

**DAY CALENDAR**  
**Thursday, April 6, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

545.0  
KA 15-01934

**PEOPLE**  
**V**  
**KEVIN J. DAVIS, II**

Appeal from an order of the Erie County Court (Michael F. Pietruszka, J.), dated October 16, 2015. The order denied the motion of defendant to vacate a judgment of conviction.

SHERRY A. CHASE for KEVIN J. DAVIS, II 10 minutes

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

534.0  
TP 16-01010

**RONNIE COVINGTON**  
**V**  
**JOHN COLVIN**

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 June 8, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

RONNIE COVINGTON for HIMSELF Submitted

KATHLEEN M. TREASURE for JOHN COLVIN Submitted

535.0  
KA 16-00333

**PEOPLE**  
**V**  
**BENANCIO VASQUEZ**

Appeal from an order of the Monroe County Court (James J. Piampiano, J.), entered January 14, 2016. The decision and order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for BENANCIO VASQUEZ Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

536.0  
KA 16-00153

**PEOPLE**  
**V**  
**CHRISTOPHER PERRIN**

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered January 5, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

CARA A. WALDMAN for CHRISTOPHER PERRIN Submitted

BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

537.0  
KA 16-00152

**PEOPLE**  
**V**  
**CHRISTOPHER PERRIN**

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered January 5, 2016. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

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|----------------------|---|------------|
|                      | CARA A. WALDMAN for CHRISTOPHER PERRIN  | Submitted  |
|                      | BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK  | Submitted  |
| 538.0<br>KA 16-00154 | <b>PEOPLE</b><br>V<br><b>CHRISTOPHER PERRIN</b>   |            |
|                      | Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered January 5, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.  |            |
|                      | CARA A. WALDMAN for CHRISTOPHER PERRIN  | Submitted  |
|                      | BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK  | Submitted  |
| 539.0<br>KA 15-00671 | <b>PEOPLE</b><br>V<br><b>SONNY L. SMITH</b>   |            |
|                      | Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered March 17, 2015. The judgment convicted defendant, upon his plea of guilty, of menacing in the second degree (two counts).                            |            |
|                      | MARIO J. GUTIERREZ for SONNY L. SMITH   | Submitted  |
|                      | CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK   | Submitted  |
| 540.0<br>KA 14-00968 | <b>PEOPLE</b><br>V<br><b>DEMARIO SMITH</b>  |            |
|                      | Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered November 22, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.  |            |
|                      | DAVID M. ABBATOY, JR., for DEMARIO SMITH  | 10 minutes |
|                      | MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK   | 5 minutes  |
| 541.0<br>KA 14-00722 | <b>PEOPLE</b><br>V<br><b>JOSEPH J. GAMBALE</b>  |            |
|                      | Appeal from a judgment of the Monroe County Court (Douglas A. Randall, A.J.), rendered September 6, 2013. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.  |            |
|                      | DREW R. DUBRIN for JOSEPH J. GAMBALE  | 10 minutes |
|                      | DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK   | 10 minutes |
| 542.0<br>KA 14-01074 | <b>PEOPLE</b><br>V<br><b>VINCENT S. LONG</b>  |            |
|                      | Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered February 13, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree. |            |
|                      | JOHN A. CIRANDO for VINCENT S. LONG   | 15 minutes |
|                      | JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK  | 5 minutes  |

543.0  
KA 14-01075

PEOPLE  
V  
VINCENT S. LONG

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered February 13, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

JOHN A. CIRANDO for VINCENT S. LONG Submitted

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

544.0  
KA 14-01076

PEOPLE  
V  
VINCENT S. LONG

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered February 13, 2014. The judgment convicted defendant, upon his plea of guilty, of bribing a witness.

JOHN A. CIRANDO for VINCENT S. LONG Submitted

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

546.0  
KA 14-01675

PEOPLE  
V  
EFRAIN SANTOS

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 27, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree (two counts).

PIOTR BANASIAK for EFRAIN SANTOS 15 minutes

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

547.0  
CA 16-01883

DAVID AHERN  
V  
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered April 19, 2016. The order denied the motion of defendant for summary judgment.

JOHN A. SICKINGER for CITY OF SYRACUSE 10 minutes

MICHAEL W. HARRIS for DAVID AHERN 10 minutes

548.0  
CA 16-01385

ESTATE OF ROSE S. PELLEGRINO  
V  
ERIE INSURANCE COMPANY

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered March 18, 2016. The order, insofar as appealed from, denied in part the motion of plaintiff for summary judgment and granted the motion of defendant to dismiss plaintiff's fourth cause of action.

GREGG S. MAXWELL for ESTATE OF ROSE S. PELLEGRINO 10 minutes

JOSEPH A. WILSON for ERIE INSURANCE COMPANY 10 minutes

549.0  
CA 16-01553

**MERCURY CASUALTY COMPANY**  
**V**  
**LUIS F. REYES**

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 14, 2016. The order denied plaintiff's motion to vacate that portion of a prior order of the court, granted on May 3, 2016, that awarded defendant costs and attorneys' fees from the plaintiff in the amount of \$1,215.00.

JASON TENENBAUM for MERCURY CASUALTY COMPANY

Submitted

JOHN R. CONDREN for LUIS F. REYES

Submitted

550.0  
CA 16-01804

**LOUIS JONES**  
**V**  
**NYS DOCCS**

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (John L. Michalski, J.), entered July 28, 2016 in a proceeding pursuant to CPLR article 78. The judgment reversed the determination of respondents and granted petitioner a de novo parole hearing.

FRANK BRADY for NYS DOCCS

10 minutes

ROBERT BARNES CALIHAN for LOUIS JONES

10 minutes

551.0  
CA 16-01910

**BRUCE COLEMAN**  
**V**  
**TREMARCO CORP.**

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered March 4, 2016. The order granted the motion of defendants for summary judgment dismissing plaintiffs' claims for public nuisance and loss of sale proceeds and dismissing all claims by plaintiff Rochester Auto Maintenance, Inc., and denied the cross motion of plaintiffs for summary judgment.

ALAN J. KNAUF for BRUCE COLEMAN

20 minutes

BERYL NUSBAUM for TREMARCO CORP.

20 minutes

552.0  
CA 16-02063

**TRACIE R. STRONG**  
**V**  
**ST. THOMAS CHURCH OF IRONDEQUOIT**

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered February 11, 2016. The order, among other things, denied the motion of third-party defendant for summary judgment dismissing the third-party complaint.

MEGHAN M. BROWN for STEPPING STONES LEARNING CENTER

10 minutes

CHARLES A. HALL for ST. THOMAS CHURCH OF IRONDEQUOIT

Submitted

553.0  
TP 16-01783

**MICHAEL D. DEMARCO**  
**V**  
**NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Oneida County [Bernadette T. Clark, J.], entered July 1, 2016) to review a determination of respondent. The determination, among other things, suspended petitioner's license to operate a used vehicle dealership.

**NORMAN P. DEEP for MICHAEL D. DEMARCO**

**Submitted**

**PATRICK A. WOODS for NYS DEPARTMENT OF MOTOR VEHICLES**

**Submitted**

**554.0  
CA 16-01723**

**IN THE MATTER OF  
COUNTY OF MONROE  
(CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.)**

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered February 2, 2016. The order and judgment granted the petition of petitioner to stay arbitration and denied the cross motion of respondent to compel arbitration.

**JENNIFER ZEGARELLI for CIVIL SERVICE EMPLOYEES ASSOC., INC.**

**15 minutes**

**KYLE W. STURGESS for COUNTY OF MONROE**

**15 minutes**

**555.0  
CA 16-01956**

**EILEEN MALAY  
V  
CITY OF SYRACUSE**

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 defendants' motion for summary judgment dismissing the complaint.

**FRANK S. GATTUSO for EILEEN MALAY**

**10 minutes**

**MARY D'AGOSTINO for CITY OF SYRACUSE**

**10 minutes**

**JOHN A. SICKINGER for GARY W. MIGUEL**

**Submitted**

**556.0  
CA 16-01428**

**CHARADA T.  
V  
STATE OF NEW YORK**

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered August 4, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, insofar as appealed from, denied the motion of petitioner for a change of venue.

**BENJAMIN D. AGATA for CHARADA T.**

**5 minutes**

**ALLYSON B. LEVINE for STATE OF NEW YORK**

**5 minutes**

**557.0  
CA 16-01678**

**LIFCARE USA, LLC  
V  
FIRST NIAGARA FINANCIAL GROUP**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 8, 2016. The order denied in part defendant's motion for summary judgment dismissing plaintiff's amended complaint.

**STEPHEN W. KELKENBERG for FIRST NIAGARA FINANCIAL GROUP**

**10 minutes**

**THOMAS S. LANE for LIFCARE USA, LLC**

**10 minutes**

558.0

NO APPEAL ASSIGNED TO THIS NUMBER