

**DAY CALENDAR**  
**Wednesday, May 16, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

685.0  
TP 18-00049

**MACKPASSION HUITT**  
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 M. Mohun, A.J.], entered January 8, 2018) 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 MACKPASSION HUITT

Submitted

JULIE M. SHERIDAN for ANTHONY ANNUCCI

Submitted

686.0  
KA 16-01320

**PEOPLE**  
V  
**RYAN PERKINS**

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, J.), entered June 24, 2016. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony, and aggravated unlicensed operation of a motor vehicle in the second degree.

DEBORAH K. JESSEY for RYAN PERKINS

Submitted

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

Submitted

687.0  
KA 15-01432

**PEOPLE**  
V  
**TOMMY JACKSON**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered June 24, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

SARA A. GOLDFARB for TOMMY JACKSON

10 minutes

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

10 minutes

688.0  
KA 17-00749

**PEOPLE**  
V  
**JAMES P. BROWN**

Appeal from a judgment of the Wayne County Court (John B. Nesbitt, J.), rendered March 2, 2017. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree, criminal possession of a weapon in the third degree, reckless endangerment in the second degree and criminal possession of a weapon in the fourth degree.

KIMBERLY J. CZAPRANSKI for JAMES P. BROWN

5 minutes

BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

689.0  
KA 17-01201

**PEOPLE**  
V  
**OTIS B. TILFORD**

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), rendered June 12, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted arson in the second degree.

Theresa L. Prezioso for Otis B. Tilford

Submitted

Thomas H. Brandt for The People of the State of New York

Submitted

690.0  
KA 16-01988

PEOPLE  
V  
DALILA COLBERT

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered September 23, 2016. The judgment convicted defendant, upon a jury verdict, of arson in the fourth degree, criminal mischief in the third degree, endangering the welfare of a child (three counts) and criminal mischief in the fourth degree.

Cara A. Waldman for Dalila Colbert

10 minutes

Kristyna S. Mills for The People of the State of New York

Submitted

691.0  
CA 17-01682

PATRICIA ANN GOODYEAR  
V  
NEW YORK STATE DEPARTMENT OF HEALTH

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered June 1, 2017 in a proceeding pursuant to CPLR article 78. The order, among other things, granted the petition

Michael Steinberg for Jeanene June Demarc

10 minutes

Andrea M. Ferro for Patricia Ann Goodyear

10 minutes

Allyson B. Levine for New York State Department of Health

Submitted

692.0  
CAF 17-01129

IRINA G. JERRETT  
V  
JEFFREY L. JERRETT

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered May 3, 2017 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objection to an order of the Support Magistrate.

Irina G. Jerrett for Herself

Submitted

Tina C. Bennet for Jeffrey L. Jerrett

Submitted

693.0  
CAF 17-01419

ANGELA TUBILEWICZ  
V  
DAVID STYLES

Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered July 24, 2017, in a proceeding pursuant to Family Court Act article 8. The order, inter alia, imposed on respondent two consecutive six-month jail terms for violations of a court order.

William L. Koslosky for David Styles

Submitted

Angela Tubilewicz for Herself

Submitted

694.0  
CAF 17-01612

In the Matter of  
Shawn S.

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered July 11, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, directed petitioner to take all steps needed to achieve the goal of adoption.

COURTNEY S. RADICK, ATTORNEY FOR THE CHILD

10 minutes

ALLISON J. NELSON for OSWEGO CO. DSS

Submitted

695.0  
CAF 17-00626

JOSEPH N. CAPOBIANCO  
V  
MICHELLE A. CAPOBIANCO

Appeal from an order of the Family Court, Onondaga County (Karen Stanislaus, R.), entered February 28, 2017, in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded respondent sole custody of the subject child.

DANIELLE BLACKABY for JOSEPH N. CAPOBIANCO

10 minutes

NORMAN PAUL DEEP for MICHELLE A. CAPOBIANCO

10 minutes

ANDREW SCOTT GREENBERG, ATTORNEY FOR THE CHILD

10 minutes

696.0  
CAF 17-01771

JEANENE JUNE DEMARC  
V  
PATRICIA ANN GOODYEAR

Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered June 15, 2017, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for custody and visitation.

MICHAEL STEINBERG for JEANENE JUNE DEMARC

15 minutes

ANDREA M. FERRO for PATRICIA ANN GOODYEAR

10 minutes

697.0  
CA 17-01986

JOSE RIVERA  
V  
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Judith A. Hard, J.), entered February 19, 2016. The decision and order, insofar as appealed from, granted the motion of defendant to amend its answer.

STACEY VAN MALDEN for JOSE RIVERA

15 minutes

PATRICK A. WOODS for STATE OF NEW YORK

10 minutes

698.0  
CA 17-01987

JOSE RIVERA  
V  
STATE OF NEW YORK

Appeal from a decision and order of the Court of Claims (Judith A. Hard, J.), entered September 14, 2017. The decision and order denied the motion of claimant for summary judgment, granted the cross motion of defendant for summary judgment and dismissed the claim.

STACEY VAN MALDEN for JOSE RIVERA

Submitted

PATRICK A. WOODS for STATE OF NEW YORK

Submitted

699.0  
CA 17-01917

ONDREA CLARK  
V  
WILLIAM LOFTUS, M.D.

Appeal from an order of the Supreme Court, Onondaga County (James B. Murphy, J.), entered August 22, 2017. The order granted the motion of plaintiffs to set aside a jury verdict and ordered a new trial on the issue of negligence.

CHARLES EARL PATTON for WILLIAM LOFTUS, M.D.

10 minutes

ROBERT E. LAHM for ONDREA CLARK

15 minutes

700.0  
CA 18-00055

MARLON BENNETT  
V  
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Renee Forgens Minarik, J.), entered March 7, 2017. The order granted the motion of defendant for summary judgment and dismissed the claim.

BRIAN M. DRATCH for MARLON BENNETT

Submitted

OWEN DEMUTH for STATE OF NEW YORK

Submitted

701.0  
TP 17-02155

WATERFRONT CENTER FOR REHABILITATION  
V  
NEW YORK STATE DEPARTMENT OF HEALTH

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, Erie County [Donna M. Siwek, J.], dated December 12, 2017) to review a determination of respondent. The determination denied the application of James Pope for Medicaid benefits.

JENNIFER SWEENEY for WATERFRONT CENTER FOR REHABILITATION

Submitted

KATHLEEN M. TREASURE for NYS DEPARTMENT OF HEALTH

Submitted

702.0  
CA 17-02031

RUSSELL FINLEY  
V  
ERIE AND NIAGARA INSURANCE ASSN.

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered February 6, 2017. The order granted the motion of defendant for summary judgment, dismissed the complaint and denied the cross motion of plaintiff to strike affirmative defenses.

DOUGLAS WALTER DRAZEN for RUSSELL FINLEY

15 minutes

BRIAN D. CASEY for ERIE AND NIAGARA INSURANCE ASSN.

15 minutes

703.0  
CA 18-00124

CYNTHIA L. LONG  
V  
DANIEL HESS

Appeal from a decision and order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered July 11, 2017. The order denied the motion of defendant for summary judgment.

BARNEY FRANK BILELLO for DANIEL HESS

10 minutes

KELSEY W. SHANNON for CYNTHIA L. LONG

10 minutes

704.0  
CA 17-02204

ROBERT WALLACE  
V  
SUNY UPSTATE

**Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered March 6, 2017. The order granted defendants' motion for summary judgment dismissing plaintiff's action in its entirety.**

**DANIEL J. KAISER for ROBERT WALLACE**

**15 minutes**

**JOSEPH M. SPADOLA for SUNY UPSTATE**

**10 minutes**