

DAY CALENDAR
Monday, December 4, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1475.0
KAH 17-00488

PEOPLE EX REL.
TREVOR FREDERICK
V
SUPERINTENDENT, AUBURN CORR. FACILITY

Appeal from an order of the Supreme Court, Cayuga County (Mark Fandrich, A.J.), entered October 13, 2016 in a habeas corpus proceeding. The order denied and dismissed the petition.

RYAN J. MULDOON for TREVOR FREDERICK Submitted

MARTIN A. HOTVET for SUPERINTENDENT, AUBURN CORR. FACILITY Submitted

1476.0
KA 16-01984

PEOPLE
V
CAMERON S. RIVES

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered January 19, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree

LYLE T. HAJDU for CAMERON S. RIVES Submitted

LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1477.0
KA 16-01371

PEOPLE
V
JAMES MURRAY

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., J.), rendered August 2, 2016. The judgment convicted defendant, upon a jury verdict, of grand larceny in the second degree and criminal possession of a forged instrument in the second degree (13 counts).

FRANK POLICELLI for JAMES MURRAY Submitted

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

1478.0
KA 15-02154

PEOPLE
V
LUIS COLON

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered September 30, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and attempted assault in the first degree.

TIMOTHY P. MURPHY for LUIS COLON Submitted

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1479.0
KA 16-00446

PEOPLE
V
KEITH FLETCHER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 28, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

	PIOTR BANASIAK for KEITH FLETCHER	Submitted
	JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1480.0 KA 16-00233	PEOPLE V PATRICK M. BOOTH	
	Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered October 13, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.	
	EFTIHIA BOURTIS for PATRICK M. BOOTH	10 minutes
	HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1481.0 KA 16-01438	PEOPLE V KEVIN M. DOWNEY	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered February 24, 2016. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree	
	DAVID M. ABBATOY, JR., for KEVIN M. DOWNEY	10 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1482.0 KA 14-01983	PEOPLE V SAMUEL F. CRAWFORD	
	Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered September 25, 2014. The judgment convicted defendant, upon a jury verdict, of arson in the third degree, arson in the fourth degree (two counts), attempted insurance fraud in the fifth degree and conspiracy in the fifth degree.	
	MARK C. DAVISON for SAMUEL F. CRAWFORD	10 minutes
	ZACHARY S. MAURER for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
1483.0 KA 16-00732	PEOPLE V AL A. GIVANS	
	Appeal from a judgment of the Jefferson County Court (James P. McClusky, J.), rendered March 31, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree and criminally using drug paraphernalia in the second degree.	
	KEVIN ARTHUR LANE for AL A. GIVANS	10 minutes
	GEORGE R. SHAFFER, III for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1484.0 CAF 17-01146	In the Matter of RUTH H.	
	Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered March 30, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, directed petitioner to provide certain services for respondents.	

	AUDREY LEE FLYNN for STACY A.	10 minutes
	COURTNEY S. RADICK for MARIE H.	10 minutes
	ROBERT J. GALLAMORE for J. WILLIAM H.	Submitted
	CATHERINE MARY SULLIVAN, ATTORNEY FOR CHILD	Submitted
1486.0 CA 17-00899	ENCORE PROPERTIES OF ROCHESTER, LLC V WELLS FARGO BANK, NA	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 15, 2016. The order cancelled plaintiff's notice of pendency and dismissed the complaint.	
	JOSEPH A. TADDEO, JR., for ENCORE PROPERTIES OF ROCHESTER, LLC	15 minutes
	JOHN C. NUTTER for WELLS FARGO BANK, NA	15 minutes
1487.0 CA 17-00409	THOMAS MATHEW, M.D. V SLOCUM-DICKSON MEDICAL GROUP, PLLC	
	Appeal and cross appeal from a decision and order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered May 4, 2016. The decision and order granted the motion of defendant for summary judgment dismissing the complaint, declared that plaintiffs are obligated to pay liquidated damages to defendant and denied the motion of defendant for attorney's fees.	
	CHRISTOPHER J. HARRIGAN for SLOCUM-DICKSON MEDICAL GROUP, PLLC	15 minutes
	A. VINCENT BUZARD for THOMAS MATHEW, M.D.	20 minutes
1488.0 CA 16-02319	In the Matter of THE ESTATE OF PATRICIA S. HAINES	
	Appeal from an judgment of the Surrogate's Court, Steuben County (Marianne Furfure, S.), entered September 15, 2016. The judgment, among other things, awarded the Estate of Patricia S. Haines the sum of \$868,892.96 against respondent Holly West.	
	CHRISTOPHER P. MILAZZO for HOLLY WEST	15 minutes
	ANDREW M. BURNS for PETER L. HAINES	15 minutes
1489.0 CA 17-01103	KATHERINE A. CATALANO V HEIDEN VALLEY FARMS	
	Appeal from an order of the Supreme Court, Wayne County (Daniel G. Barrett, A.J.), entered September 27, 2016. The order denied defendants' motion for summary judgment and granted plaintiff Katherine Catalano's motion for summary judgment on defendants' counterclaim for contribution.	
	DAVID MICHAEL FULVIO for HEIDEN VALLEY FARMS	15 minutes
	KEVIN MICHAEL MATHEWSON for KATHERINE A. CATALANO	5 minutes
	ELLEN B. STURM for ROSS CATALANO	10 minutes

1490.0
CA 17-00820

KONRAD DEVELOPERS, LLC
V
HOLBROOK HEATING, INC.

Appeal from a letter decision and order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered May 24, 2016. The letter decision and order, insofar as appealed from, denied the motion of defendant for summary judgment dismissing plaintiff's cause of action for implied indemnification.

JANET D. CALLAHAN for HOLBROOK HEATING, INC.

10 minutes

ANDREW J. SCHWAB for KONRAD DEVELOPERS, LLC

10 minutes

1491.0
CA 17-01211

DEUTSCHE BANK NATIONAL TRUST COMPANY
V
CHRISTINE M. BATCHO

SETTLED

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 6, 2017. The order denied defendant's motion to dismiss.

DANIEL WEBSTER for CHRISTINE M. BATCHO

ERIN E. WIETecha for DEUTSCHE BANK NATIONAL TRUST COMPANY

1492.0
CA 17-01106

NANCY S. LEWIS
V
CITY OF ROCHESTER

Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin, A.J.), entered August 30, 2016. The order denied the motion of defendants for summary judgment.

SPENCER L. ASH for CITY OF ROCHESTER

10 minutes

MATTHEW J. KAISER for NANCY S. LEWIS

10 minutes

1493.0
CA 16-02018

DAVID F. TUSZYNSKI
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Renee Forgensi Minarik, J.), entered June 15, 2016. The order granted defendant's motion to dismiss the claim.

DAVID F. TUSZYNSKI for DAVID F. TUSZYNSKI

Submitted

FREDERICK A. BRODIE for STATE OF NEW YORK

Submitted

1494.0
CA 17-00883

CHRISTOPHER CALVERT
V
DUGGAN & DUGGAN GENERAL CONTRACTOR

Appeal and cross appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered December 20, 2016. The order granted the motion of defendant Duggan & Duggan General Contractor Inc., for summary judgment to the extent of dismissing plaintiff's third, fourth and fifth causes of action and otherwise denied the motion.

KRIS E. LAWRENCE for DUGGAN & DUGGAN GENERAL CONTRACTOR

15 minutes

SAMUEL J. CAPIZZI for CHRISTOPHER CALVERT

15 minutes