

DAY CALENDAR
Monday, December 3, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1397.0
KA 16-01755

PEOPLE
V
DEMARIO WASHINGTON

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 30, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

KRISTIN M. PREVE for DEMARIO WASHINGTON Submitted

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

1398.0
KA 17-01098

PEOPLE
V
SEAN P. MCLAUGHLIN

Appeal from a judgment of Niagara County Court (Matthew J. Murphy, J.), rendered June 3, 2015. The judgment convicted defendant, after a nonjury trial, of failure to register as a sex offender his internet identifier (two counts).

JOSEPH G. FRAZIER for SEAN P. MCLAUGHLIN Submitted

CAROLINE WOJTASZEK for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1399.0
KA 15-00813

PEOPLE
V
DAVON S. MACON

Appeal from a judgment of the Monroe County Court (Christopher S. Ciaccio, J.), rendered February 11, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree (two counts).

DREW R. DUBRIN for DAVON S. MACON Submitted

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1400.0
KA 17-01375

PEOPLE
V
CHAD WELLINGTON

Appeal from a judgment of the Herkimer County Court (John H. Crandall, J.), rendered June 22, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

DANIEL MARK GRIEBEL for CHAD WELLINGTON 10 minutes

MICHELLE K. FASSETT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1401.0
KA 16-01429

PEOPLE
V
GEORGE EVERSON

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered February 5, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the third degree.

NATHANIEL V. RILEY for GEORGE EVERSON

5 minutes

BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1402.0
KA 15-00002

PEOPLE
V
RASHOD HARVEY

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.) rendered September 18, 2014. The judgment convicted defendant, upon a jury trial, of criminal possession of a weapon in the second degree and tampering with physical evidence.

KATHLEEN P. REARDON for RASHOD HARVEY

10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1403.0
KA 15-01596

PEOPLE
V
JOHNNY BOYDE

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 21, 2015. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree.

PHILIP ROTHSCHILD for JOHNNY BOYDE

10 minutes

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

10 minutes

1404.0
KA 17-01053

PEOPLE
V
JOHNNY BOYDE

Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, J.), rendered February 21, 2017. The judgment convicted defendant, upon his plea of guilty, of failure to register as a sex offender.

PHILIP ROTHSCHILD for JOHNNY BOYDE

Submitted

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

Submitted

1405.0
KA 14-01085

PEOPLE
V
ELOY COLON

Appeal from a judgment of the Monroe County Court (John J. Connell, J.), rendered March 2, 2007. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree.

DIANNE C. RUSSELL for ELOY COLON

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1406.0
KA 16-01000

PEOPLE
V
ASAD HIXON

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered December 5, 2014. The judgment convicted defendant, upon his plea of guilty, of assault in the third degree (three counts) and aggravated vehicular assault.

RICHARD L. SULLIVAN for ASAD HIXON 5 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1407.0
CAF 17-00126

CORY MORENO
V
JAN ELLIOTT

Appeal from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered December 21, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties shall share joint custody of the subject children, with primary placement with petitioner.

ROSEMARIE RICHARDS for JAN ELLIOTT Submitted

CARA A. WALDMAN for CORY MORENO 10 minutes

VIVIAN CLARA STRACHE, ATTORNEY FOR THE CHILD 5 minutes

1408.0
CAF 17-01138

JAN M. ELLIOTT
V
CORY A. MORENO

Appeal from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered May 11, 2017 in proceedings pursuant to Family Court Act article 6. The order dismissed the petitions.

ROSEMARIE RICHARDS for JAN M. ELLIOTT Submitted

CARA A. WALDMAN for CORY A. MORENO Submitted

VIVIAN CLARA STRACHE, ATTORNEY FOR THE CHILD Submitted

1409.0
CAF 17-01141

RICHARD K. H.
V
EMILIE P.

Appeal from a decision/order of the Family Court, Lewis County (Daniel R. King, J.), entered June 2, 2017, in a proceeding pursuant to Family Court Act article 5. The decision/order, inter alia, declared Gerald F.M. to be the father of the subject child.

PETER J. DIGIORGIO, JR., for EMILIE P. 10 minutes

SCOTT A. OTIS for GERARD FRED MARSH 10 minutes

RICHARD K. H. for HIMSELF Submitted

KRYSTAL A. RUPERT, ATTORNEY FOR THE CHILD 10 minutes

1410.0
CAF 17-00999

In the Matter of
CALLIE H.

Appeal from an order of the Family Court, Erie County (Rodwin L. Bloch, J.), entered May 18, 2017 in a proceeding pursuant to Social Services Law 384-b. The order, among other things, terminated respondent's parental rights to the subject child.

	WILLIAM D. BRODERICK, JR., for TALEENA W.	10 minutes
	AMBER R. POULOS for ERIE CO. DSS	5 minutes
	RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD	5 minutes
1411.0 CA 18-01122	CHRISTOPHER J. GERACE V DERICO OF EAST AMHERST CORP.	
	Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered September 11, 2017. The order, among other things, granted defendants' motion for summary judgment dismissing plaintiffs' complaint.	
	THOMAS P. KOTRYS for CHRISTOPHER J. GERACE	10 minutes
	MEGHAN M. BROWN for DERICO OF EAST AMHERST CORP.	10 minutes
1412.0 CA 18-01313	SUSAN HOLLAND V LAURA MCCLUSKY	
	Appeal from an order of Supreme Court, Cayuga County (Mark H. Fandrich, A.J.) entered October 13, 2017. The order, among other things, granted defendant Wells College's motion for summary judgment dismissing plaintiff's amended complaint.	
	CHAIM JUDAH JAFFE for SUSAN HOLLAND	15 minutes
	JOHN HERBERT CALLAHAN for WELLS COLLEGE	15 minutes
	LAURA MCCLUSKY for HERSELF	Submitted
	MICHAEL NIMAN for HIMSELF	Submitted
	RANDALL HESS for HIMSELF	Submitted
1413.0 CA 18-01110	THE BANK OF NEW YORK MELLON V JAMES C. SIMMONS	
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered August 31, 2017. The order, among other things, granted plaintiff's motion for summary judgment.	
	JAMES C. SIMMONS for HIMSELF	15 minutes
	LEAH N. JACOB for THE BANK OF NEW YORK MELLON	15 minutes
1414.0 CA 18-01279	EDWARD C. VAN LOAN, JR. V ROBIN V. JONES	
	Appeal from an order and judgment (one paper) of Supreme Court, Onondaga County (James P. Murphy, J.) entered October 3, 2017. The order and judgment, among other things, adjudged that defendant pay the Estate of Charlotte S. Van Loan the sum of \$150,000 plus interest.	
	RONALD D. HARIRI for ROBIN V. JONES	15 minutes
	JOHN M. DELANEY for EDWARD C. VAN LOAN, JR.	20 minutes

1415.0
CA 18-01235

DONALD PRESTON
V
CASTLE POINTE, LLC

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered August 11, 2017. The order granted the motion of defendants Castle Pointe, LLC, SL Master Lessee II, LLC. Health Care Reit, Inc., HCRI Pennsylvania Properties Holding Company, HCRI Illinois Properties, LLC, HCRI Wisconsin Properties, LLC, and Senior Lifestyle Management, LLC, seeking summary judgment dismissing plaintiff's complaint.

JOHN A. COLLINS for DONALD PRESTON 10 minutes

JACQUELINE MANDELL for CASTLE POINTE, LLC 15 minutes

1416.0
CA 18-00700

NOWELLE BIGELOW
V
HAMILTON MEDICAL, INC.

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.)P, entered April 5, 2018. The order, insofar as appealed from, granted the motion of plaintiff to compel certain discovery.

JOSEPH M. SPADOLA for HOLLY PAYNE, RT 10 minutes

JOHN C. CHERUNDOLO for NOWELLE BIGELOW 10 minutes

1417.0
CA 18-00077

JACQUELYN BENEDICT
V
TIMOTHY BENEDICT

Appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 3, 2017. The judgment, among other things, granted the parties a divorce and determined the issues of child custody, child support, spousal maintenance and the equitable distribution of marital property.

TIMOTHY A. BENEDICT for HIMSELF 15 minutes

CLIFFORD C. EISENHUT for JACQUELYN BENEDICT 15 minutes

1418.0
CA 18-00669

ROSS M. CELLINO, JR.
V
CELLINO & BARNES, P.C.

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered February 6, 2018. The order, insofar as appealed from, granted the cross motion of petitioner for the appointment of a temporary receiver.

GREGORY P. PHOTIADIS for CELLINO & BARNES, P.C. Submitted

TERRENCE MICHAEL CONNORS for ROSS M. CELLINO, JR. 30 minutes

1419.0
CA 18-00670

ROSS M. CELLINO, JR.
V
CELLINO & BARNES, P.C.

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered April 2, 2018. The order, insofar as appealed from, denied the motion of respondents to dismiss, or for summary judgment dismissing plaintiff's causes of action pursuant to Business Corporation Law §§ 1104 (a)(1) and (3).

GREGORY P. PHOTIADIS for CELLINO & BARNES, P.C.

Submitted

TERRENCE MICHAEL CONNORS for ROSS M. CELLINO, JR.

Submitted