

**DAY CALENDAR**  
**Tuesday, January 12, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**38.0**  
**CA 15-00414**

**ELIZABETH RESZKA**  
**V**  
**COUNCILMAN JOSEPH A. COLLINS**

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered May 22, 2014. The order, insofar as appealed from, denied the motion of plaintiff to dismiss the counterclaims of defendant.

**STEVEN M. COHEN for ELIZABETH RESZKA**

**15 minutes**

**JOSEPH A. COLLINS for COUNCILMAN JOSEPH A. COLLINS**

**15 minutes**

**21.0**  
**KA 13-01756**

**PEOPLE**  
**V**  
**SAMUEL J. SAELI**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered June 19, 2013. The judgment convicted defendant, upon his plea of guilty, of offering a false instrument for filing in the first degree.

**KRISTIN PREVE for SAMUEL J. SAELI**

**Submitted**

**THOMAS B. LITSKY for PEOPLE OF THE STATE OF NEW YORK**

**Submitted**

**22.0**  
**KA 14-00240**

**PEOPLE**  
**V**  
**HENRY L. SMITH**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered December 2, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree and robbery in the first degree (two counts).

**SHERRY A. CHASE for HENRY L. SMITH**

**Submitted**

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

**Submitted**

**23.0**  
**KA 12-02357**

**PEOPLE**  
**V**  
**BENANCIO VASQUEZ**

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered March 23, 2012. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the second degree.

**JANET C. SOMES for BENANCIO VASQUEZ**

**Submitted**

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

**Submitted**

**24.0**  
**KA 10-02453**

**PEOPLE**  
**V**  
**MICHAEL D. SCHLUTER**

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered October 7, 2010. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree, criminal sexual act in the second degree, criminal sexual act in the third degree, rape in the third degree and falsely reporting an incident in the second degree.

DAVID R. JUERGENS for MICHAEL D. SCHLUTER 10 minutes

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

25.0  
KA 13-01467

PEOPLE  
V  
CYNTHIA L. OBERDORF

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered July 3, 2013. The judgment convicted defendant, upon her plea of guilty, of criminal sale of a controlled substance in the second degree and criminal sale of a controlled substance in the third degree (three counts).

JOHN A. CIRANDO for CYNTHIA L. OBERDORF 10 minutes

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

26.0  
KA 13-00860

PEOPLE  
V  
JACOB C. BUCHANAN

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

WILLIAM CLAUSS for JACOB C. BUCHANAN 10 minutes

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK 10 minutes

27.0  
KA 13-00861

PEOPLE  
V  
JACOB C. BUCHANAN

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

WILLIAM CLAUSS for JACOB C. BUCHANAN Submitted

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK Submitted

28.0  
KA 13-00862

PEOPLE  
V  
JACOB C. BUCHANAN

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

WILLIAM CLAUSS for JACOB C. BUCHANAN Submitted

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK Submitted

29.0  
KA 13-02055

PEOPLE  
V  
DAMONE SAVAGE

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered November 12, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for DAMONE SAVAGE

10 minutes

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

5 minutes

30.0  
KA 13-01960

PEOPLE  
V  
NICHOLAS J. BOAZ

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 28, 2013. The judgment convicted defendant, after a nonjury trial, of burglary in the second degree.

BARBARA J. DAVIES for NICHOLAS J. BOAZ

10 minutes

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK

10 minutes

31.0  
KA 10-02454

PEOPLE  
V  
MICHAEL D. SCHLUTER

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered October 7, 2010. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the third degree.

DAVID R. JUERGENS for MICHAEL D. SCHLUTER

Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

32.0  
CAF 14-02151

In the Matter of  
ANNABELLA B.C.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered August 18, 2014 in a proceeding pursuant to Family Court Act article 10. The order denied respondent's motion to vacate an order of fact-finding and disposition.

ALAN BIRNHOLZ for SANDRA L. COUGHLIN

Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY DSS

Submitted

DAVID E. BLACKLEY, ATTORNEY FOR CHILD

Submitted

33.0  
CAF 15-00738

KATHRYN TAYLOR  
V  
JOSEPH BENEDICT

Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered July 3, 2014 in a proceeding pursuant to Family Court Act article 4. The order denied the objection of respondent to the order of a Support Magistrate.

ANTHONY J. CERVI for JOSEPH BENEDICT

Submitted

BONNIE A. MCLAUGHLIN for KATHRYN TAYLOR

Submitted

34.0  
CAF 14-00567

DALE A. MAKOWSKI  
V  
LISA M. MAUERMAN

Appeal from an order of the Family Court, Erie County (Rosalie S. Bailey, J.), entered August 20, 2013 in a proceeding pursuant to Family Court Act article 6. The order, insofar as appealed from, granted sole custody of the parties' child to Dale A. Makowski.

DAVID J. PAJAK for LISA M. MAUERMAN 5 minutes

SHARON ANSCOMBE OSGOOD for DALE A. MAKOWSKI 5 minutes

MELISSA A. REESE, ATTORNEY FOR CHILD 5 minutes

35.0  
CAF 14-02119

In the Matter of  
ADDISON S.

**SETTLED**

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered November 14, 2014 in a proceeding pursuant to Family Court Act article 3. The order, among other things, adjudged that respondent is a juvenile delinquent and placed him in the custody of the New York State Office of Children and Family Services.

LYLE T. HAJDU, ATTORNEY FOR CHILD

STEPHEN J. RILEY for CATTARAUGUS COUNTY ATTORNEY

36.0  
CA 15-01166

PETER GUIDO  
V  
BENCHMARK ENVIRONMENTAL ENGINEERING

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered March 19, 2015. The order, insofar as appealed from, denied the motion of defendant Tecumseh Redevelopment Inc. for summary judgment dismissing the complaint.

ROBERT J. HANNEN for TECUMSEH REDEVELOPMENT INC. 15 minutes

JAMES W. SHUTTLEWORTH, III, for PETER GUIDO 15 minutes

37.0  
CA 15-00818

WILFRED TURNER  
V  
COUNTY OF ERIE

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered February 13, 2015 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition with prejudice.

RICHARD G. BERGER for WILFRED TURNER 15 minutes

DANIEL A. SPITZER for COUNTY OF ERIE 15 minutes

39.0  
CA 15-01137

JGB PROPERTIES, LLC  
V  
IRONWOOD, LLC

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered September 8, 2014. The order, insofar as appealed from, dismissed the first amended complaint against defendants Ironwood, LLC, 4550 Steelway Boulevard, LLC, Plainville Farms, LLC, JSF Service, LLC, and CSX Transportation, Inc.

SALVATORE D. FERLAZZO for JGB PROPERTIES, LLC 15 minutes

JOHN A. CIRANDO for TOWN OF CLAY 15 minutes

	TERENCE L. ROBINSON for CSX TRANSPORTATION, INC.	10 minutes
	JANET D. CALLAHAN for IRONWOOD, LLC	10 minutes
40.0 CA 15-00499	<p>WILLIAM E. HAMILTON V MARY ALLEY</p> <p>Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered December 17, 2014 in a proceeding pursuant to CPLR article 75. The order denied the petition.</p>	
	DENNIS G. O'HARA for WILLIAM E. HAMILTON	15 minutes
	LARRY P. MALFITANO for MARY ALLEY	10 minutes
41.0 CA 15-00687	<p>PITTSFORD CANALSIDE PROPERTIES, LLC V VILLAGE OF PITTSFORD</p> <p>Appeals from an order and judgment (one paper) of the Supreme Court, Monroe County (John J. Ark, J.), entered October 29, 2014. The order and judgment, among other things, annulled the Resolution adopted by respondent Board of Trustees of Village of Pittsford on May 1, 2014, rescinding the Negative Declaration made pursuant to the State Environmental Quality Review Act (SEQRA).</p>	
	DANIEL A. SPITZER for VILLAGE OF PITTSFORD	15 minutes
	ALAN J. KNAUF for FRIENDS OF PITTSFORD VILLAGE, INC.	20 minutes
	JOHN A. MANCUSO for PITTSFORD CANALSIDE PROPERTIES, LLC	15 minutes
42.0 CA 15-00382	<p>GMAC MORTGAGE, LLC V MICHAEL H. SPINDELMAN</p> <p>Appeal from an order of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered May 19, 2014. The order denied the motion of defendants for renewal or reargument of the denial of their motion to vacate a judgment of foreclosure.</p>	
	DEAN M. DREW for MICHAEL H. SPINDELMAN	15 minutes
	BENJAMIN SAMUEL NOREN for GMAC MORTGAGE, LLC	15 minutes