

DAY CALENDAR
Wednesday, April 6, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

332.0
TP 15-01582

CIVIL SERVICE EMPLOYEES ASSOCIATION
V
NEW YORK STATE UNIFIED COURT SYSTEM

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, Onondaga County [Hugh A. Gilbert, J.], dated September 10, 2015) to review a determination of respondent. The determination found petitioner Robert Stanek guilty of disciplinary charges of misconduct and imposed the penalties of a letter of reprimand, six months probation and the loss of five days' pay.

MARGARET J. FOWLER for CIVIL SERVICE EMPLOYEES ASSOCIATION Submitted

PEDRO MORALES for NEW YORK STATE UNIFIED COURT SYSTEM Submitted

333.0
KA 13-02198

PEOPLE
V
TYREL RIVERS

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered April 30, 2013. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and criminal possession of a weapon in the third degree.

EVAN B. HANNAY for TYREL RIVERS 10 minutes

VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

334.0
KA 13-01611

PEOPLE
V
CHARLESTON PAIGE

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered May 16, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

PHILIP ROTHSCHILD for CHARLESTON PAIGE Submitted

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK Submitted

335.0
KA 12-01367

PEOPLE
V
KEITH E. CARMEL

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered July 11, 2012. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, criminal possession of a forged instrument in the second degree and criminal possession of stolen property in the fourth degree.

DREW R. DUBRIN for KEITH E. CARMEL 10 minutes

ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK 5 minutes

336.0
KA 14-00307

PEOPLE
V
DONALD CLARK

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered January 6, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree (two counts) and criminal possession of stolen property in the fourth degree.

KRISTIN M. PREVE for DONALD CLARK 10 minutes

DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

337.0
KA 12-02268

PEOPLE
V
MARK DUDDEN

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered November 1, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the second degree.

KRISTEN MCDERMOTT for MARK DUDDEN 10 minutes

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK 10 minutes

338.0
KA 13-00645

PEOPLE
V
JIMMIE L. JOHNSON, JR.

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered January 22, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree (two counts) and menacing a police officer or peace officer (two counts).

DREW R. DUBRIN for JIMMIE L. JOHNSON, JR. 5 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 5 minutes

339.0
KA 14-00638

PEOPLE
V
ALEXANDER BARBER-MONTEMAYOR

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered February 5, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, criminal possession of a weapon in the fourth degree and petit larceny.

LINDA M. CAMPBELL for ALEXANDER BARBER-MONTEMAYOR 15 minutes

VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

340.0
CAF 15-00513

In the Matter of
LONDON J.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered March 24, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.

EVAN HANNAY for NIAYA W. 10 minutes

POLLY E. JOHNSON for ONONDAGA COUNTY D.S.S. 10 minutes

COURTNEY S. RADICK, ATTORNEY FOR CHILD 10 minutes

341.0
CAF 15-01514

GWENDOLYN G. MUOK
V
JOSEPH N. MUOK

Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered March 23, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied and dismissed respondent's objections to an order of the Support Magistrate.

PETER J. DIGIORGIO, JR., for JOSEPH N. MUOK 15 minutes

MARY R. HUMPHREY for GWENDOLYN G. MUOK 10 minutes

342.0
CAF 14-02052

In the Matter of
TIMOTHY B.

Appeal from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered October 30, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that the subject children had been neglected and placed respondents under the supervision of petitioner for a period of 12 months.

BRIDGET L. FIELD for PAUL K. 10 minutes

JOHN T. SYLVESTER for LIVINGSTON COUNTY D.S.S. Submitted

KIMBERLY WEISBECK, ATTORNEY FOR CHILD 5 minutes

343.0
CA 15-01126

DWIGHT LAND, III
V
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered June 4, 2014. The order denied the motion of defendant County of Erie for summary judgment dismissing the complaint.

SHAWN P. HENNESSY for COUNTY OF ERIE Submitted

PHILIP A. MILCH for DWIGHT LAND, III Submitted

MATTHEW T. MURRAY for JAMES PAYCHECK Submitted

344.0
CA 15-01412

ROMA M. MANDZYK
V
MANOR LANES

Appeal from an order of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered December 3, 2014. The order granted the motion of defendants for summary judgment, denied the cross motion of plaintiff for summary judgment and dismissed the complaint.

ROBERT E. SCOTT for ROMA M. MANDZYK 15 minutes

MEGHAN BROWN for MANOR LANES 15 minutes

345.0
CA 15-00520

WILLIAM WEBER
V
ERIE COUNTY MEDICAL CENTER CORPORATION

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered December 8, 2014. The order divided attorney's fees 15% to Paul William Beltz, P.C., and 85% to Robert B. Nichols.

STEPHEN R. FOLEY for PAUL WILLIAM BELTZ, P.C. 10 minutes

	ALAN J. PIERCE for ROBERT B. NICHOLS	10 minutes
346.0 CA 15-01462	DAVID R. MILES V TOWN/VILLAGE OF EAST ROCHESTER	
	Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 5, 2014. The order, among other things, granted the motion of defendant Town/Village of East Rochester for summary judgment dismissing the amended complaint of plaintiff David A. Miles.	
	DERRICK A. SPATORICO for DAVID R. MILES	10 minutes
	RAUL E. MARTINEZ for TOWN/VILLAGE OF EAST ROCHESTER	10 minutes
347.0 CA 15-01068	STANLEY PARKER V TOWN OF ALEXANDRIA	
	Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered March 3, 2015. The order declared invalid Town of Alexandria Local Law No. 2 of 2009, Town of Alexandria Local Law No. 2 of 2014 and the August 10, 2011 resolution of the Town Board of Town of Alexandria.	
	KEVIN M. MCARDLE for STANLEY PARKER	10 minutes
	ROBERT JAMES SLYE for TOWN OF ALEXANDRIA	10 minutes
348.0 CA 15-01113	LAFRAMBOISE GROUP LTD. V COMMERCIAL UNDERWRITERS INSURANCE COMPANY	
	Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered February 12, 2014. The order and judgment, among other things, granted the motions of defendants Commercial Underwriters Insurance Company, Walt Wilmshurst and Bourdon's Insurance Agency, Inc., for summary judgment.	
	MATTHEW H. MCARDLE for LAFRAMBOISE GROUP LTD.	10 minutes
	MAUREEN FATCHERIC for COMMERCIAL UNDERWRITERS INS., CO.	10 minutes
	WILLIAM P. SCHMITT for WALT WILMSHURST	10 minutes
	SHARYN GAIL ROGERS for LYONS FALLS PULP & PAPER, INC.	Submitted
349.0 CA 15-01561	CHRISTOPHER DANN V AUBURN POLICE DEPARTMENT	
	Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered February 26, 2015. The order, insofar as appealed from, granted the motion of defendant Cayuga County District Attorney's Office and dismissed the complaint against it and denied the motion of defendants Auburn Police Department and City of Auburn for summary judgment dismissing plaintiff's malicious prosecution cause of action.	
	FRANK W. MILLER for AUBURN POLICE DEPARTMENT	10 minutes
	JARROD W. SMITH for CHRISTOPHER DANN	10 minutes

350.0
CA 15-01147

ROSEMARY WHITE
V
THE DIOCESE OF BUFFALO N.Y.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered March 31, 2015. The order granted the motion of defendant to dismiss the complaint and denied the cross motion of plaintiff for summary judgment.

ANGELO S. GAMBINO for ROSEMARY WHITE 15 minutes

THOMAS JOSEPH SPEYER for THE DIOCESE OF BUFFALO N.Y. 15 minutes

351.0
CA 15-01004

NICHOLAS L. VASSENELLI
V
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered March 4, 2015. The order granted the motion of defendants Pomco Group, also known as Pomco, Inc., and Sharon Miller to dismiss the amended complaint.

A.J. BOSMAN for NICHOLAS L. VASSENELLI 15 minutes

MARY LOUISE CONROW for CITY OF SYRACUSE 10 minutes

DANIEL Y. SOHNEN for PMA MANAGEMENT CORP. 5 minutes

ROBERT A. BARRER for POMCO GROUP 10 minutes

THOMAS P. CARAFA for SHARON ERIKSSON 5 minutes

352.0
CA 15-01150

NICHOLAS L. VASSENELLI
V
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered March 4, 2015. The order granted the motion of defendants City of Syracuse, et al., to dismiss the amended complaint of plaintiff.

A.J. BOSMAN for NICHOLAS L. VASSENELLI Submitted

MARY LOUISE CONROW for CITY OF SYRACUSE Submitted

DANIEL Y. SOHNEN for PMA MANAGEMENT CORP. Submitted

ROBERT A. BARRER for POMCO GROUP Submitted

THOMAS P. CARAFA for SHARON ERIKSSON Submitted

353.0
CA 15-01151

NICHOLAS L. VASSENELLI
V
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered March 4, 2015. The order granted the motion of defendants PMA Management Corp. and Carol Wahl for summary judgment dismissing the amended complaint.

A.J. BOSMAN for NICHOLAS L. VASSENELLI Submitted

MARY LOUISE CONROW for CITY OF SYRACUSE Submitted

DANIEL Y. SOHNEN for PMA MANAGEMENT CORP. Submitted

ROBERT A. BARRER for POMCO GROUP

Submitted

THOMAS P. CARAFA for SHARON ERIKSSON

Submitted

**354.0
CA 15-01153**

NICHOLAS L. VASSENELLI

V

CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered March 4, 2015. The order granted the motion of defendant Sharon Eriksson for summary judgment dismissing plaintiff's amended complaint.

A.J. BOSMAN for NICHOLAS L. VASSENELLI

Submitted

MARY LOUISE CONROW for CITY OF SYRACUSE

Submitted

DANIEL Y. SOHNEN for PMA MANAGEMENT CORP.

Submitted

ROBERT A. BARRER for POMCO GROUP

Submitted

THOMAS P. CARAFA for SHARON ERIKSSON

Submitted