

**DAY CALENDAR**  
**Monday, November 26, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1286.0  
KA 16-02358

**PEOPLE**  
**V**  
**FRIZELL O. AUGHTRY**

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered November 16, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree (three counts).

TIMOTHY P. MURPHY for FRIZELL O. AUGHTRY Submitted

DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1287.0  
KA 17-00194

**PEOPLE**  
**V**  
**RYAN DONNELLY**

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, J.); entered January 12, 2017. The judgment revoked defendant's probation and imposed a term of imprisonment.

LEAH R. NOWOTARSKI for RYAN DONNELLY Submitted

MICHAEL FLAHERTY, JR., for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1288.0  
KA 17-00062

**PEOPLE**  
**V**  
**TIMOTHY L. WILLIAMS**

Appeal from a judgment of the Cayuga County Court (Mark Fandrich, J.), rendered December 20, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of marihuana in the second degree.

RYAN J. MULDOON for TIMOTHY L. WILLIAMS Submitted

BRITTANY ANTONACCI for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1289.0  
KA 15-01128

**PEOPLE**  
**V**  
**LESLIE W. HOKE**

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered August `19, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted course of sexual conduct against a child, criminal sexual act in the first degree and criminal sexual act in the third degree.

JOHN A. CIRANDO for LESLIE W. HOKE 10 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1290.0  
KA 16-00791

**PEOPLE**  
**V**  
**RANDALL C. HOLDEN**

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered February 10, 2016. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony.

	<b>CARA A. WALDMAN for RANDALL C. HOLDEN</b>	<b>Submitted</b>
	<b>V. CHRISTOPHER EAGGELSTON for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>1291.0</b> <b>KA 16-00789</b>	<b>PEOPLE</b> <b>V</b> <b>RANDALL C. HOLDEN</b>	
	<b>Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered February 10, 2016. The judgment convicted defendant, upon his plea of guilty, of forgery in the second degree (two counts), identity theft in the first degree and scheme to defraud in the first degree.</b>	
	<b>CARA A. WALDMAN for RANDALL C. HOLDEN</b>	<b>Submitted</b>
	<b>V. CHRISTOPHER EAGGELSTON for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>1292.0</b> <b>KA 16-00788</b>	<b>PEOPLE</b> <b>V</b> <b>RANDALL C. HOLDEN</b>	
	<b>Appeal from a judgment of the Ontario County Court (Stephen D. Aronson, J.), rendered February 11, 2016. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a misdemeanor (four counts) and aggravated unlicensed operation of a motor vehicle in the first degree (two counts).</b>	
	<b>CARA A. WALDMAN for RANDALL C. HOLDEN</b>	<b>Submitted</b>
	<b>V. CHRISTOPHER EAGGELSTON for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>1293.0</b> <b>KA 18-00993</b>	<b>PEOPLE</b> <b>V</b> <b>THOMAS BEEBE</b>	
	<b>Appeal from an order of the Erie County Court (Sheila A. DiTullio, J.), dated December 20, 2017. The order granted the motion to dismiss the indictment.</b>	
	<b>MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>5 minutes</b>
	<b>ERIN A. KULESUS for THOMAS BEEBE</b>	<b>10 minutes</b>
<b>1294.0</b> <b>KA 15-01095</b>	<b>PEOPLE</b> <b>V</b> <b>BRADFORD M. CLARK, JR.</b>	
	<b>Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered June 8, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.</b>	
	<b>BENJAMIN L. NELSON for BRADFORD M. CLARK, JR.</b>	<b>10 minutes</b>
	<b>SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1295.0</b> <b>CAF 17-01028</b>	<b>In the Matter of</b> <b>EDEN S.</b>	
	<b>Appeals from an order of the Family Court, Cayuga County (Mark H. Fandrich, J.), entered April 10, 2017 in a proceeding pursuant to pursuant to Social Services Law § 384-b. The order, among other things, terminated respondents' parental rights with respect to the subject children.</b>	
	<b>BRIDGET L. FIELD for CRYSTAL S.</b>	<b>10 minutes</b>

	JOHN A. CIRANDO for JOSHUA S.	10 minutes
	CHRISTOPHER PALERMO for CAYUGA CO. DSS	10 minutes
	STEVEN H. BUSCHMAN for ROSE S.	10 minutes
	LAURA ESTELA CARDONA, ATTORNEY FOR THE CHILD	5 minutes
	THEODORE W. STENUF, ATTORNEY FOR THE CHILD	10 minutes
1297.0 CAF 17-00778	<b>In the Matter of RICKY A.</b>	
	Appeal from an order of Family Court, Wayne County (John B. Nesbitt, J.), entered April 10, 2017 in a proceeding pursuant to Family Court article 10. The order, among other things, adjudged that respondent Suzanne C., had neglected the subject children and placed her under the supervision of the Wayne County Department of Social Services.	
	TYSON BLUE for SUZANNE C.	10 minutes
	HEATHER MAURE for WAYNE CO. DSS	5 minutes
	SARA E. ROOK, ATTORNEY FOR THE CHILD	Submitted
	PETER G. CHAMBERS, ATTORNEY FOR THE CHILD	Submitted
	EDWIN P. FRICK, ATTORNEY FOR THE CHILD	Submitted
1298.0 CAF 17-00348	<b>In the Matter of ANNABELLA C.</b>	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered February 3, 2017, in a proceeding pursuant to Family Court Act article 10. The order determined that respondent had neglected the subject child.	
	KELI ANN ILES-HERNANDEZ for SANDRA C.	Submitted
	NATALIE MUNOZ STUTZ for ERIE CO. DSS	5 minutes
	DAVID E. BLACKLEY, ATTORNEY FOR THE CHILD	Submitted
1299.0 CAF 17-00463	<b>In the Matter of JARRETT P.</b>	
	Appeal from an order of the Family Court, Ontario County (William F. Kocher, J.), entered February 15, 2017 in a proceeding pursuant to pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights and freed the subject child for adoption.	
	MARY P. DAVISON for JEREMY P.	Submitted
	HOLLY AMY ADAMS for ONTARIO CO. DSS	5 minutes
	PAUL WENDELL BLEAKLEY, ATTORNEY FOR THE CHILD	Submitted
1300.0 CAF 17-00796	<b>In the Matter of JAIME D.</b>	

Appeal from a decision and order of the Family Court, Oswego County (James K. Eby, J.), entered April 13, 2017, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent Jacqueline D., had educationally neglected the subject children.

LINDA M. CAMPBELL for JACQUELINA D. Submitted

ALLISON J. NELSON for OSWEGO CO. DSS Submitted

MICHAEL R. O'NEILL, ATTORNEY FOR THE CHILD Submitted

1301.0  
CAF 17-02044

**In the Matter of  
JAIME D.**

Appeals from and order of the Family Court, Oswego County (James K. Eby, J.), entered October 13, 2017, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, granted a suspended judgment against respondent Jacqueline D.

LINDA M. CAMPBELL for JACQUELINA D. Submitted

ALLISON J. NELSON for OSWEGO CO. DSS Submitted

MICHAEL R. O'NEILL, ATTORNEY FOR THE CHILD Submitted

1302.0  
CA 18-00604

**MICHAEL BRUNETTO  
V  
NEW YORK STATE OFFICE OF MENTAL HEALTH**

Appeal from an order of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered January 29, 2018 in a proceeding pursuant to CPLR article 78. The order, among other things, conditionally dismissed the petition.

MICHAEL BRUNETTO for HIMSELF 30 minutes

ASHMITA ROKA for BRYLIN HOSPITAL 10 minutes

MEGHAN M. BROWN for SUICIDE PREVENTION AND CRISIS SERVICES 10 minutes

ALLYSON B. LEVINE for NEW YORK STATE OFFICE OF MENTAL HEALTH 10 minutes

KATHERINE V. MARKEL for ERIE CO. MEDICAL CENTER CORPORATION 10 minutes

1303.0  
CA 18-00605

**MICHAEL BRUNETTO  
V  
NEW YORK STATE OFFICE OF MENTAL HEALTH**

Appeal from an order of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered March 6, 2018 in a proceeding pursuant to CPLR article 78. The order dismissed the petition on the merits with prejudice.

MICHAEL BRUNETTO for HIMSELF Submitted

ASHMITA ROKA for BRYLIN HOSPITAL Submitted

MEGHAN M. BROWN for SUICIDE PREVENTION AND CRISIS SERVICESE Submitted

ALLYSON B. LEVINE for NEW YORK STATE OFFICE OF MENTAL HEALTH Submitted

KATHERINE V. MARKEL for ERIE CO. MEDICAL CENTER CORPORATION Submitted

1304.0  
CA 18-01339

**NASIR MUZAID OMAR**  
V  
**MICHAEL MOORE, II**

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered March 29, 2018. The order, insofar as appealed from, denied the motion of defendants Nu-Era Home Improvement and Sadeq Ahmed, also known as Sadeq Ahmed Alshamarai, to dismiss causes of action first through third of the amended complaint.

**ANDREW P. DEVINE** for NU-ERA HOME IMPROVEMENT 10 minutes

**BRITTANY L. PENBERTHY** for NASIR MUZAID OMAR 10 minutes

1305.0  
CA 18-01107

**ROBERT DERNARD DICKINSON**  
V  
**BASSETT HEALTHCARE**

Appeals from an order of the Supreme Court, Herkimer County (Norman I. Siegal, J.), entered November 21, 2017. The order, among other things, denied in part the motions of defendants Bassett Healthcare, Marshall E. Pedersen, Jr., M.D., and Patrick Dietz, M.D., for summary judgment dismissing plaintiff's complaint on the merits, in its entirety.

**ADAM H. COOPER** for BASSETT HEALTHCARE 10 minutes

**JOHN W. VANDENBURGH** for MARSHALL E. PEDERSEN, JR., M.D. 10 minutes

**ROBERT F. JULIAN** for ROBERT DERNARD DICKINSON 10 minutes

1306.0  
CA 18-01169

**CLIFFORD SCHLEMMER**  
V  
**JANICE COVELL**

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered May 8, 2018. The order denied the motion of plaintiff for partial summary judgment.

**GREGORY V. PAJAK** for CLIFFORD SCHLEMMER 10 minutes

**MATTHEW D. PFALZER** for JANICE COVELL 10 minutes

1307.0  
CA 18-00120

**CATHY TUMINNO**  
V  
**MARJORIE WAITE**

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered April 18, 2017. The order, inter alia, rejected the finding of a referee that the sale of real property triggered a right of first refusal in favor of defendant James Flagella.

**JAMES FLAGELLA** for HIMSELF 15 minutes

**LESLIE MARK GREENBAUM** for CATHY TUMINNO 10 minutes

**PAUL V. WEBB, JR.,** for MARJORIE WAITE 10 minutes

1308.0  
CA 18-01207

**KATHERINE WALDECK** **SETTLED**  
V  
**STARPOINT CENTRAL SCHOOL DISTRICT**

Appeal from an order of the Supreme Court, Niagara County (Daniel J. Furlong, J.), entered October 6, 2017. The order denied the motion of defendants for summary judgment dismissing the complaint.

**JOSHUA A. BLOOM for STARPOINT CENTRAL SCHOOL DISTRICT**

**MATTHEW J. KAISER for KATHERINE WALDECK**

**1309.0  
CA 18-00457**

**PATRICIA WIEDENBECK**

**V**

**ALLISON LAWRENCE**

**Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered October 12, 2017. The order granted defendants' motion for summary judgment and dismissed plaintiffs' complaint.**

**JOHN A. COLLINS for PATRICIA WIEDENBECK**

**10 minutes**

**PATRICIA S. CICCARELLI for ALLISON LAWRENCE**

**10 minutes**