

DAY CALENDAR
Monday, October 16, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1155.0
TP 17-00857

STEVEN J. MAROCCIA
V
NYS DEPARTMENT OF MOTOR VEHICLES

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Oneida County [Samuel D. Hester, J.], entered October 24, 2014) to review a determination of respondent. The determination revoked petitioner's certification to perform New York State motor vehicle inspections.

KURT D. SCHULTZ for **STEVEN J. MAROCCIA** Submitted

ROBERT M. GOLDFARB for **NYS DEPARTMENT OF MOTOR VEHICLES** Submitted

1156.0
TP 16-00896

DEAN DEROBERTS
V
NYS OFFICE OF CHILDREN AND FAMILY SERVS.

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, Onondaga County [Hugh A. Gilbert, J.], entered May 23, 2016) to review a determination of respondent. The determination denied petitioner's request that a report maintained in the New York State Central Register of Child Abuse and Maltreatment, indicating petitioner for maltreatment, be amended to unfounded.

VINCENT J. FINOCCHIO, JR., for **DEAN DEROBERTS** Submitted

JULIE M. SHERIDAN for **NYS OFFICE OF CHILDREN AND FAMILY SERVS.** Submitted

1157.0
TP 17-00866

LAWRENCE PEREZ
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 [Dennis F. Bender, A.J.], entered May 9, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

LAWRENCE PEREZ for **HIMSELF** Submitted

MARCUS J. MASTRACCO for **ANTHONY ANNUCCI** Submitted

1158.0
KA 16-00230

PEOPLE
V
DAREN FLOYD

Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered January 5, 2016. The judgment convicted defendant, upon his plea of guilty, of aggravated unlicensed operation of a motor vehicle in the first degree.

CHARLES J. GREENBERG for **DAREN FLOYD** Submitted

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

1159.0
KA 15-01073

PEOPLE
V
RONALD MCCLELLAN, JR.

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered August 8, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

KATHLEEN A. KUGLER for RONALD MCCLELLAN, JR. 10 minutes

THOMAS H. BRANDT for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1160.0
KA 15-00794

PEOPLE
V
SCOTT E. BLAUVELT AND KYLE C. NORCROSS

Appeal from an order of the Supreme Court, Cayuga County (Elma A. Bellini, J.), entered July 2, 2014. The order dismissed an indictment.

JON E. BUDELMANN for PEOPLE OF THE STATE OF NEW YORK Submitted

ADAM H. VAN BUSKIRK for SCOTT E. BLAUVELT Submitted

SCOTT A. BRENNECK for KYLE C. NORCROSS 10 minutes

1161.0
KAH 16-01019

PEOPLE EX REL.
CHARLES BROOKS
V
DEBORAH J. MCCULLOCH

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered May 9, 2017 in a habeas corpus proceeding. The order, among other things, denied petitioner's motion for poor person status.

MARK C. DAVISON for CHARLES BROOKS 10 minutes

KATHLEEN M. TREASURE for DEBORAH J. MCCULLOCH Submitted

1162.0
CAF 16-00933

CATHY ANN EMMONS
V
SCOTT W. TOUSLEY, JR.

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered March 18, 2016 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole legal and physical custody of the child to Scott W. Tousley, Jr.

JOHN A. CIRANDO for CATHY ANN EMMONS 10 minutes

STEPHANIE N. DAVIS for SCOTT W. TOUSLEY, JR. Submitted

PAMELA A. MUNSON, ATTORNEY FOR CHILD Submitted

1163.0
CAF 17-00597

CARL J. COLLINS
V
ELISHA M. WOODWARD

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), dated June 30, 2016 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole legal and physical custody of the child to Carl J. Collins.

PETER J. DIGIORGIO, JR., for ELISHA M. WOODWARD 15 minutes

MICHAEL STEINBERG for CARL J. COLLINS 15 minutes

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| | PAMELA A. MUNSON, ATTORNEY FOR CHILD | 15 minutes |
| 1164.0 CAF 16-00341 | CORY MORENO V JAN ELLIOTT | |
| | Appeal from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered January 21, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that respondent's willful violations of the court's orders constituted civil contempt. | |
| | MARY P. DAVISON for JAN ELLIOTT | 5 minutes |
| | CARA A. WALDMAN for CORY MORENO | 10 minutes |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | 5 minutes |
| 1165.0 CAF 16-01541 | RACHEL A. MONTALBANO V GREGORY F. BABCOCK | |
| | Appeal from an order of the Family Court, Oswego County (Thomas Benedetto, R.), entered July 12, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner legal and physical custody of the subject child. | |
| | STEPHANIE N. DAVIS for GREGORY F. BABCOCK | 5 minutes |
| | JOHN A. CIRANDO for RACHEL A. MONTALBANO | 10 minutes |
| | COURTNEY S. RADICK, ATTORNEY FOR CHILD | 5 minutes |
| 1166.0 CAF 16-01542 | RACHEL A. MONTALBANO V GREGORY F. BABCOCK | |
| | Appeal from an order of the Family Court, Oswego County (Thomas Benedetto, R.), entered July 29, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner legal and physical custody of the subject child. | |
| | STEPHANIE N. DAVIS for GREGORY F. BABCOCK | Submitted |
| | JOHN A. CIRANDO for RACHEL A. MONTALBANO | Submitted |
| | COURTNEY S. RADICK, ATTORNEY FOR CHILD | Submitted |
| 1167.0 CAF 16-01509 | GLENN A. GARTNER V KERA H. REED | |
| | Appeals from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered August 18, 2016 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner sole legal and physical custody of the subject child. | |
| | COURTNEY S. RADICK for KERA H. REED | 10 minutes |
| | LISA DIPOALA HABER for GLENN A. GARTNER | 10 minutes |
| | ROGER B. WILLIAMS, ATTORNEY CHILD | 10 minutes |
| 1168.0 CA 17-00016 | MICRO-LINK, LLC V TOWN OF AMHERST | |

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered September 19, 2016. The order, among other things, granted defendant's motion for summary judgment and denied plaintiff's motion to compel disclosure.

R. ANTHONY RUPP, III, for MICRO-LINK, LLC 10 minutes

MARC W. BROWN for TOWN OF AMHERST 15 minutes

1169.0
CA 17-00698

In the Matter of
MICHELLE WIDRICK
(SHERIFF MICHAEL CARPINELLI)

Appeal from an order of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered January 10, 2017. The order denied the motion of respondents to dismiss the petition and granted the petition to compel arbitration.

FRANK W. MILLER for LEWIS COUNTY ATTORNEY 10 minutes

STEPHEN CIOTOLI for MICHELLE WIDRICK 10 minutes

1170.0
CA 17-00732

DAVID M. BONCZAR
V
AMERICAN MULTI-CINEMA, INC.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered March 1, 2017. The order granted the motion of plaintiff for partial summary judgment on the issue of liability pursuant to Labor Law § 240 (1).

JOSH H. KARDISCH for AMERICAN MULTI-CINEMA, INC. 15 minutes

JOHN A. COLLINS for DAVID M. BONCZAR 15 minutes

1171.0
CA 17-00682

VALERIE KOVACH
V
KATHLEEN MCCOLLUM

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered July 6, 2016. The order granted the motion of plaintiff for summary judgment on the issues of negligence, serious injury and defendants' culpable conduct defense, and denied the cross motion of defendants for summary judgment.

DEREK J. ROLLER for KATHLEEN MCCOLLUM 10 minutes

JOHN A. COLLINS for VALERIE KOVACH 10 minutes

1172.0
CA 17-00724

ROBERT M. KNAB
V
DREW ROBERTSON

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered October 14, 2016. The order denied the motion of defendant Oakgrove Construction, Inc., for summary judgment dismissing the complaint.

NANCY A. LONG for OAKGROVE CONSTRUCTION, INC. 10 minutes

JOHN A. COLLINS for ROBERT M. KNAB 10 minutes

1173.0
CA 17-00606

In the Matter of
COUNTY OF ONTARIO

Appeals from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered March 7, 2017. The order denied the motions of defendants to vacate a judgment of foreclosure.

THOMAS A. FINK for LUNDQUIST 1996 LIVING TRUST 10 minutes

JASON S. DIPONZIO for COUNTY OF ONTARIO 10 minutes

JOHN KEVIN MCANDREW for FIVE STAR BANK Submitted

1174.0
CA 17-00827

DAVID CLEERE
V
FROST RIDGE CAMPGROUND, LLC

Appeal from an order and judgment (one paper) of the Supreme Court, Genesee County (Emilio L. Colaiacovo, J.), entered November 9, 2016 The order and judgment dismissed the consolidated actions with prejudice.

JACOB H. ZOGHLIN for DAVID CLEERE 20 minutes

REID ANDREW WHITING for TOWN OF LEROY 10 minutes

JAMES M. WUJCIK for TOWN OF LEROY Z.B.A. 10 minutes

DAVID M. ROACH for FROST RIDGE CAMPGROUND, LLC 20 minutes

1175.0
CA 16-02129

ANDRE B. COOK
V
MASSACHUSETTS MUTUAL LIFE INSURANCE

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered September 19, 2016. The order granted the motion of plaintiff for summary judgment.

COLIN D. RAMSEY for MASSACHUSETTS MUTUAL LIFE INSURANCE 15 minutes

CHARLES C. RITTER, JR., for ANDRE B. COOK 15 minutes

1176.0
CA 16-02131

ANDRE B. COOK
V
MASSACHUSETTS MUTUAL LIFE INSURANCE

Appeal from a judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered September 28, 2016. The judgment awarded plaintiff money damages.

COLIN D. RAMSEY for MASSACHUSETTS MUTUAL LIFE INSURANCE Submitted

CHARLES C. RITTER, JR., for ANDRE B. COOK Submitted