

DAY CALENDAR
Wednesday, December 5, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1446.0
KA 17-01342

PEOPLE
V
PAUL J. HAVLEN

Appeal from an order of the Wyoming County Court (Michael M. Mohan, J.), entered May 23, 2017. The order determined that defendant is a level two risk, pursuant to the Sex Offender Registration Act.

MARK ALBERT ADRIAN for PAUL J. HAVLEN Submitted

MICHAEL J. FLAHERTY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1447.0
KA 13-01731

PEOPLE
V
JOHNATHON W. GIBBS

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered June 19, 2013. The judgment convicted defendant, upon a non jury verdict, of driving while ability impaired and aggravated unlicensed operation of a motor vehicle in the first degree.

ERIC M. DOLAN for JOHNATHON W. GIBBS Submitted

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1448.0
KA 18-00177

PEOPLE
V
ROBERT J. CALEB

Appeal from an order of the Niagara County Court (William J. Watson , A.J.) entered September 6, 2017. The order adjudged defendant to be a level three risk pursuant to the Sex Offender Registration Act.

JOSEPH G. FRAZIER for ROBERT J. CALEB Submitted

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

1449.0
KA 18-01077

PEOPLE
V
ROBERT HINSHAW

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered September 15, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and unlawful possession of marihuana.

HERBERT L. GREENMAN for ROBERT HINSHAW 15 minutes

RYAN M. FLAHERTY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1450.0
KA 17-00608

PEOPLE
V
CHARLES GRAHAM

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered August 26, 2016. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child (four counts), sexual abuse in the first degree and endangering the welfare of a child (four counts).

BRITTNEY NICOLE CLARK for CHARLES GRAHAM 10 minutes

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1451.0
KA 16-02196

PEOPLE
V
ADAM SMART

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered October 25, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree.

JAMES M. SPECYAL for ADAM SMART 10 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1452.0
KA 17-01204

PEOPLE
V
JAMES MOTHERSELL

Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, J.), rendered June 6, 2017. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree.

LINDA M. CAMPBELL for JAMES MOTHERSELL 5 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1453.0
KA 17-00187

PEOPLE
V
ANTHONY WATSON

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered January 4, 2017. The judgment convicted defendant, upon his plea of guilty, of robbery in the third degree.

ROBERT L. KEMP for ANTHONY WATSON 5 minutes

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1454.0
KAH 18-00046

PEOPLE EX REL.
VINCENT TORRES
V
HAROLD T. GRAHAM

Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrigh, A.J.), entered June 13, 2017 in a habeas corpus proceeding. The order, among other things, denied and dismissed the petition.

ADAM H. VAN BUSKIRK for VINCENT TORRES Submitted

MARTIN A. HOTVET for HAROLD T. GRAHAM Submitted

1455.0
CAF 18-00182

In the Matter of
MATTHEW S., JR.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered January 10, 2018, in a proceeding pursuant to Social Services Law article 384-b. The order, among other things, terminated respondent's parental rights to the subject children.

DAVID J. PAJAK for MATTHEW S. 5 minutes

KATHERINE E. MEIER-DAVIS for ERIE CO. DSS 5 minutes

JOHN L. TRIGILIO, ATTORNEY FOR THE CHILD 10 minutes

1456.0
CAF 16-00088

**In the Matter of
KEON D.**

Appeal from an order of the Family Court, Niagara County (John F. Batt, J.), entered December 22, 2015, in a proceeding pursuant to Family Court Act article 10. The order placed the subject child with his father.

CHARLES J. GREENBERG for DESIRE E. 5 minutes

ANTHONY L. RESTAINO for NIAGARA CO. DSS Submitted

MELISSA A. CAVAGNARO, ATTORNEY FOR THE CHILD 5 minutes

1457.0
CAF 17-00660

**In the Matter of
MAYCI W.**

Appeal from an order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered October 28, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent abused the subject children.

CHARLES J. GREENBERG for DANIEL W. 5 minutes

KIMBERLY S. CONIDI for ERIE CO. DSS 5 minutes

MARY ANNE CONNELL, ATTORNEY FOR THE CHILD 10 minutes

1458.0
CAF 17-00661

**In the Matter of
CHASE W.**

Appeal from an order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered March 7, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, directed respondent to comply with the terms and conditions of an order of protection issued by the court.

CHARLES J. GREENBERG for DANIEL W. Submitted

KIMBERLY S. CONIDI for ERIE CO. DSS Submitted

MARY ANNE CONNELL, ATTORNEY FOR THE CHILD Submitted

1459.0
CAF 17-01277

**WILLIAM J. TOWNSEND III
V
RASHIDA MIMS**

Appeal from a decision and order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered June 13, 2017, in a proceeding pursuant to Family Court Act article 6. The decision and order, inter alia, authorized petitioner to relocate with the subject children to North Carolina.

DANIELLE BLACKABY for RASHIDA MIMS 10 minutes

WILLIAM J. TOWNSEND III, for HIMSELF Submitted

	STUART JAMES LAROSE, ATTORNEY FOR THE CHILD	Submitted
1460.0 CA 18-01037	JOSEPH BURNS V MARCELLUS LANES, INC.	
	Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered April 10, 2018. The order, insofar as appealed from, denied the motion of defendant for summary judgment dismissing plaintiff's Labor Law § 240 (1) cause of action and granted the cross motion of plaintiff for summary judgment on liability pursuant to Labor Law § 240(1).	
	KAREN J. KROGMAN DAUM for MARCELLUS LANES, INC.	10 minutes
	KENNETH B. GOLDBLATT for JOSEPH BURNS	15 minutes
1461.0 CA 18-01324	DANIEL J. BECK V CITY OF NIAGARA FALLS	
	Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered October 26, 2017. The order, insofar as appealed from, denied the motion of defendant Niagara Falls Water Board for summary judgment dismissing the complaint.	
	CORY J. WEBER for NIAGARA FALLS WATER BOARD	10 minutes
	CAREY C. BEYER for DANIEL J. BECK	10 minutes
1462.0 CA 18-00506	EARL OWENS V TOMPKINS BANK OF CASTILE	
	Appeal from an order of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered January 8, 2018. The order, among other things, granted defendants' motion for an award of attorney's fees.	
	MICHAEL A. DONLON for EARL OWENS	10 minutes
	DAVID LEE RASMUSSEN for TOMPKINS BANK OF CASTILE	10 minutes
1463.0 CA 18-00089	HELENE KIM JENNINGS V MICHAEL BRIAN DOMAGALA	
	Appeal from an order of the Supreme Court, Niagara County (Mark Montour, J.), entered April 6, 2017. The order, among other things, granted in part plaintiff's application to modify the parties' Judgment of Divorce.	
	JASON R. DIPASQUALE for MICHAEL BRIAN DOMAGALA	10 minutes
	ASHLEA L. PALLADINO for HELENE KIM JENNINGS	10 minutes
1464.0 CA 17-00630	CARL S. V STATE OF NEW YORK	
	Appeal from an order of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered February 15, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner is a sex offender requiring civil management and subject to Strict and Intensive Supervision and Treatment.	

CAROLINE L. LEVITT for CARL S. 10 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

1465.0
CA 18-00646

KENNETH GLAZER
V
CATLIN INSURANCE COMPANY, INC.

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered November 20, 2017. The order, among other things, granted defendants Liebherr-Aerospace Toulouse S.A.S. and Liebherr-Elektronik GMBH motion to dismiss plaintiff's first amended verified complaint for lack of personal jurisdiction.

DANIEL O. ROSE for KENNETH GLAZER 15 minutes

KEVIN L. KELLER for LIEBHERR-AEROSPACE TOULOUSE 15 minutes

1466.0
CA 18-01177

HOPE ANN LINDER
V
UNITY HOSPITAL OF ROCHESTER

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered April 25, 2018. The order granted the motion of defendants Andrew W. Murphy, M.D., and Westside Anesthesia Associates of Rochester, LLP, for summary judgment and dismissed the complaint against said defendants.

BRIAN J. ISAAC for HOPE ANN LINDER 15 minutes

JEFFREY S. ALBANESE for ANDREW W. MURPHY, M.D. 10 minutes

1389.0
CA 18-00894

DAVID DONAHUE
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Nicholas V. Midey, Jr., J.), entered January 30, 2018. The judgment awarded plaintiff money damages.

MICHAEL C. O'NEILL for DAVID DONAHUE 10 minutes

KATHLEEN M. TREASURE for STATE OF NEW YORK 10 minutes