

DAY CALENDAR
Friday, September 7, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

942.0
KA 17-01367

PEOPLE
V
RAYMOND SMITH

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered March 9, 2017. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

DAVID J. PAJAK for RAYMOND SMITH Submitted

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

943.0
KA 06-01424

PEOPLE
V
ANTHONY N. OTT

Appeal from a judgment of the Monroe County Court (Stephen R. Sirkin, J.), rendered April 5, 2006. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and assault in the first degree.

THOMAS P. THEOPHILOS for ANTHONY N. OTT 10 minutes

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

944.0
KA 17-02073

PEOPLE
V
KAITLYN CONLEY

Appeal from an order of the Oneida County Court (Michael L. Dwyer, J.), entered November 9, 2017. The order, insofar as appealed from, denied the application of Gatehouse Media New York Holdings, Inc., and Jolene Cleaver for public access to juror identifying information.

MICHAEL JOHN GRYGIEL for GATEHOUSE MEDIA NEW YORK HOLDINGS 15 minutes

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

FRANK POLICELLI for KAITLYN CONLEY Submitted

945.0
KA 18-00249

PEOPLE
V
KAITLYN CONLEY

Appeal from an order of the Oneida County Court (Michael L. Dwyer, J.), entered December 19, 2017. The order denied the request of Gatehouse Media New York Holdings, Inc., and Jolene Cleaver for the disclosure of juror information.

MICHAEL JOHN GRYGIEL for GATEHOUSE MEDIA NEW YORK HOLDINGS Submitted

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

FRANK POLICELLI for KAITLYN CONLEY Submitted

946.0
KA 16-00219

PEOPLE
V
AMANDALEE LARREGUI

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 2, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree, robbery in the second degree and assault in the second degree.

CATHERINE H. JOSH for AMANDALEE LARREGUI 10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

947.0
KA 15-00043

PEOPLE
V
PATRICK M. HACKETT

Appeal from a judgment of the Genesee County Court (Thomas E. Moran, J.), rendered November 13, 2014. The judgment convicted defendant, upon a jury verdict, of rape in the third degree.

ERIN A. KULESUS for PATRICK M. HACKETT 10 minutes

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

948.0
KA 15-01992

PEOPLE
V
RUFINO LOPEZ

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered September 23, 2015. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree.

DAVID R. JUERGENS for RUFINO LOPEZ 5 minutes

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

949.0
KA 17-00457

PEOPLE
V
JERAMI LOZADA

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered June 22, 2015. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree (two counts).

ELIZABETH S. RIKER for JERAMI LOZADA 10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

950.0
KA 16-01757

PEOPLE
V
ALLEN D. FUNK

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered November 20, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the second degree, resisting arrest, reckless endangerment in the second degree, reckless driving and criminal mischief in the fourth degree.

MARY P. DAVISON for ALLEN D. FUNK 10 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

951.0
OP 18-00347

MICHAEL S. SCHNEIDER
V
CHRISTA M. PERRIN

Proceeding pursuant to CPLR article 70 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 7002 [b] [2]) to produce the relators.

MICHAEL S. SCHNEIDER for HIMSELF	Submitted
DEBRA A. RUNYAN for HERSELF	Submitted
CHRISTA M. PERRIN for HERSELF	Submitted
ZACKERY J. SCHNEIDER for HIMSELF	Submitted
BARBARA D. UNDERWOOD for YATES COUNTY FAMILY COURT	Submitted
JESSICA LEE BRYANT for YATES COUNTY D.S.S.	Submitted

952.0
CAF 17-00500

MALGORZATA ELZBIETA WOJCIULEWICZ
V
SHAWN MCCAULEY

Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered February 9, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner primary legal and physical custody of the subject children.

JOHN A. CIRANDO for SHAWN MCCAULEY	15 minutes
DANIELLE BLACKABY for MALGORZATA ELZBIETA WOJCIULEWICZ	10 minutes
TIMOTHY ALOYSIUS ROULAN, ATTORNEY FOR THE CHILD	5 minutes
ANDREW SCOTT GREENBERG, ATTORNEY FOR THE CHILD	10 minutes

953.0
CA 18-00371

JEFFREY E. ALLINGTON
V
TEMPLETON FOUNDATION

Appeal and cross appeals from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered November 8, 2017. The order denied the motion of plaintiffs and the cross motions of defendants for summary judgment.

MICHAEL G. BERSANI for JEFFREY E. ALLINGTON	10 minutes
STEPHEN A. DAVOLI for TEMPLETON FOUNDATION	10 minutes
LINDA LALLI STARK for PULVER ROOFING CO., INC.	10 minutes

954.0
CA 17-00470

LUIS S.
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered February 13, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner is subject to strict and intensive supervision and treatment.

PATRICK T. CHAMBERLAIN for LUIS S.	10 minutes
FREDERICK A. BRODIE for STATE OF NEW YORK	10 minutes

955.0
CA 17-01609

VILLAGE OF ARKPORT
V
MARGARET HORAN

SETTLED

Appeal from a judgment of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered November 17, 2016. The judgment awarded plaintiff the sum of \$48,985.49 as against defendant Margaret Horan.

GUY A. TALIA for MARGARET HORAN

JOHN W. VOGEL for VILLAGE OF ARKPORT

955.1
CA 18-00625

VILLAGE OF ARKPORT

SETTLED

V

ROBERT F. MAURO

Appeal from a judgment of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered November 17, 2016. The judgment awarded plaintiff the sum of \$48,985.49 as against defendant Robert Mauro.

GUY A. TALIA for ROBERT F. MAURO

JOHN W. VOGEL for VILLAGE OF ARKPORT

956.0
CA 18-00360

ANDREW BALASH

V

MARY B. MELROD

Appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered August 17, 2017. The order denied the motion of defendant for summary judgment dismissing the complaint.

JANINE C. FODOR for MARY B. MELROD

10 minutes

ELLEN B. STURM for ANDREW BALASH

10 minutes

957.0
CA 17-00426

INMATE M.

V

STATE OF NEW YORK

Appeal from an order of the Court of Claims (Renee Forgensi Minarik, J.), entered April 27, 2016. The order, among other things, granted defendant's cross motion to dismiss claimant's claim.

NEB M., III, for HIMSELF

Submitted

KATHLEEN M. TREASURE for STATE OF NEW YORK

Submitted

958.0
CA 18-00570

GARY CHWOJDAK

V

MICHAEL D. SCHUNK

Appeal from an order of the Supreme Court, Erie County (Mark Montour, J.), entered November 9, 2017. The order, insofar as appealed from, granted in part the motion of defendant for summary judgment on the issue of serious injury and denied the cross motion of plaintiffs for partial summary judgment.

CAREY C. BEYER for GARY CHWOJDAK

10 minutes

NELSON E. SCHULE, JR., for MICHAEL D. SCHUNK

15 minutes

959.0
CA 17-01040

TIMOTHY MCDANIEL

V

ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered May 5, 2017 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for TIMOTHY MCDANIEL

Submitted

WILLIAM E. STORRS for ANTHONY ANNUCCI

Submitted

960.0
CA 17-00496

ANTHONY C. LAVALLE

V

COHOLAN FAMILY, LLC

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Spencer J. Ludington, A.J.), entered November 21, 2016. The order and judgment granted the motion of plaintiff for summary judgment and awarded money damages to plaintiff.

TERRY J. KIRWAN, JR., for COHOLAN FAMILY, LLC

10 minutes

JOHN A. CIRANDO for ANTHONY C. LAVALLE

10 minutes

961.0
CA 17-01988

AMERICAN RECYCLING & MANUFACTURING CO.

V

SHARON KEMP

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered January 11, 2017. The order and judgment, among other things, granted defendants' motion for summary judgment and denied plaintiffs' cross motion for partial summary judgment.

AMY K. KENDALL for AMERICAN RECYCLING & MANUFACTURING CO.

20 minutes

T. ANDREW BROWN for SHARON KEMP

20 minutes

962.0
CA 17-01501

MICHELLE A. COLELLO

V

EUGENE G. COLELLO

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered January 4, 2016. The order, among other things, denied respondent's motion to disqualify Lisa J. Allen, Esq., as attorney for petitioner, and to disqualify Stanley J. Collesano, Esq. as Guardian ad Litem.

CARL B. KUSTELL for EUGENE G. COLELLO

15 minutes

LISA JOAN ALLEN for MICHELLE A. COLELLO

Submitted

STANLEY J. COLLESANO for HIMSELF

10 minutes

963.0
CA 17-01502

MICHELLE A. COLELLO

V

EUGENE G. COLELLO

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered August 4, 2016. The order, among other things, reserved on respondent's motion for reargument and reconsideration and directed respondent to provide certain confidential information to the court for in camera review.

CARL B. KUSTELL for EUGENE G. COLELLO

Submitted

LISA JOAN ALLEN for MICHELLE A. COLELLO

Submitted

STANLEY J. COLLESANO for HIMSELF

Submitted

964.0
CA 17-01503

MICHELLE A. COLELLO
V
EUGENE G. COLELLO

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered March 21, 2017. The order, among other things, denied respondent's motion for reargument and reconsideration.

CARL B. KUSTELL for EUGENE G. COLELLO

Submitted

LISA JOAN ALLEN for MICHELLE A. COLELLO

Submitted

964.1
CAE 18-01576

DONALD BUTTENSCHON
V
CHRISTOPHER J. SALATINO

Appeal from a decision and order of the Supreme Court, Herkimer County (Charles C. Merrell, J.), entered August 23, 2018, in a proceeding pursuant to Election Law article 16. The decision and order, inter alia, declared invalid, insufficient null and void the designating petitions of the Working Families Party for respondent Christopher J. Salatino as candidate for Member of the New York State Assembly District 119.

DONALD GERACE for CHRISTOPHER J. SALATINO

10 minutes

JEFFREY T. BOCHIECHIO for DONALD BUTTENSCHON

10 minutes

964.2
CAE 18-01577

DONALD BUTTENSCHON
V
CHRISTOPHER J. SALATINO

Appeal from a decision and order of the Supreme Court, Herkimer County (Charles C. Merrell, J.), entered August 23, 2018, in a proceeding pursuant to Election Law article 16. The decision and order, inter alia, declared invalid, insufficient null and void the designating petitions of the Democratic Party for respondent Christopher J. Salatino as candidate for Member of the New York State Assembly District 119.

DONALD GERACE for CHRISTOPHER J. SALATINO

Submitted

JEFFREY T. BOCHIECHIO for DONALD BUTTENSCHON

Submitted