

DAY CALENDAR
Tuesday, October 23, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1212.0
KA 15-01778

PEOPLE
V
RINALDO R. PEARSON

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered March 31, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and driving while intoxicated.

KRISTIN M. PREVE for RINALDO R. PEARSON

Submitted

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

Submitted

1213.0
KA 16-01159

PEOPLE
V
RONALD J. ZUREK

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered November 4, 2015. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

DAVID A. COOKE for RONALD J. ZUREK

Submitted

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

Submitted

1214.0
KA 16-01905

PEOPLE
V
CHARLES C. DEAN

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 21, 2016. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

ALAN WILLIAMS for CHARLES C. DEAN

Submitted

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

Submitted

1215.0
KA 15-01397

PEOPLE
V
DUNG V. VO

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered May 22, 2014. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree.

DAVID R. JUERGENS for DUNG V. VO

10 minutes

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

Submitted

1216.0
KA 16-01989

PEOPLE
V
DAVID E. SCHMIDT

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered August 3, 2016. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

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| | KIMBERLY F. DUGUAY for DAVID E. SCHMIDT | Submitted |
| | NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK | Submitted |
| 1217.0 KA 16-01547 | PEOPLE V VICTOR M. IRIZARRY | |
| | Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 31, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree. | |
| | BARBARA J. DAVIES for VICTOR M. IRIZARRY | 5 minutes |
| | DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK | 5 minutes |
| 1218.0 KA 15-01595 | PEOPLE V JERRY BENTON | |
| | Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 19, 2015. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree and criminal possession of a weapon in the third degree. | |
| | ELIZABETH S. RIKER for JERRY BENTON | 10 minutes |
| | KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK | 10 minutes |
| 1219.0 CAF 17-01329 | YOLANDA BAUTISTA V MICHELLE A. MALAVE | |
| | Appeal from an order of the Family Court, Monroe County (John B. Gallagher, Jr., J.), entered June 9, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied the petition with prejudice. | |
| | YOLANDA BAUTISTA for HERSELF | Submitted |
| | WARREN WELCH for MICHELLE A. MALAVE | Submitted |
| | DAVID R. JUERGENS, ATTORNEY FOR THE CHILD | Submitted |
| | GARY MULDOON, ATTORNEY FOR THE CHILD | Submitted |
| 1220.0 CAF 16-02198 | SARAH ALGER V RYAN JACOBS | |
| | Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, A.J.), entered July 27, 2016, in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed defendant to stay away from petitioner. | |
| | TYSON BLUE for RYAN JACOBS | 10 minutes |
| | SUSAN GRAY for SARAH ALGER | 5 minutes |
| | MARYBETH D. BARNET, ATTORNEY FOR THE CHILD | 10 minutes |
| 1221.0 CAF 16-02199 | SARAH ALGER V RYAN EDWARD JACOBS | |

Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, A.J.), entered August 1, 2016 in a proceeding pursuant to Family Court Act article 8. The order, among other things, found that respondent had committed a family offense and awarded petitioner sole custody of the subject child

TYSON BLUE for RYAN EDWARD JACOBS

Submitted

SUSAN GRAY for SARAH ALGER

Submitted

MARYBETH D. BARNET, ATTORNEY FOR THE CHILD

Submitted

1222.0
CAF 17-00388

In the Matter of
AVIANNA M.-G.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered January 27, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Stephen G., III, had neglected and abused the subject child.

JOHN A. CIRANDO for STEPHEN G., III

10 minutes

MAGGIE SEIKALY for ONONDAGA COUNTY DSS

Submitted

ANDREW SCOTT GREENBERG, ATTORNEY FOR THE CHILD

10 minutes

1223.0
TP 18-00673

AMERICAN AUTO STOCK, INC.
V
THERESA L. EGAN

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Monroe County [Debra A. Martin, A.J.], entered April 10, 2018) to review a determination of respondent. The determination, among other things, suspended petitioner's license to operate as a dealer for two concurrent periods of 14 days and imposed civil penalties.

CHRISTOPHER JOHN ENOS for AMERICAN AUTO STOCK, INC.

10 minutes

JONATHAN D. HITSOUS for THERESA L. EGAN

10 minutes

1224.0
CA 18-00066

COUNTY OF WAYNE
V
PAUL J. SCHENK, JR.

Appeal from an order of the Supreme Court, Wayne County (Daniel G. Barrett, J.), entered August 28, 2017 in a proceeding pursuant to RPTL article 11. The order, among other things, granted respondents' application to stay the sale of the property and allow payment of past due taxes to the County Treasurer.

ERIN M. HAMMOND for COUNTY OF WAYNE

15 minutes

LEO G. FINUCANE for PAUL J. SCHENK, JR.

10 minutes

1225.0
CA 18-00773

RICHARD CETTELL
V
NATIONAL FUEL GAS SUPPLY CORPORATION

SETTLED

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered February 9, 2018. The order, among other things, granted plaintiffs' motion for summary judgment.

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| | MICHAEL RUBIN for NATIONAL FUEL GAS SUPPLY CORPORATION | |
| | ANNE M. WHEELER for RICHARD CETTELL | |
| 1226.0 CA 17-01584 | KHARYE JARVIS V ANTHONY ANNUCCI | |
| | Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered August 2, 2017 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition. | |
| | LEAH R. NOWOTARSKI for KHARYE JARVIS | Submitted |
| | WILLIAM E. STORRS for ANTHONY ANNUCCI | Submitted |
| 1227.0 CA 18-00737 | MICHELE KOZMINSKI V GEORGE A. KOZMINSKI | |
| | Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered October 23, 2017. The order, inter alia, determined that defendant is responsible for the undergraduate expenses incurred by the elder child of the parties. | |
| | DEAN L. GORDON for GEORGE A. KOZMINSKI | 10 minutes |
| | KEITH A. EISENHUT for MICHELE KOZMINSKI | Submitted |
| 1228.0 CA 18-00015 | MATTHEW NIX V NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES | |
| | Appeal from a judgment (denominated order) of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered October 27, 2017 in a CPLR article 78 proceeding. The judgment dismissed the petition. | |
| | MICHAEL JOS. WITMER for MATTHEW NIX | 20 minutes |
| | ROBERT M. GOLDFARB for NYS DIVISION OF CRIMINAL JUSTICE SERVS. | 10 minutes |
| 1229.0 CA 18-00953 | GREGORY RITTER V FORT SCHUYLER MANAGEMENT CORPORATION | |
| | Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered August 16, 2017. The order granted the motion of defendant for summary judgment dismissing the complaint. | |
| | MARTHA LOUISE BERRY for GREGORY RITTER | 10 minutes |
| | BRADY O'MALLEY for FORT SCHUYLER MANAGEMENT CORPORATION | 15 minutes |
| 1230.0 TP 18-00920 | ROCHESTER INSTITUTE OF TECHNOLOGY V NEW YORK STATE DIVISION OF HUMAN RIGHTS | |
| | Proceeding pursuant to CPLR article 78 and Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Monroe County [Ann Marie Taddeo, J.], entered February 22, 2016) to review a determination of respondent New York State Division of Human Rights. The determination found that petitioner had unlawfully discriminated against respondent Eileen Lieb on the basis of her disability. | |

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| | MARY E. SHEPARD for ROCHESTER INSTITUTE OF TECHNOLOGY | 10 minutes |
| | AARON WOSKOFF for NYS DIVISION OF HUMAN RIGHTS | 10 minutes |
| | KIMBERLY A. GLENNON for EILEEN LIEB | Submitted |
| 1231.0 CA 17-00443 | <p>STATE OF NEW YORK V JAMAAL A.</p> <p>Appeal from an order of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered February 2, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, committed respondent to a secure treatment facility.</p> | |
| | CHARLES J. GREENBERG for JAMAAL A. | 10 minutes |
| | KATHLEEN M. TREASURE for STATE OF NEW YORK | 10 minutes |
| 1232.0 CA 18-00380 | <p>WILLIS WOOD V ARTIFACT PROPERTIES, LLC</p> <p>Appeals and cross appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.) entered July 26, 2017. The order, among other things, denied in part the motion of defendant Artifact Properties, LLC for summary judgment, denied the motion of defendant David Perkins for summary judgment and denied the motion of plaintiff for partial summary judgment.</p> | |
| | MATTHEW E. WHRITENOUR for ARTIFACT PROPERTIES, LLC | 15 minutes |
| | EDWARD J. SMITH, III, for DAVID PERKINS | 10 minutes |
| | W. BRADLEY HUNT for WILLIS WOOD | 10 minutes |
| 1233.0 CA 18-00381 | <p>WILLIS WOOD V ARTIFACT PROPERTIES, LLC</p> <p>Appeals and cross appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.) entered July 26, 2017. The order, among other things, conditionally granted plaintiff's motion for summary judgment on the issue of liability.</p> | |
| | MATTHEW E. WHRITENOUR for ARTIFACT PROPERTIES, LLC | Submitted |
| | EDWARD J. SMITH, III, for DAVID PERKINS | Submitted |
| | W. BRADLEY HUNT for WILLIS WOOD | Submitted |