

**DAY CALENDAR**  
**Thursday, May 24, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

813.0  
KA 16-02265

**PEOPLE**  
**V**  
**TYLER L.E.**

Appeal from an adjudication of the Allegany County Court (Terrence M. Parker, J.), rendered June 14, 2016. Defendant was adjudicated a youthful offender upon his plea of guilty to attempted forgery in the second degree.

WENDY S. SISSON for TYLER L.E.

Submitted

J. THOMAS FUOCO for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

814.0  
KA 17-01494

**PEOPLE**  
**V**  
**STEVEN D. CLARK**

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered June 13, 2017. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (three counts).

CHARLES A. MARANGOLA for STEVEN D. CLARK

Submitted

CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

815.0  
KA 17-00290

**PEOPLE**  
**V**  
**JERMAINE A. JAMES**

Appeal from a judgment of the Monroe County Court (Thomas R. Morris, J.), rendered June 30, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree.

CHARLES D. STEINMAN for JERMAINE A. JAMES

10 minutes

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

816.0  
KA 17-00269

**PEOPLE**  
**V**  
**ROBERT D. HOLLEY**

Appeal from a judgment of the Erie County Court (Michael M. Mohun, J.), rendered November 21, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree

DANIEL MARK GRIEBEL for ROBERT D. HOLLEY

10 minutes

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

817.0  
KA 15-00163

**PEOPLE**  
**V**  
**ANDRE CHEESEBORO**

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 14, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree

KIMBERLY F. DUGUAY for ANDRE CHEESEBORO

10 minutes

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

10 minutes

818.0  
KA 16-02263

PEOPLE  
V  
TYLER L.E.

Appeal from a judgment of the Allegany County Court (Terrence M. Parker, J.), rendered June 14, 2016. The judgment convicted defendant, upon a jury verdict, of robbery in the third degree and criminal possession of a weapon in the fourth degree.

WENDY S. Sisson for TYLER L.E.

Submitted

J. THOMAS FUOCO for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

819.0  
KA 15-01505

PEOPLE  
V  
SHERRITA L. CRUMPLER

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered August 27, 2015. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree.

BRIAN SHIFFRIN for SHERRITA L. CRUMPLER

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

820.0  
CAF 17-01424

DARLENE REID  
V  
DEBRA REID-YANCEY

Appeal from an order of the Family Court, Wayne County (Richard M. Healy, J.), entered June 21, 2017, in proceedings pursuant to Family Court Act article 6. The order, among other things, awarded joint custody of the subject children to Darlene Reid and Jennifer L. Johnson.

MARY M. WHITESIDE for DEBRA REID-YANCEY

10 minutes

DARLENE REID for HERSELF

Submitted

CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD

15 minutes

821.0  
CAF 17-01172

In the Matter of  
ZANDER L.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered June 19, 2017 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred respondent's custody and guardianship rights with respect to the subject child to petitioner.

DAVID J. PAJAK for ATHENA L.

Submitted

KATHERINE E. MEIER-DAVIS for ERIE CO. DSS

5 minutes

CHARLES D. HALVORSEN, ATTORNEY FOR THE CHILD

Submitted

822.0  
CAF 17-00800

In the Matter of  
RICKY A.

Appeal from an order of the Family Court, Wayne County (John B. Nesbitt, J.), entered April 10, 2017, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent-father had neglected te subject children.

ROBERT A. DINIERI for BARRY A.

Submitted

HEATHER MAURE for WAYNE CO. DSS

10 minutes

	SARA E. ROOK, ATTORNEY FOR THE CHILD	5 minutes
	EDWIN P. FRICK, ATTORNEY FOR THE CHILD	Submitted
	PETER G. CHAMBERS, ATTORNEY FOR THE CHILD	Submitted
823.0 CA 18-00136	<b>In the Matter of Arbitration Between COUNTY OF MONROE (CIVIL SERVICES EMPLOYEES ASSOCIATION, INC.)</b>	
	Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered March 20, 2017 in a proceeding pursuant to CPLR article 75. The order and judgment, among other things, granted respondent's cross motion to compel petitioner to proceed with the arbitration proceedings initiated by respondent.	
	KARLEE S. BOLANOS for COUNTY OF MONROE	15 minutes
	JENNIFER ZEGARELLI for CSEA, INC.	10 minutes
824.0 CA 17-01570	<b>MARY E. EDWARDS V ZONING BOARD OF APPEALS</b>	
	Appeal from a memorandum decision and order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered June 1, 2017. The memorandum decision and order dismissed the CPLR article 78 petition.	
	RICHARD J. LIPPES for MARY E. EDWARDS	10 minutes
	LAURIE STYKA BLOOM for UPSTATE CELLULAR NETWORK	10 minutes
	STANLEY J. SLIWA for ZONING BOARD OF APPEALS	Submitted
	JESSICA J. BURGASSER for PUBLIC STORAGE, INC.	Submitted
825.0 CA 16-01183	<b>SHANNON S. V STATE OF NEW YORK</b>	
	Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered May 23, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner is subject to Strict and Intensive Supervision and Treatment.	
	CHARLES J. GREENBERG for SHANNON S.	5 minutes
	KATHLEEN M. TREASURE for STATE OF NEW YORK	5 minutes
826.0 CA 17-01756	<b>MICHELLE M. DZIEDZIC V RICHARD WIRTH</b>	
	Appeal from a decision and order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered June 28, 2017. The order granted the motion of defendants Mark Donabella and Meghan Donabella for summary judgment dismissing the complaint and denied the cross motion of plaintiffs for summary judgment.	
	BRADY J. O'MALLEY for MICHELLE M. DZIEDZIC	10 minutes
	ALAN R. PETERMAN for RICHARD WIRTH	10 minutes
827.0 CA 17-00065	<b>RICHARD VOGT V WILLIAM B. EBERHARDT, JR.</b>	

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered October 6, 2016. The order, inter alia, granted the motion of defendants to vacate a default judgment and vacated the default judgment.

MICHAEL A. ROSENHOUSE for RICHARD VOGT

10 minutes

RAUL E. MARTINEZ for WILLIAM B. EBERHARDT, JR.

10 minutes

828.0  
CA 18-00234

**SOUTHGATE ASSOCIATES, LLC**  
**V**  
**TOWN OF WEST SENECA**

Appeals from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered November 17, 2017 in a proceeding pursuant to RPTL article 7. The order, among other things, granted petitioner's motion for summary judgment.

MARK RYAN MCNAMARA for TOWN OF WEST SENECA

10 minutes

JAMES P. BLENK for COUNTY OF ERIE

10 minutes

NICHOLAS C. ROBERTS for WEST SENECA CENTRAL SCHOOL DISTRICT

10 minutes

PETER ALLEN WEINMANN for SOUTHGATE ASSOCIATES, LLC

10 minutes

829.0  
CA 17-01009

**ALFRED E. EASTON, JR.**  
**V**  
**M.A. MORTENSON COMPANY**

**SETTLED**

Appeal and cross appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered September 19, 2016. The order denied the motion of plaintiffs and the cross motion of third-party defendant for summary judgment and denied the motion of plaintiffs to sever the third-party action.

ALAN D. VOOS for ALFRED E. EASTON, JR.

DAVID RAY ADAMS for M.A. MORTENSON COMPANY

CORY J. WEBER for PRECAST SERVICES INC.

830.0  
CA 17-01010

**ALFRED E. EASTON, JR.**  
**V**  
**M.A. MORTENSON COMPANY**

**SETTLED**

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered April 3, 2017. The order, insofar as appealed from, dismissed the Labor Law § 200 and negligence claims of plaintiffs, dismissed the Labor Law §§ 240 (1) and 241 (6) claims of plaintiffs against defendant Modern Mosaic Limited and denied the motion of plaintiffs for summary judgment on liability pursuant to Labor Law § 240 (1).

ALAN D. VOOS for ALFRED E. EASTON, JR.

DAVID RAY ADAMS for M.A. MORTENSON COMPANY

CORY J. WEBER for PRECAST SERVICES INC.

832.0  
TP 17-01928

**J.C. SMITH, INC.**  
**V**  
**NYS DEPARTMENT OF ECONOMIC DEVELOPMENT**

**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, Onondaga County [James P. Murphy, J.], entered October 18, 2017) to review a determination of respondents. The determination denied petitioner's application for re-certification as a Women-Owned Business Enterprise.**

**KEVIN G. ROE for J.C. SMITH, INC.**

**15 minutes**

**ALLYSON LEVINE for NYS DEPARTMENT OF ECONOMIC DEVELOPMENT**

**10 minutes**