

**DAY CALENDAR**  
**Wednesday, October 17, 2018 - 10:00 AM**  
**COURTROOM 2**

1143.0  
TP 18-00968

CLARENCE GOURDINE  
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 May 22, 2018) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated an inmate rule.

LEAH R. NOWOTARSKI for CLARENCE GOURDINE

Submitted

BARBARA D. UNDERWOOD for ANTHONY ANNUCCI

Submitted

1144.0  
KA 16-01792

PEOPLE  
V  
JERRY L. WALLS

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered June 13, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fourth degree.

JAMES M. SPECYAL for JERRY L. WALLS

Submitted

MATTHEW DAVID NAFUS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1145.0  
KA 16-01985

PEOPLE  
V  
ALEXANDER J. DEHOYOS

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered August 24, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted criminal sale of a controlled substance in the third degree.

BENJAMIN L. NELSON for ALEXANDER J. DEHOYOS

5 minutes

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1146.0  
KA 16-00793

PEOPLE  
V  
BRIAN TCHIYUKA

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered December 22, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

MATTHEW C. HUG for BRIAN TCHIYUKA

Submitted

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1147.0  
KA 16-00800

PEOPLE  
V  
ROBERT GREEN

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), entered February 20, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

PATRICK E. FITZSIMMONS for ROBERT GREEN 10 minutes

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

1148.0  
KA 16-00923

PEOPLE  
V  
ANTHONY MUNFORD

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered May 5, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the third degree.

STEVEN D. SESSLER for ANTHONY MUNFORD 10 minutes

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1149.0  
KA 12-02175

PEOPLE  
V  
THOMAS N. WALKER

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered November 13, 2012. The judgment convicted defendant, upon a nonjury verdict, of robbery in the first degree (three counts) and robbery in the second degree (three counts).

THOMAS J. EOANNOU for THOMAS N. WALKER 10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1150.0  
KA 15-01853

PEOPLE  
V  
VINCENT E. SMITH

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered July 21, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

PETER H. WILTENBURG for VINCENT E. SMITH 10 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1151.0  
KA 16-01964

PEOPLE  
V  
JOSHUA COLEMAN

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered September 1, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree (two counts).

TIMOTHY P. MURPHY for JOSHUA COLEMAN Submitted

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

1152.0  
KA 16-01965

PEOPLE  
V  
JOSHUA COLEMAN

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered September 1, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree (three counts) and grand larceny in the third degree.

TIMOTHY P. MURPHY for JOSHUA COLEMAN

Submitted

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

Submitted

1153.0  
KA 16-01962

PEOPLE  
V  
JOE N. SMITH

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered May 9, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.

BENJAMIN L. NELSON for JOE N. SMITH

10 minutes

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

5 minutes

1154.0  
CAF 17-01898

MICHAEL F. MCKENZIE, SR.  
V  
JESSICA L. POLK

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered September 7, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint legal custody of the subject child

DAVID J. PAJAK for JESSICA L. POLK

5 minutes

MICHAEL F. MCKENZIE, SR., for HIMSELF

Submitted

AUDREY ROSE HERMAN, ATTORNEY FOR THE CHILD

5 minutes

1155.0  
CAF 16-02301

In the Matter of  
CHRISTIAN W.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered December 5, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent had neglected the subject children and placed him under the supervision of petitioner.

EVELYNE A. O'SULLIVAN for MICHAEL W.

Submitted

JAMES E. BROWN for ERIE COUNTY DSS

5 minutes

RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD

Submitted

1156.0  
CA 18-00554

COHEN & LOMBARDO, P.C.  
V  
DANIEL R. CONNORS

Appeal and cross appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered March 5, 2018. The order granted the motion of defendants to dismiss plaintiff's second and fifth through ninth causes of action, denied the motion of defendants to dismiss plaintiff's first, third and fourth causes of action and denied the application of defendants for sanctions.

D. CHARLES ROBERTS, JR., for DANIEL R. CONNORS

10 minutes

VINCENT E. DOYLE, III, for COHEN & LOMBARDO, P.C.

10 minutes

1157.0  
CA 18-00888

IRENE Y. MELSON

**SETTLED**

V

NIAGARA MOHAWK POWER CORPORATION

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered August 29, 2017. The order, among other things, denied in part the motion of defendant Niagara Mohawk Power Corporation, doing business as National Grid for summary judgment dismissing plaintiff's claims.

KARIM A. ABDULLA for NIAGARA MOHAWK POWER CORPORATION

STAFFORD DUFF RITCHIE II, for IRENE Y. MELSON

KEVIN D. WALSH for GIOVANNI BRIATICO

1158.0  
CA 18-00640

MICHAEL SEGOOL

V

CARLY MARIE FAZIO

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 31 2017. The order, among other things, granted the petition in part.

DAVID B. COTTER for MICHAEL SEGOOL

Submitted

CARLY MARIE FAZIO for CARLY MARIE FAZIO

Submitted

1159.0  
CA 18-00853

BAHMAN BAVIFARD

V

DAVID CAPRETTO

Appeal from an order of the Supreme Court, Erie County, (Paul Wojtaszek, J.), entered September 8, 2017. The order granted defendant's motion for summary judgment.

EDWARD J. MARKARIAN for BAHMAN BAVIFARD

15 minutes

JOHN GAUGHAN for DAVID CAPRETTO

10 minutes

1160.0  
CA 17-02201

SAMUEL J. PASCERI

V

TIMOTHY KELEHER

Appeal from a judgment of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered September 20, 2017. The judgment dismissed the complaint against defendant Bielmeier Builders, Inc., upon a jury verdict.

P. ANDREW VONA for SAMUEL J. PASCERI

15 minutes

MARK DELLA POSTA for BIELMEIER BUILDERS, INC.

15 minutes

TODD C. BUSHWAY for TIMOTHY KELEHER

15 minutes

1161.0  
CA 17-02202

SAMUEL J. PASCERI

V

TIMOTHY KELEHER

Appeal from a judgment of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered September 26, 2017. The judgment dismissed the complaint against defendants Timothy Keleher and Nancey Keleher upon a jury verdict.

	P. ANDREW VONA for SAMUEL J. PASCERI	Submitted
	MARK DELLA POSTA for BIELMEIER BUILDERS, INC.	Submitted
	TODD C. BUSHWAY for TIMOTHY KELEHER	Submitted
1162.0 CA 18-00397	<b>DENISE UFLAND</b> V <b>NEW YORK STATE DIVISION OF HUMAN RIGHTS</b>  Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Paul Wojtaszek, J.), entered May 16, 2017 in a proceeding pursuant to CPLR article 78. The order denied the petition and dismissed the case.	
	LINDY KORN for DENISE UFLAND	15 minutes
	ERIN E. MOLISANI for ERIE COUNTY DEPARTMENT OF SOCIAL SE	15 minutes
	MARILYN BALCACER for NEW YORK STATE DIVISION OF HUMAN RIGHTS	Submitted
1163.0 CA 17-01381	<b>STATE OF NEW YORK MORTGAGE AGENCY</b> V <b>MICHELLE M. FARRUGGIA</b>  Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered February 17, 2017. The order denied the motion of defendant Michelle M. Farruggia to compel plaintiff to offer her a loan modification.	
	THOMAS J. CASERTA, JR., for MICHELLE M. FARRUGGIA	15 minutes
	JORDAN M. SMITH for STATE OF NEW YORK MORTGAGE AGENCY	15 minutes
1164.0 CA 18-00133	<b>HELENA UBILES</b> V <b>TARA HALLIWELL-KEMP</b>  Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Frank Caruso, J.), entered October 11, 2017. The order and judgment, among other things, adjudged that defendant is 100% liable for the damages sustained by plaintiff.	
	RICHARD T. SARAF for TARA HALLIWELL-KEMP	10 minutes
	GREGORY V. PAJAK for HELENA UBILES	10 minutes