

**DAY CALENDAR**  
**Tuesday, October 24, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1290.0  
KA 14-01964

**PEOPLE**  
**V**  
**RONDALE COOPER**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 29, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and criminal possession of a weapon in the second degree.

PIOTR BANASIAK for RONDALE COOPER Submitted

NICOLE K. INTSCHERT for PEOPLE OF THE STATE OF NEW YORK Submitted

1291.0  
KA 14-01966

**PEOPLE**  
**V**  
**RONDALE COOPER**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 29, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (two counts).

PIOTR BANASIAK for RONDALE COOPER Submitted

NICOLE K. INTSCHERT for PEOPLE OF THE STATE OF NEW YORK Submitted

1292.0  
KA 13-00150

**PEOPLE**  
**V**  
**JYQUALE J. THOMAS**

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 19, 2012. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.

BRIDGET L. FIELD for JYQUALE J. THOMAS 10 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1293.0  
KA 16-00441

**PEOPLE**  
**V**  
**RAYMOND J. COLEMAN, JR.**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered February 19, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree, assault in the second degree (two counts) and criminal possession of a weapon in the second degree.

NICHOLAS P. DIFONZO for RAYMOND J. COLEMAN, JR. Submitted

DONNA A. MILLING for PEOPLE OF THE STATE OF NEW YORK Submitted

1294.0  
KA 15-00854

**PEOPLE**  
**V**  
**DONALD RODGERS, JR.**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered April 27, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

EDWARD P. PERLMAN for DONALD RODGERS, JR. Submitted

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

1295.0  
KA 15-00973

PEOPLE  
V  
HEIDI H. STUMBO

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered March 20, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the first degree, criminal possession of stolen property in the fourth degree, hindering prosecution in the third degree and tampering with physical evidence.

CARA A. WALDMAN for HEIDI H. STUMBO 15 minutes

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1296.0  
KA 15-00096

PEOPLE  
V  
ANTONIO MARTIN-BROWN

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered December 4, 2014. The judgment convicted defendant, upon a nonjury verdict, of murder in the second degree and petit larceny.

BARBARA J. DAVIES for ANTONIO MARTIN-BROWN 10 minutes

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK 5 minutes

1297.0  
KA 13-01973

PEOPLE  
V  
NICOLE PRUITT

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered November 7, 2013. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

DANIELLE WILD for NICOLE PRUITT 15 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1298.0  
KA 16-00367

PEOPLE  
V  
STANLEY SMITH

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered February 4, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DEBORAH K. JESSEY for STANLEY SMITH 5 minutes

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

1299.0  
KA 15-01820

PEOPLE  
V  
JOAN A. GLIWSKI

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered April 30, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of stolen property in the third degree.

ERIN A. KULESUS for JOAN A. GLIWSKI 10 minutes

SHIRLEY A. GORMAN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1300.0  
KA 15-02145

PEOPLE  
V  
TONY ROOKARD

Appeal from a judgment of Erie County Court (Michael F. Pietruszka, J.), rendered October 30, 2015. The judgment convicted defendant, after a nonjury trial, of criminal possession of a controlled substance in the fifth degree.

ROBERT L. KEMP for TONY ROOKARD 10 minutes

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1301.0  
OP 17-00829

THOMAS J. DEACON  
V  
HON. RONALD D. PLOETZ

**SETTLED**

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to annul the determination of respondent Hon. Ronald D. Ploetz, Cattaraugus County Court. The determination adjudged that the pistol permit issued to petitioner shall remain suspended for an additional two years.

PALOMA A. CAPANNA for THOMAS J. DEACON

KATE H. NEPVEU for HON. RONALD D. PLOETZ

ERIC M. FIRKEL for TIMOTHY S. WHITCOMB

1302.0  
CA 16-01952

JOHN GUIDO  
V  
COUNTY OF CAYUGA

Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered July 29, 2016. The order granted the motion of third-party defendant Philip Gottlieb, M.D., to vacate the note of issue and certificate of readiness, and denied the cross motion of plaintiffs to sever the third-party action

JOHN A. CIRANDO for JOHN GUIDO 15 minutes

CHARLES CHRISTIAN SPAGNOLI for COUNTY OF CAYUGA 10 minutes

RYAN T. EMERY for PHILIP GOTTLIEB, M.D. 10 minutes

LAUREN A. HEIMER for AUBURN COMMUNITY HOSPITAL 15 minutes

1303.0  
CA 17-00160

DAVID PHILLIPS  
V  
BUFFALO HEART GROUP, LLP

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered September 30, 2016. The order dismissed plaintiff's complaint in its entirety, on the merits and with prejudice.

THERESA M. WALSH for DAVID PHILLIPS 15 minutes

SALLY J. BROAD for BUFFALO HEART GROUP, LLP 10 minutes

1304.0  
CA 17-00816

**LISA SAINSBURY**  
V  
**FLORIAN BRZEZINSKI**

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered August 1, 2016. The order denied the motion of plaintiff for a directed verdict and the motion of plaintiff to set aside a verdict.

R. COLIN CAMPBELL for LISA SAINSBURY 15 minutes

TIFFANY L. D'ANGELO for FLORIAN BRZEZINSKI 10 minutes

1305.0  
CA 17-00326

**JOANNE MORELAND**  
V  
**DAVID HUCK**

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered September 14, 2016. The order granted the motion of defendants for summary judgment dismissing the complaint, denied the motion of plaintiff for partial summary judgment, denied the cross motion of plaintiff to strike affidavits and directed defendants to transfer certain escrow funds to plaintiff.

JENNIFER L. FRIEDMAN for JOANNE MORELAND 10 minutes

MICHAEL J. WILLETT for DAVID HUCK 10 minutes

1306.0  
CA 17-00843

**OCTAVIA PORCHA**  
V  
**GRACE BINETTE**

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered August 24, 2016. The order, insofar as appealed from, denied in part motions to quash a subpoena duces tecum

HILARY C. BANKER for HUBERT F. RIEGLER, M.D. 10 minutes

DAVID F. BOWEN for GRACE BINETTE 10 minutes

RONALD F. WRIGHT, JR., for OCTAVIA PORCHA 10 minutes

1307.0  
CA 17-00821

**CAROL L. JONES**  
V  
**TOWN OF CARROLL**

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered January 9, 2017. The order, among other things, granted the motion of Sealand Waste LLC, to intervene as a plaintiff.

PAUL V. WEBB, JR., for TOWN OF CARROLL 15 minutes

ALAN J. KNAUF for SEALAND WASTE LLC 15 minutes

DAVID R. STAPLETON for CAROL L. JONES Submitted

1308.0  
CA 16-00827

**MARITA E. HYMAN**  
V  
**SUSAN N. BURGESS**

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered August 28, 2015. The order dismissed the entire action.

MARITA E. HYMAN for HERSELF Submitted

SUSAN N. BURGESS for HERSELF Submitted

1309.0  
CA 16-00828

**MARITA E. HYMAN**  
V  
**SUSAN N. BURGESS**

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered December 2, 2015. The order denied plaintiff's motion to reargue the Court's order entered August 28, 2015, which dismissed the entire action.

MARITA E. HYMAN for HERSELF

Submitted

SUSAN N. BURGESS for HERSELF

Submitted

1310.0  
CA 16-01250

**In the Matter of**  
**THE WILL OF GRACIA CAMPBELL**

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered May 3, 2016. The order, insofar as appealed from, constructed the wills of Gracia M. Campbell and Marjorie K. C. Kloop and determined valid the disposition of Gracia M. Campbell.

LAWRENCE J. KONCELIK, JR., for GRACIA E. CAMPBELL

Submitted

JAMES P. DOMAGALSKI for HIMSELF

Submitted

AMANDA L. LOWE for HSBC USA, N.A.

Submitted

1311.0  
CA 17-00085

**KEYBANK NATIONAL ASSOCIATION**  
V  
**PHILIP J. SIMAO**

Appeals from a judgment of the Supreme Court, Jefferson County (James P. McClusky, J.), entered October 5, 2016 in a foreclosure action. The judgment, among other things, directed the sale of the mortgaged premises.

JAN S. KUBLICK for PHILIP J. SIMAO

10 minutes

JOHN A. CIRANDO for KEYBANK NATIONAL ASSOCIATION

10 minutes

1312.0  
CA 17-00784

**KEYBANK NATIONAL ASSOCIATION**  
V  
**PHILIP J. SIMAO**

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered September 9, 2016. The order granted plaintiff's motion for a judgment of foreclosure, an amendment of principal due, and attorney fees.

JAN S. KUBLICK for PHILIP J. SIMAO

Submitted

JOHN A. CIRANDO for KEYBANK NATIONAL ASSOCIATION

Submitted