

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

559.0
TP 16-01691

TERENCE DAUM
V
ANTHONY J. 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, Erie County [M. William Boller, A.J.], entered September 22, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

TERENCE DAUM for HIMSELF

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY J. ANNUCCI

Submitted

560.0
KA 15-00020

PEOPLE
V
SEAN M. VICKERS

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered October 10, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the second degree, attempted criminal sexual act in the first degree and attempted sexual abuse in the first degree.

JOSEPH G. FRAZIER for SEAN M. VICKERS

Submitted

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

561.0
KA 15-00166

PEOPLE
V
ROBERT L. JONES

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered October 2, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DAVID R. JUERGENS for ROBERT L. JONES

Submitted

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

Submitted

562.0
KA 14-02276

PEOPLE
V
JOSEAN A. RODRIGUEZ

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered November 12, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the second degree and attempted burglary in the second degree.

JOSEPH G. FRAZIER for JOSEAN A. RODRIGUEZ

Submitted

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

563.0
KA 14-01047

PEOPLE **SETTLED**
V
CHAUNCEY STEWART

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered June 10, 2014. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

WILLIAM CLAUSS for CHAUNCEY STEWART

KELLY C. WOLFORD for THE PEOPLE OF THE STATE OF NEW YORK

564.0
KA 15-01002

PEOPLE
V
STEPHEN L. MYERS

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered September 26, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fourth degree, burglary in the third degree and grand larceny in the fourth degree.

CHARLES J. GREENBERG for STEPHEN L. MYERS

10 minutes

HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

565.0
KA 15-00157

PEOPLE
V
DENNIS TRIPLETT

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered January 2, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree (three counts), assault in the first degree (three counts) and criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for DENNIS TRIPLETT

Submitted

DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

566.0
KA 12-01034

PEOPLE
V
OMAR ANWAR

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered February 6, 2012. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, criminal sexual act in the first degree (two counts), sexual abuse in the first degree, unlawful imprisonment in the second degree and assault in the third degree.

NEAL WIESNER for OMAR ANWAR

15 minutes

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

10 minutes

567.0
KAH 15-00620

PEOPLE EX REL.
JOHN H. HADDOCK
V
SANDRA DOLCE

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered December 31, 2014 in a habeas corpus proceeding. The order denied the petition.

JOHN A. CIRANDO for JOHN H. HADDOCK

10 minutes

MARTIN A. HOTVET for SANDRA DOLCE

Submitted

568.0
CA 16-01680

PATRICIA M. CLAUSS
V
BANK OF AMERICA, N.A.

Appeals from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered April 28, 2016. The order denied the motions of defendants for summary judgment.

JAMES J. NASH for BANK OF AMERICA, N.A. 15 minutes
ROBERT M. LIPPMAN for VILLAGE OF WILLIAMSVILLE 10 minutes
HEDWIG M. AULETTA for JONES LANG LASALLE AMERICAS, INC. 10 minutes
EDWARD C. COSGROVE for PATRICIA M. CLAUSS 15 minutes

569.0
CA 16-01765

CAROL ZAZZARO
V
HSBC BANK USA

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered December 14, 2015. The order, insofar as appealed from, granted the motions of defendants to dismiss the complaint and dismissed the complaint.

TIMOTHY R. HEDGES for CAROL ZAZZARO 10 minutes
ANDREW D. DRILLING for HSBC BANK USA 10 minutes

570.0
CA 16-01185

WM. SCHUTT & ASSOCIATES ENGINEERING
V
ST. BONAVENTURE UNIVERSITY

Appeal from an order and judgment (one paper) of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered March 25, 2016. The order and judgment, insofar as appealed from, granted the motion of plaintiff for summary judgment against defendant James W. Manguso, doing business as Lauer-Manguso & Associates Architects.

ROBERT W. MICHALAK for JAMES W. MANGUSO 5 minutes
CHANEL T. MCCARTHY for WM. SCHUTT & ASSOCIATES ENGINEERING 10 minutes

571.0
CA 16-00385

JASON PHILLIPS
V
ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered December 22, 2015 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for JASON PHILLIPS Submitted
MARCUS J. MASTRACCO for ANTHONY ANNUCCI Submitted

572.0
CA 16-01895

IN THE MATTER OF
CITY OF BUFFALO
(BRAND-ON SERVICES, INC.)

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered January 11, 2016. The order granted petitioner's motion to dismiss the complaint of intervenor plaintiff Morton H. Wittlin.

ADAM BRYCE CONNERS for MORTON H. WITTLIN 10 minutes
DAVID M. LEE for CITY OF BUFFALO 10 minutes

573.0
CA 16-01210

SUZANNE M. GALLAGHER
V
CITY OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered January 28, 2016. The order granted the motion of defendant County of Erie for an award of attorney's fees.

PATRICK W. BROPHY for SUZANNE M. GALLAGHER

Submitted

ELIZABETH M. BERGEN for COUNTY OF ERIE

10 minutes

575.0
CA 15-01603

WILLIAM JOHNSON
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered September 2, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that defendant is a sex offender requiring civil management.

BENJAMIN D. AGATA for WILLIAM JOHNSON

10 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK

10 minutes

576.0
CA 16-00794

WILLIAM JOHNSON
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered April 6, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to the custody of the Commissioner of the New York State Office of Mental Health for confinement in a secure treatment facility, for care, treatment and control until such time he is judicially determined to no longer require such confinement.

BENJAMIN D. AGATA for WILLIAM JOHNSON

Submitted

JONATHAN D. HITSOUS for STATE OF NEW YORK

Submitted

577.0
CA 16-02019

HARLEYSVILLE WORCESTER INSURANCE CO. **SETTLED**
V
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered January 8, 2016. The order, among other things, granted defendant's motion for summary judgment and dismissed plaintiff's complaint against defendant in its entirety.

MARC S. BROWN for HARLEYSVILLE WORCESTER INSURANCE CO.

MICHELLE MARIE PARKER for COUNTY OF ERIE

578.0
CA 16-01997

JUSTIN BERNER
V
TOWN OF CHEEKTOWAGA

Appeal and cross appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered April 20, 2016. The order denied in part and granted in part the motion of defendant for summary judgment and denied the cross motion for partial summary judgment.

KEVIN LOFTUS for TOWN OF CHEEKTOWAGA

10 minutes

STEPHEN C. HALPERN for JUSTIN BERNER

15 minutes

579.0
TP 16-01824

ALEKSANDR KLIMOV
V
NEW YORK STATE DIV. OF HUMAN RIGHTS

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Deborah A. Chimes, J.], entered June 14, 2016) to review a determination of respondent New York State Division of Human Rights. The determination, among other things, dismissed petitioner's claims of unlawful discrimination based upon age and national origin.

ANDREW P. FLEMING for ALEKSANDR KLIMOV

10 minutes

AARON M. WOSKOFF for NEW YORK STATE DIV. OF HUMAN RIGHTS

Submitted

JOSEPH M. SPADOLA for NYS DEPT. OF TRANSPORTATION

10 minutes

580.0
CA 16-01413

ROCHESTER EASTSIDE RESIDENTS
V
CITY OF ROCHESTER

Appeal from a judgment of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered May 24, 2016 in a proceeding pursuant to CPLR article 78. The judgment, among other things, dismissed the petition.

ALAN J. KNAUF for ROCHESTER EASTSIDE RESIDENTS

20 minutes

REUBEN ORTENBERG for ALDI, INC.

15 minutes

MAUREEN K. GILROY for CITY OF ROCHESTER

10 minutes