

DAY CALENDAR
Friday, May 29, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

815.0
TP 14-02080

JAMES STANBACK
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael A. Mohun, A.J.], entered November 17, 2014) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for JAMES STANBACK Submitted

PETER H. SCHIFF for ANTHONY ANNUCCI Submitted

817.0
TP 14-02116

ROBERT HAIGLER
V
ANTHONY J. ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered November 25, 2014) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

ROBERT HAIGLER for HIMSELF Submitted

ERIC T. SCHNEIDERMAN for ANTHONY J. ANNUCCI Submitted

818.0
KA 14-00888

PEOPLE
V
BRYAN WASHINGTON

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered March 28, 2014. The judgment revoked a term of probation and imposed a term of incarceration.

LINDA M. CAMPBELL for BRYAN WASHINGTON 10 minutes

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

819.0
KA 10-01489

PEOPLE
V
JAMES L. BLACKWELL

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered June 10, 2010. The judgment convicted defendant, upon his plea of guilty, of forgery in the second degree.

JOSEPH D. WALDORF for JAMES L. BLACKWELL 10 minutes

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

820.0
KA 13-02074

PEOPLE
V
LAQUANN MORGAN

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered October 15, 2013. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

KAREN RUSSO-MCLAUGHLIN for LAQUANN MORGAN

Submitted

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

Submitted

821.0
KA 13-01919

PEOPLE
V
PETER GIACONA

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 29, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

J. SCOTT PORTER for PETER GIACONA

5 minutes

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

5 minutes

822.0
KA 13-01920

PEOPLE
V
PETER GIACONA

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 29, 2013. The judgment convicted defendant, upon his plea of guilty, of vehicular assault in the second degree (two counts), driving while intoxicated, a class E felony, and reckless driving.

J. SCOTT PORTER for PETER GIACONA

Submitted

JON E. BUDELMANN for PEOPLE OF THE STATE OF NEW YORK

Submitted

823.0
KA 14-01779

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$2405.74 to Malori G.

J. SCOTT PORTER for PETER GIACONA

Submitted

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

Submitted

824.0
KA 14-01780

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$5516.63 to Andrew N.

J. SCOTT PORTER for PETER GIACONA

Submitted

BRIAN LEEDS for PEOPLE OF THE STATE OF NEW YORK

Submitted

825.0
KA 14-01781

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$35,424.94 to the Office of the New York State Attorney General o/b/o SUNY Upstate Medical University Hospital.

J. SCOTT PORTER for PETER GIACONA

Submitted

BRIAN LEEDS for PEOPLE OF THE STATE OF NEW YORK

Submitted

826.0
KA 14-01782

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$59,528.12 to the Office of the New York State Attorney General o/b/o SUNY Upstate Medical University Hospital.

J. SCOTT PORTER for PETER GIACONA

Submitted

BRIAN LEEDSD for PEOPLE OF THE STATE OF NEW YORK

Submitted

827.0
KA 11-00255

PEOPLE
V
CARL J. HOLMES

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered March 18, 2009. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree and criminal possession of a weapon in the second degree (two counts).

LOUIS ROSADO for CARL J. HOLMES

10 minutes

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

10 minutes

828.0
KA 15-00008

PEOPLE
V
ANDY ASHKAR

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 23, 2013. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of stolen property in the first degree.

JOHN A. CIRANDO for ANDY ASHKAR

15 minutes

VICTORIA WHITE for PEOPLE OF THE STATE OF NEW YORK

10 minutes

829.0
KA 13-00057

PEOPLE
V
NATHANIEL WRIGHT

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered September 25, 2012. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree.

JANET C. SOMES for NATHANIEL WRIGHT

Submitted

ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK

Submitted

830.0
CAF 14-00137

JOSEPH CALLOWAY
V
MARQUITA ALLEN

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered December 6, 2013, in a proceeding pursuant to Family Court Act article 6. The order granted petitioner sole and primary physical custody of the child of the parties.

KATHLEEN P. REARDON for MARQUITA ALLEN 10 minutes

ALEXANDER KOROTKIN for JOSEPH CALLOWAY 10 minutes

ROBERT P. TURNER, ATTORNEY FOR CHILD 10 minutes

831.0
CAF 14-01053

SEAN E. PALMER
V
TERESA CORBETT

Appeal from an order of the Family Court, Jefferson County (Richard V. Hunt, J.), entered March 27, 2014, in a proceeding pursuant to article 6 of the Family Court Act. The order directed that petitioner shall have no visitation with the subject children.

CHARLES J. GREENBERG for SEAN E. PALMER 10 minutes

CARA A. WALDMAN for TERESA CORBETT Submitted

JOHN W. HALLETT, ATTORNEY FOR CHILD Submitted

832.0
CA 14-02201

FARASA BROWN SETTLED
V
WILLIAM PHIPPS

Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered September 27, 2014. The order withdrew the order of the court entered February 24, 2014, denied the motion of defendant for summary judgment and reinstated the complaint.

BRIAN D. CASEY for WILLIAM PHIPPS

ZACHARY JAMES WOODS for FARASA BROWN

833.0
CA 14-02196

MEGHAN M. MAMBRETTI
V
NEW YORK STATE DIV. OF HUMAN RIGHTS

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), dated July 10, 2014 in a proceeding pursuant to CPLR article 78. The order, among other things, granted the petitioner's petition.

KYLE W. STURGESS for WILLIAMSVILLE CENTRAL SCHOOL DISTRICT 15 minutes

LINDY KORN for MEGHAN M. MAMBRETTI 15 minutes

834.0
CA 14-02094

NICOLE VARI
V
PETER A. CAPITANO

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 3, 2013. The order, among other things, granted plaintiff's motion for summary judgment.

LISA M. DIAZ-ORDAZ for PETER A. CAPITANO 10 minutes

KRISTOPHER SCHWARZMUELLER for NICOLE VARI 10 minutes

835.0
CA 13-01599

MICHAEL J. CARLSON, SR.
V
AMERICAN INTERNATIONAL GROUP, INC.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered December 4, 2012. The order denied the cross motion of defendant American Alternative Insurance Co. to dismiss the complaint.

PAUL KOVNER for AMERICAN ALTERNATIVE INSURANCE CO. 15 minutes

EDWARD J. MARKARIAN for MICHAEL J. CARLSON, SR. 15 minutes

836.0
CA 15-00089

DESIREE DAWLEY
V
WHITETAIL 414, LLC

Appeal from a memorandum-decision, order and judgment of the Supreme Court, Seneca County (W. Patrick Falvey, A.J.), entered September 18, 2014. The memorandum-decision, order and judgment granted the motion of respondents to dismiss the reply of petitioners, dismissed the CPLR article 78 petition on the merits and confirmed the six June 12, 2014 resolutions of the Town of Tyre Town Board.

CHARLES W. MALCOMB for DESIREE DAWLEY 15 minutes

JOHN A. MANCUSO for WILMORITE, INC. 15 minutes

THOMAS R. SMITH for TOWN OF TYRE TOWN BOARD 15 minutes

837.0
CA 15-00083

CLAYTON A. POTTER **SETTLED**
V
ROBERT F. HYLAND & SONS, LLC

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered October 10, 2014. The order, insofar as appealed from, dismissed the petition pursuant to CPLR article 76.

SANFORD R. SHAPIRO for CLAYTON A. POTTER

STEVEN EDWARD COLE for ROBERT F. HYLAND & SONS, LLC

838.0
CA 14-02124

CHERYL VOSS
V
JEFFREY DUCHMANN

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered April 9, 2014. The order, insofar as appealed from, denied the motion of defendant to compel discovery responses from plaintiffs.

MICELLE M. RAGUSA for JEFFREY DUCHMANN 15 minutes

BRIAN R. HOGAN for CHERYL VOSS 5 minutes

839.0
CA 14-01791

AMY PETROCI
V
MICHAEL PETROCI

Appeal and cross appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 17, 2013. The order, among other things, awarded plaintiff a money judgment against defendant for maintenance arrears in the amount of \$29,071.61.

WILLIAM R. HITES for MICHAEL PETROCI 10 minutes

MELISSA HARDY THORE for AMY PETROCI 10 minutes

840.0
CA 14-02027

MICHAEL J. CARLSON, SR.
V
AMERICAN INTERNATIONAL GROUP, INC.

Appeals and cross appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered June 25, 2014. The order, among other things, denied in part the motions of defendants American International Group, Inc., AIG Domestic Claims, Inc., National Union Fire Insurance Company of Pittsburgh, PA, and American Alternative Insurance Co., to dismiss the plaintiff's complaint.

KEVIN D. SZCZEPANSKI for AMERICAN INTERNATIONAL GROUP, INC. 15 minutes

PAUL KOVNER for AMERICAN ALTERNATIVE INSURANCE CO. 15 minutes

EDWARD MARKARIAN for MICHAEL J. CARLSON, SR. 15 minutes

PATRICK J. LAWLESS for DHL EXPRESS (USA), INC. 15 minutes

841.0
CA 14-01642

LORI BARNABA-HOHM
V
ST. JOSEPH HOSPITAL HEALTH CENTER

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered May 8, 2014. The order granted the motion of defendants Amber Wilson, ANP-C, Emergency Care Services of New York, PC, St. Joseph Hospital Health Center and Deborah Fiordalice, P.C., for partial summary judgment and dismissed plaintiff's cause of action for wrongful death against those defendants.

BRIAN D. ROY for LORI BARNABA-HOHM 10 minutes

ASHLEY D. HAYES for ST. JOSEPH HOSPITAL HEALTH CENTER 5 minutes

JOSEPH B. SLATER for EMERGENCY CARE SERVICES OF NEW YORK 10 minutes

KEVIN E. HULSLANDER for AHMAD BILAL, M.D. 10 minutes

842.0
CA 14-01776

LORI BARNABA-HOHM
V
ST. JOSEPH HOSPITAL HEALTH CENTER

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered May 8, 2014. The order, insofar as appealed from, granted the motion of defendant Ahmad Bilal, M.D., for partial summary judgment and dismissed plaintiff's cause of action for wrongful death against him.

BRIAN D. ROY for LORI BARNABA-HOHM Submitted

ASHLEY D. HAYES for ST. JOSEPH HOSPITAL HEALTH CENTER Submitted

JOSEPH B. SLATER for EMERGENCY CARE SERVICES OF NEW YORK Submitted

KEVIN E. HULSLANDER for AHMAD BILAL, M.D. Submitted

842.1
CAF 14-00951

DONNY BRETZINGER
V
ALICIA HATCHER

Appeal from an order of the Family Court, Jefferson County (Richard V. Hunt, J.), entered May 9, 2014. The order found respondent in default, granted sole custody to petitioner and suspended the right of respondent to parenting time.

LISA DIPAOLA HABER for ALICIA HATCHER

10 minutes

JASON POPLASKI for DONNY BRETZINGER

10 minutes

SUSAN A. SOVIE, ATTORNEY FOR THE CHILD

10 minutes