

DAY CALENDAR
Wednesday, September 6, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

965.0
TP 17-00285

NAKWON FOXWORTH
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, Wyoming County [Michael M. Mohun, A.J.], entered February 8, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for NAKWON FOXWORTH

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI

Submitted

966.0
KA 13-02024

PEOPLE
V
JAMES BRADLEY

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered October 4, 2013. The judgment convicted defendant, upon a jury verdict, of criminally negligent homicide and assault in the third degree.

WILLIAM G. PIXLEY for JAMES BRADLEY

15 minutes

KELLY CHRISTINE WOLFORD for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

967.0
KA 13-01761

PEOPLE
V
VAN K. COTTON

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered June 27, 2013. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree and criminal possession of a weapon in the second degree.

JANE I. YOON for VAN K. COTTON

10 minutes

KELLY CHRISTINE WOLFORD for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

968.0
KA 16-01998

PEOPLE
V
MEGAN SHIMBURSKI

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered June 20, 2016. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the seventh degree and tampering with physical evidence.

PHIL MODRZYNSKI for MEGAN SHIMBURSKI

10 minutes

LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

969.0
KA 15-01684

PEOPLE
V
KEITH A. TONEY

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered August 17, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal sale of a controlled substance in the third degree.

JOHN A. CIRANDO for KEITH A. TONEY

10 minutes

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

970.0
KA 15-00917

PEOPLE
V
RONALD J. LARKINS

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered April 21, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (three counts), criminal use of a firearm in the first degree (two counts), criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree (two counts).

ADAM H. VAN BUSKIRK for RONALD J. LARKINS

15 minutes

CHRISTOPHER T. VALDINA for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

971.0
KA 15-00619

PEOPLE
V
JOHN H. BUTLER

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered February 23, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.

NICHOLAS P. DIFONZO for JOHN H. BUTLER

10 minutes

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

972.0
KA 13-01697

PEOPLE
V
DARIUS L. BURSEY

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered June 27, 2013. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree and criminal possession of a weapon in the second degree.

BRIDGET L. FIELD for DARIUS L. BURSEY

15 minutes

KELLY CHRISTINE WOLFORD for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

973.0
CA 16-02228

TIMOTHY KOPASZ
V
COUNTY OF ERIE

SETTLED

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered March 18, 2016. The order granted the motion of plaintiff for summary judgment on liability pursuant to Labor Law § 240 (1) and 12 NYCRR 23-5.1 (j) (2) and 23-1.7 (a).

MAUREEN G. FATCHERIC for COUNTY OF ERIE

10 minutes

ANNE M. WHEELER for TIMOTHY KOPASZ

10 minutes

974.0
CA 17-00349

CAITLIN FERRARI
V
THE NATIONAL FOOTBALL LEAGUE

Appeal from an amended order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered June 14, 2016. The amended order, inter alia, granted the motion of plaintiffs for class certification.

JOHN A. COLLINS for BUFFALO BILLS, INC.	15 minutes
STEVEN HURD for THE NATIONAL FOOTBALL LEAGUE	5 minutes
LOUIS ORBACH for CUMULUS RADIO COMPANY	15 minutes
CHRISTOPHER MARLBOROUGH for CAITLIN FERRARI	15 minutes
DENNIS C. VACCO for STEPHANIE MATECZUN	Submitted

975.0
CA 17-00260

CAMERON HILL CONSTRUCTION, LLC
V
SYRACUSE UNIVERSITY

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered January 11, 2017. The order, insofar as appealed from, denied the motions of defendant Syracuse University for summary judgment and to vacate a preliminary injunction.

JENNIFER S. RECINE for SYRACUSE UNIVERSITY	30 minutes
JOHN CHERUNDOLO for CAMERON HILL CONSTRUCTION, LLC	30 minutes

976.0
CA 17-00289

COUNTY OF MONROE
V
CLOUGH HARBOUR & ASSOCIATES, LLP

Appeal from a decision and order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered June 17, 2016. The decision and order denied the motions of the parties for summary judgment

EDWARD JAY SHEATS for CLOUGH HARBOUR & ASSOCIATES, LLP	15 minutes
JOHN HERBERT CALLAHAN for COUNTY OF MONROE	15 minutes

977.0
CA 17-00238

BRIGHAM SMITH **SETTLED**
V
COUNTY OF ONONDAGA

Appeal from a memorandum decision and order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered June 21, 2016. The memorandum decision and order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment on the issue of liability and denied in part the cross motion of defendants for summary judgment.

MATTHEW A. LENHARD for COUNTY OF ONONDAGA
JAMES E. REID for BRIGHAM SMITH

978.0
CA 16-02229

TIMOTHY KOPASZ **SETTLED**
V
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered April 4, 2016. The order granted the motion of plaintiff for a protective order.

MAUREEN G. FATCHERIC for COUNTY OF ERIE

10 minutes

ANNE M. WHEELER for TIMOTHY KOPASZ

10 minutes

979.0
CA 17-00406

THOUSAND ISLANDS CENTRAL SCHOOL DISTRICT

V

THOUSAND ISLANDS EDUCATION ASSOCIATION

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered October 4, 2016. The order granted the petition.

ROBERT T. REILLY for THOUSAND ISLANDS EDUCATION ASSOC.

15 minutes

DOMINIC S. D'IMPERIO for THOUSAND ISLANDS CSD

10 minutes

980.0
CA 16-01349

In the Matter of Arbitration Between
GERBER HOMES & ADDITIONS, LLC
(MARK LANG)

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered May 4, 2016. The order granted the motion of petitioner to confirm the award of an arbitrator and directed the petitioner have judgment in the amount of \$99,926.71, plus interests, costs and disbursements.

MARK LANG for HIMSELF

Submitted

MICHAEL J. WEGMAN for GERBER HOMES & ADDITIONS, LLC

10 minutes

981.0
TP 17-00189

SAMUEL LICARI

V

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Herkimer County [Erin P. Gall, J.], entered January 19, 2017) to review a determination of respondent. The determination suspended the automobile dealership license of petitioner.

KURT D. SCHULTZ for SAMUEL LICARI

Submitted

OWEN DEMUTH for NYS DEPT. OF MOTOR VEHICLES

Submitted

982.0
CA 17-00372

PROSTHETIC HOME SERVICES, INC.

V

FIDELIS CARE OF NEW YORK

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 3, 2016. The order granted the motion of defendant to dismiss the complaint and dismissed plaintiff's claims.

JAMES M. WUJCIK for PROSTHETIC HOME SERVICES, INC.

10 minutes

ERIK A. GOERGEN for FIDELIS CARE OF NEW YORK

10 minutes

983.0
CA 17-00250

MICHAEL TORRANCE

SETTLED

V

DAVID CAPUTI

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered December 12, 2016. The order denied the motion of defendants for summary judgment.

JOEL B. SCHECHTER for DAVID CAPUTI

TODD M. SCHIFFMACHER for MICHAEL TORRANCE

984.0
CA 17-00487

ROBERT CIESIELSKI

V

CAPOZZI INDUSTRIAL PARK, INC.

Appeals from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered August 19, 2016. The order granted plaintiff's motion for partial summary judgment on the issue of liability and denied defendants' cross motions for summary judgment dismissing the complaint.

LAURENCE D. BEHR for CAPOZZI INDUSTRIAL PARK, INC.

15 minutes

RICHARD S. POVEROMO for CAPOZZI PAVING, INC.

15 minutes

ALAN D. VOOS for ROBERT CIESIELSKI

15 minutes

984.1
CA 17-00545

DAVID SCHNEITER

V

NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Appeal from an order and judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered March 3, 2017. The order and judgment, inter alia, granted the CPLR article 78 petition and directed respondent Erie County Department of Social Services to return the subject child to petitioners' foster home.

JOSEPH T. JARZEMBEK for ERIE CO. DSS

10 minutes

DAVID E. GUTOWSKI for DAVID SCHNEITER

5 minutes

LAURA ETLINGER for NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Submitted