

DAY CALENDAR
Monday, May 22, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

791.0
TP 17-00178

KELLI HELMER
V
NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Erie County [John F. O' Donnell, J.], entered January 24, 2017) to review a determination of respondent New York State Office of Children and Family Services. The determination affirmed the determination of Erie County Department of Social Services to remove foster children from petitioners' home.

DAVID E. GUTOWSKI for KELLI HELMER Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY DSS Submitted

PATRICK A. WOODS for NYS OFFICE OF CHILDREN & FAMILY SERVS. Submitted

792.0
KA 14-02225

PEOPLE
V
ANDREW B. WOMACK

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered June 25, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a forged instrument in the second degree and offering a false instrument for filing.

GARY MULDOON for ANDREW B. WOMACK Submitted

V. CHRISTOPHER EAGGLESTON for PEOPLE OF THE STATE OF NEW YORK Submitted

793.0
KA 15-00471

PEOPLE
V
THOMAS R. OSWOLD

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered February 11, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of weapon in the third degree and perjury in the first degree.

ROBERT A. TUCKER for THOMAS R. OSWOLD Submitted

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

794.0
KA 15-01682

PEOPLE
V
PHILLIP M. FRAISAR

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered September 16, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.

TIMOTHY P. MURPHY for PHILLIP M. FRAISAR Submitted

SHIRLEY A. GORMAN for PEOPLE OF THE STATE OF NEW YORK Submitted

795.0
KA 16-00550

PEOPLE
V
KRISTY L. CHAVIS

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered January 7, 2016. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the third degree (three counts), criminal use of drug paraphernalia in the second degree (two counts) and endangering the welfare of a child (two counts).

CHARLES A. MARANGOLA for KRISTY L. CHAVIS Submitted

BRIAN THOMAS LEEDS for PEOPLE OF THE STATE OF NEW YORK Submitted

796.0
KA 16-00346

PEOPLE
V
KRISTY L. CHAVIS

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered January 7, 2016. The judgment convicted defendant, upon her plea of guilty, of criminal sale of a controlled substance in the third degree (four counts), criminal possession of a controlled substance in the third degree (four counts).

CHARLES A. MARANGOLA for KRISTY L. CHAVIS Submitted

BRIAN THOMAS LEEDS for PEOPLE OF THE STATE OF NEW YORK Submitted

797.0
KA 14-01986

PEOPLE
V
GARRY L. ROBINSON

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered November 4, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

JANET C. SOMES for GARRY L. ROBINSON 10 minutes

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

798.0
KA 14-02226

PEOPLE
V
ANDREW B. WOMACK

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered May 30, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the third degree, grand larceny in the fourth degree, petit larceny, endangering the welfare of a child, assault in the third degree and resisting arrest.

GARY MULDOON for ANDREW B. WOMACK 10 minutes

V. CHRISTOPHER EAGGLESTON for PEOPLE OF THE STATE OF NEW YORK 5 minutes

799.0
KA 11-00094

PEOPLE
V
RAYON L. WONG

Appeal from a judgment of Monroe County Court (Melchor E. Castro, A.J.), rendered January 5, 2011. The judgment convicted defendant, upon his plea of guilty, of insurance fraud in the fourth degree and criminal possession of a forged instrument in the second degree.

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| | ERIC M. DOLAN for RAYON L. WONG | Submitted |
| | SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 800.0 KA 14-00669 | PEOPLE V DOUGLAS L. KING, JR. | |
| | Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered November 27, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree and assault in the third degree. | |
| | JAMES A. HOBBS for DOUGLAS L. KING, JR. | 5 minutes |
| | LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 801.0 KA 14-01295 | PEOPLE V FLOYD VAN HOOSER | |
| | Appeal from a decision/order of the Onondaga County Court (Thomas J. Miller, J.), dated June 4, 2014. The decision/order denied the motion of defendant to vacate a judgment of conviction. | |
| | JOHN J. GILSENAN for FLOYD VAN HOOSER | 15 minutes |
| | VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 802.0 KA 16-00072 | PEOPLE V FLOYD VAN HOOSER | |
| | Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered August 14, 2015. The judgment imposed concurrent sentences on defendant as a persistent violent felony offender. | |
| | PHILIP ROTHSCHILD for FLOYD VAN HOOSER | Submitted |
| | VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 803.0 KA 11-01178 | PEOPLE V LYNN LETA | |
| | Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered April 5, 2011. The judgment convicted defendant, upon a non jury verdict, of possession of a forged instrument in the second degree (two counts) and identity theft in the second degree. | |
| | ERIC M. DOLAN for LYNN LETA | Submitted |
| | JOSEPH PLUKAS for PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 804.0 CA 16-02373 | KENNETH M. QUINNIEY V NISSAN-INFINITI LT | |
| | Appeal from an order of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered November 30, 2016. The order, insofar as appealed from, denied in part the motion of defendants Nissan-Infiniti LT and Nilt, Inc., to dismiss plaintiffs' complaint as against them. | |
| | CLIFFORD B. AARON for NISSAN-INFINITI LT | 15 minutes |

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| | JOHN A. COLLINS for KENNETH M. QUINNIEY | 10 minutes |
| 805.0 CA 16-02066 | In the Matter of MARGARET Z. | |
| | Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered October 13, 2016. The order denied the motion to compel respondent to provide certain evidence, and for other relief. | |
| | JON Z. for HIMSELF | Submitted |
| | WILLIAM P. SCHMITT for THERESA M. GIROUARD | Submitted |
| 806.0 CA 16-02181 | JOHN J. GABRIEL, III V GREAT LAKES CONCRETE PRODUCTS, LLC | |
| | Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered August 23, 2016. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment on the issues of negligence, proximate cause and comparative negligence. | |
| | ELLEN B. STURM for JOHN J. GABRIEL, III | 10 minutes |
| | MAUREEN G. FATCHERIC for GREAT LAKES CONCRETE PRODUCTS, LLC | 10 minutes |
| 807.0 CA 16-02140 | NEAL J. GOLDWATER V NYS DIVISION OF HUMAN RIGHTS | |
| | Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 25, 2016. The order dismissed the petition pursuant to Human Rights Law § 298. | |
| | LINDY KORN for NEAL J. GOLDWATER | 15 minutes |
| | JOSHUA FEINSTEIN for FIRST NIAGARA FINANCIAL GROUP, INC. | 15 minutes |
| | MARILYN BALCACER for NYS DIVISION OF HUMAN RIGHTS | Submitted |
| 808.0 CA 17-00122 | JANIE GRIGSBY V JOSEPH FRANCA BANDIERO | |
| | Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 20, 2016. The order, among other things, granted defendants' motions to dismiss plaintiff's amended complaint. | |
| | F. BRENDAN BURKE, JR., for JANIE GRIGSBY | 10 minutes |
| | JOSEPH S. MONTAGNOLA for JOSEPH FRANCA BANDIERO | 5 minutes |
| | RICHARD A. CLACK for ROBERT MCDONALD | 10 minutes |
| 809.0 CA 16-01808 | GENE MAJCHRZAK V NYS DIVISION OF HUMAN RIGHTS | |
| | Appeal from an order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered December 9, 2015. The order, among other things, denied and dismissed the petition. | |
| | CHARLES B. MILLER, III, for GENE MAJCHRZAK | 15 minutes |
| | VINCENT MIRANDA for UPONOR INFRA CORP. | 15 minutes |

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| | MARILYN BALCACER for NYS DIVISION OF HUMAN RIGHTS | Submitted |
| 810.0 CA 15-00988 | ELROY HENDRIX V MONROE CO. DEPARTMENT OF COMMUNICATION | |
| | Appeal from a decision and order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered April 20, 2015. The decision and order denied the CPLR article 78 petition. | |
| | ELROY HENDRIX for HIMSELF | Submitted |
| | MERIDETH H. SMITH for MONROE CO. DEPT. OF COMMUNICATION | Submitted |
| 811.0 CA 16-01559 | KIMBERLY CROWNER V THOMAS A. KING | |
| | Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered May 26, 2016. The order, among other things, granted in part plaintiff's motion for summary judgment. | |
| | REBECCA C. CRONAUER for THOMAS A. KING | 10 minutes |
| | EUGENE W. LANE for KIMBERLY CROWNER | 10 minutes |
| 812.0 CA 17-00037 | THOMAS H. WILLIAMS V PHILIPS MEDICAL SYSTEMS | |
| | Appeal from a decision and order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered March 21, 2016. The decision and order granted the motion of defendants for summary judgment and sanctions. | |
| | JEFFREY RALPH PARRY for THOMAS H. WILLIAMS | 15 minutes |
| | WILLIAM J. HARRINGTON for PHILIPS MEDICAL SYSTEMS | 15 minutes |
| 813.0 CA 17-00038 | THOMAS H. WILLIAMS V PHILIPS MEDICAL SYSTEMS | |
| | Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered May 3, 2016. The order appointed a referee to hear and report on the reasonableness of attorney's fees. | |
| | JEFFREY RALPH PARRY for THOMAS H. WILLIAMS | Submitted |
| | EDWARD G. MELVIN for PHILIPS MEDICAL SYSTEMS | Submitted |