

**DAY CALENDAR**  
**Thursday, October 25, 2018 - 10:00 AM**  
**ROBERT H. JACKSON CENTER**

1257.0  
KA 13-00723

**PEOPLE**  
**V**  
**CURTIS P. WILLIAMS**

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered February 7, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the fifth degree.

CHARLES J. GREENBERG for CURTIS P. WILLIAMS 10 minutes

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1258.0  
KA 13-00724

**PEOPLE**  
**V**  
**CURTIS P. WILLIAMS**

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), entered February 7, 2013. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

CHARLES J. GREENBERG for CURTIS P. WILLIAMS Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1259.0  
KA 18-00021

**PEOPLE**  
**V**  
**TAYLOR J. CLAUSE**

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered December 15, 2017. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

ERIN E. MCCAMPBELL for TAYLOR J. CLAUSE 10 minutes

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1260.0  
KA 17-00960

**PEOPLE**  
**V**  
**ALFONSO C. CUTAIA**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered January 31, 2017. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child in the first degree.

JOSEPH G. FRAZIER for ALFONSO C. CUTAIA 10 minutes

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1261.0  
KA 16-01597

**PEOPLE**  
**V**  
**ABIMAEI AYALA-GONZALEZ**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 17, 2016. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree.

	ERIN A. KULESUS for ABIMAEI AYALA-GONZALEZ	15 minutes
	MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK	15 minutes
1262.0 KA 18-00126	PEOPLE V ANDREW FITCH	
	Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered October 11, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of marihuana in the first degree.	
	PAUL GORDON DELL for ANDREW FITCH	10 minutes
	LAURA T. BITTNER for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1263.0 KA 17-00095	PEOPLE V ANDERSON ARROYO	
	Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered September 13, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree (two counts) and criminal possession of a weapon in the second degree.	
	LYLE T. HAJDU for ANDERSON ARROYO	10 minutes
	DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
1264.0 KA 17-00286	PEOPLE V ALGERNON DIX	
	Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered March 10, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.	
	THERESA L. PREZIOSO for ALGERNON DIX	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1265.0 KA 16-00918	PEOPLE V CALVIN WITHROW	
	Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered May 25, 2016. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree.	
	NICHOLAS P. DIFONZO for CALVIN WITHROW	10 minutes
	DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1266.0 CAF 17-01670	In the Matter of CHRISSEY W.	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered August 8, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent neglected the subject child and placed the child in the custody of petitioner.	
	DAVID J. PAJAK for CHRISTOPHER W.	Submitted

	JAMES E. BROWN for ERIE COUNTY DSS	5 minutes
	RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD	5 minutes
1267.0 CAF 16-01715	<b>In the Matter of FAITH B.</b>	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered August 22, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Joshua B., Sr., abused his child, Faith B.	
	WILLIAM D. BRODERICK, JR., for JOSHUA B.	10 minutes
	JAMES E. BROWN for ERIE COUNTY DSS	5 minutes
	RACHEL KATHARINE MARRERO, ATTORNEY FOR THE CHILD	5 minutes
	MINDY LYNN MARRANCA, ATTORNEY FOR THE CHILD	5 minutes
	RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD	5 minutes
1268.0 CAF 18-00022	<b>In the Matter of NICKOLAS B.</b>	
	Appeal from an order of the Family Court, Niagara County (John F. Batt, J.), entered December 8, 2017 in a proceeding pursuant to Family Court Act article 10. The order denied respondent's motion seeking the return of the subject children.	
	THERESA L. PREZIOSO for KATHERINE F. L.	Submitted
	ANTHONY L. RESTAINO for NIAGARA COUNTY DSS	Submitted
	LAURA MISKELL, ATTORNEY FOR THE CHILD	Submitted
1269.0 CAF 17-01564	<b>PETER W. KEESLER, JR. V JILLLAINE CHENEY</b>	
	Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered July 27, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and physical custody of the subject child	
	DEBORAH J. SCINTA for JILLLAINE CHENEY	5 minutes
	RANDY STUART MARGULIS for PETER W. KEESLER, JR.	10 minutes
	WILLIAM D. BRODERICK, JR., ATTORNEY FOR THE CHILD	10 minutes
1270.0 CA 18-00901	<b>SOUTHWESTERN INVESTORS GROUP, LLC V DARREN TURCO</b>	
	Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered January 4, 2018. The order, among other things, denied in part the motion of defendants Darren Turco and Jacob Adamo to dismiss plaintiff's claims.	
	SEAN C. MCPHEE for DARREN TURCO	5 minutes
	KEVIN T. O'BRIEN for SOUTHWESTERN INVESTORS GROUP, LLC	5 minutes

1271.0  
CA 18-00896

ANDREW SCHUBAUER  
V  
2150 RECYCLING CENTER, INC.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 12, 2017. The order denied the motion of defendants for summary judgment, denied the cross motion of plaintiff for summary judgment and denied as moot the cross motion of defendants to amend their answer.

KEVIN KRUPPA for 2150 RECYCLING CENTER, INC.

10 minutes

SCOTT MICHAEL DUQUIN for ANDREW SCHUBAUER

10 minutes

1274.0  
CA 18-00638

THOMAS JOHNSON  
V  
TOWN OF HAMBURG

Appeal from a judgment of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), dated June 16, 2017 in a proceeding pursuant to CPLR article 78. The judgment, among other things, determined that the legal notice of the public hearing held by the Town Board of the Town of Hamburg violated Town Law § 264.

SEAN W. HOPKINS for GLENN WETZL

15 minutes

RICHARD J. LIPPES for THOMAS JOHNSON

15 minutes

1275.0  
CA 18-00239

NATIONAL FUEL GAS SUPPLY CORPORATION  
V  
DUFFIELD CAMP AND RETREAT CENTER

**SETTLED**

Appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered October 2, 2017. The order, among other things, granted the verified petition.

KEVIN T. O'BRIEN for DUFFIELD CAMP AND RETREAT CENTER

CRAIG A. LESLIE for NATIONAL FUEL GAS SUPPLY CORPORATION

1276.0  
CA 18-00587

JENNIFER R. SIMS  
V  
AYLA C. CICCONE-BURTON

Appeal from a decision and order of the Supreme Court, Niagara County (Matthew J. Murphy, J. ), entered November 15, 2017. The decision and order, insofar as appealed from, granted in part the motion of defendants for summary judgment and denied the cross motion of plaintiff for summary judgment.

JOHN A. COLLINS for JENNIFER R. SIMS

10 minutes

AARON M. ADOFF for AYLA C. CICCONE-BURTON

10 minutes

1277.0  
CA 18-00841

SERAFIN PROPERTIES, LLC  
V  
AMORE ENTERPRISES, INC.

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered February 6, 2018 in a declaratory judgment action. The judgment declared that plaintiff does not have a prescriptive easement over defendant's property, vacated a preliminary injunction and dismissed the complaint.

GUY J. AGOSTINELLI for SERAFIN PROPERTIES, LLC

15 minutes

KIMBERLY M. THRUN for AMORE ENTERPRISES, INC.

15 minutes

1278.0  
CA 18-00924

DIANE MEKA  
V  
SCOTT PUFPAFF

Appeal and cross appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered December 5, 2017. The order denied the motion of defendants for summary judgment, denied the cross motion of plaintiffs for summary judgment and declined to consider the untimely affidavit of Sara Vescio.

THOMAS P. CUNNINGHAM for SCOTT PUFPAFF

15 minutes

COURTNEY G. SCIME for DIANE MEKA

15 minutes

1278.1  
CAF 18-00903

LINDA M. JONES  
V  
SHANE LAUBACKER

Appeal from an order of the Family Court, Genesee County (Sanford A. Church, J.), entered May 3, 2018, in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner visitation with the subject children.

BRIAN J. HUTCHISON for SHANE LAUBACKER

10 minutes

JACQUELINE M. GRASSO for LINDA M. JONES

Submitted

JAKE M. WHITING, ATTORNEY FOR THE CHILD

5 minutes