

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

48.0  
TP 16-01610

**ALBERT FOUNTAIN**  
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, Seneca County [Dennis F. Bender, A.J.], entered September 14, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

**ALBERT FOUNTAIN** for HIMSELF

Submitted

**ERIC T. SCHNEIDERMAN** for ANTHONY ANNUCCI

Submitted

49.0  
TP 17-00390

**ANTHONY MEDINA**  
V  
**A. RODRIGUEZ**

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, Seneca County [Dennis F. Bender, A.J.], entered February 17, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

**ANTHONY MEDINA** for HIMSELF

Submitted

**JOSEPH M. SPADOLA** for A. RODRIGUEZ

Submitted

50.0  
KA 16-00046

**PEOPLE**  
V  
**SHEILA M. KOWAL**

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered February 19, 2013. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, assault in the first degree and burglary in the first degree (two counts).

**DAVID J. PAJAK** for SHEILA M. KOWAL

Submitted

**DANIEL J. PUNCH** for PEOPLE OF THE STATE OF NEW YORK

5 minutes

51.0  
KA 16-01770

**PEOPLE**  
V  
**MICHAEL E. FREEMAN**

Appeal from a judgment of the Supreme Court, Niagara County (Matthew J. Murphy, III, A.J.), rendered September 7, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the first degree.

**THERESA L. PREZIOSO** for MICHAEL E. FREEMAN

Submitted

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

Submitted

52.0  
KA 17-00342

**PEOPLE**  
V  
**MARK GEORGE, JR.**

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 attempted rape in the first degree.

JOSEPH G. FRAZIER for MARK GEORGE, JR.

Submitted

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

Submitted

53.0  
KA 15-01993

PEOPLE  
V  
CHRISTOPHER A. SNELL

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered June 15, 2015. The judgment convicted defendant, upon a jury verdict, of criminal trespass in the second degree and assault in the third degree.

SHERRY A. CHASE for CHRISTOPHER A. SNELL

5 minutes

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

5 minutes

54.0  
KA 16-00214

PEOPLE  
V  
ROBERT D. WRIGHT

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered November 23, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the first degree

CAITLIN M. CONNELLY for ROBERT D. WRIGHT

5 minutes

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

Submitted

55.0  
KA 15-01386

PEOPLE  
V  
CHARLES PELLIS

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered April 23, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree

THOMAS J. EOANNOU for CHARLES PELLIS

Submitted

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

Submitted

56.0  
KA 16-00326

PEOPLE  
V  
SIR PRINCE SOMMERVILLE

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered February 8, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for SIR PRINCE SOMMERVILLE

10 minutes

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

10 minutes

57.0  
KA 17-01314

PEOPLE  
V  
DEYONTAY BARNETT

Appeal from an order of the Erie County Court (James A.W. McLeod, A.J.), dated April 12, 2017. The order granted defendant's motion to dismiss the indictment.

	JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK	5 minutes
	DEBORAH K. JESSEY for DEYONTAY BARNETT	5 minutes
58.0 CAF 16-01430	<b>ALEXANDRIA G. MCGRATH</b> V <b>JOHNATHON J. HEALEY</b>	
	Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered August 2, 2016 in a proceeding pursuant to Family Court Act article 4. The order, among other things, determined that respondent willfully violated an order of support and committed respondent to the Erie County Jail for a period of 90 days.	
	DAVID J. PAJAK for JOHNATHON J. HEALEY	Submitted
	JULIE ATTI-ROGERS for ALEXANDRIA G. MCGRATH	Submitted
59.0 CAF 16-02311	<b>In the Matter of</b> <b>RHIANNON H.-W.</b>	
	Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered November 21, 2016 in a proceeding pursuant to Family Court Act article 10. The order denied the motion of respondent to dismiss the petition.	
	BERNADETTE HOPPE for ELIZABETH E. H.-W.	5 minutes
	JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S.	5 minutes
	MICHELLE G. CHAAS, ATTORNEY FOR THE CHILD	10 minutes
	EDWARD JOHN MARTNSHIN for ATTORNEY FOR THE CHILD	Submitted
60.0 CA 17-01387	<b>OTU A. OBOT</b> V <b>DENNIS EVCHICH AGENCY, INC.</b>	
	Appeal from an order of the Erie County Court (Thomas P. Franczyk, J.), dated October 26, 2016. The order affirmed a judgment of the Amherst Town Court.	
	OTU A. OBOT for HIMSELF	Submitted
	BRIAN BOGNER for DENNIS EVCHICH AGENCY, INC.	Submitted
61.0 CA 16-02203	<b>JOSEPH A. RAIMONDI</b> V <b>JOSEPH C. FLASK</b>	
	Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered September 7, 2016. The order, among other things, dismissed defendants' first, second, fourth, fifth and sixth affirmative defenses.	
	MICHAEL F. PERLEY for JOSEPH C. FLASK	10 minutes
	MICHAEL A. RIEHLER for PENSKE TRUCK LEASING CO., L.P.	10 minutes
	MELISSA A. FOTI for IDEALEASE OF CENTRAL N.Y., LLC	10 minutes
	TIMOTHY G. O'CONNELL for JOSEPH A. RAIMONDI	15 minutes
62.0 CA 17-01122	<b>ELDRED JAY MARTIN</b> V <b>NIAGARA FALLS BRIDGE COMMISSION</b>	

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered August 24, 2016. The order, insofar as appealed from, granted the motions of defendant and third-party defendant for summary judgment dismissing the complaint and denied the cross motion of plaintiff for summary judgment.

JOHN A. COLLINS for ELDRED JAY MARTIN 15 minutes

PATRICK J. LAWLESS for NIAGARA FALLS BRIDGE COMMISSION Submitted

MARK P. DELLA POSTA for LIBERTY MAINTENANCE, INC. 15 minutes

63.0  
CA 17-00805

**TAMAICA TAYLOR**  
V  
**MARCIA BIRDSONG**

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered June 8, 2016. The judgment, insofar as appealed from, denied the motion of plaintiff for a directed verdict on the issue of serious injury, granted the motion of defendant David L. Vangalio for a directed verdict on the issue of negligence and dismissed the complaint against defendant David L. Vangalio.

FRANK S. FALZONE for TAMAICA TAYLOR 10 minutes

DANIEL CARTWRIGHT for DAVID L. VANGALIO 15 minutes

64.0  
CA 17-01126

**JACKIE S. COLLINS**  
V  
**KATIE A. DAVIRRO**

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered January 13, 2017. The order, insofar as appealed from, denied the motion of defendant to dismiss the complaint.

TODD C. BUSHWAY for KATIE A. DAVIRRO 15 minutes

MATTHEW J. KAISER for JACKIE S. COLLINS 10 minutes

65.0  
CA 17-01518

**MARK WEGNER**  
V  
**TOWN OF CHEEKTOWAGA**

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered July 27, 2017. The order denied the motion of defendants to dismiss the complaint and granted the cross motion of plaintiff to compel discovery.

RYAN J. LUCINSKI for TOWN OF CHEEKTOWAGA 10 minutes

MICHAEL J. STACHOWSKI for MARK WEGNER 15 minutes

66.0  
CA 17-01285

**SANDRA GRECO**  
V  
**DONALD R. GRANDE**

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered October 20, 2016. The order, insofar as appealed from, granted the motion of plaintiff for summary judgment on the issue of negligence and denied the cross motion of defendant for summary judgment on the issues of negligence and the emergency doctrine.

ELIZABETH BRUCE for DONALD R. GRANDE 10 minutes

JOHN PETER FEROLETO for SANDRA GRECO 10 minutes

67.0  
CA 17-01399

**COREY KRUG  
V  
CITY OF BUFFALO**

Appeal from a judgment of the Supreme Court, Erie County (James H. Dillon, J.), entered April 19, 2017 in a proceeding pursuant to CPLR article 78. The judgment granted the petition in part

DAVID M. LEE for CITY OF BUFFALO 10 minutes

IAN HAYES for COREY KRUG 10 minutes

67.1  
CA 17-01195

**TOWN OF ELLERY  
V  
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered October 24, 2016. The order, among other things, dismissed the amended petition and complaint of petitioner.

MINDY L. ZOGHLIN for TOWN OF ELLERY 15 minutes

SUSAN L. TAYLOR for NYS DEPT. OF ENVIRONMENTAL CONSERVATION 10 minutes

JEREMY A. COLBY for CHAUTAUQUA COUNTY 15 minutes