

DAY CALENDAR
Tuesday, October 23, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1212.0
KA 15-01778

PEOPLE
V
RINALDO R. PEARSON

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered March 31, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and driving while intoxicated.

KRISTIN M. PREVE for RINALDO R. PEARSON Submitted

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1213.0
KA 16-01159

PEOPLE
V
RONALD J. ZUREK

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered November 4, 2015. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

DAVID A. COOKE for RONALD J. ZUREK Submitted

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1214.0
KA 16-01905

PEOPLE
V
CHARLES C. DEAN

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 21, 2016. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

ALAN WILLIAMS for CHARLES C. DEAN Submitted

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1215.0
KA 15-01397

PEOPLE
V
DUNG V. VO

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered May 22, 2014. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree.

DAVID R. JUERGENS for DUNG V. VO 10 minutes

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

1216.0
KA 16-01989

PEOPLE
V
DAVID E. SCHMIDT

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered August 3, 2016. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

	KIMBERLY F. DUGUAY for DAVID E. SCHMIDT	Submitted
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1217.0 KA 16-01547	PEOPLE V VICTOR M. IRIZARRY	
	Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 31, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.	
	BARBARA J. DAVIES for VICTOR M. IRIZARRY	5 minutes
	DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
1218.0 KA 15-01595	PEOPLE V JERRY BENTON	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 19, 2015. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree and criminal possession of a weapon in the third degree.	
	ELIZABETH S. RIKER for JERRY BENTON	10 minutes
	KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1219.0 CAF 17-01329	YOLANDA BAUTISTA V MICHELLE A. MALAVE	
	Appeal from an order of the Family Court, Monroe County (John B. Gallagher, Jr., J.), entered June 9, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied the petition with prejudice.	
	YOLANDA BAUTISTA for HERSELF	Submitted
	WARREN WELCH for MICHELLE A. MALAVE	Submitted
	DAVID R. JUERGENS, ATTORNEY FOR THE CHILD	Submitted
	GARY MULDOON, ATTORNEY FOR THE CHILD	Submitted
1220.0 CAF 16-02198	SARAH ALGER V RYAN JACOBS	
	Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, A.J.), entered July 27, 2016, in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed defendant to stay away from petitioner.	
	TYSON BLUE for RYAN JACOBS	10 minutes
	SUSAN GRAY for SARAH ALGER	5 minutes
	MARYBETH D. BARNET, ATTORNEY FOR THE CHILD	10 minutes
1221.0 CAF 16-02199	SARAH ALGER V RYAN EDWARD JACOBS	

Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, A.J.), entered August 1, 2016 in a proceeding pursuant to Family Court Act article 8. The order, among other things, found that respondent had committed a family offense and awarded petitioner sole custody of the subject child

TYSON BLUE for RYAN EDWARD JACOBS

Submitted

SUSAN GRAY for SARAH ALGER

Submitted

MARYBETH D. BARNET, ATTORNEY FOR THE CHILD

Submitted

1222.0
CAF 17-00388

In the Matter of
AVIANNA M.-G.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered January 27, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Stephen G., III, had neglected and abused the subject child.

JOHN A. CIRANDO for STEPHEN G., III

10 minutes

MAGGIE SEIKALY for ONONDAGA COUNTY DSS

Submitted

ANDREW SCOTT GREENBERG, ATTORNEY FOR THE CHILD

10 minutes

1223.0
TP 18-00673

AMERICAN AUTO STOCK, INC.
V
THERESA L. EGAN

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, Monroe County [Debra A. Martin, A.J.], entered April 10, 2018) to review a determination of respondent. The determination, among other things, suspended petitioner's license to operate as a dealer for two concurrent periods of 14 days and imposed civil penalties.

CHRISTOPHER JOHN ENOS for AMERICAN AUTO STOCK, INC.

10 minutes

JONATHAN D. HITSOUS for THERESA L. EGAN

10 minutes

1224.0
CA 18-00066

COUNTY OF WAYNE
V
PAUL J. SCHENK, JR.

Appeal from an order of the Supreme Court, Wayne County (Daniel G. Barrett, J.), entered August 28, 2017 in a proceeding pursuant to RPTL article 11. The order, among other things, granted respondents' application to stay the sale of the property and allow payment of past due taxes to the County Treasurer.

ERIN M. HAMMOND for COUNTY OF WAYNE

15 minutes

LEO G. FINUCANE for PAUL J. SCHENK, JR.

10 minutes

1225.0
CA 18-00773

RICHARD CETTELL
V
NATIONAL FUEL GAS SUPPLY CORPORATION

SETTLED

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered February 9, 2018. The order, among other things, granted plaintiffs' motion for summary judgment.

MICHAEL RUBIN for NATIONAL FUEL GAS SUPPLY CORPORATION

ANNE M. WHEELER for RICHARD CETTELL

1226.0
CA 17-01584

KHARYE JARVIS

V

ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered August 2, 2017 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

LEAH R. NOWOTARSKI for KHARYE JARVIS

Submitted

WILLIAM E. STORRS for ANTHONY ANNUCCI

Submitted

1227.0
CA 18-00737

MICHELE KOZMINSKI

V

GEORGE A. KOZMINSKI

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered October 23, 2017. The order, inter alia, determined that defendant is responsible for the undergraduate expenses incurred by the elder child of the parties.

DEAN L. GORDON for GEORGE A. KOZMINSKI

10 minutes

KEITH A. EISENHUT for MICHELE KOZMINSKI

Submitted

1228.0
CA 18-00015

MATTHEW NIX

V

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

Appeal from a judgment (denominated order) of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered October 27, 2017 in a CPLR article 78 proceeding. The judgment dismissed the petition.

MICHAEL JOS. WITMER for MATTHEW NIX

20 minutes

ROBERT M. GOLDFARB for NYS DIVISION OF CRIMINAL JUSTICE SERVS.

10 minutes

1229.0
CA 18-00953

GREGORY RITTER

V

FORT SCHUYLER MANAGEMENT CORPORATION

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered August 16, 2017. The order granted the motion of defendant for summary judgment dismissing the complaint.

MARTHA LOUISE BERRY for GREGORY RITTER

10 minutes

BRADY O'MALLEY for FORT SCHUYLER MANAGEMENT CORPORATION

15 minutes

1230.0
TP 18-00920

ROCHESTER INSTITUTE OF TECHNOLOGY

V

NEW YORK STATE DIVISION OF HUMAN RIGHTS

Proceeding pursuant to CPLR article 78 and Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Monroe County [Ann Marie Taddeo, J.], entered February 22, 2016) to review a determination of respondent New York State Division of Human Rights. The determination found that petitioner had unlawfully discriminated against respondent Eileen Lieb on the basis of her disability.

MARY E. SHEPARD for ROCHESTER INSTITUTE OF TECHNOLOGY	10 minutes
AARON WOSKOFF for NYS DIVISION OF HUMAN RIGHTS	10 minutes
KIMBERLY A. GLENNON for EILEEN LIEB	Submitted

1231.0
CA 17-00443

STATE OF NEW YORK
V
JAMAAL A.

Appeal from an order of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered February 2, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, committed respondent to a secure treatment facility.

CHARLES J. GREENBERG for JAMAAL A.	10 minutes
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KATHLEEN M. TREASURE for STATE OF NEW YORK	10 minutes
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1232.0
CA 18-00380

WILLIS WOOD
V
ARTIFACT PROPERTIES, LLC

Appeals and cross appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.) entered July 26, 2017. The order, among other things, denied in part the motion of defendant Artifact Properties, LLC for summary judgment, denied the motion of defendant David Perkins for summary judgment and denied the motion of plaintiff for partial summary judgment.

MATTHEW E. WHRITENOUR for ARTIFACT PROPERTIES, LLC	15 minutes
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EDWARD J. SMITH, III, for DAVID PERKINS	10 minutes
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W. BRADLEY HUNT for WILLIS WOOD	10 minutes
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1233.0
CA 18-00381

WILLIS WOOD
V
ARTIFACT PROPERTIES, LLC

Appeals and cross appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.) entered July 26, 2017. The order, among other things, conditionally granted plaintiff's motion for summary judgment on the issue of liability.

MATTHEW E. WHRITENOUR for ARTIFACT PROPERTIES, LLC	Submitted
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EDWARD J. SMITH, III, for DAVID PERKINS	Submitted
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W. BRADLEY HUNT for WILLIS WOOD	Submitted
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