

DAY CALENDAR
Wednesday, January 17, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

142.0
TP 17-01432

JAMES ADAMS
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 7, 2017) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for JAMES ADAMS

Submitted

VICTOR PALADINO for ANTHONY ANNUCCI

Submitted

143.0
KA 17-01295

PEOPLE
V
WILLIE BOZMAN, JR.

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered January 12, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

THOMAS J. EOANNOU for WILLIE BOZMAN, JR.

Submitted

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK

Submitted

144.0
KA 17-00061

PEOPLE
V
JERMAINE M. GOTHAM

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered November 10, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree, robbery in the second degree, kidnapping in the second degree, burglary in the second degree and attempted burglary in the second degree.

CHARLES A. MARANGOLA for JERMAINE M. GOTHAM

Submitted

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK

Submitted

145.0
KA 15-01430

PEOPLE
V
MARK A. PERRIN

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered March 16, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

MARK C. DAVISON for MARK A. PERRIN

Submitted

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK

Submitted

146.0
KA 14-00802

PEOPLE
V
ANTHONY B. SMOUSE

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered March 11, 2014. The judgment convicted defendant, upon a jury verdict, of reckless endangerment in the second degree, reckless driving, and leaving the scene of a property damage incident without reporting.

DAVID R. JUERGENS for ANTHONY B. SMOUSE 10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

147.0
KA 15-00252

PEOPLE
V
JERRY CROSBY

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered November 14, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), robbery in the first degree, burglary in the first degree and criminal possession of a controlled substance in the fifth degree.

JOHN GILSENAN for JERRY CROSBY 10 minutes

VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

148.0
KAH 16-00071

PEOPLE EX REL.
ANTHONY T. WOODS
V
JOHN B. LEMPKE

Appeal from an order of the Supreme Court, Erie County (M. William Boller, A.J.), entered November 17, 2015. The order, insofar as appealed from, denied the petition for a writ of habeas corpus.

MICHAEL STACHOWSKI for ANTHONY T. WOODS 15 minutes

ERIC T. SCHNEIDERMAN for JOHN B. LEMPKE Submitted

149.0
CAF 16-00306

In the Matter of
MICHAEL S.

Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered February 4, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, determined that respondents had permanently neglected the subject children.

DAVID J. PAJAK for TIMOTHY S. Submitted

REBECCA L. DAVISON-MARCH for CHAUTAUQUA COUNTY D.H.H.S. 5 minutes

MARY SPEEDY HAJDU, ATTORNEY FOR THE CHILD 5 minutes

150.0
CAF 16-00307

In the Matter of
MICHAEL S.

Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered February 7, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, revoked a suspended judgment and terminated the parental rights of respondents.

DAVID J. PAJAK for TIMOTHY S. Submitted

REBECCA L. DAVISON-MARCH for CHAUTAUQUA COUNTY D.H.H.S. Submitted

MARY SPEEDY HAJDU, ATTORNEY FOR THE CHILD Submitted

151.0
CAF 16-01386

MICHAEL R. RODOLPH
V
SOU PHOMMAVONGSA

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered June 14, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, granted respondent's motion to dismiss the petition.

ELIZABETH J. CIAMBRONE for MICHAEL R. RODOLPH

10 minutes

TINA M. HAWTHORNE for SOU PHOMMAVONGSA

10 minutes

KATHERINE J. BESTINE, ATTORNEY FOR THE CHILD

Submitted

152.0
CAF 16-01387

MICHAEL R. RODOLPH
V
SOU PHOMMAVONGSA

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered June 14, 2016 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition filed on March 31, 2016.

ELIZABETH J. CIAMBRONE for MICHAEL R. RODOLPH

Submitted

TINA M. HAWTHORNE for SOU PHOMMAVONGSA

Submitted

KATHERINE J. BESTINE, ATTORNEY FOR THE CHILD

Submitted

153.0
CAF 16-01388

MICHAEL RODOLPH
V
SOU PHOMMAVONGSA

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered June 14, 2016 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition filed on June 2, 2016.

ELIZABETH J. CIAMBRONE for MICHAEL RODOLPH

Submitted

TINA M. HAWTHORNE for SOU PHOMMAVONGSA

Submitted

KATHERINE J. BESTINE, ATTORNEY FOR THE CHILD

Submitted

154.0
CAF 16-00466

In the Matter of
DANYEL J.

Appeal from an order of the Family Court, Jefferson County (Eugene J. Langone, Jr., J.), entered February 23, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Alan J., neglected the subject children.

LISA DIPOALA HABER for ALAN J.

10 minutes

MICHAEL WERNER for JEFFERSON COUNTY D.S.S.

10 minutes

MELISSA L. KOFFS, ATTORNEY FOR THE CHILD

15 minutes

155.0
CAF 16-01431

LUCILLE A. SOLDATO
V
JOHN W. FEKETA

Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered July 25, 2016 in a proceeding pursuant to Family Court Act article 4. The order, among other things, confirmed the Support Magistrate's finding that respondent had willfully violated an order of support dated December 11, 2009.

	PETER J. DIGIORGIO, JR., for JOHN W. FEKETA	10 minutes
	STEPHEN L. PEARCE for LUCILLE A. SOLDATO	Submitted
156.0 CAF 16-01101	JERRY W. GWOREK V MARY M. GWOREK	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered April 6, 2016, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for modification.	
	DEBORAH J. SCINTA for JERRY W. GWOREK	5 minutes
	ELIZABETH J. CIAMBRONE for MARY M. GWOREK	10 minutes
	CATHERINE ELIZABETH MARRA, ATTORNEY FOR THE CHILD	10 minutes
	MINDY LYNN MARRANCA, ATTORNEY FOR THE CHILD	5 minutes
157.0 CAF 16-01103	JERRY W. GWOREK V MARY M. GWOREK	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered April 6, 2016, in a proceeding pursuant to Family Court Act article 6. The order granted the motion of the Attorney for the Child to dismiss the petition.	
	DEBORAH J. SCINTA for JERRY W. GWOREK	Submitted
	ELIZABETH J. CIAMBRONE for MARY M. GWOREK	Submitted
	CATHERINE ELIZABETH MARRA, ATTORNEY FOR THE CHILD	Submitted
	MINDY LYNN MARRANCA, ATTORNEY FOR THE CHILD	Submitted
158.0 CAF 17-00051	JERRY GWOREK V MARY GWOREK	
	Appeal from a decision and order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered November 15, 2016, in a proceeding pursuant to Family Court Act article 6. The decision and order granted the motions to dismiss the amended petition for modification of custody and visitation.	
	DEBORAH J. SCINTA for JERRY GWOREK	Submitted
	ELIZABETH J. CIAMBRONE for MARY GWOREK	Submitted
	CATHERINE ELIZABETH MARRA, ATTORNEY FOR THE CHILD	Submitted
	MINDY LYNN MARRANCA, ATTORNEY FOR THE CHILD	Submitted
159.0 CAF 16-01436	In the Matter of SORAYA S.	
	Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered June 15, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, determined that respondents had permanently neglected the subject child.	
	JOHN A. CIRANDO for KATHRYNE T.	10 minutes
	REBECCA L. DAVISON-MARCH for CHAUTAUQUA COUNTY D.S.S.	5 minutes

	MARY SPEEDY HAJDU, ATTORNEY FOR THE CHILD	Submitted
160.0 CA 17-00711	PATRICIA CURTO V TOWN OF ORCHARD PARK	
	Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered December 12, 2016. The order granted the motion of defendants Town of Orchard Park, et al., to dismiss the amended complaint and denied as moot the motion of plaintiff for a default judgment.	
	PATRICIA CURTO for HERSELF	10 minutes
	JAMES P. DOMAGALSKI for TOWN OF ORCHARD PARK	15 minutes
	JEREMY C. TOTH for COUNTY OF ERIE	10 minutes
161.0 CA 17-01487	PATRICIA CURTO V TOWN OF ORCHARD PARK	
	Appeal from a decision and order of the Supreme Court, Erie County (James H. Dillon, J.), entered December 12, 2016. The decision and order granted the motion of defendant County of Erie to dismiss the complaint, denied as moot the motion of plaintiff for a default judgment and dismissed the complaint.	
	PATRICIA CURTO for HERSELF	Submitted
	KIMBERLY A. COLAIACOVO for TOWN OF ORCHARD PARK	Submitted
	JEREMY C. TOTH for COUNTY OF ERIE	Submitted
162.0 CA 17-00823	KAREN A. TRACY V CITY OF BUFFALO	
	Appeal and from an order of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered January 12, 2017. The order denied defendant's motion for summary judgment dismissing the complaint.	
	CHRISTOPHER R. POOLE for CITY OF BUFFALO	10 minutes
	DANIEL J. CHIACCHIA for KAREN A. TRACY	10 minutes
163.0 CA 17-01520	KOTECKI'S GRANDVIEW GROVE CORP. V ACADIA INSURANCE COMPANY	
	Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered February 27, 2017. The order denied defendant Acadia Insurance Company's motion for summary judgment dismissing plaintiff's complaint.	
	BRIAN R. BIGGIE for ACADIA INSURANCE COMPANY	10 minutes
	JON F. MINEAR for KOTECKI'S GRANDVIEW GROVE CORP.	15 minutes
164.0 CA 17-01159	LATOYIA R. BAITY V CITY OF BUFFALO	

Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, J.), entered February 18, 2015. The order granted the motion of defendants to dismiss the complaint and denied the cross motion of plaintiff to amend the complaint.

LOUIS ROSADO for LATOYIA R. BAITY

10 minutes

DAVID M. LEE for CITY OF BUFFALO

Submitted

165.0
CA 17-01239

NEIL DOUCETTE
V
KYLE T. CUVIELLO

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered September 29, 2016. The order granted plaintiffs partial judgment on the issues of defendant's negligence and proximate cause and directed a new trial on the negligence of third-party defendant.

VICTOR M. WRIGHT for KYLE T. CUVIELLO

15 minutes

BARRY J. DONOHUE for NEIL DOUCETTE

10 minutes

DESTIN C. SANTACROSE for SARAH DOUCETTE

Submitted

166.0
CA 17-00022

LARRY E. DRUM
V
DON A. COLLURE, M.D.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 4, 2016. The order denied the motion of defendants Don A. Collure, M.D., Jason Borton, M.D., Professional Emergency Services, PLLC, and Robert Sawyer, Jr., M.D., for a protective order and directed counsel for Sawyer to produce the entirety of the Power Point presentation prepared by Sawyer.

COLLEEN K. MATTREY for ROBERT N. SAWYER, JR., M.D.

10 minutes

JAMES E. HACKER for LARRY E. DRUM

10 minutes

KATHERINE V. MARKEL for DON A. COLLURE, M.D.

Submitted

167.0
CA 17-00324

STEPHEN T. DIVITO
V
EDWARD L. FIANDACH

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered October 14, 2016. The order granted the motion of defendant to dismiss the complaint, dismissed the complaint, denied the motion of plaintiff to disqualify counsel for defendant and denied the motion of plaintiff to stroke the affidavit of plaintiff to strike the affidavit of plaintiff's expert.

STEPHEN T. DIVITO for HIMSELF

Submitted

MICHAEL J. WILLETT for EDWARD L. FIANDACH

10 minutes

167.1
CA 18-00002

GEOFFREY M. SZYMANSKI
V
MOHAMED ALBANNA

Appeal from an order and judgment of the Supreme Court, Erie County (Tracey M. Bannister, J.), entered December 22, 2017. The order and judgment granted the motion of plaintiffs for summary judgment, denied the cross motion for summary judgment and declared that defendant is ineligible to assume the office of 1st Ward Councilman in the City of Lackawanna.

PETER A. REESE for MOHAMED ALBANNA

15 minutes

MICHAEL B. RISMAN for GEOFFREY M. SZYMANSKI

15 minutes