

**DAY CALENDAR**  
**Tuesday, November 27, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1310.0  
TP 18-01178

**MARTIN WASHINGTON**  
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, Wyoming County [Michael M. Mohun, A.J.], entered June 29, 2018) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for MARTIN WASHINGTON Submitted

FRANK BRADY for ANTHONY ANNUCCI Submitted

1311.0  
KA 13-00035

**PEOPLE**  
V  
**JORDAN J. ELLISON**

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered January 7, 2013. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree (two counts) and criminal possession of stolen property in the fourth degree.

DONALD M. THOMPSON for JORDAN J. ELLISON 10 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1312.0  
KA 16-01140

**PEOPLE**  
V  
**JOSEPH LEE**

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), dated June 7, 2016. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of robbery in the first degree (two counts), grand larceny in the fourth degree (two counts), assault in the first degree (two counts), robbery in the second degree, attempted robbery in the second degree (two counts) and attempted petit larceny.

JEFFREY WICKS for JOSEPH LEE 10 minutes

STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1313.0  
KA 18-00289

**PEOPLE**  
V  
**MARTIN CONSIDINE, II**

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), rendered November 14, 2017. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class E felony.

JOSEPH G. FRAZIER for MARTIN CONSIDINE, II Submitted

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1314.0  
KA 16-01246

PEOPLE  
V  
ROBERT SMITH

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered October 8, 2015. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

DEBORAH K. JESSEY for ROBERT SMITH

Submitted

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

Submitted

1315.0  
KA 15-01850

PEOPLE  
V  
MARK H. STAHL

Appeal from a judgment of the Ontario County Court (Stephen D. Aronson, J.), rendered September 24, 2015. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class E felony (two counts), and unlawful possession of marihuana.

GARY MULDOON for MARK H. STAHL

5 minutes

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

5 minutes

1316.0  
KA 16-02167

PEOPLE  
V  
SEAN HUNTER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered December 17, 2015. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree (two counts).

NATHANIEL V. RILEY for SEAN HUNTER

10 minutes

KENNETH TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1317.0  
KA 14-02101

PEOPLE  
V  
JON K. NIKITEAS

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered November 18, 2014. The judgment convicted defendant, upon his plea of guilty, fo robbery in the first degree.

TIMOTHY S. DAVIS for JON K. NIKITEAS

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1318.0  
KA 16-01231

PEOPLE  
V  
RONZELL CAMBER

Appeal from a judgment of the Supreme Court, Onondaga County (Stephen J. Dougherty, J.), rendered April 12, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DARIENN POWERS for RONZELL CAMBER

10 minutes

KENNETH TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1319.0  
KA 15-00277

PEOPLE  
V  
TERRANCE STRONG

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered November 14, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (five counts), endangering the welfare of a child (four counts), attempted assault in the second degree and assault in the third degree.

DREW R. DUBRIN for TERRANCE STRONG 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1320.0  
KA 15-00706

PEOPLE  
V  
TERRANCE STRONG

Appeal from a resentence of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered March 10, 2015. Defendant was resented upon his convictions for assault in the second degree (five counts), endangering the welfare of a child (four counts), attempted assault in the second degree and assault in the third degree.

DREW R. DUBRIN for TERRANCE STRONG Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1321.0  
CAF 17-01215

TARA BUTLER  
V  
DIANE L. BUTLER

Appeal from an order of the Family Court, Steuben County (Mathew McCarthy, J.), entered June 19, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner full custody of the subject child.

ROSEMARIE RICHARDS for DIANE L. BUTLER 10 minutes

TARA BUTLER for HERSELF Submitted

RICHARD E. VANGORDEN for HIMSELF Submitted

EDWARD FRANCIS MURPHY, ATTORNEY FOR THE CHILD 15 minutes

1322.0  
CAF 16-01378

In the Matter of  
DEON M.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered August 4, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights and freed the subject children for adoption.

CHARLES J. GREENBERG for VERNON B. 5 minutes

ERIC R. ZIOBRO for ERIE CO. DSS 5 minutes

TIMOTHY P. MURPHY, ATTORNEY FOR THE CHILD 10 minutes

1323.0  
CAF 17-02179

In the Matter of  
GABRIELL H.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered August 11, 2017 in a proceeding pursuant to Family Court Act article 10. The order denied respondent's motion to dismiss the petition.

DAVID J. PAJAK for KAYLEE T.

Submitted

AMBER R. POULOS for ERIE CO. DSS

5 minutes

RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD

5 minutes

1324.0  
CA 18-01052

**MICHAEL P. GARRETT**

**V**

**1030 GENESEE COMPANY, LLC**

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered October 24, 2017. The order, insofar as appealed from, denied the motion of defendant 1030 E. Genesee Company, LLC, for summary judgment dismissing the complaint.

MICHELLE M. DAVOLI for 1030 GENESEE COMPANY, LLC

10 minutes

THOMAS J. GRILLO, JR., for MICHAEL P. GARRETT

10 minutes

1325.0  
CA 18-01090

**MARGARET L. MONZON**

**V**

**JOHN A. PORTER, M.D.**

Appeal from a judgment of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered October 27, 2017. The judgment dismissed the complaint upon a jury verdict of no cause of action.

JOHN C. CHERUNDOLO for MARGARET L. MONZON

15 minutes

DANIEL PATRICK PURCELL for JOHN A. PORTER, M.D.

10 minutes

1326.0  
CA 18-01249

**PATRICIA KAREN KILLIAN**

**V**

**CAPTAIN SPICER'S GALLERY, LLC**

Appeal from a judgment of the Supreme Court, Jefferson County (Hugh A. Gilbert, J.), entered October 4, 2017. The judgment dismissed the complaint after a jury trial.

TERESA M. BENNETT for PATRICIA KAREN KILLIAN

15 minutes

JAMES A. BURROWS for CAPTAIN SPICER'S GALLERY, LLC

10 minutes

1327.0  
CA 18-01020

**NANCY BURKHART**

**V**

**PEOPLE, INC.**

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered February 2, 2018. The order insofar as appealed from, granted the motion of defendants People, Inc., Elisa Smith, Katelynne Coleman and Amy Mazurkiewicz for summary judgment dismissing the plaintiff's claim for punitive damages and granted the motion of said defendants to strike from the bill or particulars allegations related to any incident other than the incident of January 17, 2008.

JOSEPH D. MORATH, JR., for NANCY BURKHART

15 minutes

MICHAEL E. APPLEBAUM for PEOPLE, INC.

15 minutes

1328.0  
CA 18-01162

**SHAWNA SOOTHERAN**  
**V**  
**CARROLS, LLC**

Appeal from an order of the Supreme Court, Niagara County (Daniel J. Furlong, J.), entered April 6, 2018. The order denied the motion of defendant to dismiss the complaint.

**KRISTIN L. NORFLEET for CARROLS, LLC** 10 minutes

**JOHN A. COLLINS for SHAWNA SOOTHERAN** 10 minutes

1329.0  
CA 18-01163

**CATHLEEN A. SEEBALD**  
**V**  
**NEW YORK STATE DIVISION OF HUMAN RIGHTS**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered September 25, 2017 in a proceeding pursuant to Executive Law § 298. The order, among other things, dismissed the petition in its entirety.

**CHARLES L. MILLER, II, for CATHLEEN A. SEEBALD** 15 minutes

**CHRISTOPHER NICKSON for ROSWELL PARK CANCER INSTITUTE** 15 minutes

**MARILYN BALCACER for NYSDHR** Submitted

1330.0  
CA 18-00987

**LAUREN L. SHIEVE**  
**V**  
**HOLLEY VOLUNTEER FIRE COMPANY, INC.**

Appeal from an order of the Supreme Court, Orleans County (Tracy A. Bannister, J.), entered August 4, 2017. The order dismissed the petition

**MULAN CUI for LAUREN L. SHIEVE** 15 minutes

**STEVEN C. SHAHAN for HOLLEY VOLUNTEER FIRE COMPANY, INC.** 15 minutes