</b>	<b>10 minutes</b>
	<b>STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1175.0 KA 12-01739</b>	<b>PEOPLE V JOHN WAYNE COLE</b>	
	<b>Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered July 31, 2012. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (two counts), robbery in the second degree (two counts), kidnapping in the second degree, assault in the second degree (two counts) and criminal possession of a weapon in the second degree (four counts).</b>	
	<b>DONALD THOMPSON for JOHN WAYNE COLE</b>	<b>10 minutes</b>
	<b>SCOT MYLES for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1176.0 KA 14-01600</b>	<b>PEOPLE V VINH DAC PHAM</b>	
	<b>Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered May 9, 2014. The judgment convicted defendant, upon a nonjury verdict, of murder in the second degree.</b>	
	<b>JANET C. SOMES for VINH DAC PHAM</b>	<b>10 minutes</b>
	<b>SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1177.0 KA 17-00905</b>	<b>PEOPLE V BOBBY L. DAVIS</b>	
	<b>Appeal from a judgment of the Supreme Court, Monroe County (John J. Ark, J.), rendered March 24, 2017. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.</b>	
	<b>A. VINCENT BUZARD for BOBBY L. DAVIS</b>	<b>10 minutes</b>
	<b>SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1178.0 KA 19-00027</b>	<b>PEOPLE V JEREMIAH L. MARKWICK</b>	

	<p>Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered June 8, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.</p>	
	PAUL B. WATKINS for JEREMIAH L. MARKWICK	15 minutes
	HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1179.0 CAF 18-00452	<p>KARNISE L. BARNEY V DARYL E. THOMAS</p> <p>Appeal from an order of the Family Court, Erie County (Brenda M. Freedman, J.), entered January 22, 2018 in a proceeding pursuant to Family Court Act article 4. The order, among other things, found that respondent willfully violated an order of support and committed respondent to the Erie County Correctional Facility for a period of six months, with no time off for good behavior, unless payment is made in the purge amount of \$9,000.</p>	
	CHARLES J. GREENBERG for DARYL E. THOMAS	5 minutes
	THERESA JOE FERRARA for KARNISE L. BARNEY	5 minutes
1180.0 CAF 18-02173	<p>RACHEL MOVSOVICH V JONATHAN WOOD</p> <p>Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered August 15, 2018, in a proceeding pursuant to Family Court Act article 4. The order denied the objections of respondent to the order of a Support Magistrate.</p>	
	JOHN A. CIRANDO for JONATHAN WOOD	10 minutes
	RACHEL MOVSOVICH for HERSELF	Submitted
1181.0 CAF 18-01315	<p>In the Matter of GIOHNA R.</p> <p>Appeals from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered July 6, 2018 in a proceeding pursuant to Social Services Law § 384-b. The order terminated respondents' parental rights with respect to the subject children.</p>	
	DANIELLE BLACKABY for TRACY R.	15 minutes
	YVETTE VELASCO for ONONDAGA CO. DSS	10 minutes
	JOHN A. CIRANDO for JOHN R.	10 minutes
	LISA S. CUOMO, ATTORNEY FOR CHILD	15 minutes
1182.0 CA 19-00233	<p>CLARK RIGGING &amp; RENTAL CORPORATION V LIBERTY MUTUAL INSURANCE COMPANY</p> <p>Appeal from an order of the Supreme Court, Niagara County (Henry J. Nowak, J.), entered December 13, 2018. The order, among other things, granted in part the motion of defendant Tri-Krete Limited for summary judgment dismissing plaintiffs' complaint as against it.</p>	
	KEVIN T. O'BRIEN for CLARK RIGGING & RENTAL CORPORATION	10 minutes

	<b>ANTHONY C. GALLI for TRI-KRETE LIMITED</b>	<b>10 minutes</b>
<b>1183.0</b>	<b>SETH OLNEY</b>	
<b>CA 19-01398</b>	<b>V</b>	
	<b>TOWN OF BARRINGTON</b>	
	<b>Appeal from an order of the Supreme Court, Yates County (William F. Kocher, A.J.), entered January 10, 2019. The order, insofar as appealed from, denied the motion of defendants to dismiss plaintiff's first and fifth causes of action.</b>	
	<b>SCOTT M. MOONEY for TOWN OF BARRINGTON</b>	<b>15 minutes</b>
	<b>PETER N. LITTMAN for SETH OLNEY</b>	<b>10 minutes</b>
<b>1184.0</b>	<b>U.S. BANK NATIONAL ASSOCIATION</b>	<b>SETTLED</b>
<b>CA 19-00029</b>	<b>V</b>	
	<b>CCCF RIVER GLEN HOLDINGS, INC.</b>	
	<b>Appeal from an order of the Supreme Court, Oswego County, (James W. McCarthy, J.), entered June 14, 2018. The order, among other things, denied plaintiff's motion to partially discontinue this action solely as against defendants Kmart Corporation and Cayuga Community College without prejudice and to amend and modify the judgment of foreclosure and sale by removing defendants Kmart Corporation and Cayuga Community College.</b>	
	<b>KEITH M. BRANDOFINO for U.S. BANK NATIONAL ASSOCIATION</b>	
	<b>ANTHONY R. HANLEY for CCCF RIVER GLEN HOLDINGS, INC.</b>	
	<b>BRIAN J. BUTLER for CAYUGA COMMUNITY COLLEGE</b>	
<b>1185.0</b>	<b>U.S. BANK NATIONAL ASSOCIATION</b>	<b>SETTLED</b>
<b>CA 19-00993</b>	<b>V</b>	
	<b>CCCF RIVER GLEN HOLDINGS, INC.</b>	
	<b>Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered October 29, 2018. The order granted plaintiff's motion to reargue and upon reargument adhered to its prior order.</b>	
	<b>KEITH M. BRANDOFINO for U.S. BANK NATIONAL ASSOCIATION</b>	
	<b>ANTHONY R. HANLEY for CCCF RIVER GLEN HOLDINGS, INC.</b>	
	<b>BRIAN J. BUTLER for CAYUGA COMMUNITY COLLEGE</b>	
<b>1186.0</b>	<b>DAWN STEFANIAK</b>	
<b>CA 18-01588</b>	<b>V</b>	
	<b>NFN ZULKHARNAIN</b>	
	<b>Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (John F. O'Donnell, J.), entered August 2, 2017. The order and judgment, among other things, awarded the Estate of Kevin M. Reedy a money judgment against defendant NFN Zulkharnain in the amount of \$70,890.00.</b>	
	<b>MICHAEL A. ROSENHOUSE for NFN ZULKHARNAIN</b>	<b>5 minutes</b>
	<b>CHRISTOPHER S. MATTINGLY for ROBERTA L. REEDY</b>	<b>5 minutes</b>
<b>1188.0</b>	<b>CRAIG L. WILSTON</b>	
<b>CA 19-00726</b>	<b>V</b>	
	<b>FIELD ASSET SERVICES, LLC</b>	

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered September 24, 2018. The order denied the motion of third-party defendant-appellant Hanover Insurance Company to dismiss the third-party complaint of third-party plaintiff-respondent Field Asset Services, LLC, doing business as Assurant Field Asset Services.

PETER T. SHAPIRO for HANOVER INSURANCE COMPANY 15 minutes

KEITH HARRIS for FIELD ASSET SERVICES, LLC 15 minutes

JUDITH T. SHELTON for HSBC BANK USA, N.A. 10 minutes

1189.0  
CA 19-00420

TRM ARCHITECHTURE, DESIGN AND PLANN  
V  
DESTINY USA HOLDINGS, LLC

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered December 13, 2018. The order granted the motion of defendants for summary judgment dismissing the complaint, denied the cross motion of plaintiff to amend its lien and denied the cross motion of plaintiff to strike defendants' ninth affirmative defense and counterclaim.

MARK C. DAVIS for TRM ARCHITECHTURE, DESIGN AND PLANN 10 minutes

MICHAEL J. BALESTRA for DESTINY USA HOLDINGS, LLC 10 minutes

1190.0  
CA 19-00421

TRM ARCHITECTURE, DESIGN AND PLANNI  
V  
DESTINY USA HOLDINGS, LLC

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered January 4, 2019. The order cancelled and vacated a bond filed by defendants on February 10, 2015.

MARK C. DAVIS for TRM ARCHITECTURE, DESIGN AND PLANNI Submitted

MICHAEL J. BALESTRA for DESTINY USA HOLDINGS, LLC Submitted

1191.0  
TP 19-01327

IN THE MATTER OF  
THE ESTATE OF VIMAL SABHARWAL

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, Erie County [Diane Y. Devlin, J.], entered October 15, 2018) to review a determination of respondent. The determination affirmed in part a determination of the Erie County Department of Social Services that Vimal Sabharwal was not eligible for Medicaid for a period of 25.96 months.

JEFFREY MICHAEL SHALKE for JENNIFER FLANNERY Submitted

JONATHAN D. HITSOUS for NEW YORK STATE DEPARTMENT OF HEALTH Submitted

BONNIE A. MCLAUGHLIN for AL DIRSCHBERGER Submitted