

DAY CALENDAR
Monday, April 3, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

438.0
TP 16-02001

AKEEM A. BRENSON
V
DONALD VENETTOZZI

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, Seneca County [Dennis F. Bender, A.J.], entered October 27, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

AKEEM A. BRENSON for HIMSELF

Submitted

KATHLEEN M. TREASURE for DONALD VENETTOZZI

Submitted

439.0
KA 16-00370

PEOPLE
V
DARWIN ZUNIGA-ROCHA

Appeal from an order of the Genesee County Court (Robert C. Noonan, J.), dated August 21, 2015. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

NICHOLAS P. DIFONZO for DARWIN ZUNIGA-ROCHA

Submitted

WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

440.0
KA 14-01365

PEOPLE
V
CHARLES GREFER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered January 9, 2014. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the second degree

PIOTR BANASIAK for CHARLES GREFER

Submitted

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

Submitted

441.0
KA 14-01366

PEOPLE
V
CHARLES GREFER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered January 9, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal tax fraud in the third degree.

PIOTR BANASIAK for CHARLES GREFER

Submitted

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

Submitted

442.0
KA 15-01726

PEOPLE
V
BRIAN T. TUMOLO

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered August 18, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

	LINDA M. CAMPBELL for BRIAN T. TUMOLO	Submitted
	AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
443.0 KA 14-01662	PEOPLE V JAMES D. HILLYARD, JR.	
	Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered September 3, 2014. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree (two counts), attempted robbery in the first degree, attempted robbery in the second degree and criminal possession of a weapon in the second degree (two counts).	
	WILLIAM G. PIXLEY for JAMES D. HILLYARD, JR.	Submitted
	KELLY C. WOLFORD for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
444.0 KA 14-01562	PEOPLE V PABLO W. LOPEZ	
	Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered February 25, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts).	
	BRIAN SHIFFRIN for PABLO W. LOPEZ	10 minutes
	DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
445.0 KA 15-00535	PEOPLE V ROBERT G. CASE	
	Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered March 16, 2015. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, assault in the second degree, strangulation in the second degree and unlawful imprisonment in the first degree.	
	CAITLIN M. CONNELLY for ROBERT G. CASE	10 minutes
	AMBER KERLING for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
446.0 KA 09-01272	PEOPLE V ELVIRA M. PUSKAR	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered December 8, 2008. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the third degree.	
	REBECCA L. WITTMAN for ELVIRA M. PUSKAR	Submitted
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
447.0 KA 15-00654	PEOPLE V MICHAEL H. CELI	

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered December 15, 2014. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

THEODORE W. STENUF for MICHAEL H. CELI 10 minutes

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

448.0
KA 14-02169

PEOPLE
V
ANDRE NORWOOD

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered October 29, 2014. The order denied the motion of defendant to vacate a judgment of conviction.

DAVID R. JUERGENS for ANDRE NORWOOD 5 minutes

STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

449.0
CA 16-00451

CHRISTOPHER JUNE
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered January 29, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that defendant is a sex offender who suffers from a mental abnormality.

GIGI E. MYERS for CHRISTOPHER JUNE 10 minutes

PATRICK A. WOODS for STATE OF NEW YORK 10 minutes

450.0
CA 16-02009

ORCHARD EARTH & PIPE CORPORATION
V
CONCRETE SLIPFORM, INC.

Appeal from an order of the Supreme Court, Onondaga County (Spencer J. Ludington, A.J.), entered July 18, 2016. The order, insofar as appealed from, granted the motion of defendant for summary judgment on plaintiff's first and second causes of action and dismissed those causes of action.

STEVEN C. SHAHAN for ORCHARD EARTH & PIPE CORPORATION 15 minutes

GREGORY P. BAZAN for CONCRETE SLIPFORM, INC. 15 minutes

451.0
CA 16-01499

RONALD L. ALLEN
V
DAWN E. ALLEN

Appeal from a judgment of the Supreme court, Allegany County (Terrence M. Parker, A.J.), entered November 9, 2015 in a divorce action. The judgment equitably distributed the property of the parties.

GERALD J. VELLA for DAWN E. ALLEN 10 minutes

MICHAEL J. SAGLIMBEN for RONALD L. ALLEN 10 minutes

452.0
CA 16-00373

WELLS FARGO BANK, N.A.
V
BONNIE DYSINGER

Appeal from an order of the Supreme Court, Genesee County (Mark J. Grisanti, A.J.), entered November 4, 2015. The order denied the motion of defendant Bonnie M. Dysinger to vacate a default judgment.

	GARY STORM for BONNIE DYSINGER	30 minutes
	SCOTT W. PARKER for WELLS FARGO BANK, N.A.	15 minutes
453.0 CA 14-01560	KONDAUR CAPITAL CORPORATION V DIANNE L. LUNN	
	Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered July 10, 2014 in a mortgage foreclosure action. The order, among other things, granted plaintiff's motion for summary judgment.	
	DIANNE L. LUNN for HERSELF	5 minutes
	PETER F. EDELMAN for KONDAUR CAPITAL CORPORATION	15 minutes
454.0 CA 15-00733	KONDAUR CAPITAL CORPORATION V DIANNE L. LUNN	
	Appeal from a judgment of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered March 11, 2015 in a mortgage foreclosure action. The judgment, among other things, ordered that the mortgaged premises be sold.	
	DIANNE L. LUNN for HERSELF	Submitted
	PETER F. EDELMAN for KONDAUR CAPITAL CORPORATION	Submitted
455.0 CA 16-00808	PETER D. WATERMAN V CNH AMERICA LLC	
	Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered July 8, 2015. The order granted in part the motions of defendants and the cross motion of third-party defendant for summary judgment.	
	JOHN A. COLLINS for PETER D. WATERMAN	10 minutes
	VIVIAN MARIE QUINN for CNH AMERICA LLC	10 minutes
	R. ANTHONY RUPP, III, for MONROE TRACTOR & IMPLEMENT CO., INC.	10 minutes
	HENRY ZOMERFELD for WOODS EQUIPMENT COMPANY	15 minutes
456.0 CA 16-01249	TOWN OF MARILLA V STANLEY E. TRAVIS	
	Appeal from a judgment (denominated judgment and order) of the Supreme Court, Erie County (John L. Michalski, A.J.), entered October 13, 2015 in a proceeding pursuant to CPLR article 78. The judgment, among other things, consolidated two separate proceedings and dismissed the consolidated proceeding.	
	RICHARD E. STANTON for TOWN OF MARILLA	15 minutes
	MEREDITH G. LEE-CLARK for NYS DEPT. OF ENVIRONMENTAL CONS.	15 minutes
	JOHN A. MANCUSO for STANLEY E. TRAVIS	15 minutes
457.0 CA 16-01638	NICHOLAS DOMINICK V CHARLES MILLAR & SON CO.	

Appeal from an order of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered December 3, 2015. The order denied the motion of defendants Charles Millar & Son Co., Charles Millar Supply, Inc., Millar Supply, Inc., Pacemaker Millar Steel & Industrial Supply Company, Inc., Millar Supply, Inc., individually and as successor-in-interest to Charles Millar & Son Supply, Inc., Pacemaker Millar Steel & Industrial Supply of Binghamton, Inc., Pacemaker Steel & Aluminum of Binghamton Corp., and Pacemaker Steel and Pump Co., Inc., individually and as successor to Charles Millar Pacemaker Steel Warehouse Inc., to set aside the jury verdict and dismissing the action.

GEORGE F. CARPINELLO for CHARLES MILLAR & SON CO.

15 minutes

SETH A. DYMOND for NICHOLAS DOMINICK

15 minutes

458.0
CA 16-02017

NICHOLAS DOMINICK
V
CHARLES MILLAR & SON CO.

Appeal from an judgment of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered March 22, 2016. The judgment, among other things, awarded plaintiff money damages as against defendant Pacemaker Steel & Piping Company, as successors-in-interest to Charles Millar and Son Supply, Inc.

GEORGE F. CARPINELLO for CHARLES MILLAR & SON CO.

Submitted

SETH A. DYMOND for NICHOLAS DOMINICK

Submitted

459.0
CA 15-01713

STATE OF NEW YORK
V
WILLIAM DURGAN

Appeal from an order of the Supreme Court, Jefferson County (James C. Tormey, J.), entered August 26, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, denied respondent's motion to vacate a civil confinement order dated May 6, 2013 and to dismiss the proceedings against him.

MICHAEL H. MCCORMICK for WILLIAM DURGAN

10 minutes

KATHLEEN M. TREASURE for STATE OF NEW YORK

10 minutes

460.0
CA 16-00970

CARMEN BRITT
V
NELDA LAWLER, M.D.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered August 11, 2015. The order denied the motion of plaintiff to amend the complaint, granted the motions of defendants Grace Manor Health Care Facility, Inc., Nelda Lawler, M.D., and Teresa Chau, M.D., for costs, and enjoined plaintiff from initiating further proceedings without prior leave of court.

TIMOTHY R. LOVALLO for CARMEN BRITT

10 minutes

ADAM C. FERRANDINO for GRACE MANOR HEALTH CARE FACILITY, INC.

10 minutes

MICHAEL J. WILLETT for NELDA LAWLER, M.D.

10 minutes

461.0
CA 16-01382

CARMEN BRITT
V
BUFFALO MUNICIPAL HOUSING AUTHORITY

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 7, 2016. The order, among other things, granted the motion of defendants Teresa Chau, M.D. and Nelda Lawler, M.D. to dismiss the 2004 action bearing Index No. I2004-9897, against them with prejudice.

TIMOTHY R. LOVALLO for CARMEN BRITT

Submitted

MICHAEL J. WILLETT for NELDA LAWLER, M.D.

Submitted

462.0
CA 16-00668

CARMEN BRITT

V

BUFFALO MUNICIPAL HOUSING AUTHORITY

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 22, 2015. The order denied the motion of plaintiff for a default judgment against defendants Nelda Lawler, M.D., and Teresa Chau, M.D.

TIMOTHY R. LOVALLO for CARMEN BRITT

Submitted

MICHAEL J. WILLETT for NELDA LAWLER, M.D.

Submitted

463.0
CA 16-01679

ARCHIE MCCORMICK

SETTLED

V

DERICKA THOMPSON

Appeal from an amended order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered June 16, 2016. The amended order denied the motion of defendant Bennett Goldstein for summary judgment.