

**DAY CALENDAR**  
**Monday, January 11, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**1.0**  
**TP 15-01229**

**JEFFREY TAMSEN**  
**V**  
**VILLAGE OF KENMORE**

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, Erie County [James H. Dillon, J.], entered April 17, 2015) to review a determination of respondent. The determination terminated the employment of petitioner.

**W. JAMES SCHWAN** for **JEFFREY TAMSEN**

**Submitted**

**MARK A. MOLDENHAUER** for **VILLAGE OF KENMORE**

**10 minutes**

**2.0**  
**TP 15-01078**

**LUCIANO SPATARO**  
**V**  
**NEW YORK STATE DOCCS**

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 [Shirley Troutman, J.], filed June 16, 2015) to review a determination of respondent. The determination rescinded petitioner's parole release date.

**THOMAS J. EOANNOU** for **LUCIANO SPATARO**

**Submitted**

**FRANK BRADY** for **NEW YORK STATE DOCCS**

**Submitted**

**3.0**  
**KA 12-01682**

**PEOPLE**  
**V**  
**THOMAS B. SIMCOE**

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Niagara County Court (Sara S. Farkas, J.), dated August 8, 2012. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of attempted murder in the first degree, attempted murder in the second degree, attempted assault in the first degree (three counts), assault in the second degree (two counts), assault in the third degree, criminal possession of a weapon in the fourth degree (two counts), and endangering the welfare of a child.

**MARY-JEAN BOWMAN** for **THOMAS B. SIMCOE**

**Submitted**

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

**Submitted**

**4.0**  
**KA 14-00058**

**PEOPLE**  
**V**  
**KEVIN L. ABERNATHY**

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered October 9, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

**KAREN RUSSO-MCLAUGHLIN** for **KEVIN L. ABERNATHY**

**Submitted**

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

**Submitted**

5.0  
KA 09-00568

PEOPLE  
V  
ANDRE VERNON

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered January 23, 2009. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree.

MICHAEL L. D'AMICO for ANDRE VERNON

10 minutes

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

5 minutes

6.0  
KA 15-00472

PEOPLE  
V  
FRANCIS FINSTER

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered January 20, 2011. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

DAVID A. COOKE for FRANCIS FINSTER

Submitted

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

Submitted

7.0  
KA 12-01345

PEOPLE  
V  
HIKEME WILLIAMS

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered August 1, 2011. The judgment convicted defendant, upon his plea of guilty, of menacing a police officer, criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree and resisting arrest.

KRISTEN MCDERMOTT for HIKEME WILLIAMS

10 minutes

ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

8.0  
KA 14-00565

PEOPLE  
V  
RAUL O. ACEVEDO

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered July 10, 2013. The judgment convicted defendant, upon a jury verdict, of attempted assault in the second degree and criminal possession of a weapon in the third degree.

MARK C. DAVISON for RAUL O. ACEVEDO

10 minutes

BRIAN D. DENNIS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

9.0  
KA 12-01362

PEOPLE  
V  
RICHARD J. TORTORICE

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered April 20, 2012. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree (three counts), robbery in the first degree (two counts), criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

	WILLIAM G. PIXLEY for RICHARD J. TORTORICE	10 minutes
	SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK	10 minutes
10.0 KA 11-00519	PEOPLE V ANDRE VERNON	
	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 January 24, 2011. The order denied the motion of defendant to vacate a judgment of conviction.	
	MICHAEL L. D'AMICO for ANDRE VERNON	10 minutes
	DONNA A. MILLING for PEOPLE OF THE STATE OF NEW YORK	10 minutes
11.0 CAF 14-01367	In the Matter of CHRISTOPHER D.S.	
	Appeal from an order of the Family Court, Allegany County (Thomas P. Brown, J.), entered April 15, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, transferred respondent's guardianship and custody rights with respect to the subject children to petitioner.	
	KELIANN M. ARGY for RICHARD E.D.	10 minutes
	LESLIE J. HAGGSTROM for ALLEGANY COUNTY D.S.S.	10 minutes
	JOAN D. MERRY, ATTORNEY FOR CHILD	10 minutes
	MICHAEL D. BURKE, ATTORNEY FOR CHILD	Submitted
12.0 CAF 15-00313	MARIVI DEJESUS V STEVEN A. GONZALEZ	
	Appeal from an order of the Family Court, Ontario County (Maurice E. Strobridge, J.H.O.), entered December 29, 2014 in proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties shall continue to share joint custody of the subject children.	
	MARY P. DAVISON for MARIVI DEJESUS	5 minutes
	SUSAN JONES for STEVEN A. GONZALEZ	5 minutes
	KIMBERLY WEISBECK, ATTORNEY FOR CHILD	5 minutes
	MARYBETH D. BARNET, ATTORNEY FOR CHILD	5 minutes
13.0 CAF 15-00739	CONNIE M. SCHOENL V KEVIN M. SCHOENL	
	Appeal from an order of the Family Court, Monroe County (Paul M. Riordan, R.), entered June 30, 2014 in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed respondent to stay away from petitioner.	
	DAVID M. ABBATOY, JR., for KEVIN M. SCHOENL	10 minutes
	MAUREEN A. PINEAU for CONNIE M. SCHOENL	Submitted

14.0  
CAF 15-00187

MICHAEL C. WAITE  
V  
MALLORY J. CLANCY

Appeal from an order of the Family Court, Steuben County (Gerard J. Alonzo, J.H.O.), entered May 16, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted petitioner sole legal custody and physical placement of the parties' child.

MICHELLE A. COOKE for MALLORY J. CLANCY

10 minutes

MICHAEL C. WAITE for HIMSLEF

Submitted

CHRISTINE M. VALKENBURGH, ATTORNEY FOR CHILD

5 minutes

15.0  
CA 15-01045

DEBORAH VOSS  
V  
THE NETHERLANDS INSURANCE COMPANY

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered January 14, 2015. The order denied the motion of defendant CH Insurance Brokerage Services, Inc., for leave to amend its answer and to preclude plaintiffs from seeking consequential damages.

THOMAS M. WITZ for CH INSURANCE BROKERAGE SERVICES, CO ., INC.

15 minutes

DIRK J. OUDEMOOL for DEBORAH VOSS

15 minutes

17.0  
CA 15-00443

MARIA A. LEGGO  
V  
MARTIN J. LEGGO

Appeal from a judgment of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered June 11, 2014 in a divorce action. The judgment, among other things, awarded plaintiff maintenance.

JAMES P. RENDA for MARTIN J. LEGGO

Submitted

DONALD ALAN WHITE for MARIA A. LEGGO

10 minutes

18.0  
CA 15-01144

LISA SLOCUM  
V  
PROGRESSIVE NORTHWESTERN INSURANCE

Appeal from an order of the Supreme Court, Onondaga County (Donald F. Cerio, Jr., A.J.), entered January 21, 2015 in a declaratory judgment action. The order, among other things, denied plaintiff's motion for summary judgment.

ROBERT A. QUATTROCCI for LISA SLOCUM

10 minutes

KEITH D. MILLER for PROGRESSIVE NORTHWESTERN INSURANCE

10 minutes

19.0  
CA 15-00751

NICHOLAS BOWMAN  
V  
JOHN S. ZUMPARO

SETTLED

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 5, 2015. The order granted the motion of defendants Jeanette E. Zumpano and John S. Zumpano for summary judgment and dismissed the complaint against them.

MO J. ATHARI for NICHOLAS BOWMAN

ALAN J. BEDENKO for JOHN S. ZUMPARO

20.0  
CA 15-00816

In the Matter of  
ONONDAGA-CORTLAND-MADISON BOCES  
(ONONDAGA-CORTLAND-MADISON BOCES FEDERATION OF TEACHERS)

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered August 19, 2014. The order denied the petition to stay arbitration and granted the cross application to compel arbitration.

CRAIG M. ATLAS for ONONDAGA-CORTLAND-MADISON BOCES 10 minutes

MATTHEW BERGERON for ONONDAGA-CORTLAND BOCES FEDERATION 10 minutes