

DAY CALENDAR
Monday, January 12, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1.0
TP 14-01330

ROBERT KLEIN
V
CAPTAIN KISER

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.], dated March 20, 2014) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ROBERT KLEIN for HIMSELF

Submitted

PETER H. SCHIFF for CAPTAIN KISER

Submitted

2.0
TP 14-01311

MICHAEL CHIOVARO
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 July 15, 2014) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ANTHONY JOSEPH LANA for MICHAEL CHIOVARO

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

3.0
KA 11-00690

PEOPLE
V
DANIEL W. LEWIS

Appeal from a judgment of the Monroe County Court (Stephen T. Miller, A.J.), rendered January 28, 2011. The judgment convicted defendant, upon his plea of guilty, of rape in the second degree.

DREW R. DUBRIN for DANIEL W. LEWIS

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

4.0
KA 14-00465

PEOPLE
V
JERRY GILLARD

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Thomas J. Miller, J.), dated February 25, 2014. The order denied defendant's motion pursuant to CPL 440.10 and 440.20 to, among other things, vacate the judgment convicting defendant of attempted criminal possession of a weapon in the third degree.

JERRY GILLARD for HIMSELF

Submitted

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

Submitted

5.0
KA 10-01790

PEOPLE
V
DONNELL JEFFERSON

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered July 21, 2010. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault (two counts), kidnapping in the second degree, and robbery in the first degree.

CHARLES THOMAS NOCE for DONNELL JEFFERSON 10 minutes

ERIN TUBBS for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

6.0
KA 13-00410

PEOPLE
V
RYAN P. BRAHNEY

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered October 25, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), burglary in the first degree (two counts), criminal possession of a weapon in the fourth degree and criminal contempt in the first degree (two counts).

DAVID P. ELKOVITCH for RYAN P. BRAHNEY Submitted

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

7.0
KA 13-01456

PEOPLE
V
RYAN P. BRAHNEY

Appeal from a resentence of the Cayuga County Court (Thomas G. Leone, J.), rendered December 3, 2012. Defendant was resentenced as a second felony offender.

DAVID P. ELKOVITCH for RYAN P. BRAHNEY Submitted

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

8.0
KA 13-00072

PEOPLE
V
JONATHAN N. MAY

Appeal from a judgment of the Supreme Court, Erie county (Deborah A. Haendiges, J.), rendered December 19, 2012. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree and assault in the third degree.

DEBORAH K. JESSEY for JONATHAN N. MAY 10 minutes

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

9.0
KA 13-00189

PEOPLE
V
ODELL WILKENS

Appeal from an order of the Erie County Court (Thomas P. Franczyk, J.), dated December 11, 2012. The order denied the motion of defendant pursuant to CPL 440.10 (1).

DEBORAH K. JESSEY for ODELL WILKENS 10 minutes

NICHOLAS T. TEXIDO for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

10.0
CAF 14-00120

In the Matter of
CORY J. S.

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered December 8, 2013 in proceedings pursuant to Family Court Act article 3. The order dismissed the petitions in the furtherance of justice.

RICHARD C. MITCHELL for OSWEGO COUNTY ATTORNEY

Submitted

SUSAN B. MARRIS, ATTORNEY FOR CHILD

5 minutes

11.0
CAF 13-00872

JENNIFER RICE
V
LORI COLE

Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, A.J.), entered April 9, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the placement of the subject child remain with petitioner Jennifer Rice and set forth a visitation schedule for respondent Michael Wightman.

TYSON BLUE for MICHAEL WIGHTMAN

10 minutes

JENNIFER L. RICE for HERSELF

Submitted

JANICE RAE ROBINSON for LORI COLE

Submitted

M. KATHLEEN CURRAN, ATTORNEY FOR CHILD

5 minutes

12.0
CAF 13-01327

CHRISTIAN L. JONES
V
LAURA S. TUCKER

Appeal from an order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered May 16, 2013 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.

ALAN J. PIERCE for LAURA S. TUCKER

10 minutes

WILLIAM R. BARTHOLOMAE for CHRISTIAN L. JONES

10 minutes

SUSAN B. MARRIS, ATTORNEY FOR CHILD

5 minutes

13.0
CA 14-01350

ERIC ANDERSON
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Stephen J. Lynch, J.), entered November 13, 2013. The judgment awarded the claimant money damages as against defendant.

JEFFREY W. LANG for STATE OF NEW YORK

10 minutes

ERIC ANDERSON for HIMSELF

Submitted

14.0
CA 13-00976

ADAM VILLAR
V
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered April 3, 2013. The order granted the motion of defendant to dismiss the complaint.

	PAUL A. WOODARD for ADAM VILLAR	15 minutes
	KENNETH R. KIRBY for COUNTY OF ERIE	15 minutes
15.0 CA 13-00977	ADAM VILLAR V COUNTY OF ERIE	
	Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered April 3, 2013. The order denied the motion of plaintiff to amend his complaint.	
	PAUL A. WOODARD for ADAM VILLAR	Submitted
	KENNETH R. KIRBY for COUNTY OF ERIE	Submitted
16.0 CA 13-00978	ADAM VILLAR V COUNTY OF ERIE	
	Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered May 21, 2013. The order denied the motion of plaintiff to reargue.	
	PAUL A. WOODARD for ADAM VILLAR	Submitted
	KENNETH R. KIRBY for COUNTY OF ERIE	Submitted
17.0 CA 14-01344	EDWARD GAWRON V TOWN OF CHEEKTOWAGA	
	Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered November 15, 2013 in a personal injury action. The order denied defendants' motion for summary judgment.	
	MARTHA E. DONOVAN for TOWN OF CHEEKTOWAGA	10 minutes
	JOHN A. COLLINS for EDWARD GAWRON	Submitted
	MICHAEL D. HOLLENBECK for JOANNE GAWRON	10 minutes
18.0 CA 14-01269	LATISHA JOHNSON V WAL-MART	
	Appeals from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered January 17, 2014. The order denied the motions of defendants for summary judgment.	
	AMANDA L. MACHACEK for WAL-MART	10 minutes
	CHRISTINE VOGEL for LATISHA JOHNSON	Submitted
	RICHARD JUDA, JR., for EAGLE RIDGE SPECIALTY PROPERTY SERVICES	10 minutes
19.0 CA 14-01158	JOANN ABBO-BRADLEY V CITY OF NIAGARA FALLS	
	Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered December 4, 2013. The order granted the motion of defendant Glenn Springs Holdings, Inc., for a preliminary injunction and conditionally enjoined plaintiffs from conducting environmental sampling in the neighborhood surrounding the Love Canal Landfill site.	

	STEPHEN J. PHILLIPS for JOANN ABBO-BRADLEY	15 minutes
	JEFFREY F. BAASE for NIAGARA FALLS WATER BOARD	10 minutes
	DAVID RAY ADAMS for SEVENSON ENVIRONMENTAL SERVICES, IN	15 minutes
	SHEILA L. BIRNBAUM for GLENN SPRINGS HOLDINGS, INC.	15 minutes
	PATRICIA S. CICCARELLI for GROSS PHC LLC	10 minutes
	JEFFREY D. SCHULMAN for OP-TECH ENVIRONMENTAL SERVICES	5 minutes
20.0 CA 14-01173	MICHAEL M. KROSSBER V JAMES CHERNISS	
	Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered January 10, 2014. The order granted the motion of defendants for summary judgment and dismissed the complaint.	
	JOHN E. TYO for MICHAEL M. KROSSBER	15 minutes
	MARK D. GORIS for JAMES CHERNISS	10 minutes
21.0 CA 13-00979	ADAM VILLAR V TIMOTHY B. HOWARD	
	Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered April 3, 2013. The order granted the motion of defendant to dismiss the complaint.	
	PAUL A. WOODARD for ADAM VILLAR	15 minutes
	KENNETH R. KIRBY for TIMOTHY B. HOWARD	15 minutes
22.0 CA 13-00980	ADAM VILLAR V TIMOTHY B. HOWARD	
	Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered April 3, 2013. The order denied the motion of plaintiff to amend his complaint.	
	PAUL A. WOODARD for ADAM VILLAR	Submitted
	KENNETH R. KIRBY for TIMOTHY B. HOWARD	Submitted
23.0 CA 13-00981	ADAM VILLAR V TIMOTHY B. HOWARD	
	Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered May 21, 2013. The order denied the motion of plaintiff seeking leave to reargue.	
	PAUL A. WOODARD for ADAM VILLAR	Submitted
	KENNETH R. KIRBY for TIMOTHY B. HOWARD	Submitted
24.0 CA 13-00420	ANN TOWNE V DAVID E. BURNS, M.D.	

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered January 23, 2013. The order denied the motion of plaintiff Ann Towne to set aside the verdict and for a new trial.

ERIC M. DOLAN for ANN TOWNE

15 minutes

DENNIS JOHN GRUTTADARO for DAVID E. BURNS, M.D.

10 minutes

JEFFREY S. ALBANESE for GENESEE SURGICAL ASSOCIATES, P.C.

Submitted

25.0
CA 14-01349

DANIEL WILLIAMS
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Stephen J. Lynch, J.), entered November 12, 2013. The judgment awarded the claimant money damages as against defendant..

JEFFREY W. LANG for STATE OF NEW YORK

10 minutes

DANIEL WILLIAMS for HIMSELF

Submitted

26.0
CA 14-01376

DANIEL WILLIAMS
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Stephen J. Lynch, J.), entered October 28, 2013. The order adjudged that defendant was negligent and awarded claimant money damages.

JEFFREY W. LANG for STATE OF NEW YORK

Submitted

DANIEL WILLIAMS for HIMSELF

Submitted