

**DAY CALENDAR**  
**Thursday, September 6, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

914.0  
TP 18-00151

**DANIEL BORDEN**  
V  
**NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE**

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 [Timothy J. Walker, A.J.], entered January 25, 2018) to review a determination of respondents. The determination denied the request of petitioners that an indicated report be amended to unfounded.

WILLIAM R. HITES for DANIEL BORDEN Submitted

JENNIFER L. CLARK for NYS CENTRAL REGISTER OF CHILD ABUSE Submitted

915.0  
TP 18-00207

**DOMINIQUE LEEPER**  
V  
**NYS OFFICE OF CHILDREN AND FAMILY SERVICES**

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, Chautauqua County [James H. Dillon, J.], entered February 1, 2018) to review a determination of respondent. The determination denied the request of petitioner to seal indicated reports.

PAUL V. WEBB, III, for DOMINIQUE LEEPER Submitted

WILLIAM E. STORRS for NYS OFFICE OF CHILDREN AND FAMILY SERVS. Submitted

917.0  
TP 18-00440

**JOSEPH MCGOWAN**  
V  
**NUNZIO DOLDO**

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, Jefferson County [James P. McClusky, J.], entered March 15, 2018) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

JOSEPH MCGOWAN for HIMSELF Submitted

BARBARA D. UNDERWOOD for NUNZIO DOLDO Submitted

918.0  
TP 18-00143

**KRISTEN WARREN**  
V  
**NYS CENTRAL REGISTER OF CHILD ABUSE**

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 [Paul Wojtaszek, J.], entered January 19, 2018) to review a determination of respondent. The determination denied petitioner's request that a report maintained in the New York State Central Register of Child Abuse and Maltreatment, indicating petitioner for maltreatment, be amended to unfounded.

WILLIAM R. HITES for KRISTEN WARREN Submitted

	ALLYSON B. LEVINE for NYS CENTRAL REG. OF CHILD ABUSE	Submitted
919.0 KA 16-00002	PEOPLE V MICHAEL J. WESLEY	
	Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered December 17, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree and grand larceny in the fourth degree.	
	JOHN A. CIRANDO for MICHAEL J. WESLEY	10 minutes
	V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
920.0 KA 01-01201	PEOPLE V DENNIS TIMMONS	
	Appeal from a judgment of the Monroe County Court (Stephen R. Sirkin, J.), entered April 3, 2001. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.	
	BRIDGET L. FIELD for DENNIS TIMMONS	10 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
921.0 KA 14-01649	PEOPLE V ROBERT C. LEWIS	
	Appeal from an order of the Steuben County Court (Peter C. Bradstreet, J.), dated March 17, 2014. The order, insofar as appealed from, denied defendant's motion for forensic DNA testing of evidence pursuant to CPL 440.30 (1-a).	
	JOHN A. CIRANDO for ROBERT C. LEWIS	10 minutes
	JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
923.0 OP 18-00393	DAVID M. BLY V HON. WILLIAM M. BOLLER	
	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 annul the determination of respondent. The determination denied petitioner's application for a pistol permit.	
	JASON R. DIPASQUALE for DAVID M. BLY	Submitted
	BARBARA D. UNDERWOOD for HON. WILLIAM M. BOLLER	Submitted
924.0 OP 18-00409	CARMEN BRITT V DIANE Y. DEVLIN	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]) to compel respondent to restore his actions, and for other relief.	
	LOUIS ROSADO for CARMEN BRITT	
	ROBERT M. GOLDFARB for DIANE Y. DEVLIN	

925.0  
CA 18-00555

**NATIONWIDE AFFINITY INSURANCE CO.**  
**V**  
**JAMAICA WELLNESS MEDICAL, P.C.**

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered June 7, 2017. The order, among other things, granted plaintiffs' motion for summary judgment.

MIKHAIL KOPELEVICH for JAMAICA WELLNESS MEDICAL, P.C. 15 minutes

ALLAN HOLLANDER for NATIONWIDE AFFINITY INSURANCE CO. 15 minutes

926.0  
CA 17-02087

**LECHASE CONSTRUCTION SERVICES, LLC**  
**V**  
**JAG I, LLC**

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered February 9, 2017. The order denied defendant's motion to set aside the jury verdict.

CARRIE MCLOUGHLIN NOLL for JAG I, LLC 15 minutes

DONALD W. O'BRIEN, JR., for LECHASE CONSTRUCTION SERVICES, LLC 15 minutes

927.0  
CA 17-02124

**LECHASE CONSTRUCTION SERVICES, LLC**  
**V**  
**JAG I, LLC**

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered February 14, 2017. The order awarded plaintiff the sum of \$2,018,314.44 as against defendant.

CARRIE MCLOUGHLIN NOLL for JAG I, LLC Submitted

DONALD W. O'BRIEN, JR., for LECHASE CONSTRUCTION SERVICES, LLC Submitted

928.0  
CA 17-02149

**LECHASE CONSTRUCTION SERVICES, LLC**  
**V**  
**JAG I, LLC**

Appeal from a judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered February 14, 2017. The judgment awarded plaintiff the sum of \$2,018,314.44 as against defendant.

CARRIE MCLOUGHLIN NOLL for JAG I, LLC Submitted

DONALD W. O'BRIEN, JR., for LECHASE CONSTRUCTION SERVICES, LLC Submitted

929.0  
CA 18-00339

**JEFF SHIELDS**  
**V**  
**BARRY VIRTS**

Appeal from a judgment (denominated order) of the Supreme Court, Monroe County (William K. Taylor, J.), entered April 27, 2017 pursuant to a CPLR article 78 proceeding. The judgment dismissed the petition.

ENNIO J. CORSI for JEFF SHIELDS 15 minutes

MARK A. COSTELLO for BARRY VIRTS 10 minutes

930.0  
CA 18-00410

**TAMMI AYOTTE** **SETTLED**  
**V**  
**JAMES CONNER, III**

Appeal from an order of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered October 25, 2017. The order, inter alia, allowed the action to go forward.

GARY H. ABELSON for JAMES CONNER, III

10 minutes

SEAN D. LAIR for TAMMI AYOTTE

Submitted

932.0  
CA 17-02049

VICTORIA PEARSON BREAU

V

BLAIR BURDICK

Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered August 29, 2017. The order, insofar as appealed from, denied the motion of plaintiff to compel discovery and granted the cross motions of defendants Dale R. Burdick, Raymond L. Foster and Pamela Foster for summary judgment.

ANDREW D. FANIZZI for VICTORIA PEARSON BREAU

15 minutes

JOSEPH H. EMMINGER, JR., for DALE R. BURDICK

15 minutes

THOMAS P. KAWALEC for RAYMOND L. FOSTER

15 minutes

933.0  
CA 18-00040

MARC DYKES

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 October 16, 2017. The order and judgment, inter alia, awarded legal fees to plaintiff.

MARGARET CLEMENS for LSREF4 LIGHTHOUSE CORP. ACQUISITIONS

WILLIAM R. LEINEN for MARC DYKES

934.0  
CA 16-01657

TRAVIS M. BRAUN

V

CHRISTOPHER J. CESAREO

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 23, 2015. The order, upon a nonjury trial adjudged, among other things, that defendant Christopher J. Cesareo was 50% liable for the accident.

NOAH A. LEVINE for CHRISTOPHER J. CESAREO

15 minutes

STEPHEN G. SCHWARZ for TRAVIS M. BRAUN

15 minutes

935.0  
CA 16-01658

TRAVIS M. BRAUN

V

CHRISTOPHER J. CESAREO

Appeal from an amended order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered December 4, 2015. The amended order adjudged, among other things, that defendant Christopher J. Cesareo was 50% liable for the accident.

NOAH A. LEVINE for CHRISTOPHER J. CESAREO

Submitted

STEPHEN G. SCHWARZ for TRAVIS M. BRAUN

Submitted

936.0  
CA 17-00033

TRAVIS M. BRAUN  
V  
CHRISTOPHER J. CESAREO

Appeal from an amended order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered June 8, 2016. The amended order adjudged, among other things, awarded plaintiff money damages for past pain and suffering, future pain and suffering, future medical expenses, and future lost wages.

NOAH A. LEVINE for CHRISTOPHER J. CESAREO Submitted

STEPHEN G. SCHWARZ for TRAVIS M. BRAUN Submitted

937.0  
CA 18-00003

TRAVIS M. BRAUN  
V  
CHRISTOPHER J. CESAREO

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered March 20, 2017. The order, among other things, denied defendants' request for a collateral source offset.

NOAH A. LEVINE for CHRISTOPHER J. CESAREO Submitted

STEPHEN G. SCHWARZ for TRAVIS M. BRAUN Submitted

938.0  
CA 18-00005

TRAVIS M. BRAUN  
V  
CHRISTOPHER J. CESAREO

Appeal from a judgment of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 25, 2017. The judgment, among other things, awarded plaintiff the sum of \$21,451,518.69 as against defendants.

NOAH A. LEVINE for CHRISTOPHER J. CESAREO Submitted

STEPHEN G. SCHWARZ for TRAVIS M. BRAUN Submitted

939.0  
CA 18-00377

TRAVIS M. BRAUN  
V  
CHRISTOPHER J. CESAREO

Appeal from a judgment of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 25, 2017. The judgment, among other things, awarded plaintiff the sum of \$21,451,518.69 as against defendants.

NOAH A. LEVINE for CHRISTOPHER J. CESAREO Submitted

STEPHEN G. SCHWARZ for TRAVIS M. BRAUN Submitted

940.0  
CA 18-00597

JAMES A. WAWRZYNIAK  
V  
JOEL PAULL, D.D.S.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 8, 2017. The order, insofar as appealed from, denied the motion of defendants Robert John Buhite, D.D.S., and Jane Brewer, D.D.S., for summary judgment.

ROBERT M. GOLDFARB for ROBERT JOHN BUHITE, D.D.S. 10 minutes

LAURA C. DOOLITTLE for JAMES A. WAWRZYNIAK 10 minutes

940.1  
CA 18-00576

**LUANN MINER**  
**V**  
**HEATHER MINER**

Appeals and cross appeal from a decision and order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered February 26, 2018, in a proceeding pursuant to Family Court Act article 6. The decision and order, inter alia, granted sole custody to respondent Darryl Welch.

<b>KATHLEEN E. GAINES for LUANN MINER</b>	<b>10 minutes</b>
<b>RICHARD L. SULLIVAN for DARRYL WELCH</b>	<b>5 minutes</b>
<b>JENNIFER M. LORENZ, ATTORNEY FOR THE CHILD</b>	<b>10 minutes</b>