

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

588.0  
CA 17-01120

**LIZZIE CYRUS**  
V  
**WAL-MART STORES EAST, LP**

Appeal from a judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered February 24, 2017. The judgment, in favor of defendant and against plaintiffs, awarded defendant costs and disbursements in the amount of \$1355.00.

**MICHAEL J. HUTTER** for LIZZIE CYRUS 10 minutes

**T. ANDREW BROWN** for WAL-MART STORES EAST, LP 10 minutes

568.0  
TP 17-01992

**DEBORAH G. SADALLAH**  
V  
**N.Y.S. 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, Niagara County [Daniel J. Furlong, J.], entered October 24, 2017) to review a determination of respondent. The determination revoked petitioner's driving privileges in the State of New York.

**MATTHEW A. LENHARD** for DEBORAH G. SADALLAH Submitted

**JONATHAN D. HITSOUS** for N.Y.S. DEPARTMENT OF MOTOR VEHICLES Submitted

569.0  
TP 17-01878

**THOMAS CORDWAY**  
V  
**CAYUGA COUNTY**

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, Cayuga County [Mark H. Fandrigh, A.J.], entered October 16, 2017) to review a determination of respondents. The determination terminated benefits petitioner was receiving pursuant to General Municipal Law § 207-c.

**A. ANDRE DALBEC** for THOMAS CORDWAY Submitted

**SUZANNE O. GALBATO** for CAYUGA COUNTY Submitted

571.0  
KA 16-01618

**PEOPLE**  
V  
**JEREMIAH D. WILLIAMS**

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered April 11, 2016. The judgment convicted defendant, upon his plea of guilty, of failure to register/change of address.

**MICHAEL S. DEAL** for JEREMIAH D. WILLIAMS Submitted

**SHIRLEY A. GORMAN** for PEOPLE OF THE STATE OF NEW YORK Submitted

572.0  
KA 15-00945

**PEOPLE**  
V  
**CHRISTOPHER D. TOWNSEND**

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered December 4, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

JANET C. SOMES for CHRISTOPHER D. TOWNSEND

Submitted

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

Submitted

573.0  
KA 16-01087

PEOPLE  
V  
JOSE JUARBE

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered April 11, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

DAVID A. COOKE for JOSE JUARBE

Submitted

STEVEN G. COX for PEOPLE OF THE STATE OF NEW YORK

Submitted

574.0  
KA 16-00448

PEOPLE  
V  
TERRELL B. MILLER

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered March 16, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree.

DEBORAH K. JESSEY for TERRELL B. MILLER

10 minutes

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

5 minutes

575.0  
KA 14-01963

PEOPLE  
V  
JERRY L. ELLINGTON

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered April 16, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

KIMBERLY F. DUGUAY for JERRY L. ELLINGTON

10 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK

10 minutes

576.0  
KA 16-00662

PEOPLE  
V  
DAVID C. HOFFMAN

Appeal from an order of the Ontario County Court (William F. Kocher, J.), entered December 3, 2014. The order determined defendant to be a level two risk pursuant to the Sex Offender Registration Act.

MARK C. DAVISON for DAVID C. HOFFMAN

Submitted

JASON A. MACBRIDE for PEOPLE OF THE STATE OF NEW YORK

Submitted

577.0  
KA 16-01119

PEOPLE  
V  
JONATHAN C. ROSSBOROUGH

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered June 1, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree.

	CARA A. WALDMAN for JONATHAN C. ROSSBOROUGH	Submitted
	ZACHARY S. MAURER for PEOPLE OF THE STATE OF NEW YORK	Submitted
578.0 CAF 17-00054	<b>SHAMECKIA LACHELLE WHITE</b> V <b>LOVANA E. BYRD-MCGUIRE</b>	
	Appeal from an order of the Family Court, Onondaga County (Kevin G. Young, J.), entered November 29, 2016, in a proceeding pursuant to Family Court Act article 8. The order issued an order of protection against respondent.	
	LINDA M. CAMPBELL for LOVANA E. BYRD-MCGUIRE	Submitted
	SHAMECKIA LACHELLE WHITE for HERSELF	Submitted
579.0 CAF 17-00922	<b>SHAMECKIA LACHELLE WHITE</b> V <b>LOVANA BYRD-MCGUIRE</b>	
	Appeal from an order of the Family Court, Onondaga County (Kevin G. Young, J.), entered February 8, 2017, in a proceeding pursuant to Family Court Act article 8. The order denied the motion of respondent to set aside a prior decision.	
	LINDA M. CAMPBELL for LOVANA BYRD-MCGUIRE	Submitted
	SHAMECKIA LACHELLE WHITE for HERSELF	Submitted
580.0 CAF 17-01425	<b>SHELLI A. WHEELER</b> V <b>MICHAEL S. WHEELER</b>	
	Appeal from a decision and order of the Family Court, Monroe County (Joan S. Kohout, J.), entered October 19, 2016, in a proceeding pursuant to Family Court Act article 4. The decision and order granted in part the objections of respondent, vacated the order of the Support Magistrate and dismissed the petition.	
	PAUL B. WATKINS for SHELLI A. WHEELER	10 minutes
	FRANCIS C. AFFRONTI for MICHAEL S. WHEELER	10 minutes
581.0 CAF 17-01774	<b>SHELLI A. WHEELER</b> V <b>MICHAEL S. WHEELER</b>	
	Appeal from a decision and order of the Family Court, Monroe County (Joan S. Kohout, J.), entered August 7, 2017, in a proceeding pursuant to Family Court Act article 4. The decision and order settled the record for an appeal from an order entered October 19, 2016.	
	PAUL B. WATKINS for SHELLI A. WHEELER	Submitted
	FRANCIS C. AFFRONTI for MICHAEL S. WHEELER	Submitted
582.0 CAF 16-01132	<b>In the Matter of</b> <b>SEAN P.</b>	
	Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczyk, J.), entered June 7, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Sean P. had neglected the subject child.	

	JOHN A. CIRANDO for SEAN P.	10 minutes
	MAGGIE SEIKALY for ONONDAGA CO. DEPT. OF CHILDREN & FAMILY SERVS.	Submitted
	LAURA ESTELA CARDONA, ATTORNEY FOR CHILD	5 minutes
583.0 CA 17-01590	<b>MAL-BON, LLC</b> V <b>MELANIE SMITH</b>	
	Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered April 26, 2017. The order, insofar as appealed from, granted the motion of plaintiffs for partial summary judgment dismissing defendants' first, third, fourth, sixth and ninth counterclaims, dismissed said counterclaims and granted plaintiffs' motion for an adverse inference against defendants for spoliation.	
	STEVEN M. COHEN for MELANIE SMITH	15 minutes
	CHRISTOPHER MATTHEW BERLOTH for MAL-BON, LLC	15 minutes
584.0 CA 17-01959	<b>BARRY J. HASSETT</b> V <b>BUFFALO CHOP HOUSE, INC.</b>	<b>SETTLED</b>
	Appeal and cross appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 29, 2017. The order denied the motion of plaintiff and the cross motion of defendants for summary judgment.	
	SEAN COONEY for BARRY J. HASSETT	
	JENNA W. KLUCSIK for BUFFALO CHOP HOUSE, INC.	
585.0 CA 17-01991	<b>SHARON SCHWERTFAGER</b> V <b>N.Y.S. DIVISION OF HUMAN RIGHTS</b>	
	Appeal from an order and judgment of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered January 18, 2017. The order and judgment denied and dismissed the petition.	
	LINDY KORN for SHARON SCHWERTFAGER	15 minutes
	JOSEPH M. SPADOLA for STATE UNIVERSITY OF NEW YORK	10 minutes
	CAROLINE J. DOWNEY for N.Y.S. DIVISION OF HUMAN RIGHTS	Submitted
586.0 CA 17-01556	<b>N.Y.S. DEPARTMENT OF TRANSPORTATION</b> V <b>NORTH STAR PAINTING COMPANY, INC.</b>	
	Appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered April 20, 2017. The order, among other things, granted plaintiff's motion for a conditional order of indemnity against defendant.	
	GEORGE J. HOFFMAN, JR., for NORTH STAR PAINTING COMPANY, INC.	10 minutes
	PAUL D. MCCORMICK for N.Y.S. DEPARTMENT OF TRANSPORTATION	10 minutes
587.0 CA 17-02014	<b>SUSAN M. KINGLSY</b> V <b>THOMAS EDWARD PRICE, M.D.</b>	

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch Sr., A.J.), entered June 13, 2017. The order, among other things, denied the motion of defendants Thomas Edward Price, M.D., Western New York Occupational Medicine, P.C., Michael Anthony Torres, M.D, Eastern Niagara Radiology and Nuclear Medicine Associates, P.C., Aurea Sismea Sushila DeSouza, M.D., Lockport Memorial Hospital and Eastern Niagara Hospital for summary judgment.

SETH HISER for THOMAS EDWARD PRICE, M.D.

5 minutes

KEVIN T. SAUNDERS for NEW YORK STATE ELECTRIC AND GAS CORP.

15 minutes

JOSEPH DEMARIE for SUSAN M. KINGLSY

Submitted

MEGHANN N. ROEHL for ONSITE OCCUPATIONAL HEALTH SERVICES

Submitted

589.0  
CA 17-01587

LYNN PAIGE

V

ROBERT PAIGE

Appeal and cross appeal from a decision and order of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered November 15, 2016. The decision and order, inter alia, equitably distributed the marital assets of the parties.

MAURICE JOSEPH VERRILLO for ROBERT PAIGE

20 minutes

SUSAN KATHLEEN DUKE for LYNN PAIGE

15 minutes

590.0  
CA 17-01588

LYNN PAIGE

V

ROBERT PAIGE

Appeal and cross appeal from a judgment of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered January 19, 2017 . The judgment, inter alia, distributed the marital assets of the parties.

MAURICE JOSEPH VERRILLO for ROBERT PAIGE

Submitted

SUSAN KATHLEEN DUKE for LYNN PAIGE

Submitted

591.0  
CA 17-01589

LYNN PAIGE

V

ROBERT PAIGE

Appeal from an order of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered February 15, 2017 . The order directed defendant to pay \$4664 to plaintiff as and for legal fees.

MAURICE JOSEPH VERRILLO for ROBERT PAIGE

Submitted

SUSAN KATHLEEN DUKE for LYNN PAIGE

Submitted