

DAY CALENDAR
Wednesday, October 24, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1234.0
KA 17-00903

PEOPLE
V
TIMOTHY WALKER

Appeal from an order of the Supreme Court, Monroe County (Alex R. Renzi, J.), entered April 10, 2017. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for TIMOTHY WALKER Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1235.0
KA 17-01155

PEOPLE
V
DANTE CAPEL

Appeal from an order of the Supreme Court, Monroe County (Vincent M. Dinolfo, A.J.), entered April 21, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for DANTE CAPEL Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1236.0
KA 17-00747

PEOPLE
V
DON P. SIPP

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered March 13, 2017. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.

J. SCOTT PORTER for DON P. SIPP 10 minutes

BARRY L. PORSCHE for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1237.0
KA 16-02081

PEOPLE
V
ROBERT C. HARLACH

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered October 13, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

TIMOTHY P. MURPHY for ROBERT C. HARLACH Submitted

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

1238.0
CAF 17-01237

ERIC E.F.
V
ROBIN A.H. **SETTLED**

Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered June 2, 2017 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for modification of custody and visitation.

PAUL A. NORTON for ERIC E.F.

MICHELE E. DETRAGLIA for ROBIN A.H.

PETER J. DIGIORGIO, JR., ATTORNEY FOR THE CHILD

1239.0
CAF 17-01212

In the Matter of
ISABELLA D.

SETTLED

Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered June 14, 2017 in a proceeding pursuant to the Domestic Relations Law. The order determined, inter alia, that the consent of respondent Eric F. is not required for a private placement adoption.

PAUL A. NORTON for ERIC F.

MICHELE E. DETRAGLIA for ROBIN A. H.

PETER J. DIGIORGIO, JR., ATTORNEY FOR THE CHILD

1240.0
KA 15-01663

PEOPLE
V
ANDRE PARSONS

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Monroe County Court (James J. Piampiano, J.), entered February 13, 2015. The order denied the CPL 440.10 motion of defendant after a hearing.

KIMBERLY F. DUGUAY for ANDRE PARSONS

10 minutes

SANDRA J. DOORLEY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1241.0
KA 13-02245

PEOPLE
V
GARLAND BARR

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered November 15, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

CATHERINE H. JOSH for GARLAND BARR

5 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

1242.0
CAF 17-00202

In the Matter of
JESTEN J.F.

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered December 20, 2016 in a proceeding pursuant to Social Services Law § 384-bb. The order terminated the parental rights of respondent on the ground of permanent neglect.

TIMOTHY S. DAVIS for RUTH PATRICIA S.

10 minutes

CAROL LYNN EISENMAN for MONROE COUNTY DSS

5 minutes

TANYA J. CONLEY, ATTORNEY FOR THE CHILD

5 minutes

1243.0
CAF 16-02236

JENNIFER RICE
V
MICHAEL WIGHTMAN

Appeal from an order of the Family Court, Ontario County (James E. Walsh, Jr., A.J.), entered October 3, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and residential custody of the subject child.

JOHN A. CIRANDO for MICHAEL WIGHTMAN

10 minutes

JENNIFER RICE for HERSELF

Submitted

M. KATHLEEN CURRAN, ATTORNEY FOR THE CHILD

10 minutes

1244.0
CAF 17-01983

WILLIAM GANZ

V

LISA M. BANTER

Appeals from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered June 23, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that petitioner's wife may supervise his visits with the subject children.

JANET C. SOMES for LISA M. BANTER

10 minutes

DAVID M. ABBATOY, JR., for WILLIAM GANZ

10 minutes

LORENZO NAPOLITANO, ATTORNEY FOR THE CHILD

5 minutes

SARA E. ROOK, ATTORNEY FOR THE CHILD

5 minutes

1245.0
TP 18-00664

B.P. GLOBAL FUNDS, INC.

V

NEW YORK STATE LIQUOR AUTHORITY

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, Erie County [John F. O'Donnell, J.], entered April 16, 2018) to review a determination of respondent. The determination canceled the liquor license of petitioner.

JUSTIN S. WHITE for B.P. GLOBAL FUNDS, INC.

10 minutes

JAIME CIRULLI GALLAGHER for NEW YORK STATE LIQUOR AUTHORITY

10 minutes

1246.0
CA 18-00635

COUNTY OF ONTARIO

V

COREY DUVAL

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered July 7, 2017 in a proceeding pursuant to RPTL article 11. The order, among other things, denied respondent's motion to vacate a judgment of foreclosure.

ZACHARY J. PIKE for CORI DUVAL

10 minutes

JASON S. DIPONZIO for COUNTY OF ONTARIO

10 minutes

1247.0
CA 18-00855

CANANDAIGUA NATIONAL BANK AND TRUST COMPANY

V

ACQUEST SOUTH PARK, LLC

Appeal from an order of the Supreme Court, Monroe County, (Matthew A. Rosenbaum, J.), entered March 15, 2018. The order, among other things, granted the motion of defendant Acquest South Park, LLC, to dismiss the fourth and fifth cross-claims of defendant Kingsbury Coporation.

	RONALD G. HULL for KINGSBURY CORPORATION	15 minutes
	R. ANTHONY RUPP, III, for ACQUEST SOUTH PARK, LLC	10 minutes
1248.0 CA 18-00897	NICHOLAS J. HOULE V SEVENTWOTEN, LLC	
	Appeals from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered August 2, 2017. The order denied the motion of defendant for summary judgment and denied the motion of third-party defendant for summary judgment and spoliation.	
	SEAN A. TOMKO for SEVENTWOTEN, LLC	15 minutes
	MATTHEW E. WHRITENOUR for G.S. 2 HEALTH & FITNESS MGT., INC.	10 minutes
	JOSEPH V. MCBRIDE for NICHOLAS J. HOULE	10 minutes
1249.0 CA 18-00014	ORISKA INSURANCE COMPANY V MARIE T. VULLO	
	Appeal from a judgment (denominated order) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered April 19, 2017 in a proceeding pursuant to CPLR article 78. The judgment denied and dismissed the petition.	
	LEIGHTON R. BURNS for ORISKA INSURANCE COMPANY	30 minutes
	LAURA ETLINGER for MARIE T. VULLO	10 minutes
1250.0 CA 18-00510	VASILY SAVILO V RICKY S. DENNER	
	Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered November 17, 2017. The order and judgment granted the motion of plaintiff for summary judgment on the issues of negligence and serious injury.	
	BRENDAN S. BYRNE for RICKY S. DENNER	10 minutes
	JOEL FEROLETO for VASILY SAVILO	10 minutes
1251.0 TP 18-00885	JOSEPH A. SARCINELLI V NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES	
	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, Erie County [Tracey A. Bannister, J.], entered May 8, 2018) to review a determination of respondent. The determination, among other things, revoked petitioner's dealership registration.	
	PETER MCGRATH for JOSEPH A. SARCINELLI	Submitted
	ALLYSON B. LEVINE for NYS DEPARTMENT OF MOTOR VEHICLES	Submitted
1252.0 CA 18-00427	REMET CORPORATION V ESTATE OF JAMES R. PYNE	

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered May 25, 2017. The order, among other things, denied plaintiff's motion for partial summary judgment.

JANET D. CALLAHAN for REMET CORPORATION

10 minutes

NEIL M. GINGOLD for ESTATE OF JAMES R. PYNE

15 minutes

1253.0
CA 18-00428

REMET CORPORATION
V
ESTATE OF JAMES R. PYNE

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered October 3, 2017. The order, among other things, granted defendants' motions for partial summary judgment.

JANET D. CALLAHAN for REMET CORPORATION

Submitted

NEIL M. GINGOLD for ESTATE OF JAMES R. PYNE

Submitted

1254.0
CA 17-01135

ANTONELLA VILLELLA
V
RAFFAELE R. VILLELLA

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered November 2, 2016. The order, among other things, determined that defendant owes maintenance arrears, child support arrears and outstanding education and uninsured medical expenses to plaintiff.

JENNIFER M. LORENZ for RAFFAELE R. VILLELLA

10 minutes

ANTONELLA VILLELLA for HERSELF

Submitted

1255.0
CA 18-00256

DARRELL WALKER
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, among other things, ordered a new hearing be held regarding the misbehavior report dated November 21, 2016.

LEAH R. NOWOTARSKI for DARRELL WALKER

Submitted

MARTIN A. HOTVET for ANTHONY ANNUCCI

Submitted

1256.0
CA 17-01273

SALEEM T. SPENCER
V
ANTHONY J. ANNUCCI

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), entered May 30, 2017 in a CPLR article 78 proceeding. The judgment dismissed the CPLR article 78 petition.

SALEEM T. SPENCER for HIMSELF

Submitted

BRIAN D. GINSBERG for ANTHONY J. ANNUCCI

Submitted

1256.1
KA 11-01844

PEOPLE
V
EMMANUEL D. LITTLE

Appeal from a sentence of the Monroe County Court (James J. Piampiano, J.), rendered June 23, 2011. Defendant was sentenced upon his conviction of manslaughter in the second degree.

DAVID R. JUERGENS for EMMANUEL D. LITTLE

Submitted

DANIEL GROSS for PEOPLE OF THE STATE OF NEW YORK

Submitted

1256.2
CAE 18-01945

EDWARD F. COX

V

FRANCINA J. SPOTH

Appeal from a decision and order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered October 12, 2018, in a proceeding pursuant to Election Law article 16. The decision and order granted the petition and declared null and invalid the certificate of nomination of Francina J. Spoth as Democratic candidate for the office of Town Clerk of the Town of Amherst.

JEROME D. SCHAD for FRANCINA J. SPOTH

10 minutes

JOSEPH P. HIENS for EDWARD F. COX

10 minutes

JEREMY TOTH for ERIE COUNTY BOARD OF ELECTIONS

Submitted