

**DAY CALENDAR**  
**Wednesday, May 27, 2015 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

764.0  
TP 14-02148

**JAWWAD ABDUL-HALIM**  
**V**  
**ANTHONY J. 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 November 26, 2014) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

**JAWWAD ABDUL-HALIM for HIMSELF** Submitted

**PETER H. SCHIFF for ANTHONY J. ANNUCCI** Submitted

765.0  
KA 14-00049

**PEOPLE**  
**V**  
**ROBERT W. TETRAULT**

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered October 21, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree and attempted criminal possession of a weapon in the third degree.

**NICHOLAS P. DIFONZO for ROBERT W. TETRAULT** Submitted

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

766.0  
KA 11-01474

**PEOPLE**  
**V**  
**DAVID J. WEINSTOCK**

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered May 12, 2011. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

**SHIRLEY A. GORMAN for DAVID J. WEINSTOCK** 10 minutes

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

767.0  
KA 11-02498

**PEOPLE**  
**V**  
**WALTER LEWIS**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered November 30, 2011. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree, assault in the second degree, criminal possession of a weapon in the third degree, unlawful imprisonment in the second degree, and assault in the third degree (two counts).

**LINDA M. CAMPBELL for WALTER LEWIS** 15 minutes

**JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK** 10 minutes

768.0  
KA 12-00339

**PEOPLE**  
**V**  
**MATTHEW PYKE**

Appeal from a judgment of the Onondaga County Court (Jeffrey R. Merrill, A.J.), rendered November 15, 2011. The judgment revoked a term of probation and imposed a term of incarceration.

CHRISTINE M. COOK for MATTHEW PYKE

Submitted

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

Submitted

769.0  
KA 13-01574

PEOPLE  
V  
JOSEPH MAXEY, JR.

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered July 11, 2013. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child, rape in the second degree (two counts), rape in the third degree (six counts) and endangering the welfare of a child.

TYSON BLUE for JOSEPH MAXEY, JR.

10 minutes

WENDY EVANS LEHMANN for PEOPLE OF THE STATE OF NEW YORK

10 minutes

770.0  
KA 14-02098

PEOPLE  
V  
PETER SUDLIK

Appeal from a judgment of the Monroe County Court (James J. Pampiano, J.), rendered May 9, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree and assault in the first degree.

GARY MULDOON for PETER SUDLIK

Submitted

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

Submitted

771.0  
KA 13-02207

PEOPLE  
V  
KEITH A. SMITH

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered October 18, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (two counts), criminal possession of a controlled substance in the third degree (four counts) and perjury in the first degree.

CARA A. WALDMAN for KEITH A. SMITH

Submitted

KRISTYNA S. MILLS for PEOPLE OF THE STATE OF NEW YORK

Submitted

772.0  
KA 14-02182

PEOPLE  
V  
JOACHIM S. SYLVESTER AND SHATEEK L. PAYNE

Appeal from an order of the Niagara County Court (Matthew J. Murphy, III, J.), dated April 2, 2014. The order granted the motions of defendants to suppress all evidence seized by the Niagara Falls Police Department.

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

15 minutes

ANGELO MUSITANO for JOACHIM S. SYLVESTER

Submitted

JOSEPH G. FRAZIER for SHATEEK L. PAYNE

10 minutes

773.0  
KA 14-02287

**PEOPLE**  
**V**  
**JOSEPH R. FAFONE**

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered June 14, 2012. The judgment convicted defendant, after a nonjury trial, of manslaughter in the first degree.

DONALD M. THOMPSON for JOSEPH R. FAFONE 10 minutes

LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

774.0  
CAF 13-01206

**In the Matter of**  
**ANNABELLA B.C.**

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered June 5, 2013, in a proceeding pursuant to article 10 of the Family Court Act. The order, among other things, adjudged that respondent had neglected the subject child.

ALAN BIRNHOLZ for SANDRA L.C. Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S. 10 minutes

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

775.0  
CAF 14-01815

**In the Matter of**  
**ANNABELLA B.C.**

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered September 24, 2014, in a proceeding pursuant to article 10 of the Family Court Act. The order settled the record on appeal.

ALAN BIRNHOLZ for SANDRA L.C. Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S. Submitted

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

776.0  
CAF 14-00201

**SHANTELE SMITH**  
**V**  
**ANDRE R. CASHAW**

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered June 25, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

WILLIAM D. BRODERICK, JR., for SHANTELE SMITH 10 minutes

ALAN BIRNHOLZ for ANDRE R. CASHAW 5 minutes

JENNIFER Z. BLACKHALL, ATTORNEY FOR CHILD 5 minutes

777.0  
CAF 14-00203

**ANDRE R. CASHAW**  
**V**  
**SHANTELE SMITH**

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered August 20, 2013 in a proceeding pursuant to Family Court Act article 6. The order awarded the parties joint custody of the subject child with Andre R. Cashaw acting as the primary residential parent.

WILLIAM D. BRODERICK, JR., for SHANTELE SMITH Submitted

ALAN BIRNHOLZ for ANDRE R. CASHAW Submitted

	JENNIFER Z. BLACKHALL, ATTORNEY FOR CHILD	Submitted
778.0 CA 14-02167	<b>FINANCITECH, LTD.</b> V <b>GML SYRACUSE LLC</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered May 8, 2014. The order, among other things, denied plaintiff's motion for summary judgment.	
	JUSTIN W. GRAY for FINANCITECH, LTD.	10 minutes
	ELIZABETH A. GENUNG for GML SYRACUSE LLC	10 minutes
	ROGER A RAIMOND for AMADEUS DEVELOPMENT, INC.	15 minutes
779.0 CA 14-01668	<b>STEPHEN DIVITO</b> V <b>ZASTAWRNY LLC</b>	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered June 16, 2014. The order, among other things, denied plaintiff's motion for summary judgment in lieu of complaint.	
	DAVID D. BENZ for STEPHEN DIVITO	10 minutes
	JAMES S. WOLFORD for ZASTAWRNY LLC	10 minutes
780.0 CA 15-00009	<b>GENESEE VALLEY TRUST COMPANY</b> V <b>THE WATERFORD GROUP, LLC</b>	
	Appeal and cross appeal from an order and interlocutory judgment of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered March 28, 2014. The order and interlocutory judgment declared that § 7.1 of the employment agreements of defendants Brian P. Costello and Mitchell J. Merriman with plaintiff Genesee Valley Trust Company is invalid and unenforceable, dismissed the fifth and eighth causes of action of plaintiffs, otherwise denied the motion of defendants for summary judgment and denied the cross motion of plaintiffs for summary judgment.	
	DAVID M. TANG for GENESEE VALLEY TRUST COMPANY	15 minutes
	JEREMY M. SHER for THE WATERFORD GROUP, LLC	15 minutes
781.0 CA 14-02213	<b>DAVID V. GALLAWAY</b> V <b>TOWN OF NORTH COLLINS</b>	
	Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered September 18, 2014. The order, among other things, denied in part the motion of defendants Town of North Collins and Town of North Collins Highway Department for summary judgment.	
	MICHAEL T. REAGAN for TOWN OF NORTH COLLINS	15 minutes
	CHARLES H. COBB for DAVID V. GALLAWAY	15 minutes
782.0 CA 14-01844	<b>CAROL DURNEY</b> V <b>PETER J. MCQUILLEN</b>	

Appeal from a decision and order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered June 6, 2014. The decision and order, insofar as appealed from, granted the motion of defendants Peter J. McQuillen and Judith M. McQuillen for summary judgment except to the extent that plaintiff may pursue nominal damages.

AMY K. KENDALL for CAROL DURNEY

15 minutes

KRISTIE L. DEFREZE for PETER J. MCQUILLEN

15 minutes

783.0  
CA 14-02228

GREECE RIDGE, LLC  
V  
STATE OF NEW YORK

Appeal from a decision and order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered April 8, 2014. The decision and order, insofar as appealed from, granted the motion of plaintiffs to dismiss defendant's fourth, fifth, sixth, ninth and tenth affirmative defenses; granted the motion of plaintiffs to dismiss defendant's seventh and thirteenth affirmative defenses with respect to plaintiffs' claims for nuisance and trespass; and denied in part the motion of defendant for summary judgment.

KATHLEEN M. ARNOLD for STATE OF NEW YORK

10 minutes

ROBERT B. KOEGEL for GREECE RIDGE, LLC

10 minutes

784.0  
CA 14-01774

UNIVERSAL RESOURCES HOLDINGS, INC.  
V  
NORTH PENN PIPE & SUPPLY, INC.

Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered October 7, 2013. The order, insofar as appealed from, denied the motion of third-party defendants Lakeside Steel Corp., Lakeside Steel Inc., and Lakeside Steel Services, Inc., for summary judgment dismissing the third-party complaint.

JAMES E. KIMMEL for LAKESIDE STEEL CORP.

15 minutes

PETER P. BALOUSKAS for NORTH PENN PIPE & SUPPLY, INC.

10 minutes

785.0  
CA 14-01218

DEBORA KALBFLIESH  
V  
ANDREA MCCANN

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered March 3, 2014. The order denied the motion of defendants Joseph A. Moses and Smart Ride Ltd. For summary judgment dismissing the complaint.

GERARD E. O'CONNOR for JOSEPH A. MOSES

10 minutes

BRENT C. SEYMOUR for ANDREA MCCANN

15 minutes

EDWARD J. MARKARIAN for DEBORA KALBFLIESH

10 minutes

786.0  
CA 14-01885

DEBORA KALBFLIESH  
V  
ANDREA MCCANN

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered September 29, 2014. The order denied the motion of defendants Joseph A. Moses and Smart Ride Ltd. to exclude from the record on appeal a certain letter.

GERARD E. O'CONNOR for JOSEPH A. MOSES	Submitted
BRENT C. SEYMOUR for ANDREA MCCANN	Submitted
EDWARD J. MARKARIAN for DEBORA KALBFLIESH	Submitted

787.0  
CA 14-02268

**TODD D. COOK**  
V  
**SUSAN E. HILL**

Appeal and cross appeal from an order of the Supreme Court, Ontario County William F. Kocher, A.J.), entered October 15, 2014. The order, insofar as appealed from, denied the motion of plaintiffs and the cross motion of defendants Susan E. Hill, as Trustee of the Susan E. Hill Revocable Trust, et al., for summary judgment.

JERAULD E. BRYDGES for TODD D. COOK	15 minutes
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KARL S. ESSLER for SUSAN E. HILL	15 minutes
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788.0  
CA 14-02304

**MORGAN RV PARK MANAGEMENT, LLC**  
V  
**COMM 2006-C8 RV PARK MASTER SPE, LLC**

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered November 6, 2014. The order granted the motion of plaintiffs for a preliminary injunction and enjoined defendant Comm 2006-C8 RV Park Master SPE, LLC, from drawing down a certain letter of credit.

JEFFREY I. WASSERMAN for COMM 2006-C8 RV PARK MASTER SPE, LLC	20 minutes
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JOSEPH BARBIERE for MORGAN RV PARK MANAGEMENT, LLC	Submitted
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