

DAY CALENDAR
Tuesday, September 8, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

895.0
KAH 14-01643

PEOPLE EX REL.
JUNIOR COLLINS
V
NYS DEPT OF CORRECTIONS

Appeal from a judgment (denominated order) of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered May 12, 2014 in a habeas corpus proceeding. The judgment denied the petition.

NORMAN P. EFFMAN for JUNIOR COLLINS Submitted

ERIC T. SCHNEIDERMAN for NYS DEPT OF CORRECTIONS Submitted

896.0
KA 11-02455

PEOPLE
V
JONOC ABON

Appeal from a judgment of the Monroe County Court (Alex R. Renzi, J.), rendered December 17, 2008. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree (two counts).

KATHLEEN P. REARDON for JONOC ABON 10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

897.0
KA 14-01557

PEOPLE
V
RONALD FOOSE

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered July 8, 2014. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated, a class E felony.

SHERRY A. CHASE for RONALD FOOSE 10 minutes

MEGHAN E. LEYDECKER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

898.0
KA 14-00193

PEOPLE
V
ALBERT ACKERMAN

Appeal from a judgment of the Wyoming County Court (Mark H. Dadd, J.), rendered December 23, 2013. The judgment convicted defendant, upon his plea of guilty, of aggravated criminal contempt.

CARA A. WALDMAN for ALBERT ACKERMAN Submitted

VINCENT A. HEMMING for THE PEOPLE OF THE STATE OF NEW YORK Submitted

899.0
KA 13-00584

PEOPLE
V
ALLEN FARMER

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered February 15, 2006. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

JOHN A. CIRANDO for ALLEN FARMER 10 minutes

	JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
900.0 KA 11-00411	PEOPLE V CARDELL RICHARDSON	
	Appeal from a judgment of the Monroe County Court (Patricia D. Marks, J.), rendered January 14, 2011. The judgment convicted defendant, upon a nonjury verdict, of assault in the second degree, attempted criminal possession of a weapon in the third degree and pedestrian on roadway.	
	MARTIN P. MCCARTHY, II, for CARDELL RICHARDSON	10 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
901.0 KA 13-01008	PEOPLE V JOHN SANTORO	
	Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered February 28, 2013. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree and criminal contempt in the first degree.	
	JOHN A. CIRANDO for JOHN SANTORO	10 minutes
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
902.0 KA 13-01010	PEOPLE V JOHN SANTORO	
	Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered February 28, 2013. The judgment convicted defendant, upon his plea of guilty, of escape in the first degree.	
	JOHN A. CIRANDO for JOHN SANTORO	Submitted
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
903.0 KA 11-02367	PEOPLE V DAVID LOFTON	
	Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered August 10, 2011. The judgment convicted defendant as a juvenile offender, upon a jury verdict, of criminal sexual act in the first degree (two counts) and burglary in the second degree.	
	BRIAN SHIFFRIN for DAVID LOFTON	10 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
904.0 CAF 14-01146	GRETCHEN R. BURNS V ROBERT J. HERROD	
	Appeal from an order of the Family Court, Allegany County (Thomas Paul Brown, J.), entered May 15, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the modification and violation petitions of the mother and granted the modification petition of the father.	
	SUSAN JAMES for GRETCHEN R. BURNS	Submitted

	TERRENCE BAXTER for ROBERT J. HERROD	Submitted
	WENDY S. SISSON, ATTORNEY FOR CHILD	Submitted
905.0 CAF 14-01147	GRETCHEN R. BURNS V ROBERT J. HERROD	
	Appeal from an order of the Family Court, Allegany County (Thomas Paul Brown, J.), entered May 15, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for a modification of custody and visitation.	
	SUSAN JAMES for GRETCHEN R. BURNS	Submitted
	TERRENCE BAXTER for ROBERT J. HERROD	Submitted
	WENDY S. SISSON, ATTORNEY FOR CHILD	Submitted
906.0 CAF 14-01148	ROBERT J. HERROD V GRETCHEN R. BURNS	
	Appeal from an order of the Family Court, Allegany County (Thomas P. Brown, J.), entered May 15, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted sole custody of the parties' child to petitioner-father with visitation to respondent-mother.	
	SUSAN JAMES for GRETCHEN R. BURNS	Submitted
	TERRENCE BAXTER for ROBERT J. HERROD	Submitted
	WENDY S. SISSON, ATTORNEY FOR CHILD	Submitted
907.0 CAF 14-01583	CRAIG PROCOPIO V KELLY PROCOPIO	
	Appeal from an order of the Supreme Court, Onondaga County (Martha E. Mulroy, A.J.), entered June 18, 2014. The order, among other things, awarded petitioner Craig Procopio full custody of the subject children.	
	KRISTEN N. MCDERMOTT for KELLY PROCOPIO	10 minutes
	GALEN F. HAAB for CRAIG PROCOPIO	10 minutes
	LISA FAHEY, ATTORNEY FOR CHILD	10 minutes
908.0 CAF 14-01645	JAIMYCE L. MCCLINTON V BARSUN U. KIRKMAN	
	Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered August 4, 2014 in a proceeding pursuant to Family Court Act article 6. The order, insofar as appealed from, granted the motion of respondent to dismiss and dismissed the petition and amended petition.	
	JOHN M. WESLEY for JAIMYCE L. MCCLINTON	10 minutes
	BARSUN U. KIRKMAN for HIMSELF	Submitted
	CHRISTOPHER E. BURKE, ATTORNEY FOR CHILD	Submitted

909.0
CAF 14-00442

PATRICK ORDONA
V
PAMELA CAMPBELL

Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered February 13, 2014 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, terminated the visitation of Pamela Campbell.

DAVID J. PAJAK for PAMELA CAMPBELL	5 minutes
AVERY S. OLSON for PATRICK ORDONA	5 minutes
JOHN J. WESTMAN for JENNIFER COTHERN	Submitted
JILL ANN SPAYER, ATTORNEY FOR CHILD	10 minutes
MICHAEL JOSEPH SULLIVAN, ATTORNEY FOR CHILD	10 minutes

910.0
CAF 13-01813

In the Matter of
AMIYAH F.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered October 4, 2013 in a proceeding pursuant to Family Court Act article 10. The order, among other things, placed respondent under the supervision of petitioner.

BERNADETTE HOPPE for TRENESHA B.	Submitted
JOSEPH T. JARZEMBEK for ERIE CO. DSS	10 minutes
CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted

911.0
CA 14-01576

EDWARD MELIA
V
ZENHIRE, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 6, 2013. The order, insofar as appealed from, denied in part the motion of defendants for summary judgment dismissing the complaint and granted the cross motion of plaintiff for summary judgment in the amount of \$266,538.27.

DAVID L. ROACH for ZENHIRE, INC.	15 minutes
HARVEY PHILIP SANDERS for EDWARD MELIA	15 minutes

912.0
CA 14-00986

EDWARD MELIA
V
ZENHIRE, INC.

Appeal from an amended order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 12, 2013. The amended order, insofar as appealed from, denied in part the motion of defendants for summary judgment dismissing the complaint and granted the cross motion of plaintiff for summary judgment in the amount of \$266,538.27.

DAVID L. ROACH for ZENHIRE, INC.	Submitted
HARVEY PHILIP SANDERS for EDWARD MELIA	Submitted

913.0
CA 14-00987

EDWARD MELIA
V
ZENHIRE, INC.

Appeal from a judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered February 13, 2014. The judgment awarded plaintiff money damages.

DAVID L. ROACH for ZENHIRE, INC.

Submitted

HARVEY PHILIP SANDERS for EDWARD MELIA

Submitted

914.0
CA 15-00256

PAUL K. ISAAC

V

MEDICAL LIABILITY MUTUAL INSURANCE COMPANY

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered April 23, 2014. The order granted the motions of defendants to dismiss the second amended complaint.

J. MICHAEL HAYES for PAUL K. ISAAC

15 minutes

RONALD G. BLUM for MEDICAL LIABILITY MUTUAL INS. CO.

15 minutes

KEVIN E. HULSLANDER for RINGLER ASSOCIATES, INC.

Submitted

HUGH M. RUSS, III, for BLACK, HOLCOMB, SMITH & ASSOCIATES, INC.

10 minutes

LAWLOR F. QUINLAN, III, for THE PENSION COMPANY

5 minutes

MARK S. LANDMAN for JMW SETTLEMENTS, INC.

15 minutes

915.0
CA 14-01285

In the Matter of

THE ESTATE OF DAVID C. PETERS

Appeal from an order of the Surrogate's Court, Genesee County (Robert C. Noonan, J.), entered May 5, 2014. The order directed a forfeiture of the legacy of Joan Peters under the last will and testament of David C. Peters, deceased, and determined that the Arrowhead Smoke and Gas Shop business is an estate asset.

MOLLY M. KRAUZA for JOAN PETERS

10 minutes

JOHN A. CIRANDO for COREEN N. THOMPSON

15 minutes

916.0
CA 14-01286

In the Matter of

THE ESTATE OF DAVID C. PETERS

Appeal from a decree of the Surrogate's Court, Genesee County (Robert C. Noonan, J.), entered June 4, 2014. The decree directed Joan Peters to disgorge and release all bequests to her under the last will and testament of David C. Peters, deceased.

MOLLY M. KRAUZA for JOAN PETERS

Submitted

JOHN A. CIRANDO for COREEN N. THOMPSON

Submitted

917.0
CA 14-01287

In the Matter of

THE ESTATE OF DAVID C. PETERS

Appeal from a decree of the Surrogate's Court, Genesee County (Robert C. Noonan, J.), entered June 4, 2014. The decree determined that the business of Arrowhead Smoke and Gas Shop, its related businesses and the tangible and intangible assets of the businesses are assets of the Estate of David C. Peters, deceased.

MOLLY M. KRAUZA for JOAN PETERS

Submitted

JOHN A. CIRANDO for COREEN N. THOMPSON

Submitted

918.0
CA 14-02122

JOSETTE MARCELLO
V
STATE OF NEW YORK

Appeal from an order of the court of Claims (Renée Forgeni Minarik, J.), entered February 6, 2014. The order granted the motion of defendant for summary judgment and dismissed the claim.

RICHARD P. AMICO for JOSETTE MARCELLO 10 minutes

GARY J. O'DONNELL for STATE OF NEW YORK 10 minutes

920.0
CA 14-02294

PROGRESSIVE CASUALTY INSURANCE CO.
V
JEFFREY BEARDSLEY

Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered June 24, 2014 in a proceeding pursuant to CPLR article 75. The order, among other things, adjudged that respondent Merchants Mutual Insurance Co., and petitioner Progressive Casualty Insurance Co., are co-insurers for purposes of the SUM claim of respondent Jeffrey Beardsley.

JOSEPH A. WILSON for MERCHANTS MUTUAL INSURANCE CO. 15 minutes

KEITH D. MILLER for PROGRESSIVE CASUALTY INSURANCE CO. 15 minutes

TIMOTHY R. MANDRONICO for JEFFREY BEARDSLEY Submitted

921.0
CA 15-00183

JESSE FLADD
V
INSTALLED BUILDING PRODUCTS, LLC

Appeal from an order of the Supreme Court, Monroe County (William P. Polito, J.), entered August 13, 2014. The order, among other things, denied in part the motion of defendants Morrell Builders, Inc. and S&J Morrell, Inc., for summary judgment.

MATTHEW A. LENHARD for MORRELL BUILDERS, INC. 10 minutes

RICHARD P. AMICO for JESSE FLADD 10 minutes

921.1
CAE 15-01444

FRANK VESCERA
V
JORDAN KARP

Appeal from an order of the Supreme Court, Oneida County (Patrick F. Macrae, J.), entered August 24, 2015, in a proceeding pursuant to the Election Law. The order dismissed the petition with prejudice.

RICHARD E. KAPLAN for FRANK VESCERA 10 minutes

HARRIS SAMUELS for JORDAN KARP Submitted

MARIA PEZZOLANELLA MCNEIL for HERSELF Submitted

921.2
CAE 15-01445

FRANK VESCERA
V
JORDAN KARP

Appeal from an order of the Supreme Court, Oneida County (Patrick F. Macrae, J.), entered August 24, 2015, in a proceeding pursuant to the Election Law. The order dismissed the petition with prejudice.

RICHARD E. KAPLAN for FRANK VESCERA

10 minutes

HARRIS SAMUELS for JORDAN KARP

Submitted

DAVID G. GOLDBAS for ROSE ANN CONVERTINO

10 minutes