

DAY CALENDAR
Monday, February 29, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

218.0
KA 14-01135

PEOPLE
V
MICHAEL A. NICOMETO

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered January 21, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

SUSAN C. MINISTERO for MICHAEL A. NICOMETO Submitted

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

219.0
KA 11-02357

PEOPLE
V
LORENZO D. WILLIAMS

Appeal from a judgment of the Monroe County Court (Melchor E. Casto, A.J.), rendered September 30, 2011. The judgment convicted defendant, upon a jury verdict, of offering a false instrument for filing in the first degree, offering a false instrument for filing in the second degree, and unadmitted/unregistered practice as attorney (two counts).

ERIC M. DOLAN for LORENZO D. WILLIAMS 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

220.0
KA 14-00998

PEOPLE
V
SHAWN MCINTOSH

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered November 1, 2013. The judgment convicted defendant, upon his plea of guilty, of use of a child in a sexual performance (four counts); sexual abuse in the first degree (two counts); possession of a sexual performance by a child (four counts); and endangering the welfare of a child (two counts).

ROBERT L. KEMP for SHAWN MCINTOSH Submitted

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK Submitted

221.0
KA 14-00957

PEOPLE
V
DEQUAN BAILEY

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered May 21, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree and robbery in the second degree (five counts).

ROBERT L. KEMP for DEQUAN BAILEY Submitted

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

222.0
KA 11-00100

PEOPLE
V
ROBERT C. MOORER

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered November 17, 2010. The judgment convicted defendant, upon a jury verdict, of reckless endangerment in the first degree and criminal possession of a weapon in the third degree.

ERIC M. DOLAN for ROBERT C. MOORER 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

223.0
KA 13-00554

PEOPLE
V
DERRICK MILLER

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered February 8, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree.

EVAN B. HANNAY for DERRICK MILLER 10 minutes

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

224.0
KA 11-00808

PEOPLE
V
TERRY DRAKE

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered June 24, 2010. The judgment convicted defendant, upon a jury verdict, of course of sexual conduct against a child in the first degree and incest in the third degree (two counts).

JEANNIE MICHALSKI for TERRY DRAKE Submitted

JOSHUA TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

225.0
KA 15-01358

PEOPLE
V
TERRY DRAKE

Appeal from a resentencing of the Supreme Court, Livingston County (Dennis S. Cohen, J.), rendered September 9, 2010. Defendant was resentenced upon his conviction of the crimes of incest in the third degree (two counts).

JEANNIE MICHALSKI for TERRY DRAKE Submitted

JOSHUA TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

226.0
CAF 13-02190

LINDA SPECHT
V
THOMAS L. LAMOREAUX

Appeal from an order of the Family Court, Monroe County (John B. Gallaher Jr., J.), entered November 14, 2013 in a proceeding pursuant to Family Court Act article 4. The order, among other things, sentenced respondent to one year in jail.

JANET C. SOMES for THOMAS L. LAMOREAUX 10 minutes

MARIE D'AMICO for LINDA SPECHT Submitted

227.0
CAF 14-02001

YVETTE NOBLE
V
LEON C. BROWN

Appeal from an order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered October 17, 2014 in proceeding pursuant to Family Court Act article 6. The order dismissed the petition

JOHN A. CIRANDO for YVETTE NOBLE 10 minutes

LEON C. BROWN for HIMSELF Submitted

SUSAN B. MARRIS, ATTORNEY FOR CHILD 5 minutes

228.0
CAF 14-00248

JAMIE BAYLEY
V
PHILLIP BAYLEY

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered January 24, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, granted the petition.

EVELYNE A. O'SULLIVAN for PHILLIP BAYLEY 5 minutes

JAMIE BAYLEY for HIMSELF Submitted

CHRISTOPHER BRECHTEL, ATTORNEY FOR CHILD 5 minutes

229.0
CAF 15-00199

LESLEY SHEPHARD
V
ERICK O. RAY

Appeal from an order of the Family Court, Monroe County (Paul Riordan, R.), entered December 8, 2014 in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed respondent to stay away from petitioner.

JAMES P. YOUNGS for ERICK O. RAY 10 minutes

LESLEY SHEPHARD for HERSELF Submitted

230.0
CA 15-01344

MICHAEL C. KERWIN
V
JOSEPH FUSCO

Appeal and cross appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered October 27, 2014. The order, inter alia, denied as premature the motion of plaintiff for partial summary judgment on the issue of liability and denied the cross motion of defendant BH Decker, Inc., for summary judgment dismissing the complaint.

JAMES J. GASCON for BH DECKER, INC. 10 minutes

HARRISON V. WILLIAMS, JR., for MICHAEL C. KERWIN 15 minutes

LAUREN M. MILLER for JOSEPH FUSCO Submitted

PETER S. SAMAAAN for SUNSTREAM CORPORATION Submitted

231.0
CA 15-00172

WENDY D. SEARS
V
STEPHEN J. SEARS

Appeal from an order of the Supreme Court, Monroe County (John M. Owens, J.), entered December 31, 2014. The order, among other things, directed plaintiff to execute a quit claim deed with respect to certain real property the parties jointly owned.

DONALD ALAN WHITE for WENDY D. SEARS 15 minutes

	GEORGE A. SCHELL for STEPHEN J. SEARS	10 minutes
232.0	MIKE HAWLEY	
CA 14-02091	V	
	ANTHONY ANNUCCI	
	Appeal a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered October 17, 2014 in a proceeding pursuant to CPLR article 78. The order dismissed the petition.	
	ADAM W. KOCH for MIKE HAWLEY	Submitted
	PETER H. SCHIFF for ANTHONY ANNUCCI	Submitted
233.0	DAVID MADDEX	
CA 15-00896	V	
	E.E. AUSTIN & SON, INC.	
	Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered March 18, 2015. The order denied the motion of plaintiffs for judgment pursuant to CPLR 4401 and for judgment notwithstanding a verdict pursuant to CPLR 4404 (a).	
	A. PETER SNODGRASS for DAVID MADDEX	15 minutes
	KENNETH A. PATRICIA for E.E. AUSTIN & SON, INC.	15 minutes
234.0	FRANCIS P. OSCIER	
CA 15-00478	V	
	JOANNE V. MUSTY	
	Appeal and cross appeal from an order of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered December 15, 2014. The order denied the motion of defendant Anthony J. Mingarelli, Jr., and the cross motion of defendant Joanne V. Musty for summary judgment with respect to the emergency doctrine.	
	MICHAEL MAURICE METZGER for FRANCIS P. OSCIER	15 minutes
	CHRISTOPHER POOLE for ANTHONY J. MINGARELLI, JR.	15 minutes
	LEO T. FABRIZI for JOANNE V. MUSTY	10 minutes
	KEVIN LOFTUS for T&T CONCRETE, INC.	15 minutes
235.0	FRANCIS P. OSCIER	
CA 15-00479	V	
	JOANNE V. MUSTY	
	Appeals from an order of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered January 12, 2015. The order granted the motion of T&T Concrete, Inc., for summary judgment on the issue of ownership and dismissed the complaint against it.	
	MICHAEL MAURICE METZGER for FRANCIS P. OSCIER	Submitted
	CHRISTOPHER POOLE for ANTHONY J. MINGARELLI, JR.	Submitted
	LEO T. FABRIZI for JOANNE V. MUSTY	Submitted
	KEVIN LOFTUS for T&T CONCRETE, INC.	Submitted
236.0	FRANCIS P. OSCIER	
CA 15-00480	V	
	JOANNE V. MUSTY	

Appeal from an order of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered January 12, 2015. The order granted the motion of defendant T&T Concrete, Inc., for summary judgment on the issue of ownership and dismissed the cross claims of defendant Joanne V. Musty against it.

MICHAEL MAURICE METZGER for FRANCIS P. OSCIER

Submitted

CHRISTOPHER POOLE for ANTHONY J. MINGARELLI, JR.

Submitted

LEO T. FABRIZI for JOANNE V. MUSTY

Submitted

KEVIN LOFTUS for T&T CONCRETE, INC.

Submitted

237.0
CA 15-01317

UNIVEST I CORP.

SETTLED

V

SKYDECK CORPORATION

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered December 1, 2014 in a proceeding pursuant to RPAPL article 7. The order, among other things, granted the petition in part and denied respondent Buffalo Development Corporation's motion to dismiss.

ROBERT EDWARD KNOER for BUFFALO DEVELOPMENT CORPORATION

MATTHEW D. MILLER for UNIVEST I CORP.

WILLIAM F. SAVINO for SKYDECK CORPORATION

238.0
CA 15-00753

DIANE SPARKS

V

LARRY FELLS, JR.

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered January 26, 2015. The order, insofar as appealed from, granted in part defendants' motion for summary judgment.

EDWARD J. MARKARIAN for DIANE SPARKS

15 minutes

JODY E. BRIANDI for LARRY FELLS, JR.

15 minutes

239.0
CA 15-01289

TERRY SMITH

V

EUGENE SZPILEWSKI

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered March 12, 2015. The order denied defendants' motion for summary judgment dismissing the plaintiff's complaint.

MARK C. RODGERS for EUGENE SZPILEWSKI

15 minutes

MICHAEL SZCZYGIEL for TERRY SMITH

15 minutes

240.0
CA 14-01773

WENDOVER FINANCIAL SERVICES

V

JO-ANN RIDGEWAY

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered June 23, 2014. The order granted the motion of defendant Jo-Ann Ridgeway as Executrix and Beneficiary under the Last Will and Testament of Amelia Donvito also known as Amelia C. Donovito, to dismiss the causes of action in plaintiff's complaint that were asserted against her.

EDWARD RUGINO for WENDOVER FINANCIAL SERVICES

10 minutes

DANTE M. SCACCIA for JO-ANN RIDGEWAY

5 minutes