

DAY CALENDAR
Monday, December 5, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1202.0
TP 16-00742

SHANNON CAMPBELL
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.

SHANNON CAMPBELL for HIMSELF

Submitted

LAURA ETLINGER for ANTHONY J. ANNUCCI

Submitted

1203.0
TP 16-00501

In the Matter of Estate of
EMILIE S. BURKE

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, Cayuga County [Thomas G. Leone, A.J.], entered March 23, 2016) to review a determination of respondent. The determination imposed a penalty of 17.30 months on the Medicaid application of petitioner's decedent.

ADAM H. VAN BUSKIRK for SANDRA DIMARCO

Submitted

KATE H. NEPVEU for HOWARD ZUCKER

10 minutes

1204.0
TP 16-00613

RYAN BRADWAY
V
ANTHONY 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, Oneida County [Bernadette T. Clark, J.], entered March 29, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

RYAN BRADWAY for HIMSELF

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

1205.0
KA 15-00110

PEOPLE
V
GENE D. RIVERS

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered September 26, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted aggravated criminal contempt, unlawfully fleeing a police officer in a motor vehicle in the third degree and resisting arrest.

JOHN A. CIRANDO for GENE D. RIVERS

10 minutes

NICOLE L. KYLE for PEOPLE OF THE STATE OF NEW YORK

Submitted

1206.0
KA 14-00754

PEOPLE
V
HORACE BETTS, III

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered March 6, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the first degree.

MICHAEL JOS. WITMER for HORACE BETTS, III Submitted

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK Submitted

1207.0
KA 15-00106

PEOPLE
V
DARRYL JONES

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Busgaglia, A.J.), rendered March 27, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), attempted robbery in the first degree, and criminal possession of a weapon in the second degree.

SHERRY A. CHASE for DARRYL JONES 10 minutes

NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK 5 minutes

1208.0
KA 13-01360

PEOPLE
V
MICHAEL A. PILATO

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered July 24, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (six counts), attempted murder in the second degree (two counts) and arson in the second degree.

MATTHEW J. RICH for MICHAEL A. PILATO 15 minutes

LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK 15 minutes

1209.0
KA 14-01826

PEOPLE
V
STEVEN MYERS

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), entered rendered March 25, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree

JOHN A. CIRANDO for STEVEN MYERS 10 minutes

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1210.0
CAF 15-01837

LARRY D. STEVENSON, II
V
TRICIA A. SMITH

Appeal from an order of the Family Court, Monroe County (Caroline E. Morrison, A.J.), entered August 25, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner primary physical custody of the parties' child.

JANET C. SOMES for TRICIA A. SMITH 10 minutes

LARRY D. STEVENSON, II, for HIMSELF Submitted

	ARDETH L. HOUDE, ATTORNEY FOR CHILD	10 minutes
1211.0 CAF 16-00605	<p>STACEY WYNN MOREY V SONJA ANKE FRANKLIN</p> <p>Appeal from an order of the Family Court, Chautauqua County (Michael F. Griffith, J.), entered September 2, 2015 in proceedings pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint custody of the subject child</p>	
	LYDIA ALLEN CAYLOR for STACEY WYNN MOREY	10 minutes
	DAVID M. CIVILETTE for SONJA ANKE FRANKLIN	10 minutes
	JOHN J. WESTMAN, ATTORNEY FOR CHILD	10 minutes
1212.0 CAF 15-01119	<p>LISA M. HOLECK V SEAN D. BEYEL</p> <p>Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered April 23, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied the objection of respondent to an order of a Support Magistrate.</p>	
	SEAN D. BEYEL for HIMSELF	Submitted
	LISA M. HOLECK for HERSELF	Submitted
1213.0 CAF 15-00549	<p>JOSEPH M. SPRING V HEATHER K. MOSHER</p> <p>Appeal from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered February 13, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted the petition to modify visitation.</p>	
	HEIDI W. FEINBERG for HEATHER K. MOSHER	15 minutes
	JOSEPH M. SPRING for HIMSELF	Submitted
	GARY MULDOON, ATTORNEY FOR CHILD	Submitted
1214.0 CA 16-00538	<p>JEFFREY MALKAN V STATE OF NEW YORK</p> <p>Appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered June 19, 2015. The order denied the application of claimant for leave to file and serve a late notice of claim.</p>	
	ANTHONY J. BROCK for JEFFREY MALKAN	10 minutes
	JULIE M. SHERIDAN for STATE OF NEW YORK	10 minutes
1215.0 CA 16-00496	<p>JAMIE LEE RODRIGUEZ V DYNASTY MAINTENANCE CREW, LLC</p>	

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered October 19, 2015. The order denied the motion of defendant Jovino Property and Financial Management for summary judgment and for sanctions.

JEFFREY F. BAASE for JOVINO PROPERTY AND FINANCIAL MANAG 10 minutes

FRANK BOGULSKI for JAMIE LEE RODRIGUEZ Submitted

1217.0
CA 15-01673

NORMAN JOHN PERRY
V
JAMES W. EDWARDS

Appeal and cross appeal from a judgment of the Supreme Court, Erie County (John A. Michalek, J.), entered March 10, 2015. The judgment awarded defendants money damages upon a nonjury verdict.

MICHAEL JAMES WRONA for NORMAN JOHN PERRY 10 minutes

LAWRENCE A. SCHULZ for JAMES W. EDWARDS 10 minutes

1218.0
CA 16-00544

JAYSON BULMAHN
V
NYS OFFICE OF MEDICAID INSPECTOR GENERAL

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Timothy J. Drury, J.), entered June 26, 2015 in a proceeding pursuant to CPLR article 78. The judgment denied the amended petition.

GREGORY STAMM for JAYSON BULMAHN 10 minutes

KATE H. NEPVEU for NYS OFFICE OF MEDICAID INSPECTOR GENERAL 10 minutes

1219.0
CA 15-01355

STATE OF NEW YORK
V
JOSEPH SCHOLTISEK

Appeal from an order of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered June 26, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that respondent is a dangerous sex offender requiring confinement.

NEIL T. CAMPBELL for JOSEPH SCHOLTISEK 15 minutes

KATHLEEN M. ARNOLD for STATE OF NEW YORK 10 minutes

1220.0
CA 16-00089

CITY OF ROME
V
BD. OF ASSESSORS AND/OR ASSESSOR OF TOWN OF LEWIS

Appeals from an order of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered August 27, 2015. The order, inter alia, granted the motion of petitioner for summary judgment on the ground of selective enforcement.

JOAN E. MCNICHOL for COUNTY OF LEWIS 5 minutes

C. LOUIS ABELOVE for BD. OF ASSESSORS OF TOWN OF LEWIS 10 minutes

KATHERINE E. GAVETT for ADIRONDACK CENTRAL SCHOOL DISTRICT 10 minutes

PAUL J. GOLDMAN for CITY OF ROME 10 minutes

1221.0
CA 16-00090

CITY OF ROME
V
BD. OF ASSESSORS AND/OR ASSESSOR OF TOWN OF LEWIS

Appeals from a judgment of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered October 16, 2015. The judgment, inter alia, reduced certain tax assessments for the years 2012 through 2014.

C. LOUIS ABELOVE for BD. OF ASSESSORS OF TOWN OF LEWIS Submitted

PAUL J. GOLDMAN for CITY OF ROME Submitted

1222.0
CA 15-01740

TRAVIS KEEGAN
V
BRONWEN L. KEEGAN

Appeal and cross appeal from an order of the Supreme Court, Oneida County (Joan E. Shkane, A.J.), entered January 13, 2015. The order, inter alia, granted primary physical custody of the children of the parties to plaintiff.

PAUL DEEP for BRONWEN L. KEEGAN 10 minutes

LUCILLE M. RIGNANESE for TRAVIS KEEGAN 15 minutes

JOHN G. KOSLOSKY, ATTORNEY FOR CHILD 5 minutes

1223.0
CA 15-01741

TRAVIS KEEGAN
V
BRONWEN L. KEEGAN

Appeal from an amended order of the Supreme Court, Oneida County (Joan E. Shkane, A.J.), entered June 3, 2015. The amended order, inter alia, awarded primary physical custody of the children of the parties to plaintiff.

PAUL DEEP for BRONWEN L. KEEGAN Submitted

LUCILLE M. RIGNANESE for TRAVIS KEEGAN Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR CHILD Submitted

1224.0
CA 15-01742

TRAVIS KEEGAN
V
BRONWEN L. KEEGAN

Appeal from a judgment of the Supreme Court, Oneida County (Joan E. Shkane, A.J.), entered June 3, 2015. The judgment, inter alia, granted primary physical custody of the children of the parties to plaintiff.

PAUL DEEP for BRONWEN L. KEEGAN Submitted

LUCILLE M. RIGNANESE for TRAVIS KEEGAN Submitted

JOHN G. KOSLOSKY for BRENDEN E. KEEGAN Submitted

1224.1
CA 16-01337

ISKALO 5000 MAIN LLC
V
TOWN OF AMHERST INDUSTRIAL DEVELOPMENT

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered June 30, 2016. The order reversed the determination of respondent denying the application of petitioners, granted the application of petitioners and denied the request of respondent for attorney's fees.

ANDREA SCHILLACI for TOWN OF AMHERST INDUS. DEVELOPMENT	15 minutes
SEAN W. HOPKINS for ISKALO 5000 MAIN LLC	15 minutes
JEREMY C. TOTH for COUNTY OF ERIE	10 minutes

1224.2
CA 16-01425

ISKALO 5000 MAIN LLC
V
TOWN OF AMHERST INDUSTRIAL DEVELOPMENT

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered July 29, 2016. The order reversed the determination of respondent denying the application of petitioners, granted the application of petitioners and denied the request of respondent for attorney's fees.

ANDREA SCHILLACI for TOWN OF AMHERST INDUS. DEVELOPMENT	Submitted
JEREMY C. TOTH for COUNTY OF ERIE	Submitted
SEAN W. HOPKINS for ISKALO 5000 MAIN LLC	Submitted