

**DAY CALENDAR**  
**Wednesday, February 24, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

194.0  
KA 14-00256

**PEOPLE**  
**V**  
**ERIC DAVIS**

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered January 2, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

BARBARA J. DAVIES for ERIC DAVIS Submitted

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

195.0  
KA 14-00515

**PEOPLE**  
**V**  
**JONATHAN E. STANTON**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.); entered January 6, 2014. The judgment revoked defendant's probation and imposed a term of imprisonment.

SUSAN C. MINISTERO for JONATHAN E. STANTON Submitted

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

196.0  
KA 14-00808

**PEOPLE**  
**V**  
**WILLIAM R. PALMER**

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered February 20, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

WILLIAM R. PALMER for WILLIAM R. PALMER Submitted

HEATHER PARKER HINES for THE PEOPLE OF THE STATE OF NEW YORK Submitted

197.0  
KA 14-00956

**PEOPLE**  
**V**  
**ANTHONY MILLS**

Appeal from a judgment of the Erie County Court (Sheila A. Di Tullio, J.), rendered May 12, 2014. The judgment convicted defendant, upon a nonjury verdict, of burglary in the second degree (four counts).

LYLE T. HAJDU for ANTHONY MILLS 10 minutes

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

198.0  
KA 13-01463

**PEOPLE**  
**V**  
**TIMOTHY BOYD**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered November 26, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree, burglary in the first degree, burglary in the second degree, criminal possession of a weapon in the second degree (two counts) and conspiracy in the fourth degree.

	PHILIP ROTHSCHILD for TIMOTHY BOYD	15 minutes
	JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
199.0 KA 13-00159	<b>PEOPLE</b> V <b>TIMOTHY D. SAMUEL</b>	
	Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered July 2, 2012. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (two counts), robbery in the second degree (two counts), kidnapping in the second degree, assault in the second degree (two counts) and criminal possession of a weapon in the second degree (two counts).	
	DIANNE C RUSSELL for TIMOTHY D. SAMUEL	10 minutes
	ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
200.0 KA 14-01665	<b>PEOPLE</b> V <b>WILLIE R. SCOTT, JR.</b>	
	Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, J.), rendered November 4, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.	
	KATHLEEN E. CASEY for WILLIE R. SCOTT, JR.	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
201.0 CAF 14-01538	<b>RICHARD C. KIRKPATRICK</b> V <b>JESSICA LYNN KIRKPATRICK</b>	
	Appeal from an order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered July 21, 2014 in proceedings pursuant to Family Court Act article 6. The order, among other things, dismissed the petition of Jessica Lynn Kirkpatrick and granted in part the petition of Richard C. Kirkpatrick to modify a prior court order.	
	DAVID J. PAJAK for JESSICA LYNN KIRKPATRICK	Submitted
	TIMOTHY R. LOVALLO for RICHARD C. KIRKPATRICK	Submitted
	MICHELE A. BROWN, ATTORNEY FOR CHILD	5 minutes
202.0 CAF 15-00142	<b>In the Matter of</b> <b>DOMINIC B.</b>	
	Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered January 12, 2015, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, adjudged the subject child neglected.	
	EMILY A. VELLA for LORETTA B.	10 minutes
	STEPHEN J. RILEY for CATTARAUGUS COUNTY DSS	Submitted
	BRONWYN E. ENDERS, ATTORNEY FOR CHILD	Submitted
203.0 CAF 14-01288	<b>AUSTIN JOHNSON</b> V <b>SHERRY PRICHARD</b>	

Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, R.), entered June 27, 2014 in proceedings pursuant to Family Court Act article 6 and article 8. The order, among other things, dismissed certain petitions and adjudged that Sherry Prichard shall continue to have sole legal and physical custody of the subject child.

PAUL M. DEEP for AUSTIN JOHNSON

Submitted

GREGG A. STARCZEWSKI for SHERRY PRICHARD

Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR CHILD

5 minutes

204.0  
CAF 14-01946

In the Matter of  
ASHLEY B.

Appeal from a decision and order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered October 2, 2014, in proceedings pursuant to Family Court Act article 10. The decision and order, inter alia, found the subject children to be neglected.

ALAN BIRNHOLZ for LAVERN B.

Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY DSS

5 minutes

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

SHEILA SULLIVAN DICKINSON, ATTORNEY FOR CHILD

10 minutes

BERNADETTE HOPPE, ATTORNEY FOR CHILD

Submitted

205.0  
CA 15-00353

EMMANUEL PATTERSON  
V  
MICHAEL GRAZIANO

Appeal from a decision and order of the Supreme Court, Erie County (M. William Boller, A.J.), entered October 21, 2014. The decision and order dismissed the CPLR article 78 proceeding.

EMMANUEL PATTERSON for HIMSELF

Submitted

KATHLEEN M. ARNOLD for MICHAEL GRAZIANO

Submitted

206.0  
CA 15-00502

PAULA L. GIBBS  
V  
STATE FARM FIRE AND CASUALTY CO.

Appeal from a decision and order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered December 4, 2014. The decision and order, insofar as appealed from, granted in part the motion of defendant to set aside a verdict and ordered a new trial on damages for dwelling loss and additional living expenses unless plaintiff stipulates to damages of \$43,000 and \$11,669, respectively.

GERALD T. WALSH for PAULA L. GIBBS

15 minutes

ERIC T. BORON for STATE FARM FIRE AND CASUALTY CO.

15 minutes

207.0  
CA 15-01017

PAULA L. GIBBS  
V  
STATE FARM FIRE AND CASUALTY CO.

Appeal from a decision and order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered April 23, 2015. The judgment, insofar as appealed from, ordered a new trial on damages for dwelling loss and additional living expenses unless plaintiff stipulates to damages of \$43,000 and \$11,669, respectively.

GERALD T. WALSH for PAULA L. GIBBS

Submitted

ERIC T. BORON for STATE FARM FIRE AND CASUALTY CO.

Submitted

208.0  
CA 15-01382

ALEX C. MILLER  
V  
KIRK HOWARD

Appeal from an order of the Supreme Court, Cattaraugus County (Paula L. Feroletto, J.), entered October 31, 2014. The order granted the motion of plaintiff pursuant to CPLR 603 for a separate trial on the issue of the liability of defendant Amore's Used Cars & Repairs, Inc.

WILLIAM K. KENNEDY for AMORE'S USED CARS & REPAIRS, INC.

15 minutes

RONALD J. WRIGHT for ALEX C. MILLER

15 minutes

209.0  
CA 15-00453

CHARLES TERWILLIGER  
V  
MAX CO., LTD.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered November 12, 2014. The decision and order, inter alia, granted in part and denied in part the motion of defendants for summary judgment.

JOHN P. FREEDENBERG for MAX CO., LTD.

15 minutes

ANNE BELTZ RIMMLER for CHARLES TERWILLIGER

30 minutes

RICHARD S. BINKO for HELEN TERWILLIGER

10 minutes

210.0  
CA 15-00897

CHARLES TERWILLIGER  
V  
MAX CO., LTD.

Appeal from a decision and order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered January 20, 2015. The decision and order, insofar as appealed from, granted in part the motions of plaintiffs for reargument and denied the motion of defendants for summary judgment dismissing the claim of breach of implied merchantability/fitness for ordinary purposes.

JOHN P. FREEDENBERG for MAX CO., LTD.

Submitted

ANNE BELTZ RIMMLER for CHARLES TERWILLIGER

Submitted

RICHARD S. BINKO for HELEN TERWILLIGER

Submitted

211.0  
CA 15-00802

DARA R. CUNNINGHAM  
V  
ARLYN C. CUNNINGHAM, JR.

Appeal from an order of the Supreme Court, Yates County (Dennis F. Bender, A.J.), entered July 24, 2014. The order awarded sole legal custody of the parties' child to defendant.

MICHAEL STEINBERG for DARA R. CUNNINGHAM

15 minutes

	J. SCOTT PORTER for ARLYN C. CUNNINGHAM, JR.	10 minutes
	TIFFANY M. SORGEN, ATTORNEY FOR CHILD	5 minutes
212.0 CA 15-00804	<b>DARA R. CUNNINGHAM</b> V <b>ARLYN C. CUNNINGHAM, JR.</b>	
	Appeal from an order of the Supreme Court, Yates County (Dennis F. Bender, A.J.), entered February 13, 2015. The order denied the motion of plaintiff for renewal.	
	MICHAEL STEINBERG for DARA R. CUNNINGHAM	Submitted
	J. SCOTT PORTER for ARLYN C. CUNNINGHAM, JR.	Submitted
	TIFFANY M. SORGEN, ATTORNEY FOR CHILD	Submitted
213.0 CA 15-01609	<b>DARA R. CUNNINGHAM</b> V <b>ARLYN C. CUNNINGHAM, JR.</b>	
	Appeal from a judgment of the Supreme Court, Yates County (Dennis F. Bender, A.J.), entered July 24, 2015. The judgment, insofar as appealed from, granted defendant custody of the parties' child.	
	MICHAEL STEINBERG for DARA R. CUNNINGHAM	Submitted
	J. SCOTT PORTER for ARLYN C. CUNNINGHAM, JR.	Submitted
	TIFFANY M. SORGEN, ATTORNEY FOR CHILD	Submitted
214.0 OP 15-01306	<b>BOHDAN S. CHOMYN</b> V <b>M. WILLIAM BOLLER</b>	
	Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to review a determination of respondents. The determination revoked the firearms license of petitioner.	
	JAMES OSTROWSKI for BOHDAN S. CHOMYN	10 minutes
	FRANK BRADY for M. WILLIAM BOLLER	10 minutes
	JEREMY C. TOTH for CHRISTOPHER L. JACOBS	10 minutes
215.0 CA 15-00835	<b>THE WALTON &amp; WILLET STONE BLOCK, LLC</b> V <b>CITY OF OSWEGO COMMUNITY DEVELOPMENT</b>	
	Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered February 4, 2014. The order dismissed the complaint with prejudice.	
	TERRY J. KIRWAN, JR., for THE WALTON & WILLET STONE BLOCK, LLC	10 minutes
	DOUGLAS M. MCRAE for CITY OF OSWEGO COMMUNITY DEVELOPMENT	10 minutes
216.0 CA 15-01316	<b>MARY L. BARRON</b> V <b>NORTHTOWN WORLD AUTO</b>	

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered January 28, 2015. The order granted the motion of defendants for summary judgment and dismissed the complaint.

MATTHEW J. KAISER for MARY L. BARRON

15 minutes

JOSHUA P. RUBIN for NORTHTOWN WORLD AUTO

10 minutes

217.0  
CA 14-01690

REGINALD MCFADDEN

V

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL

Appeal from an order of the Supreme Court, Wyoming County (Michael A. Mohun, J.), entered August 22, 2014. The order, among other things, granted defendants' cross motion to dismiss the complaint.

REGINALD MCFADDEN for HIMSELF

Submitted

KATHLEEN ARNOLD for ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL

Submitted