

DAY CALENDAR
Tuesday, February 20, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

218.0
KAH 17-00592

PEOPLE EX REL.
JOHN A.J. HINSPETER
V
DALE A. ARTUS

Appeal from a decision and order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered February 6, 2017. The decision and order denied the motion of petitioner for reconsideration.

JOHN A.J. HINSPETER for HIMSELF

Submitted

ERIC T. SCHNEIDERMAN for DALE A. ARTUS

Submitted

219.0
KA 15-01731

PEOPLE
V
ANTHONY DRUMGOOLE

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 26, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree (four counts).

BRIDGET L. FIELD for ANTHONY DRUMGOOLE

Submitted

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

Submitted

220.0
KA 16-01275

PEOPLE
V
TYLEE D. GAINES

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered May 26, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

MICHAEL S. DEAL for TYLEE D. GAINES

Submitted

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

Submitted

221.0
KA 12-02145

PEOPLE
V
JEFFREY J. TERBORG

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered August 16, 2012. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree and intimidating a victim or witness in the second degree

JOHN A. CIRANDO for JEFFREY J. TERBORG

15 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

222.0
KA 11-01135

PEOPLE
V
MUZZAMMIL S. HASSAN

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered March 9, 2011. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

KATHRYN B. FRIEDMAN for MUZZAMMIL S. HASSAN

15 minutes

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

15 minutes

223.0
KA 16-00130

PEOPLE

V

CISHAHAYO ALBERT

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered October 7, 2015. The judgment convicted defendant, upon his plea of guilty, of rape in the third degree.

JOHN A. CIRANDO for CISHAHAYO ALBERT

10 minutes

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

5 minutes

224.0
KA 17-01655

PEOPLE

V

JENNIFER K. KENNARD

Appeal from a judgment of the Monroe County Court (Thomas R. Morse, A.J.), rendered August 23, 2016. The judgment convicted defendant, upon a jury verdict, of rape in the third degree and endangering the welfare of a child.

DAVID M. ABBATOY, JR., for JENNIFER K. KENNARD

10 minutes

DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

225.0
KAH 16-00853

PEOPLE EX REL.

JASMINE VALENTIN

V

ANTHONY ANNUCCI

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered February 11, 2016. The order denied the petition for a writ of habeas corpus.

BENJAMIN L. NELSON for JASMINE VALENTIN

15 minutes

JEFFREY W. LANG for ANTHONY ANNUCCI

10 minutes

226.0
CAF 16-01805

DANIEL C. SOUDER

V

MICHELLE COPPOLA

Appeal from an order of the Family Court, Erie County (Tracey A. Kassman, R.), entered August 29, 2016 in a proceeding pursuant to Family Court Act article 6. The order granted the petition to modify an order of custody and visitation dated May 25, 2012.

DEBORAH J. SCINTA for MICHELLE COPPOLA

5 minutes

MEGAN MISITI for DANIEL C. SOUDER

5 minutes

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

10 minutes

227.0
CAF 16-02243

DANIEL C. SOUDER

V

MICHELLE COPPOLA

Appeal from an amended order of the Family Court, Erie County (Tracey A. Kassman, R.), entered October 18, 2016 in a proceeding pursuant to Family Court Act article 6. The amended order granted the petition to modify an order of custody and visitation dated May 25, 2012.

DEBORAH J. SCINTA for MICHELLE COPPOLA Submitted

MEGAN MISITI for DANIEL C. SOUDER Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

228.0
CAF 17-00088

JAMES DRAJEM
V
SARAH CARR

Appeal from a decision and order of the Family Court, Niagara County (John F. Batt, J.), entered December 12, 2016, in a proceeding pursuant to Family Court Act article 6. The decision and order, inter alia, granted the petition for sole custody.

KATHLEEN E. CASEY for SARAH CARR Submitted

JAMES DRAJEM for HIMSELF Submitted

ALVIN M. GREENE, ATTORNEY FOR CHILD Submitted

229.0
CA 17-01234

In the Matter of
THE ESTATE OF THEODORE K. HENRY

Appeal from an order of the Surrogate's Court, Yates County (Dennis F. Bender, S.), entered August 22, 2016. The order, insofar as appealed from, denied the motion of objectant The Homestead at Soldier's and Sailor's Hospital to strike an accounting, and for other relief, and granted the cross motion of respondents to dismiss the answer and objections of objectant.

MICHAEL D. CALARCO for THE HOMESTEAD AT SOLIDERS AND SAILORS MEMORIAL HOSPITAL Submitted

JEREMY M. SHER for BRUCE HENRY 15 minutes

KARA E. STODDART for RICHARD B. HENRY 10 minutes

230.0
OP 17-01262

SANDRA J. DOORLEY
V
MELCHOR E. CASTRO

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 prohibit respondent Melchor E. Castro, as Acting Monroe County Court Judge, from enforcing a disclosure order.

LEAH R. MERVINE for SANDRA J. DOORLEY 5 minutes

ERIC T. SCHNEIDERMAN for MELCHOR E. CASTRO Submitted

TIMOTHY S. DAVIS for MARQUISE WALKER 10 minutes

231.0
CA 17-01186

In the Matter of
VILLAGE OF FREDONIA
(CIVIL SERVICE EMPLOYEES ASSOCIATION)

Appeal and cross appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered April 17, 2017 in a proceeding pursuant to CPLR article 75. The order, among other things, denied the petition to stay arbitration.

SCOTT P. HORTON for VILLAGE OF FREDONIA 15 minutes

CHARLES S. DEANGELO for CIVIL SERVICE EMPLOYEES ASSOCIATION 10 minutes

232.0
CA 17-01187

JASON JAKUBOWICZ
V
VILLAGE OF FREDONIA

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered April 17, 2017 in a proceeding pursuant to CPLR article 78. The order granted the petition.

SCOTT P. HORTON for VILLAGE OF FREDONIA Submitted

CHARLES S. DEANGELO for JASON JAKUBOWICZ Submitted

233.0
CA 17-01658

AMMIE HOURIHAN
V
SODEXO MANAGEMENT, INC.

SETTLED

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered January 11, 2017. The order, insofar, as appealed from, denied the motion of defendant to strike all claims of emotional injury from the amended bill of particulars and denied the motion of defendant to compel disclosure of the medical records pertaining to the thyroid condition of plaintiff Ammie Hourihan.

ANN M. CAMPBELL for SODEXO MANAGEMENT, INC.

JOHN A. COLLINS for AMMIE HOURIHAN

234.0
CA 17-01558

NORTHLAND EAST, LLC
V
J.R. MILITELLO REALTY, INC.

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Henry J. Nowak, J.), entered April 19, 2017. The order and judgment, among other things, granted defendant Nordel II, LLC 's motion to dismiss the complaint and granted defendant J.R. Militello Realty Inc.'s motion for summary judgment dismissing plaintiffs' complaint.

JUSTIN S. WHITE for NORTHLAND EAST, LLC 10 minutes

GUY J. AGOSTINELLI for J.R. MILITELLO REALTY, INC. 15 minutes

EARL K. CANTWELL for NORDEL II, LLC 10 minutes

235.0
CA 17-01197

RANDY AGNESS
V
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Diane L. Fitzpatrick, J.), entered August 23, 2016. The decision and order granted the motion of claimants for summary judgment and denied the motion of defendant for summary judgment.

BRIAN D. GINSBERG for STATE OF NEW YORK 10 minutes

BRIAN DAVID KNAUTH for RANDY AGNESS 10 minutes

235.1
CA 18-00275

RANDY AGNESS
V
STATE OF NEW YORK

Appeal from an interlocutory judgment of the Court of Claims (Diane L. Fitzpatrick, J.), entered August 30, 2017. The interlocutory judgment granted claimant summary judgment liability.

BRIAN D. GINSBERG for STATE OF NEW YORK

Submitted

BRIAN DAVID KNAUTH for RANDY AGNESS

Submitted

236.0
CA 17-01672

THOMAS P. BERGMAN
V
GREGORY C. DINANT

Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered March 13, 2017. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment against said defendant.

KEITH D. MILLER for GREGORY C. DINANT

10 minutes

MATTHEW J. KAISER for THOMAS P. BERGMAN

10 minutes

237.0
CA 17-01764

FEDERICO C. GONZALEZ-DOLDAN, M.D.
V
KALEIDA HEALTH, INC.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered January 20, 2017. The order, among other things, denied in part defendants' motion to dismiss plaintiff's complaint.

CYNTHIA GIGANTI LUDWIG for KALEIDA HEALTH, INC.

15 minutes

TIMOTHY M. HUDSON for FEDERICO C. GONZALEZ-DOLDAN, M.D.

15 minutes

238.0
CA 17-01759

SETH OLNEY
V
TOWN OF BARRINGTON

Appeal from a decision and judgment of the Supreme Court, Yates County (Dennis F. Bender, A.J.), entered May 18, 2017. The decision and judgment, inter alia, declared that the New York State Liquor Authority has exclusive jurisdiction whether petitioner should be granted a license to sell beer.

CHARLES W. MALCOMB for TOWN OF BARRINGTON

10 minutes

JONATHAN R. TANTILLO for DONALD BANZHAF

20 minutes

JESSICA LEE BRYANT for SETH OLNEY

15 minutes

DAY CALENDAR
Tuesday, February 20, 2018 - 10:00 AM
COURTROOM 2

239.0
KA 14-00974

PEOPLE
V
TAJERON WILLIAMS

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered April 3, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

LINDA M. CAMPBELL for TAJERON WILLIAMS

Submitted

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

DAY CALENDAR
Wednesday, February 21, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

240.0
TP 17-01650

JERRY MCLAMORE
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered September 15, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner violated an inmate rules.

LEAH R. NOWOTARSKI for JERRY MCLAMORE Submitted

VICTOR PALADINO for ANTHONY ANNUCCI Submitted

241.0
KA 16-01400

PEOPLE
V
TREVON KILLINGS

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 12, 2016. The judgment convicted defendant, upon a jury verdict, of promoting prison contraband in the first degree and tampering with physical evidence.

ADAM H. VAN BUSKIRK for TREVON KILLINGS Submitted

CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

242.0
KA 15-01818

PEOPLE
V
JAMES D. WISNER

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered October 13, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the first degree, burglary in the second degree (two counts), criminal possession of stolen property in the fifth degree (two counts) and criminal possession of stolen property in the fourth degree (five counts).

MICHAEL G. CIANFARANO for JAMES D. WISNER 10 minutes

KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

243.0
KA 16-00887

PEOPLE
V
MICHAEL IRIZARRY

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered April 28, 2016. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (three counts), criminal possession of a controlled substance in the third degree (three counts) and criminal possession of a controlled substance in the seventh degree.

TYSON BLUE for MICHAEL IRIZARRY 10 minutes

WENDY E. LEHMANN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

244.0
KA 15-02039

PEOPLE
V
MATTHEW W. ECK

Appeal from a judgment of the Supreme Court, Erie County (Michael L. D'Amico, J.), rendered November 7, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree (two counts).

TIMOTHY P. MURPHY for MATTHEW W. ECK

Submitted

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

Submitted

245.0
KA 14-02274

PEOPLE
V
GREGORY WARE

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered December 16, 2014. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

KRISTEN MCDERMOTT for GREGORY WARE

15 minutes

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

10 minutes

246.0
KA 15-01222

PEOPLE
V
TIMOTHY WILLIAMS

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered May 22, 2015. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, attempted assault in the first degree, assault in the second degree and strangulation in the second degree.

SARA A. GOLDFARB for TIMOTHY WILLIAMS

10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

247.0
KA 15-00928

PEOPLE
V
RONNELL D. WILSON

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered April 10, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

JOHN A. CIRANDO for RONNELL D. WILSON

10 minutes

KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

248.0
KA 15-00929

PEOPLE
V
RONNELL D. WILSON

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered April 10, 2015. The judgment convicted defendant, upon his plea of guilty, of trafficking.

JOHN A. CIRANDO for RONNELL D. WILSON

Submitted

KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

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| 249.0 KA 15-00930 | <p>PEOPLE V RONNELL D. WILSON</p> <p>Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered April 10, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted kidnapping in the second degree.</p> <p>JOHN A. CIRANDO for RONNELL D. WILSON</p> <p>KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK</p> | Submitted Submitted |
| 250.0 KA 16-00792 | <p>PEOPLE V RONNELL D. WILSON</p> <p>Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered January 8, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted sex trafficking.</p> <p>JOHN A. CIRANDO for RONNELL D. WILSON</p> <p>KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK</p> | Submitted Submitted |
| 251.0 KA 16-02331 | <p>PEOPLE V CLAUDE E. ZIRBEL</p> <p>Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered December 6, 2016. The judgment revoked a term of probation and imposed a term of incarceration.</p> <p>DAVID P. ELKOVITCH for CLAUDE E. ZIRBEL</p> <p>CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK</p> | Submitted Submitted |
| 252.0 CAF 16-00862 | <p>PETER J. UNCZUR V DEBRA A. WELCH</p> <p>Appeal from an order of the Family Court, Chautauqua County (Jeffrey A. Piazza, J.), entered April 12, 2016, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted respondent sold child custody.</p> <p>JOHN A. CIRANDO for PETER J. UNCZUR</p> <p>LINDA M. CAMPBELL for DEBRA A. WELCH</p> <p>AVERY S. OLSON, ATTORNEY FOR CHILD</p> | 10 minutes 10 minutes 10 minutes |
| 253.0 CAF 16-01941 | <p>JUSTIN S. TALBOT V CRYSTAL EDICK</p> <p>Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered July 22, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole custody of the subject child.</p> <p>JOHN HERBOWY for CRYSTAL EDICK</p> <p>JOHN J. RASPANTE for JUSTIN S. TALBOT</p> <p>MICHELLE K. FASSETT, ATTORNEY FOR CHILD</p> | 5 minutes Submitted 5 minutes |

254.0
CAF 16-01927

ALEESA ANN BERMUDEZ-HOGAN
V
RAYMOND LLOYD CRANDALL

Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered October 6, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the primary physical residence of the children be with petitioner.

PETER J. DIGIORGIO, JR., for RAYMOND LLOYD CRANDALL 5 minutes

PAUL A. NORTON for ALEESA ANN BERMUDEZ-HOGAN Submitted

JOHN P. AMUSO, ATTORNEY FOR CHILD Submitted

255.0
CAF 16-01814

BRIANA ELIZABETH MATTICE
V
JOSEPH M. PALMISANO

Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered September 21, 2016, in a proceeding pursuant to Family Court article 6. The order, inter alia, granted petitioner sole legal and primary physical child custody.

JOHN A. CIRANDO for JOSEPH M. PALMISANO 10 minutes

LINDA M. CAMPBELL for BRIANA ELIZABETH MATTICE 10 minutes

DOUGLAS M. DEMARCHE, JR., ATTORNEY FOR CHILD 10 minutes

256.0
CAF 16-01815

JOSEPH M. PALMISANO
V
BRIANA ELIZABETH MATTICE

Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered September 21, 2016, in a proceeding pursuant to Family Court article 6. The order dismissed the petition for a modification of visitation and custody.

JOHN A. CIRANDO for JOSEPH M. PALMISANO Submitted

LINDA M. CAMPBELL for BRIANA ELIZABETH MATTICE Submitted

DOUGLAS M. DEMARCHE, JR., ATTORNEY FOR CHILD Submitted

257.0
CA 17-00550

STAFF LEASING OF CENTRAL NEW YORK INC.
V
HEIDI J. LUPI

Appeals from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered July 8, 2016. The order, among other things, granted plaintiff's motion to compel.

JEFFREY M. NARUS for HEIDI J. LUPI 10 minutes

ELIZABETH A. HOFFMAN for PINNACLE EMPLOYEE SERVICES, LLC 10 minutes

TERESA M. BENNETT for STAFF LEASING OF CENTRAL NEW YORK INC. 10 minutes

258.0
CA 17-01750

MARIE L. MCINTYRE
V
RICHARD F. SALLUZZO

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall J.), entered November 29, 2016. The order denied in part defendant's motion for summary judgment.

LEIGH A. LIEBERMAN for RICHARD F. SALLUZZO 10 minutes

KATHRYN FESTINE HARTNETT for MARIE L. MCINTYRE 10 minutes

259.0
CA 17-00421

CARRIANN RAY
V
VICTORIA J.G. STOCKTON

Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered September 29, 2016. The order, among other things, denied defendant's motion to set aside a jury verdict.

BRIAN D. GINSBERG for VICTORIA J.G. STOCKTON 15 minutes

STEPHEN CIOTOLI for CARRIANN RAY 10 minutes

260.0
CA 17-00423

CARRIANN RAY
V
VICTORIA J.G. STOCKTON

Appeal from a judgment of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered November 16, 2016. The judgment awarded plaintiff the sum of \$5,151,892.33 as against defendant.

BRIAN D. GINSBERG for VICTORIA J.G. STOCKTON Submitted

STEPHEN CIOTOLI for CARRIANN RAY Submitted

261.0
CA 17-01257

CARRIANN RAY
V
VICTORIA J.G. STOCKTON

Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered June 19, 2017. The order denied defenant's motion for relief from judgment.

BRIAN D. GINSBERG for VICTORIA J.G. STOCKTON Submitted

STEPHEN CIOTOLI for CARRIANN RAY Submitted

262.0
OP 17-01798

CHARLES E. HENRY, JR.
V
HON. MARK H. FANDRICH

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]). Petitioner seeks to annul a decision of the Cayuga County Court denying petitioner's motion to refer his case to the Cayuga County Treatment Court.

JARROD W. SMITH for CHARLES E. HENRY, JR. 15 minutes

FREDERICK R. WESTPHAL for JON E. BUDELMANN 15 minutes

HON. MARK H. FANDRICH for HIMSELF Submitted

263.0
TP 17-01816

MARK MARANTETTE
V
CITY OF CANANDAIGUA

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Ontario County [William F. Kocher, A.J.], dated October 13, 2017) to review a determination of respondents to terminate petitioner from the position of Fire Chief of the City of Canandaigua.

MICHAEL T. HARREN for MARK MARANTETTE

10 minutes

JENNA W. KLUCSIK for CITY OF CANANDAIGUA

10 minutes

264.0
CA 17-01390

TIMOTHY WHITE

V

MEHTAB BAJWA, M.D.

Appeal and cross appeals from a letter decision and order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered January 24, 2017. The letter decision and order granted the motion of defendants Brett B. Greenky, M.D., and Syracuse Orthopedic Specialists, P.C., for summary judgment dismissing the complaint; denied the motion of defendants Mehtab Singh Bajwa, M.D., Anesthesia Group of Onondaga, P.C., and Tracie O'Shea, C.R.N.A., for summary judgment dismissing the complaint; and granted the motion for summary judgment of defendant St. Joseph's Hospital with respect to res ipsa loquitur and denied said motion with respect to negligence.

KATHLEEN A. BARCLAY for ST. JOSEPH'S HOSPITAL

15 minutes

MICHAEL W. HARRIS for TIMOTHY WHITE

15 minutes

BRIAN M. GARGANO for MEHTAB BAJWA, M.D.

5 minutes

JAMES D. LANTIER for BRETT B. GREENKY, M.D.

15 minutes

265.0
CA 17-01209

MOHAWK VALLEY WATER AUTHORITY

V

STATE OF NEW YORK

Appeal from a decision, order and judgment of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered March 3, 2017. The decision, order and judgment insofar as appealed from, granted the motion of plaintiff for partial summary judgment declaring the obligation of defendants.

STUART F. KLEIN for THE NEW YORK STATE CANAL CORPORATION

10 minutes

ALAN J. PIERCE for MOHAWK VALLEY WATER AUTHORITY

10 minutes

DAY CALENDAR
Wednesday, February 21, 2018 - 10:00 AM
COURTROOM 2

266.0
TP 17-01843

JAMES NELSON
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered October 23, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for JAMES NELSON Submitted

MARTIN A. HOTVET for ANTHONY ANNUCCI Submitted

267.0
KA 16-00625

PEOPLE
V
MICHAEL LAYOU

Appeal from a judgment of the Onondaga County Court, (Thomas J. Miller, J.), rendered April 5, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fourth degree.

MICHAEL LAYOU for HIMSELF Submitted

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

268.0
KA 15-01070

PEOPLE
V
MILTON BURKE

Appeal from a judgment of the Supreme Court, Onondaga County (John L. Brunetti, A.J.), rendered May 22, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.

ELIZABETH S. RIKER for MILTON BURKE Submitted

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

269.0
KA 16-00888

PEOPLE
V
BRANDON M. WEIG

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered November 9, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

MICHAEL S. DEAL for BRANDON M. WEIG Submitted

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

270.0
KA 16-00627

PEOPLE
V
EDGARDO J. MERCADO-RAMOS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered December 2, 2015. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the first degree, burglary in the first degree and criminal possession of a weapon in the third degree.

BARBARA J. DAVIES for EDGARDO J. MERCADO-RAMOS

10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

271.0
KA 14-00053

PEOPLE

V

ANACIN L. HYMES

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered October 9, 2013. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree (two counts), petit larceny, and resisting arrest.

CATHERINE H. JOSH for ANACIN L. HYMES

10 minutes

DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

272.0
KA 15-00003

PEOPLE

V

ANACIN L. HYMES

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered May 22, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

CATHERINE H. JOSH for ANACIN L. HYMES

Submitted

DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

273.0
KA 17-00154

PEOPLE

V

SEAN REED

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered April 21, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the third degree (two counts), criminal possession of marihuana in the third degree, unlawful possession of marihuana and assault in the third degree.

PHIL MODRZYNSKI for SEAN REED

15 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

274.0
KA 16-01139

PEOPLE

V

SEAN REED

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Erie County (M. William Boller, A.J.), dated May 9, 2016. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the third degree (two counts), criminal possession of marihuana in the third degree, unlawful possession of marihuana and assault in the third degree.

PHIL MODRZYNSKI for SEAN REED

Submitted

| | | |
|-----------------------|--|------------|
| | DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 275.0 KA 14-01872 | PEOPLE V SAMUEL J. SMITH | |
| | Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered August 6, 2014. The judgment convicted defendant, of attempted murder in the second degree, assault in the first degree and criminal use of a firearm in the first degree. | |
| | DREW R. DUBRIN for SAMUEL J. SMITH | 10 minutes |
| | DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 276.0 KA 12-01620 | PEOPLE V EUGENE S. BROWN | |
| | Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered May 3, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the second degree. | |
| | JEFFREY WICKS for EUGENE S. BROWN | 10 minutes |
| | LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 277.0 CAF 16-02295 | In the Matter of BRITTANY C. | |
| | Appeal from a disposition of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The disposition determined that the subject child is a permanently neglected child and terminated the parental rights of respondent. | |
| | CARA A. WALDMAN for MICHAEL C. | Submitted |
| | JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS | Submitted |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | 5 minutes |
| 278.0 CAF 16-02296 | In the Matter of BRITTANY C. | |
| | Appeal from an order of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order freed the subject child for adoption. | |
| | CARA A. WALDMAN for MICHAEL C. | Submitted |
| | JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS | Submitted |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | Submitted |
| 279.0 CAF 16-02297 | In the Matter of AMBER C. | |
| | Appeal from a disposition of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The disposition determined that the subject child is a permanently neglected child and terminated the parental rights of respondent. | |
| | CARA A. WALDMAN for MICHAEL C. | Submitted |

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| | JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS | Submitted |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | Submitted |
| 280.0 CAF 16-02298 | In the Matter of AMBER C. | |
| | Appeal from an order of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order freed the subject child for adoption. | |
| | CARA A. WALDMAN for MICHAEL C. | Submitted |
| | JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS | Submitted |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | Submitted |
| 281.0 CAF 16-02299 | In the Matter of NICHOLE C. | |
| | Appeal from a disposition of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The disposition determined that the subject child is a permanently neglected child and terminated the parental rights of respondent. | |
| | CARA A. WALDMAN for MICHAEL C. | Submitted |
| | JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS | Submitted |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | Submitted |
| 282.0 CAF 16-02300 | In the Matter of NICHOLE C. | |
| | Appeal from an order of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order freed the subject child for adoption. | |
| | CARA A. WALDMAN for MICHAEL C. | Submitted |
| | JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS | Submitted |
| | VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD | Submitted |
| 283.0 CAF 16-01495 | In the Matter of TYREE B., JR. | |
| | Appeal from an order of the Family Court, Erie County (Margaret O. Szcurek, J.), entered August 18, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, determined that respondent Tyree B., abused the subject children. | |
| | DAVID J. PAJAK for TYREE B. | Submitted |
| | JAMES E. BROWN for ERIE COUNTY DSS | Submitted |
| | MELISSA A. CAVAGNARO, ATTORNEY FOR CHILD | Submitted |
| 284.0 CAF 17-00263 | BRADY SCHULTZ V DARLA BERKE | |

Appeal and cross appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered November 21, 2016 in a proceeding pursuant to Family Court Act article 6. The order denied in part the petition to modify a prior court order.

CHARLES D. STEINMAN for DARLA BERKE 15 minutes

MICHAEL STEINBERG for BRADY SCHULTZ 15 minutes

CHELSEA L. PALMISANO for JEANETTE BERKE 10 minutes

PAUL B. WATKINS, ATTORNEY FOR CHILD 10 minutes

285.0
CAF 16-02327

**In the Matter of
YESHUA G.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered December 7, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, granted petitioner's motion for summary judgment and terminated respondent's parental rights to the subject child on the grounds of mental illness.

DAVID J. PAJAK for ANTHONY G. 5 minutes

JAMES E. BROWN for ERIE COUNTY DSS Submitted

DOMINIC PAUL CANDINO, ATTORNEY FOR CHILD Submitted

286.0
CA 17-01601

**DAVID WEITZEL
V
STATE OF NEW YORK**

Appeal from an order of the Court of Claims (J. David Sampson, J.), entered January 26, 2017. The order denied claimant's motion for partial summary judgment.

JOHN A. COLLINS for DAVID WEITZEL 10 minutes

RICHARD T. SARAF for STATE OF NEW YORK 10 minutes

287.0
CA 17-01850

**JULIE E. PASEK
V
CATHOLIC HEALTH SYSTEM, INC.**

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 17, 2017. The order denied the motion of plaintiff to compel certain disclosure.

ANGELO S. GAMBINO for JULIE E. PASEK 10 minutes

ADAM M. LYNCH for CATHOLIC HEALTH SYSTEM, INC. 15 minutes

288.0
CA 17-01383

**SARAH J. GREGORY
V
STEVEN R. CAVARELLO**

Appeals from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered April 11, 2017. The order denied the motion of defendants National Fuel Gas Distribution Corp. and Municipal Pipe Co., LLC, for bifurcation.

DAVID M. LEE for CITY OF BUFFALO Submitted

MEGHAN M. BROWN for NATIONAL FUEL GAS DISTRIBUTION CORP. Submitted

| | | |
|------------------------------------|--|-------------------|
| | JOHN A. CIRANDO for SARAH J. GREGORY | Submitted |
| 289.0 CA 17-01430 | JONMARK CORPORATION V NEW YORK STATE LIQUOR AUTHORITY | |
| | Appeals from a memorandum decision and judgment of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered May 8, 2017. The memorandum decision and judgment granted the motions of respondents to dismiss and dismissed the CPLR article 78 petition. | |
| | MATTHEW D. MILLER for JONMARK CORPORATION | 15 minutes |
| | JAIME CIRULLI GALLAGHER for NEW YORK STATE LIQUOR AUTHORITY | 15 minutes |
| | MARK P. DELLA POSTA for ADDYS WINE AND SPIRITS, INC. | 15 minutes |
| 290.0 CA 17-01335 | COREY J. HOGAN V ISKALO OFFICE HOLDINGS, III, LLC | |
| | Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered May 9, 2017. The order, among other things, granted plaintiff's motion for summary judgment in lieu of complaint against defendant. | |
| | SEAN W. HOPKINS for ISKALO OFFICE HOLDINGS, III, LLC | 10 minutes |
| | COREY J. HOGAN for HIMSELF | 10 minutes |
| 291.0 CA 17-01614 | JAMES L. MICHEL, JR. V CITY OF LACKAWANNA | |
| | Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered January 9, 2017. The order denied the motion of petitioner for partial summary judgment. | |
| | HOWARD B. COHEN for JAMES L. MICHEL, JR. | 15 minutes |
| | MICHAEL B. RISMAN for CITY OF LACKAWANNA | 10 minutes |
| 292.0 CA 17-00413 | HARPAL SODHI V DOLLAR TREE STORES, INC. | |
| | Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, J.), entered November 14, 2016. The order denied the motion of defendants Portage Center, LLC, and Baldwin Real Estate Corporation for summary judgment. | |
| | ANN M. CAMPBELL for PORTAGE CENTER, LLC | 10 minutes |
| | DENNIS P. HAMILTON for TOPS MARKETS, LLC | 10 minutes |
| | JOHN A. COLLINS for HARPAL SODHI | 10 minutes |
| 293.0 CA 17-00416 | HARPAL SODHI V DOLLAR TREE STORES, INC. | |
| | Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, J.), entered November 14, 2016. The order denied the motion of defendant Tops Markets, LLC, for summary judgment. | |

ANN M. CAMPBELL for PORTAGE CENTER, LLC

Submitted

DENNIS P. HAMILTON for TOPS MARKETS, LLC

Submitted

JOHN A. COLLINS for HARPAL SODHI

Submitted

DAY CALENDAR
Thursday, February 22, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

294.0
TP 17-01851

ANGEL MORALES
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered October 23, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for ANGEL MORALES

Submitted

VICTOR PALADINO for ANTHONY ANNUCCI

Submitted

295.0
KA 14-00943

PEOPLE
V
DETROIT A. KELLY

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered February 26, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

KATHLEEN P. REARDON for DETROIT A. KELLY

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

296.0
KA 17-00886

PEOPLE
V
LAWRENCE J. SMITH

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered December 16, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

JOSEPH G. FRAZIER for LAWRENCE J. SMITH

Submitted

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

Submitted

297.0
KA 14-00037

PEOPLE
V
KENNETH BROWN

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered December 9, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (three counts).

PHILIP ROTHSCHILD for KENNETH BROWN

Submitted

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

Submitted

298.0
KA 16-00849

PEOPLE
V
EMMANUEL L. JENKINS

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered April 26, 2016. The judgment convicted defendant, upon his plea of guilty, of predatory sexual assault (three counts), aggravated sexual abuse in the third degree (two counts), rape in the first degree and criminal sexual act in the first degree (two counts).

ROBERT L. KEMP for EMMANUEL L. JENKINS

10 minutes

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

10 minutes

299.0
KA 15-00970

PEOPLE
V
JOHN CONWAY

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered May 11, 2015. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, assault in the first degree, criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree and conspiracy in the second degree.

NATHANIEL V. RILEY for JOHN CONWAY

10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

300.0
KA 14-01137

PEOPLE
V
JAMES R. MCINTOSH

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered June 19, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and manslaughter in the first degree.

JAMES A. HOBBS for JAMES R. MCINTOSH

10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

301.0
KA 15-01614

PEOPLE
V
SAMUEL CHANDLER

Appeal from a memorandum and order of the Supreme Court, Erie County (M. William Boller, A.J.), dated June 26, 2015. The memorandum and order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

TIMOTHY P. MURPHY for SAMUEL CHANDLER

10 minutes

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

5 minutes

303.0
CAF 16-01127

In the Matter of
AMYN C.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered June 23, 2016 in a proceeding pursuant to Family Court Act article 10. The order terminated respondent's parental rights to the subject child.

WILLIAM D. BRODERICK, JR., for CHELSEA K.

Submitted

JAMES E. BROWN for ERIE COUNTY DSS

Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

304.0
CA 17-01761

MARGARET SULLIVAN
V
NEW YORK STATE DIVISION OF HUMAN RIGHTS

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered December 8, 2016 in a proceeding pursuant to Executive Law § 298. The order denied the petition.

CHARLES L. MILLER, II, for MARGARET SULLIVAN 10 minutes

NICHOLAS I. VOZZO for ORCHARD PARK CENTRAL SCHOOL DISTRICT 15 minutes

MARILYN BALCACER for NEW YORK STATE DIVISION OF HUMAN RIGHTS Submitted

305.0
CA 17-01660

CCS MEDICAL, PLLC
V
HAIDER ALI KHADIM, M.D.

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered August 3, 2017. The order, among other things, granted plaintiff's motion for a preliminary injunction requiring defendants to comply fully with all restrictive covenants contained within their employment agreements with the plaintiff.

STEPHEN W, KELKENBERG for HAIDER ALI KHADIM, M.D. 10 minutes

STEVEN W. WILLIAMS for CCS MEDICAL, PLLC 10 minutes

306.0
CA 17-01740

SARAH E. LAVECK
V
CHAD G. LAVECK

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered April 24, 2017. The order, inter alia, denied the motion of plaintiff for primary physical custody of the parties' children.

DONALD A. WHITE for SARAH E. LAVECK 15 minutes

RONALD G. HULL for CHAD G. LAVECK 15 minutes

EDWARD W. RILEY, ATTORNEY FOR CHILD Submitted

307.0
CA 17-01659

In the Matter of Arbitration Between
PROGRESSIVE CASUALTY INSURANCE COMPANY
(ELITE MEDICAL SUPPLY OF NEW YORK, LLC)

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered April 20, 2017 in a proceeding pursuant to CPLR article 75. The order denied and dismissed the petition.

ROY ALBERT MURA for PROGRESSIVE CASUALTY INSURANCE CO. 15 minutes

SHELDON K. SMITH for ELITE MEDICAL SUPPLY OF NEW YORK, LLC 15 minutes

308.0
CA 16-01351

STATE OF NEW YORK
V
STEVEN M.

Appeal from an order of the Supreme Court, Cattaraugus County (John L. Michalski, A.J.), entered May 4, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.

KATHRYN B. FRIEDMAN for STEVEN M. 15 minutes

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|--------------------|---|-------------------|
| | KATHLEEN M. TREASURE for STATE OF NEW YORK | 10 minutes |
| 309.0 | RANDOLPH SCOTT | |
| TP 17-01551 | V | |
| | ANTHONY 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, Wyoming County [Michael M. Mohun, A.J.], entered August 30, 2017) to review a determination of respondent. The determination placed petitioner in involuntary protective custody. | |
| | LEAH R. NOWOTARSKI for RANDOLPH SCOTT | Submitted |
| | BRIAN D. GINSBERG for ANTHONY ANNUCCI | 5 minutes |
| 310.0 | KELIANN M. ARGY | SETTLED |
| CA 17-01679 | V | |
| | NIAGARA FALLS COACH LINES, INC. | |
| | Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered July 20, 2017. The order, insofar as appealed from, granted the application of petitioner to compel respondent to produce certain corporate books and records. | |
| | TIMOTHY J. GRABER for NIAGARA FALLS COACH LINES, INC. | |
| | JOSEPH E. ZDARSKY for KELIANN M. ARGY | |
| 311.0 | CHRISTINE CHAMBERLAIN | |
| CA 17-01726 | V | |
| | THE CHURCH OF THE HOLY FAMILY | |
| | Appeal and cross appeals from an order of the Supreme Court, Jefferson County (Charles C. Merrell, J.), entered May 9, 2017. The order granted in part and denied in part the motion of defendants for summary judgment dismissing the complaint, granted the motion of third-party defendant for summary judgment dismissing defendants' contribution cause of action and denied the motion of third-party defendant for summary judgment dismissing defendants' indemnification cause of action. | |
| | JOHN J. MULDOWNEY for THE CHURCH OF THE HOLY FAMILY | 20 minutes |
| | ANDREW W. KIRBY for CHRISTINE CHAMBERLAIN | 20 minutes |
| | KIMBERLY E. KENEALY for SWGB-WHOLESALE, INC. | 10 minutes |
| 312.0 | BRANDI LEE GROFF | |
| CA 17-00709 | V | |
| | KALEIDA HEALTH | |
| | Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 17, 2017. The order, insofar as appealed from, denied the motion of defendants Kaleida Health, d/b/a Women and Children's Hospital of Buffalo, Farkad Balaya, M.D., Samadh Ravangard, D.O., Nita Thapa, MBBS, and Allison Dailey, M. D., for summary judgment. | |
| | MICHAEL J. WILLETT for KALEIDA HEALTH | 10 minutes |
| | BRIAN SUTTER for UNIVERSITY GYNECOLOGISTS & OBSTETRICIANS | 10 minutes |
| | HELEN KANEY DEMPSEY for BRANDI LEE GROFF | 10 minutes |

313.0
CA 17-00710

BRANDI LEE GROFF
V
UNIVERSITY GYNECOLOGISTS & OBSTETRICIANS, INC.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 13, 2017. The order denied th motion of defendants University Gynecologists & Obstetricians, Inc., Faye Justica-Linde, M.D., and

MICHAEL J. WILLETT for KALEIDA HEALTH Submitted

BRIAN SUTTER for UNIVERSITY GYNECOLOGISTS & OBSTETRICIANS, INC. Submitted

HELEN KANEY DEMPSEY for BRANDI LEE GROFF Submitted

314.0
CA 17-00725

STEPHEN T. DIVITO
V
EDWARD L. FIANDACH

Appeal from an order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered December 2, 2016. The order granted the motion of defendant to vacate an income execution, vacated the income execution, precluded plaintiff from pursuing enforcement proceedings and determined the conduct of plaintiff to be frivolous.

STEPHEN T. DIVITO for HIMSELF Submitted

MICHAEL J. WILLETT for EDWARD L. FIANDACH 10 minutes

DAY CALENDAR
Thursday, February 22, 2018 - 10:00 AM
COURTROOM 2

315.0
KA 16-01335

PEOPLE
V
MICHAEL SWEAT

Appeal from an order of the Supreme Court, Erie County (Penny M. Wolfgang, J.), dated May 16, 2016. The order granted that part of defendant's omnibus motion to suppress physical evidence and statements made to the police.

NICHOLAS T. TEXIDO for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

MICHAEL STACHOWSKI for MICHAEL SWEAT

Submitted

DAY CALENDAR
Friday, February 23, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

338.0
CA 17-01408

NICHOLAS L. VASSENELLI
V
CITY OF SYRACUSE

Appeal from a memorandum decision and order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered October 7, 2016. The memorandum decision and order vacated a temporary restraining order and denied the motion of plaintiff to waive the requirement of an undertaking for a preliminary injunction.

A.J. BOSMAN for NICHOLAS L. VASSENELLI

10 minutes

KEITH A. O'HARA for CITY OF SYRACUSE

Submitted

318.0
KA 15-00204

PEOPLE
V
RICHARD LIVINGSTON

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered November 25, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

JOHN GILSENAN for RICHARD LIVINGSTON

Submitted

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

Submitted

319.0
KA 15-00743

PEOPLE
V
JAMES E. ROGERS

Appeal from a judgment of the Oswego County Court (Spencer J. Ludington, A.J.), rendered November 6, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

JOHN A. CIRANDO for JAMES E. ROGERS

15 minutes

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

320.0
KA 16-01005

PEOPLE
V
LLOYD W. WHEELER, III

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered June 1, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

CARA A. WALDMAN for LLOYD W. WHEELER, III

Submitted

COLLEEN SULLIVAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

321.0
KA 16-00560

PEOPLE
V
MATTHEW M. EDWARDS

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered February 29, 2016. The judgment convicted defendant, upon a jury verdict, of rape in the second degree (13 counts) and endangering the welfare of a child.

TIMOTHY P. MURPHY for MATTHEW M. EDWARDS

10 minutes

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

322.0
KA 10-01822

PEOPLE
V
SHAWN T. GRANT

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered July 20, 2010. The judgment convicted defendant, upon a jury verdict, of arson in the first degree and arson in the second degree.

KIMBERLY F. DUGUAY for SHAWN T. GRANT

10 minutes

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

323.0
KA 13-01626

PEOPLE
V
SHAWN T. GRANT

Appeal from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered July 2, 2013. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10

KIMBERLY F. DUGUAY for SHAWN T. GRANT

Submitted

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

324.0
KA 14-02070

PEOPLE
V
SHAWN T. GRANT

Appeal from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), entered October 23, 2014. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10

KIMBERLY F. DUGUAY for SHAWN T. GRANT

Submitted

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

325.0
KA 17-01595

PEOPLE
V
DANIEL PETRANGELO

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered May 23, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

JOHN A. CIRANDO for DANIEL PETRANGELO

10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

326.0
KA 15-01284

PEOPLE
V
DONALD LEFLER

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered December 23, 2014. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

NATHANIEL V. RILEY for DONALD LEFLER

10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

327.0
CA 17-01674

WILMINGTON SAVINGS FUND SOCIETY, FSB

V

STEVEN E. GUSTAFSON

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered November 29, 2016. The order granted defendants' pre-answer motion to dismiss the summons and complaint..

JORDAN J. MANFRO for WILMINGTON SAVINGS FUND SOCIETY, FSB

15 minutes

MARCO CERCONE for STEVEN E. GUSTAFSON

15 minutes

328.0
CA 16-02272

RICHARD C. JANES

V

2630 ATTICA ROAD, INC.

Appeal from an order of the Supreme Court, Wyoming County (Michael F. Griffith, A.J.), entered December 5, 2016. The order adjudged that the law firm of Brown Chiari, LLP is entitled to recover an amount equal to 25% of the counsel fees held in escrow in connection with the settlement of the plaintiffs' action as their share of said fee.

VINCENT E. DOYLE, III, for BROWN CHIARI, LLP

15 minutes

SAMUEL J. CAPIZZI for COLLINS & COLLINS ATTORNEYS, LLC

15 minutes

329.0
CA 17-01645

ABBOT BROS. II STEAK OUT, INC.

V

ALEXANDROS TSOULIS

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered December 2, 2016. The order granted the motion of plaintiff on reargument for summary judgment on liability.

PETER ROLPH for ALEXANDROS TSOULIS

10 minutes

ARNOLD R. PETRALIA for ABBOT BROS. II STEAK OUT, INC.

10 minutes

330.0
CA 17-01548

JAMES SALERNO

V

THE DIOCESE OF BUFFALO, N.Y.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered June 26, 2017. The order granted in part and denied in part the motion of defendants The Diocese of Buffalo, N.Y., and Catholic Cemeteries of the Roman Catholic Diocese of Buffalo, Inc., for summary judgment and denied the cross motion of plaintiffs for summary judgment.

JULIA M. HILLIKER for THE DIOCESE OF BUFFALO, N.Y.

15 minutes

ANNE BELTZ RIMMLER for JAMES SALERNO

15 minutes

331.0
CA 17-01818

ASSOCIATED GENERAL CONTRACTORS OF NYS

V

NEW YORK STATE THRUWAY AUTHORITY

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered May 15, 2017. The order, among other things, dismissed the petition-complaint.

JENNIFER HARVEY for ASSOCIATED GENERAL CONTRACTORS OF NYS 15 minutes

ALLYSON B. LEVINE for NEW YORK STATE THRUWAY AUTHORITY 10 minutes

332.0
CA 17-01232

PAUL MARACLE
V
AUTOPLACE INFINITY, INC.

Appeal from a decision and order of the Supreme Court, Niagara County (Frank Caruso, J.), entered February 23, 2017. The decision and order, insofar as appealed from, denied the motion of plaintiff for summary judgment and granted in part the motions of defendants for summary judgment.

JOHN PETER FEROLETO for PAUL MARACLE 15 minutes

JAMES JOHNSTON NAVAGH for AUTOPLACE INFINITY, INC. 15 minutes

JOSHUA P. RUBIN for SCHREIBER & SCHREIBER PROPERTY HOLD 10 minutes

ADAM C. FERRANDINO for BHWL REAL LLC 10 minutes

333.0
CA 17-01762

JOSPEH G. RUSNAK, M.D.
V
THOMAS O. MASON, M.D.

Appeal from an order and judgment of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered May 19, 2017. The order and judgment, insofar as appealed from, granted the motion of plaintiffs for partial summary judgment awarding damages for withheld distributions and awarded plaintiffs money damages.

MITCHELL J. BANAS, JR., for SOUTHTOWNS RADIOLOGY, LLC 10 minutes

DAVID J. MCNAMARA for JOSPEH G. RUSNAK, M.D. 10 minutes

334.0
TP 17-01844

ERIE COUNTY SHERIFF'S POLICE BENEVOLENT ASSN.
V
COUNTY OF ERIE

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, Erie County [Mark J. Grisanti, J.], entered October 20, 2017) to review a determination of respondents. The determination denied petitioner Gregory McCarthy's application for benefits pursuant to General Municipal Law § 207-c.

PAUL WEISS for ERIE COUNTY SHERIFF'S POLICE BENEVOLENT ASSN. Submitted

KRISTEN M. MACHELOR for COUNTY OF ERIE Submitted

335.0
CA 17-01578

TRACY BUTLER
V
BUFFALO MUNICIPAL HOUSING AUTHORITY

Appeal from an order of the Supreme Court, Erie County (E. Jeanette Ogden, J.), entered November 21, 2016. The order denied the motion of defendant for summary judgment dismissing the complaint.

MICHAEL T. COUTU for BUFFALO MUNICIPAL HOUSING AUTHORITY 10 minutes

DAVID J. WOLFF, JR., for TRACY BUTLER

5 minutes

336.0
CA 17-00989

DOUGLAS W. OWEN
V
STATE OF NEW YORK

Appeal from a decision of the Court of Claims (Francis T. Collins, J.), entered June 22, 2016. The decision, among other things, adjudged after a nonjury trial that claimant failed to establish his claims by a preponderance of the credible evidence.

DAVID ANTHONY LONGERETTA for DOUGLAS W. OWEN

Submitted

FRANK BRADY for STATE OF NEW YORK

Submitted

337.0
CA 17-01817

DOUGLAS W. OWEN
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Francis T. Collins, J.), entered July 12, 2016. The judgment, entered upon a nonjury trial, dismissed the claim.

DAVID ANTHONY LONGERETTA for DOUGLAS W. OWEN

Submitted

FRANK BRADY for STATE OF NEW YORK

Submitted

DAY CALENDAR
Monday, February 26, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

339.0
TP 17-01852

MARVIN VASSAR
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered October 23, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for MARVIN VASSAR

Submitted

FRANK BRADY for ANTHONY ANNUCCI

Submitted

340.0
TP 17-01667

BRANDEL WILLIAMS
V
ANTHONY 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, Livingston County [Robert B. Wiggins, A.J.], entered September 18, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

BRANDEL WILLIAMS for HIMSELF

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

341.0
KA 16-00771

PEOPLE
V
NATHANIEL RAY

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, J.), rendered April 29, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

NICHOLAS P. DIFONZO for NATHANIEL RAY

10 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

342.0
KA 16-00656

PEOPLE
V
HAKIM OWENS

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered September 23, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

MICHAEL STACHOWSKI for HAKIM OWENS

15 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

343.0
KA 15-01388

PEOPLE
V
KEVIN MILLER

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered January 7, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (two counts), criminal possession of a controlled substance in the third degree (three counts) and resisting arrest.

CARA A. WALDMAN for KEVIN MILLER

Submitted

JEFFERY R. FRIESEN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

344.0
KA 17-00462

PEOPLE
V
JUAN CIRINO

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree and assault in the first degree.

LINDA M. CAMPBELL for JUAN CIRINO

10 minutes

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

10 minutes

345.0
KA 17-01727

PEOPLE
V
AMOS GOODWIN

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered April 6, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

BRUCE R. BRYAN for AMOS GOODWIN

10 minutes

KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

346.0
KA 15-00101

PEOPLE
V
JAMES FOX

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), entered August 18, 2014. The judgment revoked defendant's probation and imposed a term of imprisonment.

MARK C. DAVISON for JAMES FOX

5 minutes

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

5 minutes

347.0
CAF 17-01113

RAYMOND J. MAURO
V
CHEYENNE L. COSTELLO

Appeal from an order of the Family Court, Steuben County (Mathew K. McCarthy, A.J.), entered January 5, 2017, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, dismissed the violation petition and modified a prior custody order.

TRAVIS J. BARRY for RAYMOND J. MAURO

15 minutes

ROSEMARIE RICHARDS for CHEYENNE L. COSTELLO

10 minutes

SARA E. ROOK, ATTORNEY FOR CHILD

10 minutes

348.0
CAF 17-00990

JOHN E. REYNOLDS, JR.
V
TANYA EVANS

Appeal from an order of the Family Court, Ontario County (Frederick G. Reed, J.), entered November 22, 2016 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objections to the Finding of Fact and Order of Dismissal of the Support Magistrate entered on October 5, 2016.

MOLLIE A. DAPOLITO for JOHN E. REYNOLDS, JR. 5 minutes

TANYA EVANS for HERSELF Submitted

349.0
CAF 16-01836

In the Matter of
ALIYAH M.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject child and placed her under the supervision of petitioner.

DENIS A. KITCHEN, JR., for LYNNISE M. 10 minutes

NATALIE MUNOZ STUTZ for ERIE COUNTY DSS 10 minutes

AYOKA APRIL TUCKER, ATTORNEY FOR CHILD 10 minutes

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD 10 minutes

PAMELA THIBODEAU, ATTORNEY FOR CHILD 5 minutes

350.0
CAF 16-01837

In the Matter of
DEONTE M. M.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject child and placed her under the supervision of petitioner.

DENIS A. KITCHEN, JR., for LYNNISE M. Submitted

NATALIE MUNOZ STUTZ for ERIE COUNTY DSS Submitted

AYOKA APRIL TUCKER, ATTORNEY FOR CHILD Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

PAMELA THIBODEAU, ATTORNEY FOR CHILD Submitted

351.0
CAF 16-01838

In the Matter of
DASHAUN L. A.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject child and placed her under the supervision of petitioner.

DENIS A. KITCHEN, JR., for LYNNISE M. Submitted

NATALIE MUNOZ STUTZ for ERIE COUNTY DSS Submitted

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| AYOKA APRIL TUCKER, ATTORNEY FOR CHILD | Submitted |
| CHARLES D. HALVORSEN, ATTORNEY FOR CHILD | Submitted |
| PAMELA THIBODEAU, ATTORNEY FOR CHILD | Submitted |

352.0
CAF 16-01839

**In the Matter of
ANIYA I. S.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject child and placed her under the supervision of petitioner.

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| DENIS A. KITCHEN, JR., for LYNNISE M. | Submitted |
| NATALIE MUNOZ STUTZ for ERIE COUNTY DSS | Submitted |
| AYOKA APRIL TUCKER, ATTORNEY FOR CHILD | Submitted |
| CHARLES D. HALVORSEN, ATTORNEY FOR CHILD | Submitted |
| PAMELA THIBODEAU, ATTORNEY FOR CHILD | Submitted |

353.0
CAF 16-01840

**In the Matter of
RAHKEIM A.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject children and placed her under the supervision of petitioner.

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| DENIS A. KITCHEN, JR., for LYNNISE M. | Submitted |
| NATALIE MUNOZ STUTZ for ERIE COUNTY DSS | Submitted |
| AYOKA APRIL TUCKER, ATTORNEY FOR CHILD | Submitted |
| CHARLES D. HALVORSEN, ATTORNEY FOR CHILD | Submitted |
| PAMELA THIBODEAU, ATTORNEY FOR CHILD | Submitted |

354.0
CAF 16-01841

**In the Matter of
LANIASA N. A.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject child and placed her under the supervision of petitioner.

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| DENIS A. KITCHEN, JR.,for LYNNISE M. | Submitted |
| NATALIE MUNOZ STUTZ for ERIE COUNTY DSS | Submitted |
| AYOKA APRIL TUCKER, ATTORNEY FOR CHILD | Submitted |
| CHARLES D. HALVORSEN, ATTORNEY FOR CHILD | Submitted |
| PAMELA THIBODEAU, ATTORNEY FO CHILD | Submitted |

355.0
CAF 16-01842

**In the Matter of
DARYN W.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lynnise M. had neglected the subject child and placed her under the supervision of petitioner.

DENIS A. KITCHEN, JR.,for LYNNISE M. Submitted

NATALIE MUNOZ STUTZ for ERIE COUNTY DSS Submitted

AYOKA APRIL TUCKER, ATTORNEY FOR CHILD Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

PAMELA THIBODEAU, ATTORNEY FOR CHILD Submitted

356.0
CAF 16-00099

**In the Matter of
RASHAWN J.**

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered December 14, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Veronica H.-B. had neglected the subject children.

DAVID R. JUERGENS for VERONICA H-B. Submitted

PETER ANDREW ESSLEY for MONROE COUNTY DSS Submitted

SARA E. ROOK, ATTORNEY FOR CHILD 5 minutes

357.0
CA 17-01457

**EPK PROPERTIES, LLC
V
PFOHL BROTHERS LANDFILL SITE**

Appeals from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered November 9, 2016. The order granted the motions of defendants to dismiss the complaint.

ROBERT EDWARD KNOER for EPK PROPERTIES, LLC 15 minutes

YVONNE E. HENNESSEY for NIAGARA MOHAWK POWER CORPORATION 10 minutes

JOHN T. KOLAGA for TOWN OF CHEEKTOWAGA 10 minutes

KEVIN MICHAEL HOGAN for PFOHL BROTHERS LANDFILL SITE 10 minutes

358.0
CA 17-00081

**MICHAEL JACKSON
V
ANTHONY ANNUCCI**

Appeal from a memorandum and judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered November 14, 2016. The memorandum and judgment dismissed the CPLR article 78 petition.

ADAM W. KOCH for MICHAEL JACKSON Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI Submitted

359.0
CA 17-01741

**CHRISTINE MASON
V
RAVI ADHIKARY, M.D.**

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert J.), entered January 20, 2017. The order denied defendant's motion for summary judgment dismissing plaintiff's complaint.

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| | JEFFREY M. NARUS for RAVI ADHIKARY, M.D. | 15 minutes |
| | JEFF D. DEFRANCISCO for CHRISTINE MASON | 10 minutes |
| 360.0 CA 17-01075 | DARNELLE BRADY V CITY OF NORTH TONAWANDA | |
| | Appeal from a decision and order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered March 31, 2017. The decision and order, insofar as appealed from, granted the motion of defendant City of North Tonawanda for summary judgment dismissing the amended complaint. | |
| | TIMOTHY M. HUDSON for DARNELLE BRADY | 10 minutes |
| | CHARLES E. GRANEY for CITY OF NORTH TONAWANDA | 10 minutes |
| 361.0 CA 17-01554 | LORNA FORBES V CARIS LIFE SCIENCES, INC. | |
| | Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered November 21, 2016. The order denied defendants' motion to dismiss plaintiff's complaint. | |
| | AARON M. SCHIFFRIK for CARIS LIFE SCIENCES, INC. | 10 minutes |
| | ROBERT E. LAHM for LORNA FORBES | 10 minutes |
| 362.0 CA 17-01574 | WELLSVILLE REALTY, LLC V BOARD OF ASSESSORS | |
| | Appeal from an of the Supreme Court, Allegany County (Terrence M. Parker, A.J.), entered October 21, 2016 in proceedings pursuant to RPTL article 7. The order denied the petition challenging the real property tax assessment for the 2014-2015 tax year. | |
| | JACQUELYN L. MASCETTI for WELLSVILLE REALTY, LLC | 15 minutes |
| | MAURA C. SEIBOLD for BOARD OF ASSESSORS | 15 minutes |
| 363.0 CA 17-01248 | JONATHAN R. GUSTKE V JONATHAN T. NICKERSON | |
| | Appeal and cross appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered April 11, 2017. The order, among other things, granted the motions of defendants Jonathan T. Nickerson and Brian H. Foley seeking summary judgment. | |
| | CRAIG R. BUCKI for JONATHAN R. GUSTKE | 10 minutes |
| | MARK A. FORDEN for JONATHAN T. NICKERSON | 10 minutes |
| | KEVIN J. GRAFF for BRIAN H. FOLEY | 10 minutes |
| | DAVID MICHAEL GOODMAN for MARY BETH LIPOME | 10 minutes |
| | MELISSA L. VINCTON for MARY A. HOURT | 10 minutes |
| 364.0 CA 17-01744 | TOWN OF CONCORD V KRISTINE EDBAUER | |

Appeal from an order of the Erie County Court (Michael Pietruszka, J.), entered July 21, 2017. The order affirmed a judgment of the Justice Court of the Town of Concord entered on August 22, 2016 which ordered respondent's dog to be humanely euthanized.

KRISTINE EDBAUER for HERSELF

Submitted

AARON M. SAYKIN for TOWN OF CONCORD

Submitted

DAY CALENDAR
Tuesday, February 27, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

365.0
KA 17-01306

PEOPLE
V
JAMES M. KNIGHT

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered September 22, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree and criminal possession of a weapon in the third degree.

SIMON KENNETH MOODY for JAMES M. KNIGHT Submitted

AMANDA CASSELMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

366.0
KA 16-00585

PEOPLE
V
STEVEN J. JOHNSON

Appeal from a judgment of the Orleans County Court (James B. Punch, J.), rendered June 29, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal sale of a controlled substance in the third degree.

CAITLIN M. CONNELLY for STEVEN J. JOHNSON Submitted

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

367.0
KA 17-00609

PEOPLE
V
LISA M. KISH

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered March 1, 2016. The judgment convicted defendant, upon her plea of guilty, of promoting prison contraband in the first degree.

JOSEPH G. FRAZIER for LISA M. KISH Submitted

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

368.0
KA 15-01987

PEOPLE
V
MATTHEW BENNETT

Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered November 10, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the first degree.

DANIELLE WILD for MATTHEW BENNETT Submitted

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

369.0
KA 16-00951

PEOPLE
V
TIMOTHY R. BROOKS

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered April 18, 2016. The judgment convicted defendant, upon a jury verdict, of attempted robbery in the third degree.

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| | HILARY P. GERZHOY for TIMOTHY R. BROOKS | 10 minutes |
| | JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 370.0 KA 16-00620 | PEOPLE V DAVID M. CAREY | |
| | Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered March 2, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the second degree. | |
| | SHERRY A. CHASE for DAVID M. CAREY | 10 minutes |
| | ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 371.0 KA 16-01138 | PEOPLE V GREGORY BORCYK | |
| | Appeal from a decision and order of the Monroe County Court (Vincent M. DiNolfo, J.), dated January 4, 2016. The decision and order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10. | |
| | JONATHAN I. EDELSTEIN for GREGORY BORCYK | 15 minutes |
| | STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 372.0 KA 14-00395 | PEOPLE V DAVID J. STEINMETZ, JR. | |
| | Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered October 30, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal mischief in the third degree | |
| | JOHN A. CIRANDO for DAVID J. STEINMETZ, JR. | 10 minutes |
| | JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 373.0 KA 15-01424 | PEOPLE V JOWSHEED M. MORALES | |
| | Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered April 15, 2015. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, rape in the third degree, criminal mischief in the fourth degree, harassment in the second degree, criminal contempt in the first degree (two counts), criminal contempt in the second degree (12 counts) and criminal solicitation. | |
| | MARK C. DAVISON for JOWSHEED M. MORALES | 10 minutes |
| | V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 374.0 CAF 17-00678 | CLEAVON CLARK, III V MONICA D. KITTLES | |

Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered March 2, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole custody of the subject child.

KATHLEEN P. REARDON for MONICA D. KITTLES 10 minutes

JANET C. SOMES for CLEAVON CLARK, III 10 minutes

MAROUN G. AJAKA, ATTORNEY FOR CHILD 5 minutes

375.0
CA 17-01662

ANGELA L. DARNLEY
V
DIANE L. RANDAZZO

Appeals from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 21, 2017. The order denied the motions of defendant Diane L. Randazzo and plaintiffs for summary judgment on the issue of liability.

ALYSON C. CULLITON for DIANE L. RANDAZZO 15 minutes

ANDREW CONNELLY for ANGELA L. DARNLEY 15 minutes

376.0
CA 17-01442

MICHAEL BUREL
V
NYS OFFICE OF MENTAL HEALTH

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered March 23, 2017. The order dismissed the verified petition.

GREGORY T. MYERS for MICHAEL BUREL 15 minutes

LAURA ETLINGER for NYS OFFICE OF MENTAL HEALTH 10 minutes

377.0
CA 16-01221

JANET M. HINES
V
JOSHUA J. HINES

Appeal from an order of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered December 9, 2015. The order, among other things, awarded defendant sole legal custody of the subject child and primary physical residence of the subject child.

PAUL B. WATKINS for JANET M. HINES 10 minutes

CHRISTINE F. REDFIELD for JOSHUA J. HINES 10 minutes

SCOTT A. OTIS, ATTORNEY FOR CHILD 10 minutes

378.0
CAF 17-00264

JANET HINES
V
JOSHUA HINES

Appeal and cross appeal from an order of the Family Court, Oswego County (James K. Eby, J.), entered December 29, 2016 in a proceeding pursuant to Family Court Act article 6. The order among other things, awarded petitioner sole legal and physical custody of the subject child.

PAUL B. WATKINS for JANET HINES Submitted

CHRISTINE F. REDFIELD for JOSHUA HINES Submitted

SCOTT A. OTIS, ATTORNEY FOR CHILD Submitted

379.0
CA 17-01244

STANLEY PARKER
V
TOWN OF ALEXANDRIA

Appeal from an order and judgment (one paper) of the Supreme Court, Jefferson County (James P. McClusky, J.), entered April 6, 2017. The order and judgment, among other things, declared invalid Town of Alexandria Local Law No. 2 of 2009, Town of Alexandria Local Law No. 2 of 2014 and the August 10, 2011 resolution of the Town Board of Town of Alexandria.

KEVIN M. MCARDLE for STANLEY PARKER 10 minutes
MICHAEL F. YOUNG for ELLEN PECK 10 minutes
ROBERT JAMES SLYE for TOWN OF ALEXANDRIA 10 minutes

380.0
CA 17-00080

JEFF BRISBANE
V
ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered November 10, 2016 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for JEFF BRISBANE Submitted
BRIAN D. GINSBERG for ANTHONY ANNUCCI Submitted

381.0
CAF 16-01336

SCOTT SHEPHERD
V
JAMIE STOCKER

Appeals from an order of the Family Court, Lewis County (Daniel R. King, J.), entered June 21, 2016 in a proceeding pursuant to Family Court Act article 6. The order denied the petition.

PETER J. DIGIORGIO, JR., for SCOTT SHEPHERD 10 minutes
DONALD R. GERACE for JAMIE STOCKER 10 minutes
SCOTT A. OTIS, ATTORNEY FOR CHILD 10 minutes

382.0
CA 17-01301

CAMPAIGN FOR BUFFALO HISTORY
V
CITY OF BUFFALO

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered September 21, 2016. The order and judgment denied the petition/complaint in its entirety as to respondent/defendant Ellicott Development Co.

RICHARD J. LIPPES for CAMPAIGN FOR BUFFALO HISTORY 15 minutes
JESSICA M. LAZARIN for CITY OF BUFFALO 10 minutes
COREY A. AUERBACH for THE CROSBY COMPANY Submitted
SHANNON M. HENEGHAN for ELLICOTT DEVELOPMENT CO. Submitted

383.0
CA 17-01288

RENEE Y. PHILLIPS
V
TIMOTHY SAVAGE

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered April 11, 2017. The order granted the motion of defendant to dismiss the verified complaint.

FRANK S. FALZONE for RENEE Y. PHILLIPS

10 minutes

BETSY F. VISCO for TIMOTHY SAVAGE

10 minutes

384.0
CA 17-01827

HEATHER ENOS-GROFF

V

LAURA M. SCHUMACHER

Appeal from an order of the Supreme Court, Ontario County (Craig Doran, J.), entered April 17, 2017. The order granted the motion of defendants Laura M. Schumacher, Daniel Schumacher, John Schumacher and Schum-Acres & Assoc., Inc., for summary judgment dismissing the complaint.

PETER ROLPH for HEATHER ENOS-GROFF

10 minutes

BRIAN R. BIGGIE for LAURA M. SCHUMACHER

10 minutes

385.0
CAF 16-01632

NICHOLAS J. KAMMEYER

V

JAMI R. MANGES-MERRIMAN

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, J.), entered August 8, 2016, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted primary physical custody of the subject child to petitioner.

STEPHANIE N. DAVIS for JAMI R. MANGES-MERRIMAN

5 minutes

RUTHANNE G. SANCHEZ for NICHOLAS J. KAMMEYER

5 minutes

SCOTT A. OTIS, ATTORNEY FOR CHILD

10 minutes

386.0
CAF 16-01633

NICHOLAS J. KAMMEYER

V

JAMI R. MANGES-MERRIMAN

Appeal from an amended order of the Family Court, Jefferson County (Peter A. Schwerzmann, J.), entered August 11, 2016, in a proceeding pursuant to Family Court Act article 6. The amended order, inter alia, granted primary physical custody of the subject child to petitioner.

STEPHANIE N. DAVIS for JAMI R. MANGES-MERRIMAN

Submitted

RUTHANNE G. SANCHEZ for NICHOLAS J. KAMMEYER

Submitted

SCOTT A. OTIS, ATTORNEY FOR CHILD

Submitted

386.1
CA 17-01309

SAMUEL, SON & CO., INC.

SETTLED

V

THOMAS F. CELA

Appeal and cross appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered January 31, 2017. The order denied plaintiff's motion for partial summary judgment and denied defendants' cross motion for summary judgment dismissing the amended complaint or alternatively, for leave to amend their answer to the amended complaint.

HOWARD ERIC BERGER for SAMUEL, SON & CO., INC.

DAVID TEMES for THOMAS F. CELA

DAY CALENDAR
Wednesday, February 28, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

387.0
KA 16-00295

PEOPLE
V
NICOLE L. GREEN

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered December 1, 2015. The judgment convicted defendant, upon her plea of guilty, of attempted burglary in the second degree.

BRIDGET C. STEELE for NICOLE L. GREEN Submitted

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

388.0
KA 13-02025

PEOPLE
V
DAVID D. HARMON

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered October 1, 2013. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

JAMES A. HOBBS for DAVID D. HARMON Submitted

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

389.0
KA 16-00443

PEOPLE
V
MARK L. BURDICK, II

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered January 25, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree

MICHAEL S. DEAL for MARK L. BURDICK, II Submitted

LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

390.0
KA 16-01377

PEOPLE
V
COREY D. DANIELS

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered February 19, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

AARON MICHEAU for COREY D. DANIELS 10 minutes

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

391.0
KA 17-01130

PEOPLE
V
JAMES CATOR

Appeal from a memorandum-decision and order of the Yates County Court (Jason L. Cook, J.), dated April 10, 2017. The memorandum-decision and order granted the motion of defendant for suppression of evidence and statements.

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| | LORA TRYON for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| | TIFFANY M. SORGEN for JAMES CATOR | 5 minutes |
| 392.0 KA 15-01821 | PEOPLE V JAMIE R. GALARZA | |
| | Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered July 8, 2014. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree. | |
| | ROBERT L. KEMP for JAMIE R. GALARZA | 10 minutes |
| | DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 393.0 KA 15-01776 | PEOPLE V DENNIS RICE, JR. | |
| | Appeal from an adjudication of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered February 23, 2015. The adjudication convicted defendant, as a youthful offender, of robbery in the first degree. | |
| | KRISTEN MCDERMOTT for DENNIS RICE, JR. | Submitted |
| | JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 394.0 KA 17-01663 | PEOPLE V HENRI PONTES | |
| | Appeal from an order of the Monroe County Court (Douglas A. Randall, J.), entered February 9, 2017. The order granted defendant's motion to dismiss the indictment. | |
| | DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| | MICHAEL T. ANSALDI for HENRI PONTES | 5 minutes |
| 395.0 CA 17-01867 | RUSSELL ANTHONY CRONIN V STATE OF NEW YORK | |
| | Appeal from a decision and order of the Court of Claims (Renee Forgensi Minarik, J.), entered January 3, 2017. The decision and order denied the motion of claimant for leave to file a late notice of claim. | |
| | RENE MYATT for RUSSELL ANTHONY CRONIN | Submitted |
| | KATHLEEN M. TRASURE for STATE OF NEW YORK | Submitted |
| 396.0 CA 17-01833 | In the Matter of Arbitration Between THE PROFESSIONAL, CLERICAL, TECHNICAL EMPLOYEES ASSOCIATION (BOARD OF EDUCATION FOR BUFFALO CITY SCHOOL DISTRICT) | |
| | Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered July 7, 2017 in a proceeding pursuant to CPLR article 75. The order, among other things, granted the petition to confirm an arbitration award. | |
| | BETHANY CENTRONE for BOARD OF EDUCATION FOR BCSD | 10 minutes |
| | PAUL D. WEISS for THE PROFESSIONAL, CLERICAL, TECHNICAL ASSN. | 15 minutes |

397.0
CA 17-01246

KENNETH PREASTER
V
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert J.), entered April 10, 2017. The order, among other things, granted defendant's motion to dismiss plaintiffs' amended complaint.

WOODRUFF LEE CARROLL for KENNETH PREASTER 10 minutes

MARY D'AGOSTINO for CITY OF SYRACUSE 10 minutes

398.0
CA 17-01090

MICHELLE L. HARRIS
V
MICHAEL R. HANSSEN

Appeal and cross appeal from an order of a judgment of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 7, 2017. The order and judgment granted the motion of plaintiff Adam M. Prosser and dismissed the counterclaim against him, granted plaintiffs summary judgment finding defendants negligent, granted the motion of plaintiffs to amend the pleading and otherwise denied the motions of the parties.

NORMAN E.S. GREENE for MICHAEL R. HANSSEN 15 minutes

SAMUEL A. ALBA for MICHELLE L. HARRIS 10 minutes

MARTHA DONOVAN for ADAM M. PROSSER 5 minutes

399.0
CA 17-01854

ELEANOR MCQUILKIN BURNS
V
ANDREW MCINTOSH BURNS

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered June 13, 2017. The order, among other things, denied plaintiff's application to hold defendant in contempt of court.

FRANCIS C. AFFRONTI for ELEANOR MCQUILKIN BURNS 10 minutes

ANDREW MCINTOSH BURNS for HIMSELF 10 minutes

400.0
CA 17-01760

JEREMIAH G. CULLEN
V
CHAD GERALD RIDER

Appeal from an order of the Supreme Court, Oneida County (Patrick J. MacRae, J.), entered May 5, 2017. The order, among other things, denied defendant's motion for summary judgment dismissing plaintiff's complaint.

EDWARD GOZIGIAN for CHAD GERALD RIDER Submitted

J. PATRICK LANNON for JEREMIAH G. CULLEN 10 minutes

401.0
CA 16-01648

In the Matter of
STEVEN I. GOLDSTEIN

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered September 2, 2016. The order, inter alia, denied the motion of Terlesa Cowart for the imposition of sanctions.

TERLESA COWART for HERSELF 30 minutes

YOLANDA RIOS for CATHOLIC FAMILY CENTER 10 minutes

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| 402.0 CA 16-01091 | STATE OF NEW YORK V SCOTT W. | <p>Appeal from an order of the Supreme Court, Monroe County (Douglas A. Randall, A.J.), entered May 31, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.</p> | <p>GARY MULDOON for SCOTT W. 20 minutes</p> <p>FREDERICK A. BRODIE for STATE OF NEW YORK 10 minutes</p> |
| 403.0 CA 17-01830 | DERRICK PERKINS V UPSTATE ORTHOPEDICS, LLP | <p>Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered July 11, 2017. The order, among other things, denied the motion of defendants Daniel M. DeMartini, P.A., and Upstate Orthopedics, LLP, for summary judgment dismissing the complaint.</p> | <p>DANIELLE MIKALAJUNAS FOGEL for UPSTATE ORTHOPEDICS, LLP 15 minutes</p> <p>DAVID E. ZUKHER for DERRICK PERKINS 10 minutes</p> |
| 404.0 CA 17-01585 | MICHAEL EDWARDS V FRANCINE M. GORMAN | <p>Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered November 16, 2016. The order, insofar as appealed from, denied plaintiffs' motion for summary judgment on the issue of liability.</p> | <p>CAROL A. MCKENNA for MICHAEL EDWARDS 10 minutes</p> <p>PATRICK B. NAYLON for FRANCINE M. GORMAN 10 minutes</p> |
| 405.0 CA 17-01560 | ROBERT SMILEY V ALLGAIER CONSTRUCTION CORP. | <p>Appeal from an order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered May 4, 2017. The order, among other things, granted plaintiffs' motion for partial summary judgment on the issue of liability under Labor Law § 240 (1).</p> | <p>RYAN J. MILLS for ALLGAIER CONSTRUCTION CORP. 10 minutes</p> <p>ANNE BELTZ RIMMLER for ROBERT SMILEY 10 minutes</p> |
| 405.1 KA 13-00204 | PEOPLE V CLARENCE E. COOPER, III | <p>Appeal from a judgment of the Supreme Court, Monroe County (Robert B. Wiggins, A.J.), rendered March 18, 2009. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, attempted burglary in the second degree and petit larceny.</p> | <p>MARK C. DAVISON for CLARENCE E. COOPER, III Submitted</p> <p>JOSEPH PLUKAS for PEOPLE OF THE STATE OF NEW YORK Submitted</p> |

DAY CALENDAR
Thursday, March 1, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

406.0
KA 15-02021

PEOPLE
V
LEONARD GLOWACKI

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered October 1, 2015. The judgment convicted defendant, upon his plea of guilty, of aggravated vehicular homicide and driving while intoxicated, a class E felony.

LINDA M. CAMPBELL for LEONARD GLOWACKI Submitted

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

407.0
KA 15-01324

PEOPLE
V
WALTER BROWN

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered August 1, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

PIOTR BANASIAK for WALTER BROWN Submitted

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

408.0
KA 17-00956

PEOPLE
V
JAMES DAVIS

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered March 23, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted menacing of a peace officer.

CHARLES A. MARANGOLA for JAMES DAVIS Submitted

AMANDA CASSELMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

409.0
KA 17-00396

PEOPLE
V
DAVID MAY

Appeal from a judgment of the Herkimer County Court (John H. Crandall, J.), rendered February 17, 2017. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

JOHN HERBOWY for DAVID MAY 10 minutes

ROBERT R. CALLI, JR., for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

410.0
KA 17-01591

PEOPLE
V
ERIC S. ALLEN

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered March 14, 2017. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, as a class E felony.

MICHAEL C. VISCOSI for ERIC S. ALLEN Submitted

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| | CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 411.0 KA 13-01431 | PEOPLE V MICHAEL ROSS | |
| | Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered June 14, 2013. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, strangulation in the second degree and assault in the second degree. | |
| | MARK C. DAVISON for MICHAEL ROSS | 10 minutes |
| | NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 412.0 KA 15-00115 | PEOPLE V KEION PETERSON | |
| | Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered October 14, 2014. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of a weapon in the second degree. | |
| | KIMBERLY J. CZAPRANSKI for KEION PETERSON | 10 minutes |
| | SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 413.0 KA 15-00653 | PEOPLE V TALIB ALSAIFULLAH | |
| | Appeal from a judgment of the Cayuga County (Mark H. Fandrigh, J.), rendered February 24, 2015. The judgment convicted defendant, upon his plea of guilty, of promoting prison contraband in the first degree. | |
| | JOHN A. CIRANDO for TALIB ALSAIFULLAH | 15 minutes |
| | CHRISTOPHER T. VALDINA for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 414.0 KA 15-01069 | PEOPLE V TALIB ALSAIFULLAH | |
| | Appeal from a judgment of the Cayuga County (Mark H. Fandrigh, J.), rendered May 5, 2015. The order denied the motion of defendant for DNA testing pursuant to CPL 440.30 (1-a). | |
| | JOHN A. CIRANDO for TALIB ALSAIFULLAH | Submitted |
| | CHRISTOPHER T. VALDINA for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 415.0 KA 15-01012 | PEOPLE V TALIB ALSAIFULLAH | |
| | Appeal from a decision and order of the Cayuga County (Mark H. Fandrigh, J.), rendered May 20, 2015. The decision and order, inter alia, denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10. | |
| | JOHN A. CIRANDO for TALIB ALSAIFULLAH | Submitted |

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| | CHRISTOPHER T. VALDINA for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 416.0 KA 14-00587 | PEOPLE V ANTHONY S. PERRI | |
| | Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered December 5, 2013. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree (three counts) and endangering the welfare of a child (three counts). | |
| | KATHLEEN P. REARDON for ANTHONY S. PERRI | 10 minutes |
| | JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 417.0 CAF 17-00208 | In the Matter of JOSHUA W., JR. | |
| | Appeal from an order of the Family Court, Cattaragus County (Michael L. Nenno, J.), entered January 5, 2017 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights to the subject child. | |
| | LYLE T. HAJDU for JOSHUA W., SR. | Submitted |
| | WENDY G. PETERSON for CATTARAUGUS COUNTY DSS | Submitted |
| | STEVEN LORD, ATTORNEY FOR CHILD | Submitted |
| 418.0 CAF 17-01822 | EDWARD A. JONES V KAREN L. JONES | |
| | Appeal from a decision and order of the Family Court, Monroe County (Dandrea L. Ruhlmann, J.), entered January 19, 2017, in a proceeding pursuant to Family Court Act article 4. The decision and order, inter alia, granted the petition of petitioner for a decrease in support. | |
| | TANYA J. CONLEY for HERSERLF | 10 minutes |
| | EDWARD A. JONES for HIMSELF | Submitted |
| | KAREN L. JONES for HERSELF | Submitted |
| 419.0 CAF 17-00918 | BONFRIDA F. KAKWAYA V JOSEPH TWINAMATSIKO | |
| | Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered July 26, 2016, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole legal and physical custody of the subject children to petitioner. | |
| | JOHN A. CIRANDO for JOSEPH TWINAMATSIKO | 10 minutes |
| | DANIELLE BLACKABY for BONFRIDA F. KAKWAYA | 10 minutes |
| | ARLENE H. BRADSHAW, ATTORNEY FOR CHILD | 10 minutes |
| 420.0 CAF 16-01635 | JEANNA CHEBAT V CHRISTOPHER TODD MILLER | |

Appeal from a decision and order of the Family Court, Erie County (Marcy G. Carney, J.), entered July 19, 2016 in a proceeding pursuant to Family Court Act article 6. The decision and order, inter alia, awarded the parties joint legal custody and the father primary physical custody.

WILLIAM D. BRODERICK, JR., for JEANNA CHEBAT Submitted

CHRISTOPHER TODD MILLER for CHRISTOPHER TODD MILLER Submitted

NORA B. ROBSHAW , ATTORNEY FOR CHILD 10 minutes

421.0
CA 17-01504

JAMES CORLE
V
ALLSTATE INSURANCE COMPANY

Appeal from a decision and order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered March 30, 2017. The decision and order denied the motion of defendant for summary judgment.

JESSICA L. FOSCOLO for ALLSTATE INSURANCE COMPANY 15 minutes

MICHAEL A. DONLON for JAMES CORLE 15 minutes

422.0
CA 17-01231

DENZEL COSTON
V
CITY OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered April 17, 2017. The order denied defendants' motion for summary judgment.

DAVID M. LEE for CITY OF BUFFALO 10 minutes

ELLEN B. STURM for DENZEL COSTON 10 minutes

423.0
CA 17-01772

BARBARA A. DELAUS
V
MONROE COUNTY

Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin, A.J.), entered December 19, 2016. The order granted the motions of defendants Monroe County, County of Monroe Industrial Development Agency, Monroe Newpower Corporation and Town of Brighton to dismiss the complaint and dismissed the complaint against said defendants.

JACOB H. ZOGHLIN for BARBARA A. DELAUS 15 minutes

MATTHEW D. BROWN for MONROE COUNTY 5 minutes

NICHOLAS C. ROBERTS for CO. OF MONROE INDUSTRIAL DEVELOPMENT AGENCY 15 minutes

KENNETH W. GORDON for TOWN OF BRIGHTON 15 minutes

424.0
CA 17-00215

ANGELA M. MURRAY
V
TODD A. MURRAY

Appeal from a judgment of the Supreme Court, Cattaraugus County (Michael L. Nenno, J.), entered April 1, 2016 in a divorce action. The judgment, among other things, ordered defendant to pay plaintiff child support and maintenance.

RANDY STUART MARGULIS for TODD A. MURRAY 15 minutes

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| EMILY A. VELLA for ANGELA M. MURRAY | 10 minutes |
| WENDY G. PETERSON, ATTORNEY FOR CHILD | Submitted |
| STEVEN J. LORD, ATTORNEY FOR CHILD | Submitted |

425.0
CA 17-01826

HENDERSON HARBOR MARINERS' MARINA, INC.
V
IFS LISBON-ASSET ADVISORY SERVICES, LLC

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered January 9, 2017. The order, among other things, denied in part the motion of defendant Upstate National Bank for summary judgment.

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| ALAN R. PETERMAN for UPSTATE NATIONAL BANK | 15 minutes |
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| TIMOTHY FENNELL for HENDERSON HARBOR MARINERS' MARINA, INC. | 15 minutes |
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426.0
CA 17-01610

CARTER HALL
V
MCDONALD'S CORPORATION

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered November 14, 2016. The order granted the motions of defendants to dismiss the complaint.

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| DUANE D. SCHOONMAKER for CARTER HALL | 10 minutes |
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| JESSICA F. PIZZUTELLI for MCDONALD'S CORPORATION | 10 minutes |
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| CHRISTINA L. SHIFTON for MACDO FOODS, INC. | 10 minutes |
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