

DAY CALENDAR
Tuesday, September 11, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

987.0
KA 16-00721

PEOPLE
V
XAVIER NELSON

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered January 8, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

DREW R. DUBRIN for XAVIER NELSON 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

988.0
KA 14-02219

PEOPLE
V
RONALD M. DALTON

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered September 2, 2014. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the second degree and criminal possession of a controlled substance in the third degree (two counts).

PHILIP ROTHSCHILD for RONALD M. DALTON 15 minutes

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

989.0
TP 17-02185

CHARLES CALDARA
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, Cayuga County [Thomas G. Leone, A.J.], entered December 12, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

CHARLES CALDARA for HIMSELF Submitted

FRANK BRADY for ANTHONY ANNUCCI Submitted

990.0
TP 18-00230

CLARENCE GOURDINE
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 7, 2018) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

NORMAN P. EFFMAN for CLARENCE GOURDINE Submitted

VICTOR PALADINO for ANTHONY ANNUCCI Submitted

991.0 KA 15-02001	PEOPLE V ROSS P. DUPONT, II	<p>Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered November 12, 2015. The judgment convicted defendant, upon his plea of guilty, of aggravated criminal contempt.</p>	
	JAMES A. HOBBS for ROSS P. DUPONT, II		10 minutes
	LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK		5 minutes
992.0 KA 15-00365	PEOPLE V XAVIER NELSON	<p>Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered January 8, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.</p>	
	DREW R. DUBRIN for XAVIER NELSON		5 minutes
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK		5 minutes
993.0 KA 15-01392	PEOPLE V THEADRION HILL	<p>Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered August 14, 2015. The judgment convicted defendant, upon a nonjury verdict, of assault in the second degree and resisting arrest.</p>	
	BRITNEY CLARK for THEADRION HILL		10 minutes
	KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK		10 minutes
994.0 KA 15-01452	PEOPLE V MARK LEE	<p>Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 25, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal solicitation in the fourth degree.</p>	
	PHILIP ROTHSCHILD for MARK LEE		10 minutes
	KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK		10 minutes
995.0 CAF 17-00254	In the Matter of NEVAEH S.	<p>Appeal from an order of the Family Court, Ontario County (Frederick G. Reed, A.J.), entered January 31, 2017 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject child.</p>	
	MARYBETH D. BARNET for TONEI W.		10 minutes
	JENNIFER WORRALL for ONTARIO COUNTY DSS		10 minutes
	SUSAN GRAY, ATTORNEY FOR THE CHILD		5 minutes
996.0 CAF 18-00456	THOMAS A.R. FANIZZI V MARYROSE DELFORTE FANIZZI		

Appeal from an order of the Family Court, Monroe County (John B. Gallagher, Jr., J.), entered August 23, 2017 in a proceeding pursuant to Family Court Act article 4. The order denied respondent's written objections to the order of the Support Magistrate.

LISA A. SADINSKY for MARYROSE DELFORTE FANIZZI 5 minutes

JAMES V. PHILIPPONE for THOMAS A.R. FANIZZI 10 minutes

997.0
CAF 16-02089

In the Matter of
JENNA D.

Appeal from an order of the Family Court, Ontario County (William F. Kocher, J.), entered October 14, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights with respect to the subject child.

CARA A. WALDMAN for PAULA D. 10 minutes

HOLLY AMY ADAMS for ONTARIO COUNTY DSS 5 minutes

VICTORIA KING, ATTORNEY FOR THE CHILD 5 minutes

998.0
CA 18-00091

MARK BRATGE
V
JEFFREY SIMONS

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered October 19, 2017. The order, among other things, dismissed plaintiffs' complaint with prejudice as to defendants Jeffrey Simons, Frank Conestabile, Tracy O'Rourke, in their official and individual capacities, and the Rome City School District.

FRANK POLICELLI for MARK BRATGE 10 minutes

KATHERINE E. GAVETT for JEFFREY SIMONS 10 minutes

999.0
CA 18-00559

ARLISA MAYS
V
TYLER GREEN

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered June 26, 2017. The order denied the motions of plaintiff and defendants for summary judgment on the issues of causation and serious injury and granted the motion of plaintiff for summary judgment on the issues of defendants' negligence and proximate cause.

VALERIE L. BARBIC for TYLER GREEN Submitted

RON F. WRIGHT for ARLISA MAYS 10 minutes

1000.0
CA 18-00245

DARLENE CLIFFORD
V
STEPHEN L. KATES, M.D.

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered April 20, 2017. The order, among other things, dismissed plaintiff's complaint.

DAVID L. MURPHY for DARLENE CLIFFORD 15 minutes

JENNIFER M. SCHWARTZOTT for HIGHLAND HOSPITAL OF ROCHESTER 10 minutes

JEFFREY S. ALBANESE for STEPHEN L. KATES, M.D.

10 minutes

1001.0
CA 18-00273

TRUDY MENEAR
V
KWIK FILL

SETTLED

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered October 31, 2017. The order, among other things, granted in part plaintiffs' motion for a protective order.

MOLLY M. RYAN for MOTOR COACH INDUSTRIES, INC.

AARON J. RYDER for TRUDY MENEAR

1002.0
CA 16-01853

NICK'S GARAGE, INC.
V
GEICO INDEMNITY COMPANY

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 11, 2016. The order and judgment granted the motion of defendants for summary judgment dismissing plaintiff's amended complaint.

CECELIA R. CANNON for NICK'S GARAGE, INC.

Submitted

JONATHAN SCHAPP for GEICO INDEMNITY COMPANY

15 minutes

1003.0
CA 16-01854

JEFFREY'S AUTO BODY, INC.
V
GEICO INDEMNITY COMPANY

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 11, 2016. The order and judgment granted the motion of defendants for summary judgment dismissing plaintiff's amended complaint.

CECELIA R. CANNON for JEFFREY'S AUTO BODY, INC.

Submitted

JONATHAN SCHAPP for GEICO INDEMNITY COMPANY

Submitted

1004.0
CA 18-00361

SHANTAE R. MARTINEZ
V
CITY OF ROCHESTER

Appeal from an amended order of the Supreme Court, Monroe County (William K. Taylor, J.), entered May 11, 2017. The amended order granted the motion of defendants for summary judgment and dismissed the complaint.

JAMES E. MASLYN for SHANTAE R. MARTINEZ

15 minutes

PATRICK N. BEATH for CITY OF ROCHESTER

5 minutes

1005.0
CA 18-00307

SCOT LUTHER
V
PAYQUICKER, LLC

SETTLED

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered August 11, 2017. The order, among other things, denied plaintiff's motion for partial summary judgment.

DOUGLAS A. FOSS for SCOT LUTHER

ROBERT DANIEL HOOKS for PAYQUICKER, LLC

1006.0
CA 18-00301

DENNIS A. DUMOND
V
NEW YORK CENTRAL MUTUAL FIRE INS.

Appeal from a stipulated order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered December 7, 2017. The stipulated order, inter alia, granted plaintiffs money damages of \$182,978.

EDWARD GOZIGIAN for **NEW YORK CENTRAL MUTUAL FIRE INS.**

Submitted

MICHELE E. DETRAGLIA for **DENNIS A. DUMOND**

15 minutes

1007.0
CA 17-02136

MICHAEL J. TARSEL
V
JAMES J. TROMBINO

Appeal and cross appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered June 21, 2017. The order and judgment granted in part the motion of defendant to dismiss the complaint and declared that plaintiffs may make certain improvements to an easement.

LANGSTON D. MCFADDEN for **JAMES J. TROMBINO**

10 minutes

KEVIN E. HULSLANDER for **MICHAEL J. TARSEL**

15 minutes