

DAY CALENDAR
Wednesday, November 28, 2018 - 10:00 AM
COURTROOM 2

1353.0
TP 17-01004

DARNELL BALLARD
V
NUNZIO DOLDO

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, Jefferson County [James P. McClusky, J.], entered May 25, 2017) to review a determination of respondent. The determination found after Tier II hearing that petitioner had violated an inmate rule.

DARNELL BALLARD for HIMSELF

Submitted

MARCUS J. MASTRACCO for NUNZIO DOLDO

Submitted

1354.0
TP 18-01224

CHRIS SAWYER FEWELL
V
STEWART ECKERT

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Erie County [E. Jeanette Ogden, J.], entered May 8, 2018) to review a determination of respondent. The determination found after a Tier II hearing that petitioner violated various inmate rules.

CHRIS SAWYER FEWELL for HIMSELF

Submitted

BARBARA D. UNDERWOOD for STEWART ECKERT

Submitted

1355.0
TP 17-01995

ANTHONY MEDINA
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, Erie County [Russell P. Buscaglia, A.J.], entered October 11, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ANTHONY MEDINA for HIMSELF

Submitted

VICTOR PALADINO for ANTHONY ANNUCCI

Submitted

1356.0
KA 16-01772

PEOPLE
V
ALONTE WORKS

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered August 22, 2016. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

NICHOLAS P. DIFONZO for ALONTE WORKS

Submitted

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

Submitted

1357.0
KA 16-01004

PEOPLE
V
BRODES J. GIBSON

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered May 6, 2016. The judgment convicted defendant, upon a jury verdict, of aggravated unlicensed operation of a motor vehicle in the first degree (two counts), driving while ability impaired, reckless driving, unlawfully fleeing a police officer in the third degree and endangering the welfare of a child.

CAITLIN M. CONNELLY for BRODES J. GIBSON 5 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1358.0
KA 17-00692

PEOPLE
V
ALPHONSE O'NEILL

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered March 29, 2017. The judgment convicted defendant, upon a non jury verdict, of attempted criminal sexual act in the third degree.

KATHRYN B. FRIEDMAN for ALPHONSE O'NEILL 10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1359.0
KA 16-02286

PEOPLE
V
MICHAEL F. GEER

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered November 4, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree and unauthorized use of a vehicle in the third degree.

BENJAMIN L. NELSON for MICHAEL F. GEER 10 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1360.0
KA 16-02147

PEOPLE
V
RAYMOND GONZALEZ

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered September 22, 2016. The judgment convicted defendant, upon a non jury verdict, of manslaughter in the first degree.

ERIN A. KULESUS for RAYMOND GONZALEZ 10 minutes

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1361.0
KA 16-02149

PEOPLE
V
ALEXANDER COLON-COLON

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered September 2, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the second degree.

CAITLIN M. CONNELLY for ALEXANDER COLON-COLON 5 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1362.0
KA 16-00890

PEOPLE
V
INNA NICHIPORUK

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered April 4, 2016. The judgment convicted defendant, upon her plea of guilty, of driving while intoxicated and aggravated unlicensed operation of a motor vehicle in the first degree.

KATHRYN B. FRIEDMAN for INNA NICHIPORUK Submitted

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

1363.0
CAF 17-01462

**In the Matter of
ARMANI W.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered July 7, 2017 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, determined that the subject child had been abandoned by respondent and placed subject child in the custody and guardianship of petitioner.

EVELYNE A. O'SULLIVAN for ADIFAH W. Submitted

ELISABETH M. COLUCCI for ERIE CO. DSS Submitted

RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD 5 minutes

1364.0
CAF 16-01129

**In the Matter of
YADIEL S.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered June 15, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Johanna A., abused Yaidel S., and derivatively abused Damian S. and Angelina T.

CHARLES J. GREENBERG for JOHANNA A. Submitted

AMBER R. POULOS for ERIE CO. DSS Submitted

AYOKA APRIL TUCKER, ATTORNEY FOR THE CHILD 10 minutes

MINDY LYNN MARRANCA, ATTORNEY FOR THE CHILD 5 minutes

1365.0
CA 18-01256

**THOMAS L. YOUNG
V
ERICA M. DAINOTTO**

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered May 4, 2018. The order granted the motion of plaintiff to amend the complaint and to compel the production of defendant's toxicology records.

RICHARD J. ZIELINSKI for ERICA M. DAINOTTO 10 minutes

TIMOTHY HUDSON for THOMAS L. YOUNG 10 minutes

1366.0
CA 18-01312

**ROBIN EASLEY
V
MOUNT OLIVE BAPTIST CHURCH**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 7, 2017. The order granted the motion of defendant Mount Olive Baptist Church for summary judgment and dismissed the complaint against said defendant.

BETHANY A. RUBIN for ROBIN EASLEY 10 minutes

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| | ALYSON C. CULLITON for MOUNT OLIVE BAPTIST CHURCH | 10 minutes |
| 1367.0 CA 18-01192 | ABR WHOLESALERS, INC. V GENA M. KING | |
| | Appeal from an order of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered September 26, 2017. The order, among other things, granted plaintiff's motion for summary judgment. | |
| | GREGORY ZINI for GENA M. KING | 5 minutes |
| | AARON RICHARD WALKOW for ABR WHOLESALERS, INC. | 10 minutes |
| 1368.0 CA 18-01156 | CHARLES M. MORANO V VICTORIA KAY RONEY | |
| | Appeal from an order of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered April 12, 2018. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint. | |
| | STEVEN P. CURVIN for VICTORIA KAY RONEY | 10 minutes |
| | RICHARD ANGELO NICOTRA for CHARLES M. MORANO | 10 minutes |
| 1369.0 CA 18-00474 | JASON JOHNSON V PIXLEY DEVELOPMENT CORP. | |
| | Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 8, 2017. The order, among other things, granted the motion of defendant Candy Apple Café, Inc., seeking summary judgment and denied the motion of defendant Pixley Development, Corp., seeking summary judgment. | |
| | JONATHAN M. GORSKI for JASON JOHNSON | 10 minutes |
| | MARINA A. MURRAY for PIXLEY DEVELOPMENT CORP. | 15 minutes |
| | THOMAS P. CUNNINGHAM for CANDY APPLE CAFE, INC. | 15 minutes |
| 1370.0 CA 18-01338 | DEANA GODWIN V KARLY MANCUSO | |
| | Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered June 28, 2018. The order, insofar as appealed from, denied the motion of defendant for summary judgment dismissing the complaint. | |
| | MARTHA E. DONOVAN for KARLY MANCUSO | 10 minutes |
| | BRETT D. TOKARCZYK for DEANA GODWIN | 10 minutes |
| 1371.0 CA 17-01876 | MARK V. THOMPSON V CLIFFSTAR CORPORATION | |
| | Appeal from a judgment of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered September 20, 2017. The judgment dismissed the action in its entirety. | |
| | MICHAEL SZCZYGIEL for MARK V. THOMPSON | 15 minutes |

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| | ROBERT E. SCOTT for CLIFFSTAR CORPORATION | 15 minutes |
| 1372.0 | GARRETT CULVER | |
| CA 18-01276 | V | |
| | SHAWN M. SIMKO, D.O. | |
| | Appeal from an order of the Supreme Court, Erie County (Eugene F. Pigott, Jr., J.), entered October 5, 2017. The order, insofar as appealed from, denied the motion of defendant Carl T. Pearson, D.C., individually and doing business as Pearson Chiropractic. | |
| | GORDON D. TRESCH for CARL T. PEARSON, D.C. | 10 minutes |
| | JOHN A. COLLINS for GARRETT CULVER | 10 minutes |
| 1372.1 | JACLYN H. NEMES | |
| CAF 18-01161 | V | |
| | MARK C. TUTINO, II | |
| | Appeal from an order of the Family Court, Steuben County (Mathew K. McCarthy, J.), entered November 15, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied respondent's motion to vacate a prior court order. | |
| | SUSAN BETZJITOMIR for MARK C. TUTINO, II | 15 minutes |
| | RUTH A. CHAFFEE for JACLYN H. NEMES | 10 minutes |
| | LORENZO NAPOLITANO, ATTORNEY FOR THE CHILD | 5 minutes |