

**DAY CALENDAR**  
**Tuesday, September 11, 2018 - 10:00 AM**  
**COURTROOM 2**

1008.0  
TP 18-00186

**BURNELL A. MCLEOD**  
V  
**STEWART ECKERT**

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 December 4, 2017) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

**BURNELL A. MCLEOD** for HIMSELF

Submitted

**BARBARA D. UNDERWOOD** for STEWART ECKERT

Submitted

1009.0  
KA 18-00398

**PEOPLE**  
V  
**EMERSON VERNON**

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered December 8, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

**MATTHEW DAVID NAFUS** for EMERSON VERNON

15 minutes

**KEVIN M. LINDER** for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

1010.0  
KA 16-02146

**PEOPLE**  
V  
**DEON K. MCTYERE**

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered August 4, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

**KATHLEEN E. CASEY** for DEON K. MCTYERE

Submitted

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

Submitted

1011.0  
KA 16-00382

**PEOPLE**  
V  
**GARY N. MAULL**

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered March 7, 2016. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, tampering with physical evidence and criminal possession of a weapon in the second degree.

**CAITLIN M. CONNELLY** for GARY N. MAULL

10 minutes

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

10 minutes

1012.0  
KA 16-01507

**PEOPLE**  
V  
**STEVEN L. TYLER**

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered April 25, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

NICHOLAS P. DIFONZO for STEVEN L. TYLER 10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1013.0  
KA 17-00011

PEOPLE  
V  
JOSE ROSARIO

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered April 27, 2015. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree (two counts).

TIMOTHY P. MURPHY for JOSE ROSARIO 10 minutes

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

1014.0  
KA 18-00335

PEOPLE  
V  
STEVEN MORRIS

Appeal from an order of the Chautauqua County Court (David W. Foley, J.), entered December 21, 2017. The order granted defendant's motion to suppress certain statements.

LYNN S. SCHAFFER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

R. THOMAS RANKIN for STEVEN MORRIS Submitted

1015.0  
KA 16-01561

PEOPLE  
V  
DAVID L. SERRANO

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered December 18, 2015. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the first degree.

KATHLEEN E. CASEY for DAVID L. SERRANO Submitted

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

1016.0  
KA 16-01190

PEOPLE  
V  
LEE THOMAS

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered July 5, 2016. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, attempted murder in the second degree and criminal possession of a weapon in the third degree.

DAVID M. ABBATOY, JR., for LEE THOMAS 10 minutes

WENDY E. LEHMANN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1017.0  
KA 16-01447

PEOPLE  
V  
JESUS VEGA

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered July 25, 2016. The judgment convicted defendant, upon a jury verdict, of promoting prison contraband in the first degree.

JAMES M. SPECYAL for JESUS VEGA 10 minutes

	KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1018.0 KA 16-00436	<b>PEOPLE</b> V <b>JEAN SANCHEZ</b>	
	Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered December 10, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.	
	TIMOTHY P. MURPHY for JEAN SANCHEZ	10 minutes
	ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1019.0 CA 18-00032	<b>KIMBERLY STRIBING</b> V <b>BILL GRAY'S, INC.</b>	
	Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered October 10, 2017. The order, among other things, granted the motion of defendant Bill Gray's Inc. seeking summary judgment dismissing plaintiff's complaint against it.	
	CHRISTOPHER M. PANNOZZO for KIMBERLY STRIBING	10 minutes
	ALYSON C. CULLITON for BILL GRAY'S, INC.	10 minutes
1020.0 CA 18-00268	<b>ROBERT K. LESSER LIVING TRUST</b> V <b>UNITED SECULAR AMERICAN CENTER</b>	
	Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered October 24, 2017. The order denied the application of defendant United Secular American Center for the Disabled, Inc., to vacate a default judgment.	
	JOHN W. REEVES for UNITED SECULAR AMERICAN CENTER	Submitted
	RICHARD JOHN EVANS, JR., for ROBERT K. LESSER LIVING TRUST	15 minutes
1021.0 CA 18-00382	<b>FREDERICK B. PAGELS</b> V <b>THADDEUS J. MULLEN</b>	
	Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered June 14, 2017. The order granted the motion of defendant for summary judgment and dismissed the complaint.	
	GREGORY V. PAJAK for FREDERICK B. PAGELS	10 minutes
	JILL Z. FLORKOWSKI for THADDEUS J. MULLEN	10 minutes
1022.0 CA 18-00008	<b>MICHAEL L. GILKERSON</b> V <b>JASON L. BUCK</b>	
	Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered September 29, 2017. The order granted the motion of defendants Matthew J. Sile and James W. Sile for summary judgment and dismissed the complaint of plaintiff Michael L. Gilkerson against said defendants.	
	PAUL K. BARR for MICHAEL L. GILKERSON	10 minutes
	ROY A. MURA for MATTHEW J. SILE	10 minutes

1023.0  
CA 18-00309

JOSEPH DENNIS  
V  
VINCENT CERRONE

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered August 10, 2017. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment, granted the motion of defendant Vincent Cerrone for summary judgment and granted in part the motion of defendant Mark Cerrone, Inc., for summary judgment.

SEAN COONEY for JOSEPH DENNIS 15 minutes

JOSHUA M. HENRY for VINCENT CERRONE 10 minutes

EDWARD P. PERLMAN for MARK CERRONE, INC. 15 minutes

1024.0  
CA 18-00331

ELLANA EBERHARDT  
V  
JOHN NAPPA

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered January 8, 2018. The order denied the motion of defendant Anthony Nappa to dismiss the complaint and granted the motion of plaintiff to extend the time for service of the summons and complaint on said defendant.

STEVEN P. CURVIN for ANTHONY NAPPA Submitted

EDWARD J. MARKARIAN for ELLANA EBERHARDT 10 minutes

1025.0  
CA 17-01748

DANIEL J. KUBERA  
V  
ANTHONY J. BARTHOLOMEW, M.D.

Appeal from an order and judgment (one paper) of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered July 5, 2017. The order and judgment granted defendants' motions for summary judgment.

EDWARD J. MARKARIAN for DANIEL J. KUBERA 15 minutes

KATHERINE V. MARKEL for ANTHONY J. BARTHOLOMEW, M.D. 15 minutes

LAUREN A. HEIMER for THOMAS BURNS, M.D. 10 minutes

LINDA CALLAHAN LAING for BETH WLODAREK, RPA-C 15 minutes

THOMAS M. LENT for MEDICOR ASSOCIATES, INC. 15 minutes

1026.0  
CA 18-00092

TODD J. YOUNG  
V  
GIGI E. GRIZANTI

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered August 23, 2017. The order denied defendant's motion for summary judgment.

JOSHUA A. BLOOM for GIGI E. GRIZANTI 10 minutes

ELLEN B. STURM for TODD J. YOUNG 10 minutes

1027.0  
CA 18-00569

AMBER M. TALARICO  
V  
JASON L. BUCK

**Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered December 7, 2017. The order granted the motion of defendants Matthew J. Sile and James W. Sile for summary judgment and dismissed the complaint against said defendants.**

**STEPHEN BOYD for AMBER M. TALARICO**

**10 minutes**

**ROY A. MURA for MATTHEW J. SILE**

**10 minutes**