

DAY CALENDAR
Wednesday, October 17, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1120.0
TP 18-00969

MERRIN DISTEFANO
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, Orleans County [Michael M. Mohun, A.J.], entered May 22, 2018) to review determinations of respondent. The determinations found after tier II and tier III hearings that petitioner had violated various inmate rules.

MERRIN DISTEFANO for HIMSELF

Submitted

ROBERT M. GOLDFARB for ANTHONY ANNUCCI

Submitted

1121.0
KA 17-00395

PEOPLE
V
KENNETH WARNER

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered November 22, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

DAVID A. COOKE for KENNETH WARNER

Submitted

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

Submitted

1122.0
KA 16-01366

PEOPLE
V
GLENN COLLINS, JR.

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered October 26, 2015. The judgment convicted defendant, upon a jury verdict, of manslaughter in the second degree, endangering the welfare of a child (two counts), theft of services and criminal possession of a weapon in the second degree.

LINDA M. CAMPBELL for GLENN COLLINS, JR.

15 minutes

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

10 minutes

1123.0
KA 16-02290

PEOPLE
V
ABDULLAHI MUDEY

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered May 12, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree (two counts).

DAVID A. COOKE for ABDULLAHI MUDEY

Submitted

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

Submitted

1124.0
KA 16-01948

PEOPLE
V
ALLEN COBB

Appeal from an order of the Erie County Court (David W. Foley, A.J.), entered September 19, 2016. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

KRISTIN M. PREVE for ALLEN COBB

Submitted

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1125.0
KA 16-00930

PEOPLE
V
DARNELL D. HOWARD

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered December 2, 2015. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, reckless endangerment in the first degree and criminal possession of a weapon in the second degree.

PETER J. DIGIORGIO, JR., for DARNELL D. HOWARD

15 minutes

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

10 minutes

1126.0
KA 15-01593

PEOPLE
V
RICHARD L. DEWITT

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), entered July 1, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted unlicensed operation of a motor vehicle in the first degree and driving while intoxicated.

JOHN A. CIRANDO for RICHARD L. DEWITT

10 minutes

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

5 minutes

1127.0
KA 15-01594

PEOPLE
V
RICHARD L. DEWITT

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), entered July 1, 2015. The judgment convicted defendant, upon his plea of guilty, of reckless endangerment.

JOHN A. CIRANDO for RICHARD L. DEWITT

Submitted

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

Submitted

1128.0
KA 16-02088

PEOPLE
V
GLENN COLLINS

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered April 21, 2016. The judgment convicted defendant, upon his plea of guilty, of scheme to defraud in the first degree.

LINDA M. CAMPBELL for GLENN COLLINS

5 minutes

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

10 minutes

1129.0
KA 16-02112

PEOPLE
V
TOMMY LEE BROWN

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered February 18, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and promoting prison contraband in the first degree.

ANDREW G. MORABITO for TOMMY LEE BROWN Submitted

BARRY L. PORSCHE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1130.0
KAH 18-00378

PEOPLE EX REL.
ARIEL GARCIA
V
ANTHONY ANNUCCI

Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), entered December 27, 2017 in a habeas corpus proceeding. The order denied the petition.

JAN HOTH for ARIEL GARCIA 10 minutes

BRIAN D. GINSBERG for ANTHONY ANNUCCI 10 minutes

1131.0
CAF 17-01276

ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES
V
MARCUS N. DERBY

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered June 5, 2017 in a proceeding pursuant to Family Court Act article 5. The order, inter alia, denied the application of respondent for a cancellation of support arrears.

PHILIP ROTHSCHILD for MARCUS N. DERBY 10 minutes

SUJATA LAL for ONONDAGA COUNTY DSS 10 minutes

ERIN WELCH FAIR, ATTORNEY FOR THE CHILD Submitted

1132.0
CAF 17-01422

DEBORAH J. KILLABY
V
LAWRENCE P. LEE

Appeal from an order of the Family Court, Wayne County (Richard M. Healy, A.J.), entered July 24, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner primary physical custody of the subject child.

CARA A. WALDMAN for LAWRENCE P. LEE 10 minutes

TYSN BLUE for DEBORAH J. KILLABY Submitted

SEAN LAIR, ATTORNEY FOR THE CHILD 10 minutes

1134.0
CA 18-00961

In the Matter of Arbitration Between
CITY OF WATERTOWN
(WATERTOWN PROFESSIONAL FIREFIGHTERS ASSN.)

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered January 31, 2018 in a proceeding pursuant to CPLR article 75. The order granted the petition seeking a permanent stay of arbitration of a grievance filed by respondent.

NATHANIEL LAMBRIGHT for WATERTOWN PROF FIREFIGHTERS ASSN. 10 minutes

TERENCE MICHAEL O'NEIL for CITY OF WATERTOWN 15 minutes

1135.0
CA 18-00677

LAFAWN FLOOD
V
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered February 22, 2018. The order denied the motion of defendants for summary judgment dismissing the complaint.

MARY D'AGOSTINO for CITY OF SYRACUSE

Submitted

JANET M. IZZO for LAFAWN FLOOD

10 minutes

1136.0
CA 18-00566

CARL WEISS
V
ZELLAR HOMES, LTD.

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered February 6, 2018. The order, among other things, granted the motion of defendants Zellar Homes, Ltd., and David Zellar seeking to strike and vacate plaintiffs' Note of Issue and Certificate of Readiness.

MICHAEL J. BALESTRA for CARL WEISS

15 minutes

PAUL J. CURTIN, JR., for ZELLAR HOMES, LTD.

Submitted

MICHELLE ENGLANDER for PROBUILD COMPANY LLC

Submitted

JOHN E. MARSHALL for MODERN HOME MECHANICS, INC.

Submitted

1137.0
CA 18-00782

DENISE AMBROSE
V
JAMES E. BROWN, JR., M.D.

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered June 15, 2017. The order denied the motion of plaintiffs to set aside the verdict and for a new trial.

SAMANTHA C. RIGGI for DENISE AMBROSE

10 minutes

NANCY MAY-SKINNER for JAMES E. BROWN, JR., M.D.

10 minutes

1138.0
CA 17-01840

DAWN CALHOUN
V
COUNTY OF HERKIMER

Appeal from an order of the Supreme Court, Herkimer County (Erin P. Gall, J.), entered May 18, 2017. The order denied plaintiff's motion for a new trial.

A.J. BOSMAN for DAWN CALHOUN

10 minutes

GREGG T. JOHNSON for COUNTY OF HERKIMER

10 minutes

1139.0
CA 17-01841

DAWN CALHOUN
V
COUNTY OF HERKIMER

Appeal from an order of the Supreme Court, Herkimer County (Erin P. Gall, J.), entered July 18, 2017. The order granted defendants' request for reasonable attorney's fees in the amount of \$15,000.

A.J. BOSMAN for DAWN CALHOUN

Submitted

GREGG T. JOHNSON for COUNTY OF HERKIMER

Submitted

1140.0
CA 18-00787

RAY E. CLARK, III
V
TOWN OF LYSONDALE

Appeal from an order of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered November 30, 2017. The order denied the motion of defendants for summary judgment dismissing the complaint.

CHRISTINE GASSER for TOWN OF LYSONDALE

15 minutes

P. MICHAEL SHANLEY for RAY E. CLARK, III

10 minutes

1141.0
CA 18-00352

NATIONSTAR MORTGAGE LLC
V
STEPHEN M. FERSACI

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered January 18, 2017. The judgment, among other things, awarded plaintiff a default judgment and ordered the immediate sale of the subject property.

MAURICE JOSEPH VERRILLO for STEPHEN M. FERSACI

20 minutes

ZACHARY R. GOLD for NATIONSTAR MORTGAGE LLC

20 minutes

1142.0
CA 18-00353

NATIONSTAR MORTGAGE LLC
V
STEPHEN M. FERSACI

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered April 24, 2017. The order, among other things, denied the application of defendants Stephen M. Fersaci and Celeste A. Fersaci to vacate the default judgment.

MAURICE JOSEPH VERRILLO for STEPHEN M. FERSACI

Submitted

ZACHARY R. GOLD for NATIONSTAR MORTGAGE LLC

Submitted