

**DAY CALENDAR**  
**Wednesday, October 23, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**1096.0**  
**KA 19-00018**

**PEOPLE**  
**V**  
**DALE R. RIGBY**

**Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered April 10, 2018. The judgment revoked a term of probation and imposed a term of incarceration.**

**DAVID P. ELKOVITCH for DALE R. RIGBY**

**Submitted**

**CHRISTOPHER T. VALDINA for THE PEOPLE OF THE STATE OF NY**

**Submitted**

**1097.0**  
**KA 18-00305**

**PEOPLE**  
**V**  
**JASON FREY**

**Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered November 8, 2017. The judgment convicted defendant, after a nonjury trial, of assault in the second degree and endangering the welfare of a child (five counts).**

**MARY P. DAVISON for JASON FREY**

**Submitted**

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

**5 minutes**

**1098.0**  
**KA 18-00250**

**PEOPLE**  
**V**  
**DAVID SCHMIDINGER**

**Appeal from a judgment of the Onondaga County Court (Robert L. Bauer, J.), rendered June 16, 2017. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.**

**NATHANIEL V. RILEY for DAVID SCHMIDINGER**

**Submitted**

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

**Submitted**

**1099.0**  
**KA 17-01484**

**PEOPLE**  
**V**  
**JOHN AVENT**

**Appeal from a judgment of the Supreme Court, Erie County (Kenneth F. Case, J.), rendered June 21, 2017. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.**

**BARBARA J. DAVIES for JOHN AVENT**

**10 minutes**

**DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK**

**10 minutes**

**1100.0**  
**CAF 18-01884**

**STEBEN COUNTY SUPPORT COLLECTION UNIT**  
**V**  
**JOHN S. CREGAN**

**Appeal from an order of the Family Court, Steuben County (Patrick F. McAllister, J.), entered October 3, 2018 in a proceeding pursuant to Family Court Act article 4. The order, among other things, confirmed a determination of the support magistrate that respondent had willfully failed to obey an order of the court and committed respondent to the Steuben County jail for a period of four months.**

	ROSEMARIE RICHARDS for JOHN S. CREGAN	10 minutes
	AMY CHRISTINE KELLER for STEUBEN COUNTY SUPPORT COLLECTION	10 minutes
1101.0 CAF 18-00439	IN THE MATTER OF SKYLER B.	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 27, 2018, in a proceeding pursuant to Social Services Law §384-b. The order, inter alia, terminated the parental rights of respondent.	
	DAVID J. PAJAK for CRYSTAL M. B.	Submitted
	PAULA A. CAMPBELL for GENESEE COUNTY DSS	10 minutes
	MARY ANNE CONNELL for ATTORNEY FOR CHILD	10 minutes
1102.0 CAF 18-00441	IN THE MATTER OF CALEB B.	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 27, 2018, in a proceeding pursuant to Social Services Law §384-b. The order, inter alia, terminated the parental rights of respondent.	
	DAVID J. PAJAK for CRYSTAL M. B.	Submitted
	PAULA A. CAMPBELL for GENESEE COUNTY DSS	Submitted
	MARY ANNE CONNELL for ATTORNEY FOR CHILD	Submitted
1103.0 CAF 18-00442	IN THE MATTER OF FAITH B.	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 27, 2018, in a proceeding pursuant to Social Services Law §384-b. The order, inter alia, terminated the parental rights of respondent.	
	DAVID J. PAJAK for CRYSTAL M. B.	Submitted
	PAULA A. CAMPBELL for GENESEE COUNTY DSS	Submitted
	MARY ANNE CONNELL for ATTORNEY FOR CHILD	Submitted
1104.0 CAF 18-00443	IN THE MATTER OF ISAAC B.	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 27, 2018, in a proceeding pursuant to Social Services Law §384-b. The order, inter alia, terminated the parental rights of respondent.	
	DAVID J. PAJAK for CRYSTAL M. B.	Submitted
	PAULA A. CAMPBELL for GENESEE COUNTY DSS	Submitted
	MARY ANNE CONNELL for ATTORNEY FOR CHILD	Submitted
1105.0 CAF 18-00729	IN THE MATTER OF ZACKERY C.	

	<p>Appeal from an order of the Family Court, Niagara County (John F. Batt, J.), entered April 3, 2018 in a proceeding pursuant to Family Court Act article 10.</p>	
	<p>CONNIE MARIE LOZINSKY for KATHERINE L.</p>	10 minutes
	<p>MATTHEW BROOKS for NIAGARA COUNTY DSS</p>	Submitted
	<p>LAURA MISKELL for ATTORNEY FOR CHILD</p>	Submitted
1106.0 CAF 18-00730	<p>IN THE MATTER OF NEVAEH L.</p> <p>Appeal from an order of the Family Court, Niagara County (Erin P. DeLabio, J.), entered February 26, 2018 in a proceeding pursuant to Family Court Act article 10.</p>	
	<p>CONNIE MARIE LOZINSKY for KATHERINE L.</p>	Submitted
	<p>MATTHEW BROOKS for NIAGARA COUNTY DSS</p>	Submitted
	<p>LAURA MISKELL for ATTORNEY FOR CHILD</p>	Submitted
1107.0 CAF 18-00731	<p>IN THE MATTER OF ZACKERY C.</p> <p>Appeal from an order of the Family Court, Niagara County (Erin P. DeLabio, J.), entered February 26, 2018 in a proceeding pursuant to Family Court Act article 10.</p>	
	<p>CONNIE MARIE LOZINSKY for KATHERINE L.</p>	Submitted
	<p>MATTHEW BROOKS for NIAGARA COUNTY DSS</p>	Submitted
	<p>LAURA MISKELL for ATTORNEY FOR CHILD</p>	Submitted
1108.0 CAF 18-01505	<p>IN THE MATTER OF NEVAEH J. L.</p> <p>Appeal from an order of the Family Court, Niagara County (Erin P. DeLabio, J.), entered August 14, 2018 in a proceeding pursuant to Family Court Act article 10.</p>	
	<p>CONNIE MARIE LOZINSKY for KATHERINE L.</p>	Submitted
	<p>MATTHEW BROOKS for NIAGARA COUNTY DSS</p>	Submitted
	<p>LAURA MISKELL for ATTORNEY FOR CHILD</p>	Submitted
1109.0 CA 19-00292	<p>SAVE MONROE AVE., INC. V TOWN OF BRIGHTON</p> <p>Appeal from a judgment (denominated order and judgment) of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered February 7, 2019 in a CPLR article 78 proceeding and declaratory judgment action. The judgment, among other things, granted the motions of respondents-defendants Town of Brighton, Town Board of the Town of Brighton, Town of Brighton Planning Board, Daniele Management, LLC, Daniele SPC, LLC, Mucca Mucca LLC, Mardanth Enterprises, Inc., M&amp;F, LLC, and The Daniele Family Companies motions for partial dismissal of the petition-complaint.</p>	
	<p>CHARLES W. MALCOMB for SAVE MONROE AVE., INC.</p>	15 minutes
	<p>WARREN B. ROSENBAUM for DANIELE MANAGEMENT, LLC</p>	15 minutes

	<b>JOHN A. MANCUSO for TOWN OF BRIGHTON</b>	<b>15 minutes</b>
<b>1110.0</b> <b>CA 19-00705</b>	<b>BUSH INDUSTRIES, INC.</b> <b>V</b> <b>SLONE, MELHUIH &amp; CO.</b>	
	<b>Appeal from an order of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered April 10, 2019. The order denied defendant Willis of New York, Inc.'s motion to dismiss plaintiff's second amended complaint.</b>	
	<b>CHARLES G. MOERDLER for WILLIS OF NEW YORK, INC.</b>	<b>15 minutes</b>
	<b>THOMAS D. LYONS for BUSH INDUSTRIES, INC.</b>	<b>10 minutes</b>
<b>1111.0</b> <b>CA 19-00232</b>	<b>TVT CAPITAL, LLC</b> <b>V</b> <b>LEGEND VENTURES</b>	
	<b>Appeal from a decision and order of the Supreme Court, Ontario County (Daniel J. Doyle, J.), entered July 18, 2018. The decision and order denied the motion of defendants to vacate a confession of judgment.</b>	
	<b>SHANE R. HESKIN for LEGEND VENTURES</b>	<b>15 minutes</b>
	<b>RACHEL SCHULMAN for TVT CAPITAL, LLC</b>	<b>15 minutes</b>
<b>1112.0</b> <b>CA 19-00940</b>	<b>LOIS REID</b> <b>V</b> <b>UNIVERA HEALTHCARE</b>	
	<b>Appeal from an order of the Supreme Court, Erie County, (Donna M. Siwek, J.), entered October 23, 2018. The order granted defendants' motion to dismiss.</b>	
	<b>KENNETH R. HILLER for LOIS REID</b>	<b>15 minutes</b>
	<b>STEPHEN A. SHARKEY for UNIVERA HEALTHCARE</b>	<b>15 minutes</b>
<b>1113.0</b> <b>CA 19-01100</b>	<b>CHARLES PHILLIPS</b> <b>V</b> <b>STATE OF NEW YORK</b>	
	<b>Appeal from a decision and order of the Court of Claims (Renee Forgensi Minarik, J.), entered November 16, 2018. The decision and order denied the motion of claimant for leave to serve a late notice of claim.</b>	
	<b>ANNE M. WHEELER for CHARLES PHILLIPS</b>	<b>10 minutes</b>
	<b>KENNETH L. BOSTICK, JR. for STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1114.0</b> <b>CA 19-00576</b>	<b>BRIGHTON GRASSROOTS, LLC</b> <b>V</b> <b>TOWN OF BRIGHTON</b>	
	<b>Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered February 7, 2019. The order and judgment, among other things, granted defendants' motions to dismiss certain claims in lieu of an answer.</b>	
	<b>MINDY L. ZOGHLIN for BRIGHTON GRASSROOTS, LLC</b>	<b>15 minutes</b>
	<b>WARREN B. ROSENBAUM for M&amp;F, LLC</b>	<b>15 minutes</b>
	<b>JOHN A. MANCUSO for TOWN OF BRIGHTON</b>	<b>15 minutes</b>

1115.0  
CA 19-00289

LEANNE MUNDELL  
V  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered August 7, 2018. The order, among other things, adjudged respondent Raymond LaMarco in contempt of court, not personally, but solely in his capacity as Director, Office of Human Resources, New York State Department of Transportation.

OWEN DEMUTH for NEW YORK STATE DEPT. OF TRANSPORTATION 10 minutes

A.J. BOSMAN for LEANNE MUNDELL 10 minutes

1116.0  
CA 19-00609

LEANNE MUNDELL  
V  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered October 12, 2018. The order, among other things, granted petitioner a money judgment as against Raymond LaMarco in his official capacity as Director, Office of Human Resources, New York State Department of Transportation.

OWEN DEMUTH for NEW YORK STATE DEPT. OF TRANSPORTATION Submitted

A.J. BOSMAN for LEANNE MUNDELL Submitted

1117.0  
CA 19-00610

LEANNE MUNDELL  
V  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered December 26, 2018. The order, among other things, awarded petitioner reasonable costs and attorney fees.

OWEN DEMUTH for NEW YORK STATE DEPT. OF TRANSPORTATION Submitted

A.J. BOSMAN for LEANNE MUNDELL Submitted

1118.0  
CA 18-02124

BRADLEY WINDNAGLE  
V  
PATRICIA TARNACKI

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 24, 2018. The order granted the motion of defendants to dismiss the complaint and dismissed the complaint.

EDWARD J. MARKARIAN for BRADLEY WINDNAGLE 10 minutes

MATTHEW T. MURRAY for PATRICIA TARNACKI 10 minutes

1119.0  
CA 18-02125

BRADLEY WINDNAGLE  
V  
PATRICIA TARNACKI

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 10, 2018. The order denied the motion of plaintiff to renew and reargue.

EDWARD J. MARKARIAN for BRADLEY WINDNAGLE Submitted

MATTHEW T. MURRAY for PATRICIA TARNACKI Submitted

1119.1  
CAF 19-00849

JEANNETTE L. JAGGER  
V  
BRYAN T. JAGGER

Appeal from an order of the Family Court, Ontario County (Frederick G. Reed, J.), entered January 25, 2019 in a proceeding pursuant to Family Court Act article 4. The order denied respondent's objections to an order of the support magistrate dated November 28, 2018.

MARGARET MCMULLEN RESTON for BRYAN T. JAGGER

10 minutes

SUSAN E. GRAY for JEANNETTE L. JAGGER

10 minutes