

DAY CALENDAR
Thursday, September 8, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

709.0
TP 15-01941

RACHEL FIGEUROA
V
NEW YORK STATE DIVISION OF HUMAN RIGHTS

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Catherine R. Nugent Panepinto, J.], dated November 16, 2015) to review a determination of respondent New York State Division of Human Rights. The determination adopted the recommended order of the Administrative Law Judge dismissing petitioner's complaint.

LINDY KORN for RACHEL FIGEUROA 10 minutes
CAROLINE J. DOWNEY for N.Y.S. DIVISION OF HUMAN RIGHTS Submitted
KRISTIN K. WHEATON for BUFFALO CITY SCHOOL DISTRICT 10 minutes

710.0
KA 11-00940

PEOPLE
V
JEFFREY L. NEWTON

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered March 7, 2011. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree and gang assault in the first degree.

DONALD M. THOMPSON for JEFFREY L. NEWTON 10 minutes
SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK 10 minutes

711.0
KA 13-00944

PEOPLE
V
CHRISTOPHER YOUNG

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), dated May 13, 2013. The order denied the motion of defendant to set aside his sentence pursuant to CPL 440.20.

MARY P. DAVISON for CHRISTOPHER YOUNG 5 minutes
NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK 5 minutes

712.0
KA 14-01095

PEOPLE
V
JENNIFER L. JONES

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered June 10, 2014. The judgment convicted defendant, upon her plea of guilty, of grand larceny in the fourth degree

RYAN J. MULDOON for JENNIFER L. JONES Submitted
NATHAN J. GARLAND for PEOPLE OF THE STATE OF NEW YORK Submitted

713.0
KA 13-00941

PEOPLE
V
THOMAS J. RICHARDSON

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered March 26, 2013. The judgment convicted defendant, after a nonjury trial, of incest in the third degree.

GUY A. TALIA for THOMAS J. RICHARDSON

Submitted

ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK

Submitted

714.0
TP 15-01940

ASHLEIGH SCHWALLIE
V
NEW YORK STATE DIVISION OF HUMAN RIGHTS

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Catherine R. Nugent Panepinto, J.], dated November 16, 2015) to review a determination of respondent New York State Division of Human Rights. The determination adopted the recommended order of the Administrative Law Judge dismissing petitioner's complaint.

LINDY KORN for ASHLEIGH SCHWALLIE

10 minutes

CAROLINE J. DOWNEY for N.Y.S. DIVISION OF HUMAN RIGHTS

Submitted

KRISTIN K. WHEATON for BUFFALO CITY SCHOOL DISTRICT

10 minutes

715.0
KA 14-02132

PEOPLE
V
NICHOLAS J. LOUGHLIN

Appeal from an order of the Monroe County Court (James J. Piampiano, J.), entered November 18, 2013. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

JAMES ECKERT for NICHOLAS J. LOUGHLIN

Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

716.0
KA 15-01477

PEOPLE
V
JESSE L. LEUBNER

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered August 25, 2015. The judgment convicted defendant, after a nonjury trial, of criminal possession of a controlled substance in the seventh degree.

PHIL MODRZYNSKI for JESSE L. LEUBNER

10 minutes

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK

10 minutes

717.0
KA 15-01479

PEOPLE
V
JESSE L. LEUBNER

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered August 25, 2015. The judgment convicted defendant, after a nonjury trial, of criminal possession of marihuana in the second degree and unlawfully growing cannabis.

	PHIL MODRZYNSKI for JESSE L. LEUBNER	Submitted
	CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK	Submitted
718.0 KA 15-02030	PEOPLE V BRENT M. STEINIGER	
	Appeal from a judgment of the Steuben County Court (Alex R. Renzi, J.), rendered September 26, 2014. The judgment convicted defendant, upon a nonjury verdict, of sexual abuse in the first degree and endangering the welfare of a child.	
	JOHN A. CIRANDO for BRENT M. STEINIGER	15 minutes
	JOHN C. TUNNEY for PEOPLE OF THE STATE OF NEW YORK	5 minutes
719.0 CAF 15-01139	DOUGLAS MACHADO V CHANDRA TANOURY	
	Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered May 5, 2015 in a proceeding pursuant to Family Court Act article 6. The order granted the motion of respondent to dismiss the petition.	
	WILLIAM L. KOSLOSKY for DOUGLAS MACHADO	10 minutes
	CARA A. WALDMAN for CHANDRA TANOURY	5 minutes
	MICHELE E. DETRAGLIA, ATTORNEY FOR CHILD	5 minutes
720.0 CAF 15-01141	DOUGLAS C. MACHADO V CHANDRA V. TANOURY	
	Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered May 5, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition	
	WILLIAM L. KOSLOSKY for DOUGLAS C. MACHADO	Submitted
	CARA A. WALDMAN for CHANDRA V. TANOURY	Submitted
	MICHELE E. DETRAGLIA, ATTORNEY FOR CHILD	Submitted
721.0 CAF 15-00189	SARAH ROSEMAN V ERNEST SIERANT	
	Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered December 16, 2014 in a proceedings pursuant to Family Court Act article 6. The order, inter alia, awarded custody of the children to petitioners.	
	BETH LOCKHART for ERNEST SIERANT	10 minutes
	SARAH ROSEMAN for HERSELF	Submitted
	JASON R. DIPASQUALE for CYNTHIA CARROLL	15 minutes
	WILLIAM L. KOSLOSKY for ROBIN SIERANT	Submitted
	DOUGLAS M. DEMARCHE, JR., ATTORNEY FOR CHILD	10 minutes

	JOHN J. RASPANTE, ATTORNEY FOR CHILD	Submitted
722.0 CAF 13-01822	In the Matter of MARY ROSE F.	
	Appeal from an order of the Family Court, Cayuga County (Thomas G. Leone, J.), entered September 9, 2013 in a proceeding pursuant to Family Court Act article 10. The order determined that respondent had neglected the subject children.	
	JOHN A. CIRANDO for ANGELA I.	10 minutes
	DAVID P. ELKOVITCH for CAYUGA COUNTY DEPARTMENT OF HEALTH	10 minutes
	ROBERT A. DINIERI, ATTORNEY FOR CHILD	15 minutes
723.0 CA 16-00042	CLAYTON A. POTTER V DONALD PADILLA	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered October 20, 2015. The order, insofar as appealed from, granted the motion of defendants to dismiss plaintiff's first and second causes of action and dismissed those causes of action.	
	SANFORD R. SHAPIRO for CLAYTON A. POTTER	20 minutes
	ROBERT BARNES CALIHAN for DONALD PADILLA	10 minutes
724.0 CA 16-00041	MODERN DISPOSAL, INC. V TOWN OF CHEEKTOWAGA	
	Appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered December 3, 2015 in a proceeding pursuant to CPLR article 78. The judgment denied the petition.	
	RICHARD A. PALUMBO for MODERN DISPOSAL, INC.	10 minutes
	KEVIN LOFTUS for TOWN OF CHEEKTOWAGA	10 minutes
	RICHARD T. SULLIVAN for WASTE MANAGEMENT OF NEW YORK, LLC	10 minutes
725.0 CA 16-00025	YESENIA CRUZ V MICHAEL J. STACHOWSKI	
	Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered October 5, 2015. The order, insofar as appealed from, denied the motion of defendants Michael J. Stachowski, as guardian of the property of Taquilo Castellanos, an infant, and Taquilo Castellanos, an infant, for summary judgment dismissing the complaint.	
	ARTHUR ALAN HERDZIK for MICHAEL J. STACHOWSKI	15 minutes
	GREGORY V. PAJAK for YESENIA CRUZ	10 minutes
726.0 CA 15-01754	ZELASKO CONSTRUCTION, INC. V MERCHANTS MUTUAL INSURANCE COMPANY	

Appeal from an order of the Supreme Court, Erie County (Penny M. Wolfgang, J.), entered December 12, 2014. The order, among other things, granted plaintiff's motion for summary judgment.

STEVEN E. PEIPER for MERCHANTS MUTUAL INSURANCE COMPANY 10 minutes

CRAIG R. BUCKI for ZELASKO CONSTRUCTION, INC. 15 minutes

727.0
CA 16-00043

MICHAEL STEBICK

V

RITA MCGEE

Appeal from a corrected order and judgment of the Supreme Court, Cattaraugus County (Michael L. Nenno, A.J.), entered November 4, 2015. The corrected order and judgment granted the motion of plaintiffs for summary judgment, declared null and void the deed of conveyance to defendant Kathleen Howard and granted plaintiffs specific performance.

A. NICHOLAS FALKIDES for RITA MCGEE 15 minutes

JANINE C. FODOR for MICHAEL STEBICK 10 minutes

728.0
CA 15-02116

EUGENE MARGERUM

SETTLED

V

CITY OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered October 23, 2015. The order denied the motion of defendants City of Buffalo and City of Buffalo Department of Fire for the Court to recuse itself from this action.

JASON E. MARKEL for CITY OF BUFFALO

ANDREW P. FLEMING for EUGENE MARGERUM

729.0
CA 15-01904

KIMBERLY TURLINGTON

V

BROCKPORT CENTRAL SCHOOL DISTRICT

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered July 6, 2015. The order granted the application of plaintiff for leave to serve a late notice of claim

CRISTINA A. BAHR for BROCKPORT CENTRAL SCHOOL DISTRICT 15 minutes

RICHARD BRIAN GOEWY for KIMBERLY TURLINGTON 15 minutes

730.0
CA 15-01162

MAURA CLUNE

V

MICHAEL C. MOORE, M.D.

Appeal from a judgment of the Supreme Court, Erie County (John M. Curran, J.), entered April 17, 2015. The judgment dismissed with costs the complaint against defendants Mercy Hospital of Buffalo and Catholic Health System, Inc.

LINDA LALLI STARK for MAURA CLUNE 15 minutes

DAVID MICHAEL STILLWELL for MERCY HOSPITAL OF BUFFALO 10 minutes

MICHAEL J. WILLETT for MICHAEL C. MOORE, M.D. 15 minutes

731.0
CA 15-01163

MAURA CLUNE
V
MICHAEL C. MOORE, M.D.

Appeal from a judgment of the Supreme Court, Erie County (John M. Curran, J.), entered April 17, 2015. The judgment dismissed with costs the complaint against defendant Michael C. Moore, M.D.

LINDA LALLI STARK for MAURA CLUNE Submitted

MICHAEL J. WILLETT for MICHAEL C. MOORE, M.D. Submitted

DAVID MICHAEL STILLWELL for MERCY HOSPITAL OF BUFFALO Submitted

MICHAEL J. WILLETT for MICHAEL C. MOORE, M.D. Submitted

843.0
KA 14-01967

PEOPLE
V
CORDARISE HOUSTON

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered July 30, 2014. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree.

ROBERT M. GRAFF for CORDARISE HOUSTON 10 minutes

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