

DAY CALENDAR
Wednesday, May 23, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

795.0
KA 16-01086

PEOPLE
V
NEWNON FLAX

Appeal from an order of the Supreme Court, Erie County (Penny M. Wolfgang, J.), entered May 18, 2016. The order, insofar as appealed from, denied the motion of defendant pursuant to CPL 440.30 (1-a) for DNA testing.

TIMOTHY P. MURPHY for NEWNON FLAX

Submitted

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

Submitted

796.0
KA 17-00489

PEOPLE
V
LEWIS SMITH

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrigh, J.), rendered January 17, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

DAVID P. ELKOVITCH for LEWIS SMITH

Submitted

CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

797.0
KA 14-01048

PEOPLE
V
JONATHAN W. SPINKS

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered April 29, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree and robbery in the second degree (two counts).

BRIAN SHIFFRIN for JONATHAN W. SPINKS

10 minutes

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

798.0
KA 16-00065

PEOPLE
V
DAVID M. HOLZ

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered November 24, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

LANA M. ULRICH for DAVID M. HOLZ

10 minutes

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

799.0
KA 15-00920

PEOPLE
V
TIMOTHY WOOD

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered November 24, 2014. The judgment convicted defendant upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and menacing in the second degree.

	DANIELLE WILD for TIMOTHY WOOD	10 minutes
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
800.0 KA 16-00188	PEOPLE V KENNETH J. MARVIN	
	Appeal from a judgment of the Ontario County Court (Stephen D. Aronson, A.J.), rendered December 3, 2015. The judgment convicted defendant, upon a jury verdict, of felony driving while intoxicated, aggravated driving while intoxicated, reckless driving, criminal mischief in the fourth degree and leaving scene of a property damage incident without reporting.	
	MARK C. DAVISON for KENNETH J. MARVIN	10 minutes
	ZACHARY S. MAURER for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
801.0 KA 12-01622	PEOPLE V JOSEPH GELLING	
	Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered June 19, 2012. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, criminal possession of a weapon in the second degree, criminal mischief in the fourth degree, petit larceny and criminal possession of stolen property in the fifth degree.	
	PIOTR BANASIAK for JOSEPH GELLING	15 minutes
	VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
802.0 CA 16-01167	ALLAN M. V STATE OF NEW YORK	
	Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered June 14, 2016. The order, among other things, continued petitioner's commitment to a secure treatment facility.	
	MARK CHRISTOPHER DAVISON for ALLAN M.	10 minutes
	FRANK BRADY for STATE OF NEW YORK	10 minutes
803.0 CA 17-02205	BRG CORPORATION V CHEVRON U.S.A.	
	Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered September 22, 2017. The order denied defendant Valero Energy Corporation's motion to dismiss with prejudice the claims asserted against it in plaintiffs' second amended complaint.	
	JEFFREY C. STRAVINO for VALERO ENERGY CORPORATION	10 minutes
	GRETA KATRIN KOLCON for CHEVRON U.S.A.	10 minutes
	AMY K. KENDALL for BRG CORPORATION	20 minutes
804.0 CA 17-01170	CHARLES HARRISON V ALLSTATE INDEMNITY COMPANY	

Appeal from an order of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered March 31, 2017. The order, among other things, denied plaintiffs' cross motion for summary judgment against defendant Allstate Indemnity Company.

ANNA CZARPLES for CHARLES HARRISON 10 minutes

KATY M. HEDGES for ALLSTATE INDEMNITY COMPANY 10 minutes

805.0
CA 17-02123

JOHN O. PROVENS
V
BEN-FALL DEVELOPMENT, LLC

Appeal and cross appeals from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered September 27, 2017. The order, among other things, denied plaintiff's motion for partial summary judgment and denied in part defendant David Alen Sattora's motion for summary judgment.

MICHAEL G. BERSANI for JOHN O. PROVENS 10 minutes

MICHAEL M. CHELUS for BEN-FALL DEVELOPMENT, LLC 15 minutes

MATTHEW A. LENHARD for DAVID ALEN SATTORA 10 minutes

806.0
CA 17-01956

CAYUGA NATION
V
SAMUEL CAMPBELL

Appeal from an order of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered September 20, 2017. The order, inter alia, directed defendants to vacate certain real property.

MARGARET A. MURPHY for SAMUEL CAMPBELL 10 minutes

DAVID W. DEBRUIN for CAYUGA NATION 10 minutes

JOSEPH M. CALLAHAN for WARREN JOHN Submitted

FRANK R. FISHER for COUNTY OF SENECA Submitted

807.0
CA 17-01957

CAYUGA NATION
V
SAMUEL CAMPBELL

Appeal from an amended decision and order of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered October 18, 2017. The amended decision and order, insofar as appealed from, determined the amount of the undertaking required of defendants.

MARGARET A. MURPHY for SAMUEL CAMPBELL Submitted

DAVID W. DEBRUIN for CAYUGA NATION Submitted

JOSEPH M. CALLAHAN for WARREN JOHN Submitted

FRANK R. FISHER for COUNTY OF SENECA Submitted

808.0
CA 18-00073

NANETTE DAVIS **SETTLED**
V
FARVIEW GOLF COURSE AND COUNTRY INN

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered June 8, 2017. The order denied the motion of defendants for summary judgment dismissing the complaint.

MICHAEL B. DIXON for FARVIEW GOLF COURSE AND COUNTRY INN

ROBERT L. VOLTZ for NANETTE DAVIS

809.0
CA 18-00235

MOHAMMED SALAHUDDIN, DDS, PHD
V
CHRISTINE K. CRAVER

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Renee F. Minarik, A.J.), entered May 16, 2017. The order, inter alia, directed plaintiffs to make certain payments to defendants.

MICHAEL STEINBERG for MOHAMMED SALAHUDDIN, DDS, PHD 15 minutes

JILLIAN K. FARRAR for CHRISTINE K. CRAVER 15 minutes

810.0
CA 18-00016

FRANCES J. TAITT
V
THE SHIPWRECK TAVERN, INC.

Appeal from a memorandum decision and order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered April 19, 2017. The memorandum decision and order denied the motion of defendant for summary judgment dismissing the complaint.

MEGAN E. GRIMSLEY for THE SHIPWRECK TAVERN, INC. 10 minutes

RYAN S. SUSER for FRANCES J. TAITT 10 minutes

811.0
TP 18-00205

TYRONE HILL
V
STATE UNIVERSITY OF NEW YORK AT BUFFALO

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 [Jeanette Ogden, J.], entered January 30, 2018) to review a determination of respondent. The determination sanctioned petitioner for violations of the State University of New York at Buffalo Student Code of Conduct University Standards and Administrative Regulations.

JOSHUA R. LIPPES for TYRONE HILL 15 minutes

JONATHAN D. HITSOUS for SUNY BUFFALO 10 minutes

812.0
CA 18-00070

ANGEL DONER
V
GARY CAMP

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered October 5, 2017. The order denied the motion of defendant for summary judgment dismissing the complaint.

ARLOW M. LINTON for GARY CAMP 10 minutes

JESSLYN A. HOLBROOK for ANGEL DONER 10 minutes

812.1
CA 18-00467

ROBINSON HOME PRODUCTS, INC.
V
ONEIDA, LTD.

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered March 16, 2018. The order denied the application of plaintiff for a preliminary injunction and vacated a temporary restraining order.

WILLIAM F. SAVINO for ROBINSON HOME PRODUCTS, INC.

15 minutes

ATARA MILLER for ONEIDA, LTD.

10 minutes