

DAY CALENDAR
Thursday, December 1, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1178.0
TP 16-00740

EDWARD BROWN
V
ANTHONY J. ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered May 2, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

EDWARD BROWN for HIMSELF

Submitted

MARCUS J. MASTRACCO for ANTHONY J. ANNUCCI

Submitted

1179.0
TP 16-00683

LARBI ADOUI
V
COMMISSIONER OF PERMIT AND INSPECTION SERVICES

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Tracey A. Bannister, J.], entered April 13, 2016) to review a determination of respondents. The determination revoked the food store license and restaurant take-out license of petitioner.

JACOB A. PIORKOWSKI for LARBI ADOUI

15 minutes

JAMES COMERFORD, JR., for COMMR. OF PERMIT & INSPECTION SERV.

Submitted

1180.0
KA 14-01244

PEOPLE
V
TYLER GETMAN

Appeal from a judgment of the Erie County Court (M. William Boller, A.J.), entered June 9, 2014. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

KRISTIN M. PREVE for TYLER GETMAN

Submitted

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK

Submitted

1181.0
KA 15-00645

PEOPLE
V
JOSHUA D. MCCARTHY

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered December 4, 2014. The judgment convicted defendant, upon his plea of guilty, of aggravated criminal contempt, menacing a police officer or peace officer, and attempted aggravated assault upon a police officer or a peace officer.

MARY P. DAVISON for JOSHUA D. MCCARTHY

Submitted

VINCENT A. HEMMING for PEOPLE OF THE STATE OF NEW YORK

Submitted

1182.0
KA 15-01384

PEOPLE
V
JOSHUA D. MCCARTHY

Appeal from a resentencing of the Wyoming County Court (Michael M. Mohun, J.), rendered February 11, 2015. Defendant was resentenced upon his conviction of menacing a police officer or a peace officer.

MARY P. DAVISON for JOSHUA D. MCCARTHY

Submitted

VINCENT A. HEMMING for PEOPLE OF THE STATE OF NEW YORK

Submitted

1183.0
KA 15-00435

PEOPLE
V
DECARLO WORTH

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered October 23, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the first degree.

ROBERT L. KEMP for DECARLO WORTH

Submitted

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

Submitted

1184.0
KA 14-00459

PEOPLE
V
ANTOINE GARNER

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered May 14, 2013. The judgment convicted defendant, upon a jury verdict, of strangulation in the second degree and assault in the third degree.

DAVID M. ABBATOY, JR., for ANTOINE GARNER

10 minutes

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

10 minutes

1185.0
KA 13-01078

PEOPLE
V
AYIESHA HORTON

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered April 4, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

JOHN P. BRINGEWATT for AYIESHA HORTON

10 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

10 minutes

1186.0
KA 16-00609

PEOPLE
V
LAURA VIEIRA-SUAREZ

Appeal from an order of the Onondaga County Court (Thomas J. Miller, J.), dated September 14, 2015. The order, insofar as appealed from, granted the motion of defendant to dismiss the first count of the indictment.

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

10 minutes

ROBERT L. TISDELL for LAURA VIEIRA-SUAREZ

10 minutes

1187.0
KA 13-01452

PEOPLE
V
TERRY L. KENNEDY

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered January 19, 2012. The judgment convicted defendant, upon a nonjury verdict, of attempted murder in the second degree and criminal possession of a weapon in the fourth degree.

DAVID R. JUERGENS for TERRY L. KENNEDY 10 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1188.0
KA 15-00108

PEOPLE
V
WILLIE HENLEY

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 2, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

BENJAMIN N. NELSON for WILLIE HENLEY 10 minutes

DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1189.0
CAF 15-01025

JENNIFER L.
V
GERALD S.

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered April 29, 2015 in proceedings pursuant to Family Court Act article 4 and article 6. The order, among other things, vacated the acknowledgment of paternity signed by Gerald S., Jr., and Jennifer L.

KATHLEEN P. REARDON for GERALD S. 10 minutes

PAUL B. WATKINS for JENNIFER L. 5 minutes

MELINDA L.-B. for HERSELF Submitted

NATHAN A. VAN LOON, ATTORNEY FOR CHILD 10 minutes

1190.0
CAF 14-02243

In the Matter of
EMILY W.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered November 17, 2014. The order denied the motion of respondent Rebecca S. for an order requiring petitioner to return the subject children to her.

DAVID J. PAJAK for REBECCA S. Submitted

LAUREN CREIGHTON for ERIE COUNTY D.S.S. 10 minutes

AYOKA TUCKER, ATTORNEY FOR CHILD 5 minutes

MARY ANNE CONNELL, ATTORNEY FOR CHILD 10 minutes

1191.0
CAF 15-00678

In the Matter of
KAYLEE W.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered March 6, 2015. The order, among other things, continued the placement of the subject child.

DAVID J. PAJAK for REBECCA S. Submitted

LAUREN CREIGHTON for ERIE COUNTY D.S.S. Submitted

	AYOKA TUCKER, ATTORNEY FOR CHILD	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	Submitted
1192.0 CAF 15-00679	In the Matter of AVA W.	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered March 6, 2015. The order, among other things, continued the placement of the subject child with petitioner.	
	DAVID J. PAJAK for REBECCA S.	Submitted
	LAUREN CREIGHTON for ERIE COUNTY D.S.S.	Submitted
	AYOKA TUCKER, ATTORNEY FOR CHILD	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	Submitted
1193.0 CAF 15-00680	In the Matter of MICHAEL S., JR.	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered March 6, 2015. The order, among other things, continued the placement of the subject child with petitioner.	
	DAVID J. PAJAK for REBECCA S.	Submitted
	LAUREN CREIGHTON for ERIE COUNTY D.S.S.	Submitted
	AYOKA TUCKER, ATTORNEY FOR CHILD	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	Submitted
1194.0 CA 16-00601	VIRGINIA L. CAUM LAKE V SAFECO INSURANCE COMPANY OF AMERICA	
	Appeal from an order of the Supreme Court, Steuben County (Elma A. Bellini, J.), entered August 12, 2015. The order, among other things, denied in part defendant's motion for summary judgment.	
	ERIN K. SKUCE for SAFECO INSURANCE COMPANY OF AMERICA	10 minutes
	ANNA CZARPLES for VIRGINIA L. CAUM LAKE	10 minutes
1195.0 CA 15-01942	LAUREN L. SHEIVE V HOLLEY VOLUNTEER FIRE COMPANY	
	Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (James P. Punch, A.J.), entered February 19, 2015 pursuant to a CPLR article 78 proceeding. The judgment denied and dismissed the petition.	
	ANUP K. MISRA for LAUREN L. SHEIVE	15 minutes
1197.0 CA 16-00708	JAMES J. MORAN V JRM CONTRACTING, INC.	
	Appeal from an order of the Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered July 22, 2015. The order, among other things, denied in part defendant's motion for summary judgment dismissing the complaint.	

	ROBERT J. LUNN for JRM CONTRACTING, INC.	10 minutes
	KEITH R. LORD for JAMES J. MORAN	10 minutes
1198.0 CA 16-00394	DENNIS H. KINDRED V SARAH COLBY	
	Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered May 19, 2015. The order granted defendants' motion to dismiss plaintiff's complaint for failure to state a cause of action.	
	JONATHAN D. COX for DENNIS H. KINDRED	10 minutes
	MARK T. WHITFORD, JR., for SARAH COLBY	10 minutes
1199.0 CA 16-00511	LEVEL 3 COMMUNICATIONS, LLC V CHAUTAUQUA COUNTY	
	Appeal from a judgment (denominated order and judgment) of the Supreme Court, Chautauqua County (Paul Wojtaszek, J.), entered October 2, 2015 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment dismissed the petition.	
	JOHN G. NICOLICH for LEVEL 3 COMMUNICATIONS, LLC	15 minutes
	MICHAEL B. RISMAN for CITY OF DUNKIRK	15 minutes
	STEPHEN M. ABDELLA for CHAUTAUQUA COUNTY	Submitted
1200.0 CA 16-00718	DEWOLFF PARTNERSHIP ARCHITECTS, LLP SETTLED V KING HUSSEIN INSTITUTE	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered February 22, 2016. The order, inter alia, granted the motion of plaintiff for summary judgment.	
	CLAIRE A. DELELLE for KING HUSSEIN INSTITUTE BIOTECHNOLOG	
	JOHN WALTER DRESTE for DEWOLFF PARTNERSHIP ARCHITECTS, LLP	
	DAVID A. SHULTS for WILLIAM R. NOJAY	
1201.0 CA 16-00423	TRAVIS BUTCHELLO V MICHAEL J. HERBERGER	
	Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered December 22, 2015. The order denied the motion of defendant Michael J. Herberger for summary judgment dismissing the complaint.	
	REBECCA R. JOSEFIAK for MICHAEL J. HERBERGER	10 minutes
	RONALD J. WRIGHT for TRAVIS BUTCHELLO	10 minutes