

DAY CALENDAR
Monday, May 21, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

751.0
KA 16-02148

PEOPLE
V
DWIGHT ROGER GRAVES, JR.

Appeal from a decision and order of the Supreme Court, Monroe County Court (Francis A. Affronti, J.), entered September 30, 2016. The decision and order determined defendant to be a level three risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for DWIGHT ROGER GRAVES, JR.

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

752.0
KA 17-00557

PEOPLE
V
PIERRE MCCULLEN

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered January 17, 2017. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree (two counts).

KATHRYN B. FRIEDMAN for PIERRE MCCULLEN

Submitted

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

753.0
KA 13-01133

PEOPLE
V
MICHAEL WILSON

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Donald E. Todd, A.J.), dated February 17, 2012. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of rape in the first degree, predatory sexual assault against a child and endangering the welfare of a child.

JOHN A. CIRANDO for MICHAEL WILSON

10 minutes

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

10 minutes

754.0
KA 15-00248

PEOPLE
V
MICHAEL WILSON

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Thomas J. Miller, J.), dated November 25, 2014. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of rape in the first degree, predatory sexual assault against a child and endangering the welfare of a child.

JOHN A. CIRANDO for MICHAEL WILSON

Submitted

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

Submitted

755.0
KA 16-01832

PEOPLE
V
JOSHUA O. PETERKIN

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered April 3, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

CARA A. WALDMAN for JOSHUA O. PETERKIN

Submitted

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

756.0
KA 18-00036

PEOPLE
V
JOSHUA O. PETERKIN

Appeal from a resentence of the Steuben County Court (Joseph W. Latham, J.), rendered July 31, 2014. Defendant was resented upon his conviction of attempted criminal possession of a controlled substance in the third degree.

CARA A. WALDMAN for JOSHUA O. PETERKIN

Submitted

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

757.0
KA 15-02160

PEOPLE
V
JEFFREY MOORE

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 22, 2015. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

KRISTEN MCDERMOTT for JEFFREY MOORE

Submitted

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

Submitted

758.0
KA 15-02038

PEOPLE
V
CHRISTOPHER CHADICK

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 20, 2015. The judgment convicted defendant upon a non jury verdict, of grand larceny in the fourth degree (two counts).

NATHANIEL V. RILEY for CHRISTOPHER CHADICK

10 minutes

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

10 minutes

759.0
KA 16-00455

PEOPLE
V
EDWARD ATKINS

Appeal from a judgment of the Onondaga County Court (William D. Walsh, J.), rendered May 21, 2007. The judgment convicted defendant, upon a jury verdict, of grand larceny in the third degree, reckless endangerment of property and removal of trees.

ELIZABETH S. RIKER for EDWARD ATKINS

10 minutes

ALPHONSE WILLIAMS, III, for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

760.0
CA 18-00001

PAUL S. PLAKIEWICZ
V
ZACHARY J. COLE

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered October 24, 2017. The order denied the motion of defendant for summary judgment dismissing the complaint.

MARTHA E. DONOVAN for ZACHARY J. COLE 10 minutes

MARY BARR SCHILLER for PAUL S. PLAKIEWICZ 10 minutes

761.0
CA 18-00191

DAVID RUBMAN
V
WILLIAM OSUCHOWSKI

Appeal from a decision and order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered January 4, 2018. The decision and order granted the motion of defendants to dismiss the amended class action complaint and dismissed said complaint

E. DAVID HOSKINS for DAVID RUBMAN 10 minutes

DAVID G. BURCH, JR., for WILLIAM OSUCHOWSKI 15 minutes

762.0
CA 17-01046

JENNIFER L. RECH
V
MICHAEL B. RECH

Appeal from an order of the Supreme Court, Monroe County (John M. Owens, A.J.), entered November 3, 2016. The order, among other things, found defendant in civil contempt of court.

GERALD T. WALSH for MICHAEL B. RECH 15 minutes

MATTHEW M. PISTON for JENNIFER L. RECH 15 minutes

GARY MULDOON, ATTORNEY FOR THE CHILD 10 minutes

763.0
CA 17-01602

JENNIFER L. RECH
V
MICHAEL B. RECH

Appeal from an order of the Supreme Court, Monroe County (John M. Owens, A.J.), entered April 26, 2017. The order, among other things, granted in part plaintiff's motion seeking to direct that Janus Services, LLC to pay the plaintiff the entirety of the sum of money currently held by Janus Services, LLC, in the name of defendant to be applied against money currently due and owing the plaintiff.

GERALD T. WALSH for MICHAEL B. RECH Submitted

MATTHEW M. PISTON for JENNIFER L. RECH Submitted

GARY MULDOON, ATTORNEY FOR THE CHILD Submitted

764.0
CA 17-01603

JENNIFER SZCZUBLEWSKI
V
MICHAEL B. RECH

Appeal from an order of the Supreme Court, Monroe County (John M. Owens, A.J.), entered May 17, 2017. The order, among other things, denied defendant's motion for leave to renew.

GERALD T. WALSH for MICHAEL B. RECH Submitted

MATTHEW M. PISTON for JENNIFER SZCZUBLEWSKI Submitted

GARY MULDOON, ATTORNEY FOR THE CHILD Submitted

765.0
CAF 16-02310

**In the Matter of
MIRABELLA H.**

Appeal from an order of the Family Court, Cayuga County (Thomas G. Leone, J.), entered October 14, 2016 in a proceeding pursuant in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred the guardianship and custody of the subject child to petitioner.

JOHN A. CIRANDO for ANGELA I.

10 minutes

ADAM H. VAN BUSKIRK for CAYUGA CO. DHHS

10 minutes

JILL LOUISE TERRY, ATTORNEY FOR THE CHILD

Submitted

766.0
CA 18-00198

**ISRAEL JENKINS
V
TIEN NGUYEN**

Appeal from a decision and order of the Supreme Court, Monroe County (John J. Ark, J.), entered June 29, 2017. The decision and order denied the motion of defendant Tien Nguyen for summary judgment dismissing the complaint.

DENNIS P. HAMILTON for TIEN NGUYEN

15 minutes

MO J. ATHARI for ISRAEL JENKINS

10 minutes

767.0
CA 17-02090

**BONNIE J. YONKER
V
ANNALIS E. KAMINSKI**

SETTLED

Appeal from a judgment of the Supreme Court, Monroe County (Debra A. Martin, A.J.), entered November 15, 2017. The judgment, upon a jury verdict, found in favor of defendants and against plaintiff.

MATTHEW J. KAISER for BONNIE J. YONKER

NICHOLAS J. PONTZER for ANNALIS E. KAMINSKI

768.0
CA 18-00153

**HOLLY M. REDMOND
V
DENIS M. REDMOND**

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered October 12, 2017. The order, insofar as appealed from, granted the motion of defendants to strike plaintiff's expert witness disclosure and precluded the testimony of plaintiff's expert, Maria Bella, at trial.

ALAN D. VOOS for HOLLY M. REDMOND

10 minutes

LAURENCE D. BEHR for DENIS M. REDMOND

15 minutes

769.0
CA 17-02233

**ASIA BALL
V
KELLI SMITH**

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered August 3, 2017. The order, among other things, granted plaintiff's cross motion for summary judgment on the issue of defendants Kelli Smith and Kelli's Little One-Z Childcare, Inc.'s negligence.

JOAN M. RICHTER for KELLI SMITH

10 minutes

	RON F. WRIGHT for ASIA BALL	10 minutes
770.0 CA 18-00130	STEVEN A. SCHULZ V TOWN OF HOPEWELL ZBA	
	Appeal from an order of the Supreme Court, Ontario County (Fredrick G. Reed, A.J.), entered February 15, 2017 in a proceeding pursuant to CPLR article 78. The order, among other things, annulled the Town of Hopewell Zoning Board of Appeal's variance approvals and remitted the matter for reconsideration based on the Town of Hopewell Planning Board's recommendation that it disapprove the variance requests by Emily Jeffery.	
	MARY JO S. KORONA for TOWN OF HOPEWELL ZBA	10 minutes
	DAVID D. BENZ for STEVEN A. SCHULZ	10 minutes
	PAUL T. RUBERY for EMILY JEFFREY	Submitted
771.0 CA 17-00387	RICHARD BIANCHI V MIDTOWN REPORTING SERVICE, INC.	
	Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered January 25, 2017. The order awarded plaintiffs money damages totaling \$162,391.19.	
	TIMOTHY D. BOLDT for MIDTOWN REPORTING SERVICE, INC.	15 minutes
	CHARLES A. SCHIANO for RICHARD BIANCHI	15 minutes
	MARTHA A. CONNOLLY for GARY POOLER	15 minutes
772.0 CA 18-00216	RICHARD BIANCHI V MIDTOWN REPORTING SERVICE, INC.	
	Appeal from a decision an order of the Supreme Court, Monroe County (John J. Ark, J.), entered June 21, 2017. The decision and order vacated a statement for judgment.	
	TIMOTHY D. BOLDT for MIDTOWN REPORTING SERVICE, INC.	Submitted
	CHARLES A. SCHIANO for RICHARD BIANCHI	Submitted
	MARTHA A. CONNOLLY for GARY POOLER	Submitted
773.0 CA 17-01930	JOHN B. FELDMIEIER V FELDMIEIER EQUIPMENT, INC.	
	Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered January 19, 2017. The order granted the motion of defendants for summary judgment dismissing the complaint and to compel the production of documents and denied the cross motion of plaintiff to compel common-law dissolution and to compel further discovery.	
	JULIAN B. MODESTI for JOHN B. FELDMIEIER	15 minutes
	JON P. DEVENDORF for FELDMIEIER EQUIPMENT, INC.	15 minutes
774.0 CA 18-00097	RONALD BUND V DAVID P. HIGGINS	

Appeal from an order of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered September 22, 2017. The order denied the motions of defendants David P. Higgins and Linda M. Higgins for summary judgment against plaintiff and for common law indemnification against defendant Raymond M. Devore.

KATE L. HARTMAN for DAVID P. HIGGINS

10 minutes

JOHN G. MAKOWSKI for RAYMOND M. DEVORE

5 minutes

JOHN A. COLLINS for RONALD BUND

10 minutes