

DAY CALENDAR
Monday, October 15, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1073.0
TP 18-00740

DARNELL BALLARD
V
SUSAN KICKBUSH

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 [Russell P. Buscaglia, A.J.], entered November 22, 2017) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

DARNELL BALLARD for HIMSELF

Submitted

MARCUS J. MASTRACCO for SUSAN KICKBUSH

Submitted

1074.0
KA 17-01664

PEOPLE
V
HOWARD GRIFFITH

Appeal from an order of the Onondaga County Court (Thomas J. Miller, J.), entered July 21, 2017. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

WILLIAM CLAUSS for HOWARD GRIFFITH

Submitted

KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1075.0
KA 16-00217

PEOPLE
V
WILLIAM MIDDLEBROOKS

Appeal from a determination of the Erie County Court (Michael F. Pietruszka, J.), rendered August 31, 2015. The determination continued a term of incarceration previously imposed.

BARBARA J. DAVIES for WILLIAM MIDDLEBROOKS

Submitted

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1076.0
KA 14-01339

PEOPLE
V
ALAN FICK

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen J.), rendered July 24, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree (two counts), grand larceny in the fourth degree (three counts) and unlawful imprisonment in the first degree.

JOHN A. CIRANDO for ALAN FICK

15 minutes

GREGORY MCCAFFREY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1077.0
KA 16-02094

PEOPLE
V
ADRIAN HALL

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered October 18, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted reckless endangerment in the first degree.

TIMOTHY P. MURPHY for ADRIAN HALL

Submitted

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

Submitted

1078.0
KA 17-00161

PEOPLE
V
MICHAEL F. RAMSEY

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 (Douglas A. Randall, J.), entered November 28, 2016. The order denied the motion of defendant to set aside his sentence pursuant to CPL 440.20.

ROSALYN B. AKALONU for MICHAEL F. RAMSEY

10 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1079.0
KA 16-00044

PEOPLE
V
QUINNTEZ J. HALL

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered October 21, 2015. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (two counts), criminal possession of a controlled substance in the third degree (two counts) and criminal possession of a controlled substance in the seventh degree.

MARK C. DAVISON for QUINNTEZ J. HALL

10 minutes

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

5 minutes

1080.0
KA 16-02182

PEOPLE
V
MIGUEL MARTINEZ

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., J.), rendered August 2, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fifth degree.

LINDA M. CAMPBELL for MIGUEL MARTINEZ

10 minutes

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

10 minutes

1081.0
KA 17-00483

PEOPLE
V
ZACHARIAH A. MADONNA

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., A.J.), entered November 9, 2016. The order determined that defendant is a level two offender pursuant to the Sex Offender Registration Act.

JOHN A. CIRANDO for ZACHARIAH A. MADONNA

Submitted

KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1082.0
KAH 16-00564

PEOPLE EX REL.
RICHARD GLOSS
V
SUSAN KICKBUSH

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), entered January 19, 2016 in a habeas corpus proceeding. The judgment, among other things, denied the petition.

SHERRY A. CHASE for RICHARD GLOSS

Submitted

BARBARA D. UNDERWOOD for SUSAN KICKBUSH

Submitted

1083.0
CAF 17-00862

In the Matter of
DANIEL K.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, A.J.), entered March 31, 2017 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent Roger K. had neglected the subject children.

DANIELLE BLACKABY for ROGER K.

10 minutes

MAGGIE SEIKALY for ONONDAGA COUNTY DSS

Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD

Submitted

1084.0
CAF 18-00025

SHERIF BASHIR
V
CHRISTINE M. BRUNNER

Appeal from an order of the Family Court, Wayne County (Richard M. Healy, J.), entered November 13, 2017 in a proceeding pursuant to Family Court Act article 4. The order, among other things, denied respondent's objections to the determination of the Support Magistrate.

SHEILA DICKINSON for CHRISTINE M. BRUNNER

5 minutes

SHERIF BASHIR for HIMSELF

Submitted

1085.0
CA 17-02158

LAPORSHA SHAW
V
BARBARA FRIEDLY

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered May 22, 2017. The order, insofar as appealed from, granted the motion of defendant Barbara Friedly for summary judgment and dismissed the complaint against said defendant.

MICHAEL COBBS for LAPORSHA SHAW

10 minutes

TIFFANY L. D'ANGELO for BARBARA FRIEDLY

10 minutes

1086.0
CA 17-02159

LAPORSHA SHAW
V
BARBARA FRIEDLY

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered October 25, 2017. The order denied the motion of plaintiff to reargue or renew.

MICHAEL COBBS for LAPORSHA SHAW

Submitted

	TIFFANY L. D'ANGELO for BARBARA FRIEDLY	Submitted
1087.0 CA 17-01450	STATE OF NEW YORK V NATHANIEL W.	
	Appeal from an order of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered May 2, 2017. The order committed respondent to a secure treatment facility pursuant to Mental Hygiene Law article 10.	
	KAREN BAILEY TURNER for NATHANIEL W.	10 minutes
	KATHLEEN M. TREASURE for STATE OF NEW YORK	10 minutes
1088.0 CA 18-00641	CITY OF UTICA V VLADIMIR SUPRUNCHIK	
	Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered January 25, 2018. The order, among other things, denied respondent's motion to declare null and void that portion of a judgment of foreclosure that deemed all personal property located at 1532 Oriskany Street in the City of Utica to be abandoned to petitioner.	
	DAVID G. GOLDBAS for VLADIMIR SUPRUNCHIK	10 minutes
	KATHRYN HARTNETT for CITY OF UTICA	10 minutes
1089.0 CA 18-00793	JAMES KELLY V BRENDA J. LEAIRD KELLY	
	Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered August 15, 2017. The order, among other things, denied plaintiff's motion to terminate maintenance payments to defendant.	
	SHARI JO REICH for JAMES KELLY	15 minutes
	JAMES P. RENDA for BRENDA J. LEAIRD KELLY	15 minutes
1090.0 CA 18-00900	ALLIED WORLD NATIONAL ASSURANCE V PEERLESS INSURANCE COMPANY	
	Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered October 23, 2017. The order, insofar as appealed from, denied the motion of defendant for summary judgment.	
	MARSHALL T. POTASHNER for PEERLESS INSURANCE COMPANY	15 minutes
	PATRICK M. TOMOVIC for ALLIED WORLD NATIONAL ASSURANCE	15 minutes
1091.0 CA 17-01540	PAULA L. GIBBS V STATE FARM FIRE AND CASUALTY COMPANY	
	Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered July 18, 2017. The order, among other things, granted the motion of Zdarsky, Sawicki & Agostinelli LLP to withdraw as counsel for plaintiff and granted Zdarsky, Sawicki & Agostinelli LLP a charging lien, pursuant to Judiciary Law § 475, on the proceeds of any amount recovered by plaintiff in this action.	
	PAULA L. GIBBS for HERSELF	Submitted

1092.0 CA 18-00748	ROY ALBERT MURA for STATE FARM FIRE AND CASUALTY COMPANY TODD SPRING V COUNTY OF MONROE	10 minutes
	<p>Appeal from an order of the Supreme Court, Monroe County (James P. Murphy, J.), entered March 29, 2018. The order, insofar as appealed from, denied in part the motion of defendants County of Monroe and Maggie Brooks, as Monroe County Executive, for summary judgment.</p>	
	EUGENE WELCH for COUNTY OF MONROE	15 minutes
	GLENN E. PEZZULO for TODD SPRING	15 minutes
1093.0 CA 18-00648	SIERRA CLUB V NEW YORK STATE DEC	
	<p>Appeal from an order and judgment (one paper) of the Supreme Court, Yates County (William F. Kocher, A.J.), entered June 20, 2017 in a proceeding pursuant to CPLR article 78. The order and judgment, among other things, dismissed the amended petition.</p>	
	RICHARD J. LIPPES for SIERRA CLUB	10 minutes
	YVONNE E. HENNESSEY for GREENIDGE GENERATION, LLC	15 minutes
	CLAIBORNE WALTHALL for NEW YORK STATE DEC	10 minutes

DAY CALENDAR
Tuesday, October 16, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1094.0
KA 17-00746

PEOPLE
V
RONALD THOMAS

Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, A.J.), entered March 23, 2017. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree and criminal possession of a weapon in the third degree.

LINDA M. CAMPBELL for RONALD THOMAS

Submitted

JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1095.0
KA 15-01597

PEOPLE
V
MICHAEL SANTIAGO

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered January 20, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the first degree.

DAVID A. COOKE for MICHAEL SANTIAGO

Submitted

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

Submitted

1096.0
KA 16-00316

PEOPLE
V
KEVIN KING

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered June 15, 2015. The judgment convicted defendant, upon a jury verdict, of conspiracy in the second degree, criminal possession of a controlled substance in the third degree (three counts), criminal sale of a controlled substance in the third degree (two counts) and criminal sale of a controlled substance in the first degree.

MICHAEL J. STACHOWSKI for KEVIN KING

15 minutes

JODI A. DANZIG for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1097.0
KA 16-00802

PEOPLE
V
MARQUAN LINDSEY

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., A.J.), rendered March 22, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of stolen property in the fourth degree.

PHILIP ROTHSCHILD for MARQUAN LINDSEY

10 minutes

KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1098.0
KA 13-01622

PEOPLE
V
JUSTIN R. WURTENBERG

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered May 31, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the first degree, attempted robbery in the second degree (two counts), and assault in the second degree (two counts).

ERIC M. DOLAN for JUSTIN R. WURTENBERG

Submitted

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1099.0
KA 16-01504

PEOPLE
V
MOHAMED KABA

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, Jr., A.J.), rendered July 18, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the second degree

SHERRY A. CHASE for MOHAMED KABA

5 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

1100.0
KA 17-00759

PEOPLE
V
BRANDON HEMINGWAY

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered January 15, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the first degree.

ELIZABETH S. RIKER for BRANDON HEMINGWAY

10 minutes

KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1101.0
KA 14-01531

PEOPLE
V
MICHAEL A. ALBERT

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered July 30, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

KIMBERLY J. CZAPRANSKI for MICHAEL A. ALBERT

15 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

1102.0
KA 15-01730

PEOPLE
V
ANQUAWN LINDER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered September 29, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree.

NATHANIEL V. RILEY for ANQUAWN LINDER

10 minutes

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

10 minutes

1103.0
KAH 16-01834

PEOPLE EX REL.
RICKY WINTERS
V
KAREN CROWLEY

Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (James P. Punch, A.J.), entered August 22, 2016 in a habeas corpus proceeding. The order dismissed the petition.

JAMES M. SPECYAL for RICKY WINTERS

10 minutes

BRIAN D. GINSBERG for KAREN CROWLEY

10 minutes

1104.0
CA 17-02002

RICHARD H. WARNER
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (J. David Sampson, J.), entered March 15, 2017. The judgment dismissed the claim after a trial.

EDWARD C. COSGROVE for RICHARD H. WARNER

15 minutes

BRIAN D. GINSBERG for STATE OF NEW YORK

10 minutes

1105.0
CA 17-02003

RICHARD H. WARNER
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (J. David Sampson, J.), entered March 15, 2017. The judgment dismissed the claim after a trial.

EDWARD C. COSGROVE for RICHARD H. WARNER

Submitted

BRIAN D. GINSBERG for STATE OF NEW YORK

Submitted

1106.0
CA 17-02004

RICHARD H. WARNER
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (J. David Sampson, J.), entered May 31, 2017. The order denied the motion of claimant to set aside judgments pursuant to CPLR 4404 (b).

EDWARD C. COSGROVE for RICHARD H. WARNER

Submitted

BRIAN D. GINSBERG for STATE OF NEW YORK

Submitted

1107.0
CA 18-00430

LINDA M. BROWN
V
T-L MARKETPLACE, LLC

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered December 5, 2017. The order denied the motion of defendant for summary judgment dismissing the complaint.

ANTHONY F. DESTEFANO for T-L MARKETPLACE, LLC

15 minutes

BRITTANY L. HANNAH for LINDA M. BROWN

15 minutes

1108.0
CA 18-00261

DAVID FLOWERS
V
HARBORCENTER DEVELOPMENT, LLC

Appeal from a judgment of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered August 24, 2017. The judgment awarded plaintiff money damages upon a jury verdict.

JOSH H. KARDISCH for HARBORCENTER DEVELOPMENT, LLC

15 minutes

SAMUEL J. CAPIZZI for DAVID FLOWERS

10 minutes

1109.0
CA 18-00951

**GROCHOLSKI CADY ROAD, LLC
V
THOMAS SMITH, JR.**

Appeal from a judgment (denominated order) of the Supreme Court, Oneida County (David A. Murad, J.), entered August 14, 2017 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment, among other things, denied the motion of respondent Noah Palczynski to dismiss.

KENNETH L. AYERS for NOAH PALCZYNSKI	15 minutes
RAYMOND A. MEIER for GROCHOLSKI CADY ROAD, LLC	10 minutes
CHARLES W. ENGELBRECHT for THOMAS SMITH, JR.	Submitted

1110.0
CA 18-00681

**DITECH FINANCIAL, LLC
V
TIMOTHY W. CORBETT**

Appeal from an order of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered September 25, 2017. The order, among other things, awarded plaintiff a default judgment against defendants Timothy W. Corbett and Sheila B. Corbett.

CRAIG C. HUMPLEBY for TIMOTHY W. CORBETT	15 minutes
GLENN PATRICK WARMUTH for DITECH FINANCIAL, LLC	15 minutes

1111.0
CA 18-00786

**JAMES E. FAYSON
V
RENT-A-CENTER, EAST, INC.**

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 21, 2017. The order, insofar as appealed from, denied the motion of defendants Melanie E. Weigel and Fantasia K. Jacobs for summary judgment and denied the cross motion of plaintiff for partial summary judgment.

GREGORY V. PAJAK for JAMES E. FAYSON	10 minutes
CHRISTIAN J. SOLLER for RENT-A-CENTER, EAST, INC.	10 minutes
MARTHA E. DONOVAN for MELANIE E. WEIGEL	10 minutes

1112.0
CA 17-01559

**JENNIFER HAGGERTY
V
RYAN HAGGERTY**

Appeal from a judgment of the Supreme Court, Erie County (Terrence M. Parker, A.J.), entered June 22, 2017 in a divorce action. The judgment, among other things, granted the parties a divorce and determined the issue of child support.

WILLIAM R. HITES for JENNIFER HAGGERTY	15 minutes
RYAN HAGGERTY for HIMSELF	Submitted
MARY ANNE CONNELL, ATTORNEY FOR THE CHILD	15 minutes

1113.0
CA 18-00367

**JENNIFER HAGGERTY
V
RYAN HAGGERTY**

Appeal from an order of the Supreme Court, Erie County (Terrence M. Parker, A.J.), entered April 4, 2017 in a divorce action. The order, among other things, adjudged that plaintiff remains responsible for child support arrears.

WILLIAM R. HITES for JENNIFER HAGGERTY

Submitted

RYAN HAGGERTY for HIMSELF

Submitted

MARY ANNE CONNELL, ATTORNEY FOR THE CHILD

Submitted

1114.0
CA 18-00294

JOHN T. TIMKEY
V
CITY OF LOCKPORT

Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered July 7, 2017. The order granted the motion of plaintiff for summary judgment, denied the cross motion of defendant for summary judgment and ordered defendant to pay certain health insurance benefits to plaintiff.

RYAN G. SMITH for CITY OF LOCKPORT

10 minutes

THOMAS H. BRANDT for JOHN T. TIMKEY

10 minutes

1115.0
CA 17-01015

ANTHONY N.
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered February 15, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner shall continue to be committed to a secure treatment facility.

ADAM H. VAN BUSKIRK for ANTHONY N.

Submitted

JONATHAN D. HITSOUS for STATE OF NEW YORK

Submitted

1116.0
CA 18-00971

ONE FLINT STREET, LLC
V
EXXON MOBIL CORPORATION

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered January 26, 2018. The order, among other things, granted the motion of third-party defendant for summary judgment.

GRETA KATRIN KOLCON for LOUIS ATKIN

15 minutes

MARK J. MORETTI for MARTIN T. MARKS

10 minutes

LAURA SICLARI for EXXON MOBIL CORPORATION

Submitted

ALAN J. KNAUF for ONE FLINT STREET, LLC

Submitted

DAY CALENDAR
Tuesday, October 16, 2018 - 10:00 AM
COURTROOM 2

1117.0
CA 16-00523

WILL FOODS, LLC
V
WILL POULTRY CO., INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 10, 2015. The order, among other things, denied plaintiff's motion for partial summary judgment.

BRENDAN H. LITTLE for WILL FOODS, LLC Submitted

JAY A. POHLMAN for WILL POULTRY CO., INC. Submitted

ARTHUR G. BAUMEISTER, JR., for MARGARET GLEASON Submitted

CRAIG R. BUCKI for DONALD E. WILL Submitted

1118.0
CA 16-01704

WILL FOODS, LLC
V
WILL POULTRY CO., INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 1, 2016. The order granted the motion of plaintiff for reargument, and upon reargument, granted plaintiff summary judgment against defendants Will Poultry Co., Inc., and Donald E. Will.

BRENDAN H. LITTLE for WILL FOODS, LLC Submitted

JAY A. POHLMAN for WILL POULTRY CO., INC. Submitted

ARTHUR G. BAUMEISTER, JR., for MARGARET GLEASON Submitted

CRAIG R. BUCKI for DONALD E. WILL Submitted

1119.0
CA 16-01705

WILL FOODS, LLC
V
WILL POULTRY CO., INC.

Appeal from a judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 6, 2016. The judgment awarded plaintiff money damages against defendants Will Poultry Co., Inc., and Donald E. Will.

BRENDAN H. LITTLE for WILL FOODS, LLC Submitted

JAY A. POHLMAN for WILL POULTRY CO., INC. Submitted

ARTHUR G. BAUMEISTER, JR., for MARGARET GLEASON Submitted

CRAIG R. BUCKI for DONALD E. WILL Submitted

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

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 Submitted

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	DENISE UFLAND V NEW YORK STATE DIVISION OF HUMAN RIGHTS 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	STATE OF NEW YORK MORTGAGE AGENCY V MICHELLE M. FARRUGGIA 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	HELENA UBILES V TARA HALLIWELL-KEMP 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

DAY CALENDAR
Thursday, October 18, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1184.0
CA 18-00960

WENDY S. LITTLE
V
PETER A. CAMPIONE, M.D.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered March 13, 2018. The order, insofar as appealed from, denied in part the motion of defendants for summary judgment.

JOHN TIMOTHY LOSS for PETER A. CAMPIONE, M.D. 10 minutes

JOHN A. COLLINS for WENDY S. LITTLE 10 minutes

THOMAS J. GRILLO, JR., for BRETT E. LITTLE Submitted

1165.0
TP 18-00952

JUSTO RICHARDS
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 various inmate rules.

LEAH R. NOWOTARSKI for JUSTO RICHARDS Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI Submitted

1166.0
KA 16-01372

PEOPLE
V
DAVID SCHEIFLA

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered June 8, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree (10 counts) and petit larceny (10 counts).

KRISTIN M. PREVE for DAVID SCHEIFLA Submitted

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1167.0
KA 17-01483

PEOPLE
V
MORICE E. ARMSTRONG

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered June 6, 2017. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for MORICE E. ARMSTRONG Submitted

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

1168.0
KA 17-01522

PEOPLE
V
DEON D. HAYES

Appeal from an order of the Monroe County Court (Vincent M. Dinolfo, J.), entered May 22, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for DEON D. HAYES

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1169.0
KA 16-00657

PEOPLE
V
WILLIAM D. JOHNSON

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered February 4, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree and grand larceny in the fourth degree.

JOHN A. CIRANDO for WILLIAM D. JOHNSON

10 minutes

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

5 minutes

1170.0
KA 16-01987

PEOPLE
V
ADRIAN FAVORS, III

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered July 11, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree

ALAN WILLIAMS for ADRIAN FAVORS, III

10 minutes

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

5 minutes

1171.0
KA 12-01874

PEOPLE
V
JAKUANN B. STEELE

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered July 11, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

DIANNE C. RUSSELL for JAKUANN B. STEELE

10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1172.0
KA 16-01761

PEOPLE
V
DESHAWN HARRIS

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered May 31, 2016. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

DEBORAH K. JESSEY for DESHAWN HARRIS

10 minutes

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

5 minutes

1173.0
KA 15-00756

PEOPLE
V
RYAN J. MORROW

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered November 16, 2014. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree, criminal possession of a weapon in the fourth degree and tampering with physical evidence (five counts).

JOHN A. CIRANDO for RYAN J. MORROW

10 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

1174.0
KA 17-00642

PEOPLE
V
COREY BROWN

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered May 16, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree and attempted robbery in the first degree.

LINDA M. CAMPBELL for COREY BROWN

Submitted

JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1175.0
TP 18-00667

SULAV SHARMA
V
STATE UNIVERSITY OF NEW YORK AT BUFFALO

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 [Paul Wojtaszek, J.], entered April 17, 2018) to review a determination of respondent. The determination found petitioner responsible for sexual violence and suspended petitioner from the State University of New York at Buffalo.

JOSHUA R. LIPPES for SULAV SHARMA

15 minutes

BRIAN D. GINSBERG for STATE UNIVERSITY OF NEW YORK AT BUFFALO

15 minutes

1176.0
CA 18-00176

JACOB STILLMAN
V
MOBILE MOUNTAIN, INC.

Appeal from a judgment of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered May 8, 2017. The judgment apportioned damages 80% to defendant Mobile Mountain, Inc.

CHRISTIAN C. CASINI for MOBILE MOUNTAIN, INC.

15 minutes

LAWLOR F. QUINLAN, III, for JACOB STILLMAN

10 minutes

1177.0
CA 18-00842

KAREN R. PECK
V
DONALD E. PECK

Appeal from a judgment of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered August 3, 2017 in a divorce action. The judgment, among other things, equitably distributed the marital assets, awarded durational maintenance to plaintiff and awarded plaintiff attorney's fees.

VINCENT J. FINOCCHIO, JR., for KAREN R. PECK

10 minutes

SARA E. LOWENGARD for DONALD E. PECK

15 minutes

1178.0
OP 18-00734

SREEKRISHNA M. CHERUVU
V
HON. RUSSELL P. BUSCAGLIA

SETTLED

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to compel respondent to revoke the plea of petitioner.

HERBERT L. GREENMAN for SREEKRISHNA M. CHERUVU

GARY A. BALDAUF for HON. RUSSELL P. BUSCAGLIA

LAURA ETLINGER for HON. RUSSELL P. BUSCAGLIA

1179.0
CA 17-00670

LARRY B.
V
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered February 10, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner is subject to Strict and Intensive Supervision and Treatment.

MEGAN E. DORR for LARRY B.

10 minutes

FRANK BRADY for STATE OF NEW YORK

10 minutes

1180.0
CA 17-02169

SHEILA MARIE REDMOND TAMME
V
ROBERT W. KESSLER

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered August 2, 2017. The order granted the motion of defendants for summary judgment and dismissed the complaint.

ADAM M. FELSENSTEIN for SHEILA MARIE REDMOND TAMME

15 minutes

DONALD W. O'BRIEN, JR., for ROBERT W. KESSLER

15 minutes

1181.0
CA 17-02172

In the Matter of
THE ESTATE OF MARY M. REDMOND

Appeal from an order and decree of the Surrogate's Court, Monroe County (John M. Owens, S.), entered April 7, 2017. The order and decree awarded petitioner legal fees and disbursements.

ADAM M. FELSENSTEIN for SHEILA MARIE REDMOND TAMME

Submitted

DONALD W. O'BRIEN, JR., for WOODS OVIATT GILMAN, LLP

Submitted

1182.0
CA 18-00972

MONICA RICHARDS
V
JULIA L. BASTIN

SETTLED

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered January 8, 2018. The order, insofar as appealed from, granted in part the motion of defendant Julia L. Bastin for summary judgment on the issue of serious injury and granted the motion of Bastin to dismiss plaintiff's punitive damages claim.

MATTHEW J. KAISER for MONICA RICHARDS

MATTHEW D. PFALZER for JULIA L. BASTIN

1183.0
CA 17-01810

KENNETH O. HALL

SETTLED

V

LSREF4 LIGHTHOUSE CORPORATE ACQUISITIONS

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered August 17, 2017. The order and judgment, inter alia, directed defendants to pay plaintiff's legal fees.

MARGARET CLEMENS for LSREF4 LIGHTHOUSE CORP. ACQUISITIONS 10 minutes

HAROLD A. KURLAND for KENNETH O. HALL 10 minutes

1185.0
CA 18-00696

PHILIP G. SPELLANE

V

SENTIL NATARAJAN

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered July 21, 2017. The order, inter alia, granted the motion of plaintiff for summary judgment on the issue of liability.

DERRICK A. SPATORICO for SENTIL NATARAJAN 10 minutes

JOHN A. MANCUSO for PHILIP G. SPELLANE 10 minutes

1186.0
CA 17-00429

QABAIL HIZBULLAH ANKH AMON

V

ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered November 10, 2016 in a CPLR article 78 proceeding. The judgment dismissed the petition.

QABAIL HIZBULLAH ANKH AMON for HIMSELF Submitted

VICTOR PALADINO for ANTHONY ANNUCCI Submitted

DAY CALENDAR
Monday, October 22, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1187.0
KA 16-01505

PEOPLE
V
LAMAR FEDDIMAN

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered June 27, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

DAVID A. COOKE for LAMAR FEDDIMAN

Submitted

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

Submitted

1188.0
KA 17-01152

PEOPLE
V
JASON M. MEDEN

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered May 5, 2017. The judgment convicted defendant, upon his plea of guilty, of failure to register a change of address as a sex offender.

THERESA L. PREZIOSO for JASON M. MEDEN

Submitted

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

Submitted

1189.0
KA 14-02128

PEOPLE
V
TERRELL L. THOMAS

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered September 2, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KATHLEEN P. REARDON for TERRELL L. THOMAS

10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1190.0
KA 16-02157

PEOPLE
V
ARTHUR C. LINK

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered August 29, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fourth degree.

CAITLIN M. CONNELLY for ARTHUR C. LINK

Submitted

LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

1191.0
KA 16-01788

PEOPLE
V
LAVELLE R. SOTERO

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered September 1, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the fourth degree.

	JAMES M. SPECYAL for LAVELLE R. SOTERO	Submitted
	LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1192.0 KA 16-02291	PEOPLE V JOHN S. HINES	
	Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered September 26, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (three counts) and criminal possession of a controlled substance in the third degree (three counts).	
	JOHN A. CIRANDO for JOHN S. HINES	10 minutes
	V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
1193.0 KA 15-02111	PEOPLE V SPARTACUS BROWN	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered September 14, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.	
	ELIZABETH S. RIKER for SPARTACUS BROWN	10 minutes
	NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1194.0 CAF 17-01893	MICHAEL BROWN V ARIEL ORR	
	Appeal from an order of the Family Court, Steuben County (Peter C. Bradstreet, J.), entered October 24, 2017 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner sole legal and physical custody of the subject child.	
	MARY HOPE M BENEDICT for ARIEL ORR	10 minutes
	RUTH A. CHAFFEE for MICHAEL BROWN	5 minutes
	VIVIAN CLARA STRACHE, ATTORNEY FOR THE CHILD	5 minutes
1195.0 CAF 17-01971	TIMOTHY C. YUELLS V AMANDA M. MILLS	
	Appeal from an order of the Family Court, Wayne County (Richard M. Healy, AJ.), entered November 6, 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.	
	ROBERT A. DINIERI for AMANDA M. MILLS	15 minutes
	TIMOTHY C. YUELLS for HIMSELF	Submitted
	DOUGLAS MICHAEL JABLONSKI , ATTORNEY FOR THE CHILD	15 minutes
1196.0 CAF 16-01180	In the Matter of EDWARD M.	

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered May 31, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, terminated placement of the subject children with the Onondaga County Department of Children and Family Services

JOHN A. CIRANDO for AJJA M.

10 minutes

MAGGIE SEIKALY for ONONDAGA COUNTY DSS

Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD

5 minutes

1197.0
CAF 16-01443

LAKEYA P.
V
AJJA M.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered May 31, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, granted petitioner sole legal and physical custody of Wade M. and Edward M.

JOHN A. CIRANDO for AJJA M.

Submitted

ERIC B. JESCHKE for LAKEYA P.

Submitted

KRISTIN BETH GREELEY for EDWARD M.

Submitted

MAGGIE SEIKALY for ONONDAGA COUNTY DSS

Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD

Submitted

1198.0
CAF 16-01629

DENISE E.
V
AJJA M.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered May 31, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, granted petitioner sole legal and physical custody of Elajja M. and Keviya M.

JOHN A. CIRANDO for AJJA M.

Submitted

PATRICK J. HABER for DENISE E.

Submitted

KRISTIN BETH GREELEY for EDWARD M.

Submitted

MAGGIE SEIKALY for ONONDAGA COUNTY DSS

Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD

Submitted

1199.0
CA 18-00889

BISON ELEVATOR SERVICE, INC.
V
CITY OF BUFFALO PLANNING BOARD

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered February 14, 2018 in a CPLR article 78 proceeding. The judgment, inter alia, vacated the award of an elevator contract to respondent D.C.B. Elevator Co., Inc., and directed respondent City of Buffalo to re-advertise the contract for bids.

DAVID M. LEE for CITY OF BUFFALO PLANNING BOARD

15 minutes

BRIAN D. GWITT for D.C.B. ELEVATOR CO., INC.

15 minutes

THOMAS J. GAFFNEY for BISON ELEVATOR SERVICE, INC.

15 minutes

1200.0
CA 17-01132

PATRICK LORETO
V
WELLS FARGO BANK, N.A.

Appeals and cross appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered December 5, 2016. The order, among other things, granted the motion of defendant Wells Fargo Bank, N.A., as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2007-C5 seeking an order establishing the amount by which it is to be equitably subrogated and allowing the sale of certain property.

JOSEPH ANTHONY TADDEO, JR for PATRICK LORETO	15 minutes
MICHAEL R. O'DONNELL for WELLS FARGO BANK, N.A.	15 minutes
GREGORY J. MCDONALD for TIMOTHY FOSTER	5 minutes
JOHN G. LEONARD for RICCARDO DURSI	Submitted

1201.0
CA 17-01133

PATRICK LORETO
V
WELLS FARGO BANK, N.A.

Appeals from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered April 11, 2017. The order, among other things, denied plaintiffs' motion for leave to renew their motion for a default judgment against defendant Encore Property Management of Western New York, LLC.

JOSEPH ANTHONY TADDEO, JR for PATRICK LORETO	Submitted
MICHAEL R. O'DONNELL for WELLS FARGO BANK, N.A.	Submitted
GREGORY J. MCDONALD for TIMOTHY FOSTER	Submitted
JOHN G. LEONARD for RICCARDO DURSI	Submitted

1202.0
CA 17-01134

PATRICK LORETO
V
WELLS FARGO BANK, N.A.

Appeals and cross appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered May 8, 2017. The order, among other things, granted the motion of defendant Wells Fargo Bank, N.A., as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2007-C5 to confirm in part and reject in part the preliminary report by the referee.

JOSEPH ANTHONY TADDEO, JR for PATRICK LORETO	Submitted
MICHAEL R. O'DONNELL for WELLS FARGO BANK, N.A.	Submitted
GREGORY J. MCDONALD for TIMOTHY FOSTER	Submitted
JOHN G. LEONARD for RICCARDO DURSI	Submitted

1203.0
CA 17-01766

PATRICK LORETO
V
WELLS FARGO BANK, N.A.

Appeals and cross appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 25, 2017. The order, among other things, granted the motion of defendant Wells Fargo Bank, N.A., as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2007-C5 to confirm the referee's report of amount due.

JOSEPH ANTHONY TADDEO, JR for PATRICK LORETO

Submitted

MICHAEL R. O'DONNELL for WELLS FARGO BANK, N.A.

Submitted

GREGORY J. MCDONALD for TIMOTHY FOSTER

Submitted

JOHN G. LEONARD for RICCARDO DURSI

Submitted

1204.0
CA 17-01198

AMANDA R. COMPTON

V

ROBERT R. COMPTON

Appeal from a decree and order of the Surrogate's Court, Monroe County (John M. Owens, S.), entered December 2, 2016. The decree and order, inter alia, dismissed the petition to revoke an extrajudicial consent to adopt.

PAUL B. WATKINS for AMANDA R. COMPTON

10 minutes

JOHN A. ANNECHINO, JR., for ROBERT R. COMPTON

Submitted

CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD

15 minutes

1205.0
CA 18-00644

DR. JOY L. KREEGER, M.D.

V

STATE OF NEW YORK

Appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered November 17, 2017. The order, among other things, denied claimant's motion for partial summary judgment and granted defendant's cross motion for summary judgment.

AARON M. SAYKIN for DR. JOY L. KREEGER, M.D.

10 minutes

BRIAN D. GINSBERG for STATE OF NEW YORK

10 minutes

1206.0
CA 18-00887

DUSTIN MICHAEL MARLOF

V

RAPID RESPONSE MONITORING SERVICES

Appeal from an order of the Supreme Court, Jefferson County (Hugh A. Gilbert, J.), entered August 22, 2017. The order granted the motions of defendants Rapid Response Monitoring Services, Incorporated, The Lightstone Group, LLC, Curtis Apartment Associates, LP, Curtis Apartments Associates and City Renewal Management Corp., for summary judgment against defendant Fire Detection Systems, Inc., on indemnification.

LISA M. ROBINSON for FIRE DETECTION SYSTEMS, INC.

Submitted

MATTHEW J. LARKIN for THE LIGHTSTONE GROUP, LLC

10 minutes

CAROLINE P. WALLITT for RAPID RESPONSE MONITORING SERVICES

Submitted

1207.0
CA 18-00412

AMARJIT SINGH

V

STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY

SETTLED

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered June 28, 2017. The order granted the motion of defendant Steuben County to dismiss the action against it and granted the motion of plaintiff for summary judgment on the issue of liability against the remaining defendants.

TRISTAN HUJER for STEUBEN CO. INDUSTRIAL DEVELOPMENT AGENCY

A. PAUL BRITTON for B&H RAIL CORP.

RICHARD P. URDA for AMARJIT SINGH

JEREMY J. HOURIHAN for STEUBEN COUNTY

1208.0
CA 18-00260

DONNA POWELL

V

CENTRAL NEW YORK REGIONAL TRANSPORTATION

Appeal from an order of the Supreme Court, Onondaga County (Spencer J. Ludington, A.J.), entered September 23, 2016. The order denied the application of plaintiff for leave to serve a late notice of claim

W. ROBERT TAYLOR for DONNA POWELL

10 minutes

SAMANTHA MILLIER for CENTRAL NY REGIONAL TRANSPORTATION

10 minutes

1209.0
TP 18-00072

JOANNE PANEK HORTMAN

V

DIVISION OF LICENSING SERVICES

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 [John F. O'Donnell, J.], entered January 12, 2018) to review a determination of respondent. The determination revoked the license of petitioner Joanne Panek-Hortman as an individual real estate broker.

JOANNE PANEK HORTMAN for HERSELF

15 minutes

PATRICK A. WOODS for DIVISION OF LICENSING SERVICES

5 minutes

1211.0
CA 18-00808

CHRISTOPHER WATT

V

TOWN OF GAINES

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered July 5, 2017. The order granted the motion of defendants to dismiss the complaint.

FRANK A. ALOI for CHRISTOPHER WATT

10 minutes

JEREMY A. COLBY for TOWN OF GAINES

10 minutes

1211.1
CAF 18-00028

DESIREE N. DEAN

V

MARTY SHERRON

Appeal from an order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered September 27, 2017 in a proceeding pursuant to pursuant to Family Court Act article 6. The order dismissed the petition.

DANIELLE BLACKABY for DESIREE N. DEAN

10 minutes

MARTY SHERRON for HIMSELF

Submitted

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.

	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.

	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.	

	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	STATE OF NEW YORK V JAMAAL A.	
	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.	
	CHARLES J. GREENBERG for JAMAAL A.	10 minutes
	KATHLEEN M. TREASURE for STATE OF NEW YORK	10 minutes
1232.0 CA 18-00380	WILLIS WOOD V ARTIFACT PROPERTIES, LLC	
	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.	
	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	WILLIS WOOD V ARTIFACT PROPERTIES, LLC	
	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.	
	MATTHEW E. WHRITENOUR for ARTIFACT PROPERTIES, LLC	Submitted
	EDWARD J. SMITH, III, for DAVID PERKINS	Submitted
	W. BRADLEY HUNT for WILLIS WOOD	Submitted

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

10 minutes

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 ABIMAEL 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	In the Matter of FAITH 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	In the Matter of NICKOLAS 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	PETER W. KEESLER, JR. V JILLLAINE CHENEY	
	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	SOUTHWESTERN INVESTORS GROUP, LLC V DARREN TURCO	
	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