

**DAY CALENDAR**  
**Wednesday, September 5, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

871.0  
TP 18-00479

**JULIO SMITH**  
**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 March 19, 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 JULIO SMITH

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

872.0  
TP 18-00567

**RINALDO MCBRIDE**  
**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, Livingston County [Robert B. Wiggins, A.J.], entered March 26, 2018) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

RINALDO MCBRIDE for HIMSELF

Submitted

VICTOR PALADINO for ANTHONY ANNUCCI

Submitted

873.0  
KA 15-00953

**PEOPLE**  
**V**  
**RICHARD WALCOTT**

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered January 9, 2015. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

EDWARD P. PERLMAN for RICHARD WALCOTT

Submitted

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

Submitted

874.0  
KA 15-00915

**PEOPLE**  
**V**  
**TIMOTHY R. JOHNSON**

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered February 17, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the first degree and criminal possession of a weapon in the second degree.

SHERRY A. CHASE for TIMOTHY R. JOHNSON

10 minutes

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

875.0  
KA 16-00200

**PEOPLE**  
**V**  
**KENNETH J. TIDD, II**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered November 17, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the first degree.

JAMES M. SPECYAL for KENNETH J. TIDD, II

5 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

876.0  
KA 16-01319

PEOPLE

V

JOHNNIE SMALL

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered July 19, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, loitering and unlawful possession of marihuana.

BARBARA J. DAVIES for JOHNNIE SMALL

10 minutes

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

877.0  
KA 16-00063

PEOPLE

V

STORM U. LANG

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered December 8, 2015. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree (two counts) and sexual abuse in the second degree.

BENJAMIN L. NELSON for STORM U. LANG

10 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

878.0  
KA 18-00610

PEOPLE

V

LIMMIA PAGE

Appeal from an order of the Supreme Court, Erie County (M. William Boller, A.J.), entered January 22, 2018. The order granted defendant's motion to suppress the evidence seized from his vehicle.

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

10 minutes

ROBERT L. KEMP for LIMMIA PAGE

10 minutes

879.0  
KA 18-00429

PEOPLE

V

BRUNO LANGEVIN

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered June 28, 2017. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree and sexual abuse in the first degree.

MATTHEW J. GALLUZZO for BRUNO LANGEVIN

15 minutes

BROOKS T. BAKER for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

880.0  
KA 16-02330

PEOPLE

V

BRANDON MEDLEY

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered December 20, 2016. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, criminal contempt in the first degree and criminal contempt in the second degree (three counts).

MICHAEL J. STACHOWSKI for BRANDON MEDLEY 15 minutes

DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

881.0  
CAF 16-02317

**In the Matter of  
JANETTE G.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered November 29, 2016 in a proceeding pursuant to Family Court Act article 10. The order denied the motion of respondent Julie G. to preclude testimony.

CHARLES J. GREENBERG for JULIE G. 5 minutes

JAMES E. BROWN for ERIE COUNTY DSS 5 minutes

JESSICA L. VESPER, ATTORNEY FOR THE CHILD Submitted

882.0  
CAF 16-02318

**In the Matter of  
JANETTE G.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered November 29, 2016 in a proceeding pursuant to Family Court Act article 10. The order denied the motion of respondent Julie G. to quash a subpoena.

CHARLES J. GREENBERG for JULIE G. Submitted

JAMES E. BROWN for ERIE COUNTY DSS Submitted

JESSICA L. VESPER, ATTORNEY FOR THE CHILD Submitted

883.0  
CA 18-00578

**PATRICIA A. WASHINGTON  
V  
MARIA MONAGAN**

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 18, 2017. The order denied the motion of defendants for summary judgment dismissing the complaint.

NICHOLAS DICESARE for MARIA MONAGAN 10 minutes

TIMOTHY M. HUDSON for PATRICIA A. WASHINGTON 10 minutes

884.0  
CA 17-01770

**JOSEPH A. MASCIA  
V  
CITY OF BUFFALO**

Appeal from a judgment (denominated order) of the Supreme Court, Erie County, (John L. Michalski, A.J.), entered December 16, 2016 in a proceeding pursuant to CPLR article 78. The judgment, among other things, dismissed petitioner's amended petition.

DIANE R. TIVERON for JOSEPH A. MASCIA 15 minutes

WILLIAM PATRICK MATHEWSON for CITY OF BUFFALO 10 minutes

MICHAEL B. RISMAN for MICHAEL A. SEAMAN 15 minutes

885.0  
CA 18-00039

JOHN J. SOPKOVICH  
V  
DONALD J. SMITH

Appeal from an order of the Supreme Court, Chautauqua County (Eugene F. Pigott, Jr., J.), entered September 20, 2017. The order granted the motion of defendant Donald J. Smith for summary judgment and dismissed the complaint.

JOHN I. LAMANCUSO for JOHN J. SOPKOVICH 10 minutes

JEFFREY F. BAASE for DONALD J. SMITH 10 minutes

886.0  
CA 18-00276

CHRISTIE WHITNEY  
V  
JACOB R. PERROTTI

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered May 16, 2017. The order granted the motion of plaintiff to vacate an arbitrator's award and denied the cross motion of defendant to confirm said award.

JEFFREY SENDZIAK for JACOB R. PERROTTI 10 minutes

CATHERINE B. DEMPSEY for CHRISTIE WHITNEY 10 minutes

887.0  
CA 18-00340

DARLENE BIRJUKOW  
V  
NIAGARA COATING SERVICES, INC.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered December 4, 2017. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment in lieu of complaint.

KENNETH A. MANNING for DARLENE BIRJUKOW 15 minutes

A. NICHOLAS FALKIDES for NIAGARA COATING SERVICES, INC. 10 minutes

888.0  
CA 18-00173

MARILYN MCDONOUGH  
V  
TRANSIT ROAD APARTMENTS, LLC

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered March 28, 2017. The order denied the motion of defendants for summary judgment dismissing the complaint.

LAURENCE D. BEHR for TRANSIT ROAD APARTMENTS, LLC 15 minutes

DAVID W. OLSON for MARILYN MCDONOUGH 15 minutes

889.0  
CA 17-02160

PATRICIA PAGE  
V  
NIAGARA FALLS MEMORIAL MEDICAL CENTER

Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered August 29, 2017. The order, insofar as appealed from, granted the motion of plaintiffs from an adverse inference charge against defendant Niagara Falls Memorial Medical Center.

KEVIN V. HUTCHESON for NIAGARA FALLS MEMORIAL MEDICAL CENT 10 minutes

DIANE R. TIVERON for PATRICIA PAGE 10 minutes

890.0  
CA 18-00505

CHRISTOPHER D. NAUS  
V  
MARY MCINALLY

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered September 18, 2017. The order, insofar as appealed from, terminated the maintenance obligation of plaintiff as of February 28, 2017.

A. ANGELO DIMILLO for MARY MCINALLY

10 minutes

DIANE R. TIVERON for CHRISTOPHER D. NAUS

10 minutes

891.0  
CA 18-00279

ANGELA BOYD  
V  
MAYOR BYRON BROWN

**SETTLED**

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 28, 2017. The order, insofar as appealed from, denied the motion of defendants for summary judgment.

DAVID M. LEE for MAYOR BYRON BROWN

HERSCHEL GELBER for ANGELA BOYD

891.1  
CAE 18-01508

DANIEL J. TREVISANI  
V  
JORDAN S. KARP

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered August 22, 2018, in a proceeding pursuant to Election Law article 16. The judgment denied and dismissed the petition.

ADAM FUSCO for DANIEL J. TREVISANI

10 minutes

ROBERT EDWARD PRONTEAU for ONEIDA CO. BD. OF ELECTIONS

Submitted

JORDAN S. KARP for HIMSELF

Submitted

**DAY CALENDAR**  
**Wednesday, September 5, 2018 - 10:00 AM**  
**COURTROOM 2**

892.0  
TP 17-01593

**JERRY KNIGHT**  
V  
**JOHN COLVIN**

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, Seneca County [Dennis F. Bender, A.J.], entered September 7, 2017) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

JERRY KNIGHT for HIMSELF

Submitted

MARCUS J. MASTRACCO for JOHN COLVIN

Submitted

893.0  
TP 18-00274

**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 [Christopher J. Burns, J.], entered February 14, 2018) to review two determinations of respondent. The determinations found after separate tier II hearings that petitioner had violated various inmate rules.

DARNELL BALLARD for HIMSELF

Submitted

MARCUS J. MASTRACCO for SUSAN KICKBUSH

Submitted

894.0  
KA 15-00618

**PEOPLE**  
V  
**RALPH D. STRONG, JR.**

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered September 2, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the first degree (two counts), attempted aggravated murder, aggravated assault on a police officer, assault in the second degree and reckless endangerment.

BRIAN SHIFFRIN for RALPH D. STRONG, JR.

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

895.0  
KA 16-01323

**PEOPLE**  
V  
**DANIEL FLAGG**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered August 13, 2015. The judgment convicted defendant, upon a jury verdict, of promoting prison contraband in the first degree and criminal possession of a controlled substance in the seventh degree.

NATHANIEL V. RILEY for DANIEL FLAGG

10 minutes

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

10 minutes

896.0  
CAF 17-00376

SARAH M. DRISCOLL  
V  
TIMOTHY J. MACK

Appeal from an order of the Family Court, Cayuga County (Thomas G. Leone, J.), entered January 27, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that petitioner Sarah M. Driscoll shall have supervised visitation with the subject children once per week for no more than two hours.

JOHN A. CIRANDO for SARAH M. DRISCOLL 10 minutes  
TIMOTHY J. MACK for HIMSELF Submitted  
NORMAN J. CHIRCO for LISA L. DRISCOLL Submitted  
SUSAN B. MARRIS, ATTORNEY FOR THE CHILD 5 minutes

897.0  
CAF 17-00431

In the Matter of  
CELESTE S.

Appeal from an order of the Family Court, Monroe County (James E. Walsh, Jr., J.), entered February 3, 2017 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined the subject children to be abused, severely abused and neglected by respondent Richard B.

PAUL B. WATKINS for RICHARD B. 10 minutes  
CAROL LYNN EISENMAN for MONROE COUNTY DHS 5 minutes  
SARA E. ROOK, ATTORNEY FOR THE CHILD Submitted

898.0  
CAF 18-00514

TYMOTHY M. PARMENTER  
V  
JULIE E. NASH

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered June 1, 2017 in a proceeding pursuant to Family Court Act article 4. The order denied the objection of petitioner to the order of a Support Magistrate.

JOSEPH V. MASLAK for TYMOTHY M. PARMENTER 10 minutes  
ROBERT P. COLEMAN, III, for JULIE E. NASH 10 minutes

899.0  
CAF 17-00180

In the Matter of  
JAYCE P.

Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered November 15, 2016 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined the subject child to be neglected.

PETER J. DIGIORGIO, JR., for ASHLEY P. 10 minutes  
JOHN HERBOWY for ONEIDA COUNTY DSS 5 minutes  
JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD Submitted

900.0  
CAF 17-01608

TAHJA M. EASON  
V  
GERROD T. BOWICK, SR.

Appeal from an order of the Family Court, Monroe County (Julie A. Gordon, R.), entered July 18, 2017 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, directed that petitioner not remove the subject child from Monroe County without leave of court.

KATHLEEN P. REARDON for TAHJA M. EASON 10 minutes

GERROD T. BOWICK, SR., for HIMSELF Submitted

PAUL B. WATKINS, ATTORNEY FOR THE CHILD 10 minutes

901.0  
CAF 16-02062

In the Matter of  
CARMELA H.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered October 4, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that the subject child was neglected by respondents and placed the subject child in the custody of petitioner

JOHN A. CIRANDO for DANIELLE F. 10 minutes

MAGGIE SEIKALY for ONONDAGA COUNTY DSS Submitted

SUSAN B. MARRIS, ATTORNEY FOR THE CHILD 5 minutes

902.0  
CAF 17-00779

In the Matter of  
CHANCE C.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered March 28, 2017 in a proceeding pursuant to Family Court Act article 10. The order, among other things, placed respondent Jennifer S. under the supervision of petitioner for a period of 12 months.

DANIELLE BLACKABY for JENNIFER S. 10 minutes

ANN MAGNARELLI for ONONDAGA COUNTY DSS Submitted

SUSAN B. MARRIS, ATTORNEY FOR THE CHILD 5 minutes

903.0  
CA 18-00237

THOMAS C. TURNER  
V  
MUNICIPAL CODE VIOLATIONS BUREAU

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered July 28, 2017. The order and judgment declared that sections 202 and 307.1 of the Property Maintenance Code of New York State are not unconstitutional and that the determination of defendants that plaintiff Thomas C. Turner violated said Code was proper.

MICHAEL A. BURGER for THOMAS C. TURNER 10 minutes

MAUREEN K. GILROY for MUNICIPAL CODE VIOLATIONS BUREAU 10 minutes

904.0  
CA 18-00563

MARY HERNANDEZ  
V  
CITY OF SYRACUSE

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered February 1, 2018. The order denied the motion of defendant for summary judgment dismissing the complaint.

MARY D'AGOSTINO for CITY OF SYRACUSE 10 minutes



|                      |  |            |
|----------------------|--|------------|
|                      | EUGENE W. LANE for MARY HERNANDEZ  | 10 minutes |
| 905.0<br>CA 17-02094 | WAC, INC.<br>V<br>WEAVER MACHINE & TOOL CO., INC.  |            |
|                      | Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered March 7, 2017. The order granted plaintiff's motion for summary judgment.  |            |
|                      | GREGORY D. ERIKSEN for WEAVER MACHINE & TOOL CO., INC.   | 15 minutes |
|                      | JULIAN B. MODESTI for WAC, INC.  | 15 minutes |
| 906.0<br>CA 18-00558 | STEVEN MILLER<br>V<br>JOHN KENDALL, JR.  |            |
|                      | Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin A.J.), entered June 26, 2017. The order granted the motion of defendants for summary judgment and dismissed the complaint.   |            |
|                      | JASON ABBOTT for STEVEN MILLER   | 10 minutes |
|                      | TIFFANY L. D'ANGELO for JOHN KENDALL, JR.  | 10 minutes |
| 907.0<br>CA 17-02023 | KRISTY MONTANARO<br>V<br>ROBERT M. WEICHERT  |            |
|                      | Appeal from a judgment of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered December 23, 2016. The order granted the motion of plaintiff for leave to amend the complaint.   |            |
|                      | ROBERT M. WEICHERT for HIMSELF   | 15 minutes |
|                      | SUSAN M. WEICHERT for HERSELF  | Submitted  |
|                      | CONOR J. KIRCHNER for KRISTY MONTANARO   | 15 minutes |
| 908.0<br>CA 17-02165 | HENDERSON HARBOR MARINERS' MARINA, INC.<br>V<br>UPSTATE NATIONAL BANK  |            |
|                      | Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered August 11, 2017. The order, among other things, denied defendant's motion to set aside the jury verdict in favor of plaintiffs on plaintiffs' second cause of action and dismissing plaintiffs' second cause of action. |            |
|                      | ALAN R. PETERMAN for UPSTATE NATIONAL BANK   | 15 minutes |
|                      | TIMOTHY FENNELL for HENDERSON HARBOR MARINERS' MARINA, INC.  | 15 minutes |
| 909.0<br>CA 17-02166 | HENDERSON HARBOR MARINERS' MARINA, INC.<br>V<br>UPSTATE NATIONAL BANK  |            |
|                      | Appeal from a judgment of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered November 3, 2017. The judgment, among other things, awarded plaintiffs money damages as against defendant   |            |
|                      | ALAN R. PETERMAN for UPSTATE NATIONAL BANK   | Submitted  |
|                      | TIMOTHY FENNELL for HENDERSON HARBOR MARINERS' MARINA, INC.  | Submitted  |

910.0  
CA 17-02085

VILLAGE OF SOLVAY  
V  
RANA J. ZAHRAN

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered September 11, 2017. The order enjoined defendants from engaging in construction of certain real property and from occupying such property.

MAURICE JOSEPH VERRILLO for RANA J. ZAHRAN 20 minutes

NADINE C. BELL for VILLAGE OF SOLVAY 10 minutes

911.0  
CA 18-00119

VILLAGE OF SOLVAY  
V  
RANA J. ZAHRAN

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered December 12, 2017. The order denied the motion of defendants for leave to reargue.

MAURICE JOSEPH VERRILLO for RANA J. ZAHRAN Submitted

NADINE C. BELL for VILLAGE OF SOLVAY Submitted

912.0  
CA 18-00321

AMY GOODWIN  
V  
DAWN WALTER

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered October 3, 2017. The order granted defendant's motion for summary judgment and dismissed plaintiff's complaint with prejudice.

KAREN J. KROGMAN DAUM for AMY GOODWIN 10 minutes

KAREN VERONICA DEFIO for DAWN WALTER 10 minutes

913.0  
CA 18-00585

KATHLEEN MISSERT **SETTLED**  
V  
SOULE ROAD ASSOCIATES, LCC

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered February 5, 2018. The order denied defendants' motion for summary judgment dismissing the complaint.

MICHELLE M. DAVOLI for SOULE ROAD ASSOCIATES, LCC

MARTIN A. LYNN for KATHLEEN MISSERT

**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<br>KA 16-00002 | PEOPLE<br>V<br>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<br>KA 01-01201 | PEOPLE<br>V<br>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<br>KA 14-01649 | PEOPLE<br>V<br>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<br>OP 18-00393 | DAVID M. BLY<br>V<br>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<br>OP 18-00409 | CARMEN BRITT<br>V<br>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> |



**DAY CALENDAR**  
**Thursday, September 6, 2018 - 10:00 AM**  
**COURTROOM 2**

941.0  
KA 13-00446

**PEOPLE**  
**V**  
**JAHARI JONES**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered February 22, 2013. The appeal was held by this Court by order entered November 9, 2017, decision was reserved and the matter was remitted to Supreme Court, Onondaga County, for further proceedings (155 AD3d 1547). The proceedings were held and completed.

**KRISTEN MCDERMOTT for JAHARI JONES**

**Submitted**

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

**Submitted**

**DAY CALENDAR**  
**Friday, September 7, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

942.0  
KA 17-01367

**PEOPLE**  
**V**  
**RAYMOND SMITH**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered March 9, 2017. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

DAVID J. PAJAK for RAYMOND SMITH Submitted

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

943.0  
KA 06-01424

**PEOPLE**  
**V**  
**ANTHONY N. OTT**

Appeal from a judgment of the Monroe County Court (Stephen R. Sirkin, J.), rendered April 5, 2006. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and assault in the first degree.

THOMAS P. THEOPHILOS for ANTHONY N. OTT 10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

944.0  
KA 17-02073

**PEOPLE**  
**V**  
**KAITLYN CONLEY**

Appeal from an order of the Oneida County Court (Michael L. Dwyer, J.), entered November 9, 2017. The order, insofar as appealed from, denied the application of Gatehouse Media New York Holdings, Inc., and Jolene Cleaver for public access to juror identifying information.

MICHAEL JOHN GRYGIEL for GATEHOUSE MEDIA NEW YORK HOLDINGS 15 minutes

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

FRANK POLICELLI for KAITLYN CONLEY Submitted

945.0  
KA 18-00249

**PEOPLE**  
**V**  
**KAITLYN CONLEY**

Appeal from an order of the Oneida County Court (Michael L. Dwyer, J.), entered December 19, 2017. The order denied the request of Gatehouse Media New York Holdings, Inc., and Jolene Cleaver for the disclosure of juror information.

MICHAEL JOHN GRYGIEL for GATEHOUSE MEDIA NEW YORK HOLDINGS Submitted

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

FRANK POLICELLI for KAITLYN CONLEY Submitted

946.0  
KA 16-00219

**PEOPLE**  
**V**  
**AMANDALEE LARREGUI**

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 2, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree, robbery in the second degree and assault in the second degree.

CATHERINE H. JOSH for AMANDALEE LARREGUI 10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

947.0  
KA 15-00043

PEOPLE  
V  
PATRICK M. HACKETT

Appeal from a judgment of the Genesee County Court (Thomas E. Moran, J.), rendered November 13, 2014. The judgment convicted defendant, upon a jury verdict, of rape in the third degree.

ERIN A. KULESUS for PATRICK M. HACKETT 10 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

948.0  
KA 15-01992

PEOPLE  
V  
RUFINO LOPEZ

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered September 23, 2015. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree.

DAVID R. JUERGENS for RUFINO LOPEZ 5 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

949.0  
KA 17-00457

PEOPLE  
V  
JERAMI LOZADA

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered June 22, 2015. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree (two counts).

ELIZABETH S. RIKER for JERAMI LOZADA 10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

950.0  
KA 16-01757

PEOPLE  
V  
ALLEN D. FUNK

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered November 20, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the second degree, resisting arrest, reckless endangerment in the second degree, reckless driving and criminal mischief in the fourth degree.

MARY P. DAVISON for ALLEN D. FUNK 10 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

951.0  
OP 18-00347

MICHAEL S. SCHNEIDER  
V  
CHRISTA M. PERRIN

Proceeding pursuant to CPLR article 70 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 7002 [b] [2]) to produce the relators.

|  |           |
|--|-----------|
| MICHAEL S. SCHNEIDER for HIMSELF                   | Submitted |
| DEBRA A. RUNYAN for HERSELF                        | Submitted |
| CHRISTA M. PERRIN for HERSELF                      | Submitted |
| ZACKERY J. SCHNEIDER for HIMSELF                   | Submitted |
| BARBARA D. UNDERWOOD for YATES COUNTY FAMILY COURT | Submitted |
| JESSICA LEE BRYANT for YATES COUNTY D.S.S.         | Submitted |

952.0  
CAF 17-00500

**MALGORZATA ELZBIETA WOJCIULEWICZ**  
V  
**SHAWN MCCAULEY**

Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered February 9, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner primary legal and physical custody of the subject children.

|  |            |
|--|------------|
| JOHN A. CIRANDO for SHAWN MCCAULEY                     | 15 minutes |
| DANIELLE BLACKABY for MALGORZATA ELZBIETA WOJCIULEWICZ | 10 minutes |
| TIMOTHY ALOYSIUS ROULAN, ATTORNEY FOR THE CHILD        | 5 minutes  |
| ANDREW SCOTT GREENBERG, ATTORNEY FOR THE CHILD         | 10 minutes |

953.0  
CA 18-00371

**JEFFREY E. ALLINGTON**  
V  
**TEMPLETON FOUNDATION**

Appeal and cross appeals from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered November 8, 2017. The order denied the motion of plaintiffs and the cross motions of defendants for summary judgment.

|  |            |
|--|------------|
| MICHAEL G. BERSANI for JEFFREY E. ALLINGTON    | 10 minutes |
| STEPHEN A. DAVOLI for TEMPLETON FOUNDATION     | 10 minutes |
| LINDA LALLI STARK for PULVER ROOFING CO., INC. | 10 minutes |

954.0  
CA 17-00470

**LUIS S.**  
V  
**STATE OF NEW YORK**

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered February 13, 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.

|   |            |
|---|------------|
| PATRICK T. CHAMBERLAIN for LUIS S.        | 10 minutes |
| FREDERICK A. BRODIE for STATE OF NEW YORK | 10 minutes |

955.0  
CA 17-01609

**VILLAGE OF ARKPORT**  
V  
**MARGARET HORAN**

**SETTLED**

Appeal from a judgment of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered November 17, 2016. The judgment awarded plaintiff the sum of \$48,985.49 as against defendant Margaret Horan.

GUY A. TALIA for MARGARET HORAN

JOHN W. VOGEL for VILLAGE OF ARKPORT

955.1  
CA 18-00625

VILLAGE OF ARKPORT

SETTLED

V

ROBERT F. MAURO

Appeal from a judgment of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered November 17, 2016. The judgment awarded plaintiff the sum of \$48,985.49 as against defendant Robert Mauro.

GUY A. TALIA for ROBERT F. MAURO

JOHN W. VOGEL for VILLAGE OF ARKPORT

956.0  
CA 18-00360

ANDREW BALASH

V

MARY B. MELROD

Appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered August 17, 2017. The order denied the motion of defendant for summary judgment dismissing the complaint.

JANINE C. FODOR for MARY B. MELROD

10 minutes

ELLEN B. STURM for ANDREW BALASH

10 minutes

957.0  
CA 17-00426

INMATE M.

V

STATE OF NEW YORK

Appeal from an order of the Court of Claims (Renee Forgensi Minarik, J.), entered April 27, 2016. The order, among other things, granted defendant's cross motion to dismiss claimant's claim.

NEB M., III, for HIMSELF

Submitted

KATHLEEN M. TREASURE for STATE OF NEW YORK

Submitted

958.0  
CA 18-00570

GARY CHWOJDAK

V

MICHAEL D. SCHUNK

Appeal from an order of the Supreme Court, Erie County (Mark Montour, J.), entered November 9, 2017. The order, insofar as appealed from, granted in part the motion of defendant for summary judgment on the issue of serious injury and denied the cross motion of plaintiffs for partial summary judgment.

CAREY C. BEYER for GARY CHWOJDAK

10 minutes

NELSON E. SCHULE, JR., for MICHAEL D. SCHUNK

15 minutes

959.0  
CA 17-01040

TIMOTHY MCDANIEL

V

ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered May 5, 2017 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for TIMOTHY MCDANIEL

Submitted

WILLIAM E. STORRS for ANTHONY ANNUCCI

Submitted

960.0  
CA 17-00496

ANTHONY C. LAVALLE

V

COHOLAN FAMILY, LLC

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Spencer J. Ludington, A.J.), entered November 21, 2016. The order and judgment granted the motion of plaintiff for summary judgment and awarded money damages to plaintiff.

TERRY J. KIRWAN, JR., for COHOLAN FAMILY, LLC

10 minutes

JOHN A. CIRANDO for ANTHONY C. LAVALLE

10 minutes

961.0  
CA 17-01988

AMERICAN RECYCLING & MANUFACTURING CO.

V

SHARON KEMP

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered January 11, 2017. The order and judgment, among other things, granted defendants' motion for summary judgment and denied plaintiffs' cross motion for partial summary judgment.

AMY K. KENDALL for AMERICAN RECYCLING & MANUFACTURING CO.

20 minutes

T. ANDREW BROWN for SHARON KEMP

20 minutes

962.0  
CA 17-01501

MICHELLE A. COLELLO

V

EUGENE G. COLELLO

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered January 4, 2016. The order, among other things, denied respondent's motion to disqualify Lisa J. Allen, Esq., as attorney for petitioner, and to disqualify Stanley J. Collesano, Esq. as Guardian ad Litem.

CARL B. KUSTELL for EUGENE G. COLELLO

15 minutes

LISA JOAN ALLEN for MICHELLE A. COLELLO

Submitted

STANLEY J. COLLESANO for HIMSELF

10 minutes

963.0  
CA 17-01502

MICHELLE A. COLELLO

V

EUGENE G. COLELLO

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered August 4, 2016. The order, among other things, reserved on respondent's motion for reargument and reconsideration and directed respondent to provide certain confidential information to the court for in camera review.

CARL B. KUSTELL for EUGENE G. COLELLO

Submitted

LISA JOAN ALLEN for MICHELLE A. COLELLO

Submitted

STANLEY J. COLLESANO for HIMSELF

Submitted

964.0  
CA 17-01503

MICHELLE A. COLELLO  
V  
EUGENE G. COLELLO

Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered March 21, 2017. The order, among other things, denied respondent's motion for reargument and reconsideration.

CARL B. KUSTELL for EUGENE G. COLELLO

Submitted

LISA JOAN ALLEN for MICHELLE A. COLELLO

Submitted

964.1  
CAE 18-01576

DONALD BUTTENSCHON  
V  
CHRISTOPHER J. SALATINO

Appeal from a decision and order of the Supreme Court, Herkimer County (Charles C. Merrell, J.), entered August 23, 2018, in a proceeding pursuant to Election Law article 16. The decision and order, inter alia, declared invalid, insufficient null and void the designating petitions of the Working Families Party for respondent Christopher J. Salatino as candidate for Member of the New York State Assembly District 119.

DONALD GERACE for CHRISTOPHER J. SALATINO

10 minutes

JEFFREY T. BOCHIECHIO for DONALD BUTTENSCHON

10 minutes

964.2  
CAE 18-01577

DONALD BUTTENSCHON  
V  
CHRISTOPHER J. SALATINO

Appeal from a decision and order of the Supreme Court, Herkimer County (Charles C. Merrell, J.), entered August 23, 2018, in a proceeding pursuant to Election Law article 16. The decision and order, inter alia, declared invalid, insufficient null and void the designating petitions of the Democratic Party for respondent Christopher J. Salatino as candidate for Member of the New York State Assembly District 119.

DONALD GERACE for CHRISTOPHER J. SALATINO

Submitted

JEFFREY T. BOCHIECHIO for DONALD BUTTENSCHON

Submitted

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

965.0  
KA 17-00763

**PEOPLE**  
**V**  
**HAITHAM HASAN**

Appeal from a judgment of the Onondaga County Court (Walter W. Hafner, Jr., J.), rendered February 7, 2017. The judgment convicted defendant, upon a jury verdict, of assault in the first degree, menacing in the second degree and harassment in the second degree.

J. SCOTT PORTER for HAITHAM HASAN 15 minutes

KENNETH H. TYLER, JR. for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

966.0  
KA 13-00989

**PEOPLE**  
**V**  
**DENNIS ESTRUCH**

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered January 17, 2013. The judgment convicted defendant, upon a jury verdict, of reckless endangerment in the first degree.

STEVEN D. SESSLER for DENNIS ESTRUCH 10 minutes

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

967.0  
KA 12-02377

**PEOPLE**  
**V**  
**JAMES E. COMFORT**

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Donald E. Todd, A.J.), dated November 16, 2012. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of rape in the first degree, rape in the third degree, attempted sodomy in the first degree, attempted sodomy in the third degree, assault in the second degree, endangering the welfare of a child and sexual abuse in the third degree (three counts).

GARY MULDOON for JAMES E. COMFORT 10 minutes

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

968.0  
KA 13-00237

**PEOPLE**  
**V**  
**JAMES E. COMFORT**

Appeal from an order of the Onondaga County Court (Donald E. Todd, A.J.), dated November 16, 2012. The order, insofar as appealed from, denied defendant's request for forensic DNA testing of evidence, pursuant to CPL 440.30 (1-a).

GARY MULDOON for JAMES E. COMFORT Submitted

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

969.0  
KA 16-00617

**PEOPLE**  
**V**  
**JOSEPH FEHER**



Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered November 10, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree and grand larceny in the fourth degree.

BTITNEY CLARK for JOSEPH FEHER 10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

970.0  
KA 17-00071

PEOPLE  
V  
KENNETH FARLEY

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered March 11, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

WILLIAM T. EASTON for KENNETH FARLEY 10 minutes

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

971.0  
KA 13-00794

PEOPLE  
V  
BERNADINE 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 (Robert B. Wiggins, A.J.), dated April 10, 2013. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

WILLIAM G. PIXLEY for BERNADINE YOUNG Submitted

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

972.0  
KA 16-02095

PEOPLE  
V  
WILLIAM E. NEWTON

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered October 3, 2016. The judgment convicted defendant, upon a jury verdict, of arson in the third degree and reckless endangerment in the second degree.

LYLE T. HAJDU for WILLIAM E. NEWTON Submitted

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

973.0  
KA 15-00031

PEOPLE  
V  
DOMINIC FLOWERS

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered October 17, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, assault in the first degree (two counts), assault in the second degree and criminal possession of a weapon in the second degree (two counts).

BRIDGET L. FIELD for DOMINIC FLOWERS 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

974.0  
KA 15-01425

PEOPLE  
V  
IAN GULBIN

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered October 30, 2014. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

PETER J. DIGIORGIO, JR., for IAN GULBIN 10 minutes

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

975.0  
KA 15-01574

PEOPLE  
V  
WILLIE STRONG

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered January 16, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, assault in the second degree and resisting arrest.

PIOTR BANASIAK for WILLIE STRONG 10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

976.0  
CA 18-00244

JOSEPH ANDALORO  
V  
DAISY CHARLES

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered August 23, 2017. The order granted the motion of defendant Patricia Floyd-Echols for summary judgment and dismissed the complaint against said defendant.

STEPHEN CIOTOLI for JOSEPH ANDALORO 10 minutes

HEATHER M. COLE for PATRICIA FLOYD-ECHOLS 10 minutes

977.0  
CA 17-00168

STATE OF NEW YORK  
V  
J.R.C.

Appeal from an amended order of the Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered August 19, 2016 in a proceeding pursuant to Mental Hygiene Law article 10. The amended order, among other things, committed respondent to a secure treatment facility

JANINE E. RELLA for J.R.C. 15 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

978.0  
CA 18-00293

ESTATE OF DAVID SMALLEY  
V  
HARLEY-DAVIDSON MOTOR COMPANY GROUP

Appeal from a judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered June 9, 2017. The judgment, among other things, awarded plaintiffs the sum of \$2,134,013.63 as against defendant.

JERAULD BRYDGES for HARLEY-DAVIDSON MOTOR COMPANY GROUP 15 minutes

MICHAEL STEINBERG for ESTATE OF DAVID SMALLEY 15 minutes

979.0  
CA 17-01767

**THE STEELE LAW FIRM, P.C.**  
**V**  
**STEVEN L. AARON**

Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered June 13, 2017. The order, insofar as appealed from, granted in part the motion of plaintiff for summary judgment.

MICHAEL J. HUTTER for STEVEN L. AARON 15 minutes

VICTOR L. PRIAL for THE STEELE LAW FIRM, P.C. 15 minutes

980.0  
CA 17-01768

**THE STEELE LAW FIRM, P.C.**  
**V**  
**STEVEN L. AARON**

Appeal from a judgment of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered July 11, 2017. The judgment awarded plaintiff money damages.

MICHAEL HUTTER for STEVEN L. AARON Submitted

VICTOR L. PRIAL for THE STEELE LAW FIRM, P.C. Submitted

981.0  
CA 18-00253

**In the Matter of Arbitration Between**  
**TOWN OF GREECE GUARDIANS' CLUB**  
**(TOWN OF GREECE)**

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Debra A. Martin, A.J.), entered April 14, 2017 in a proceeding pursuant to CPLR article 75. The order and judgment, among other things, denied the petition and granted respondent's cross petition to vacate the July 7, 2016 arbitration award.

JONATHAN G. JOHNSEN for TOWN OF GREECE GUARDIANS' CLUB 15 minutes

KARLEE S. BOLANOS for TOWN OF GREECE 15 minutes

982.0  
CA 17-02161

**MARILYN BROWN**  
**V**  
**FIRST STUDENT, INC.**

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered August 4, 2017. The order denied the motion of defendants Catholic Diocese of Buffalo, Our Lady of Black Rock School, Martha J. Eadie, Sister Carol Cimino and Debbielynn Doyle to dismiss the complaint.

LAWLOR F. QUINLAN, III, for CATHOLIC DIOCESE OF BUFFALO 10 minutes

WILLIAM A. LONG, JR., for FIRST STUDENT, INC. 10 minutes

DIANE TIVERON for MARILYN BROWN 10 minutes

983.0  
CA 18-00603

**SUSAN M. BURNS**  
**V**  
**JANE M. KROENING**

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered December 22, 2017. The order, insofar as appealed from, granted the cross motion of plaintiff for summary judgment on the issue of defendant's negligence, granted the motion of plaintiff to amend her bill of particulars and denied the motion of defendant for summary judgment dismissing the complaint.

DEREK J. ROLLER for JANE M. KROENING

10 minutes

ANN B. RIMMLER for SUSAN M. BURNS

10 minutes

984.0  
CA 17-01200

**MATTHEW SLEIGHT**  
V  
**STATE OF NEW YORK**

**SETTLED**

Appeal from an order of the Court of Claims (Catherine C. Schaewe, A.J.), entered September 22, 2016. The order, among other things, granted claimant's motion to amend the notice of claim and for summary judgment on liability under Labor Law §§ 240 (1) and 240 (2) and denied in part defendant's cross motion for summary judgment.

RICHARD B. POLNER for STATE OF NEW YORK

JOHN T. PERTICONE for MATTHEW SLEIGHT

985.0  
CA 18-00612

**TIROUI MACRI**  
V  
**JOSEPH M. KOTRYS**

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered January 5, 2018. The order granted the motion of plaintiffs for summary judgment on the issue of negligence and dismissed defendant's affirmative defenses of plaintiff's culpable conduct and the emergency doctrine.

JEFFREY C. SENDZIAK for JOSEPH M. KOTRYS

10 minutes

SARA P. RERA for TIROUI MACRI

10 minutes

986.0  
CA 18-00362

**CHARLES E. LORD**  
V  
**WHELAN AND CURRY CONSTRUCTION SERVI CES**

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered November 2, 2017. The order denied defendants' motion for summary judgment and granted plaintiff's cross motion for partial summary judgment.

EDWARD J. SMITH, III, for WHELAN AND CURRY CONSTRUCTION SERVS.

10 minutes

MICHAEL J. HUTTER for CHARLES E. LORD

10 minutes

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

986.1  
KA 16-01230

**PEOPLE**  
**V**  
**JOHANNA ROMAN**

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered April 29, 2010. The judgment convicted defendant, upon her plea of guilty, of assault in the second degree.

**BRIAN SHIFFRIN for JOHANNA ROMAN**

**Submitted**

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

**Submitted**

**DAY CALENDAR**  
**Tuesday, September 11, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

987.0  
KA 16-00721

**PEOPLE**  
**V**  
**XAVIER NELSON**

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered January 8, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

DREW R. DUBRIN for XAVIER NELSON 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

988.0  
KA 14-02219

**PEOPLE**  
**V**  
**RONALD M. DALTON**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered September 2, 2014. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the second degree and criminal possession of a controlled substance in the third degree (two counts).

PHILIP ROTHSCHILD for RONALD M. DALTON 15 minutes

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

989.0  
TP 17-02185

**CHARLES CALDARA**  
**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, Cayuga County [Thomas G. Leone, A.J.], entered December 12, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

CHARLES CALDARA for HIMSELF Submitted

FRANK BRADY for ANTHONY ANNUCCI Submitted

990.0  
TP 18-00230

**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 February 7, 2018) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

NORMAN P. EFFMAN for CLARENCE GOURDINE Submitted

VICTOR PALADINO for ANTHONY ANNUCCI Submitted

|                       |   |
|-----------------------|---|
| 991.0<br>KA 15-02001  | <p><b>PEOPLE</b><br/><b>V</b><br/><b>ROSS P. DUPONT, II</b></p> <p>Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered November 12, 2015. The judgment convicted defendant, upon his plea of guilty, of aggravated criminal contempt.</p> <p><b>JAMES A. HOBBS</b> for <b>ROSS P. DUPONT, II</b> <span style="float: right;">10 minutes</span></p> <p><b>LISA GRAY</b> for <b>THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;">5 minutes</span></p>   |
| 992.0<br>KA 15-00365  | <p><b>PEOPLE</b><br/><b>V</b><br/><b>XAVIER NELSON</b></p> <p>Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered January 8, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.</p> <p><b>DREW R. DUBRIN</b> for <b>XAVIER NELSON</b> <span style="float: right;">5 minutes</span></p> <p><b>NANCY GILLIGAN</b> for <b>THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;">5 minutes</span></p>   |
| 993.0<br>KA 15-01392  | <p><b>PEOPLE</b><br/><b>V</b><br/><b>THEADRION HILL</b></p> <p>Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered August 14, 2015. The judgment convicted defendant, upon a nonjury verdict, of assault in the second degree and resisting arrest.</p> <p><b>BRITNEY CLARK</b> for <b>THEADRION HILL</b> <span style="float: right;">10 minutes</span></p> <p><b>KENNETH H. TYLER, JR.,</b> for <b>THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;">10 minutes</span></p>   |
| 994.0<br>KA 15-01452  | <p><b>PEOPLE</b><br/><b>V</b><br/><b>MARK LEE</b></p> <p>Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 25, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal solicitation in the fourth degree.</p> <p><b>PHILIP ROTHSCHILD</b> for <b>MARK LEE</b> <span style="float: right;">10 minutes</span></p> <p><b>KENNETH H. TYLER, JR.,</b> for <b>THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;">10 minutes</span></p>   |
| 995.0<br>CAF 17-00254 | <p><b>In the Matter of</b><br/><b>NEVAEH S.</b></p> <p>Appeal from an order of the Family Court, Ontario County (Frederick G. Reed, A.J.), entered January 31, 2017 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject child.</p> <p><b>MARYBETH D. BARNET</b> for <b>TONEI W.</b> <span style="float: right;">10 minutes</span></p> <p><b>JENNIFER WORRALL</b> for <b>ONTARIO COUNTY DSS</b> <span style="float: right;">10 minutes</span></p> <p><b>SUSAN GRAY, ATTORNEY FOR THE CHILD</b> <span style="float: right;">5 minutes</span></p> |
| 996.0<br>CAF 18-00456 | <p><b>THOMAS A.R. FANIZZI</b><br/><b>V</b><br/><b>MARYROSE DELFORTE FANIZZI</b></p>   |

Appeal from an order of the Family Court, Monroe County (John B. Gallagher, Jr., J.), entered August 23, 2017 in a proceeding pursuant to Family Court Act article 4. The order denied respondent's written objections to the order of the Support Magistrate.

LISA A. SADINSKY for MARYROSE DELFORTE FANIZZI 5 minutes

JAMES V. PHILIPPONE for THOMAS A.R. FANIZZI 10 minutes

997.0  
CAF 16-02089

**In the Matter of  
JENNA D.**

Appeal from an order of the Family Court, Ontario County (William F. Kocher, J.), entered October 14, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights with respect to the subject child.

CARA A. WALDMAN for PAULA D. 10 minutes

HOLLY AMY ADAMS for ONTARIO COUNTY DSS 5 minutes

VICTORIA KING, ATTORNEY FOR THE CHILD 5 minutes

998.0  
CA 18-00091

**MARK BRATGE  
V  
JEFFREY SIMONS**

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered October 19, 2017. The order, among other things, dismissed plaintiffs' complaint with prejudice as to defendants Jeffrey Simons, Frank Conestabile, Tracy O'Rourke, in their official and individual capacities, and the Rome City School District.

FRANK POLICELLI for MARK BRATGE 10 minutes

KATHERINE E. GAVETT for JEFFREY SIMONS 10 minutes

999.0  
CA 18-00559

**ARLISA MAYS  
V  
TYLER GREEN**

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered June 26, 2017. The order denied the motions of plaintiff and defendants for summary judgment on the issues of causation and serious injury and granted the motion of plaintiff for summary judgment on the issues of defendants' negligence and proximate cause.

VALERIE L. BARBIC for TYLER GREEN Submitted

RON F. WRIGHT for ARLISA MAYS 10 minutes

1000.0  
CA 18-00245

**DARLENE CLIFFORD  
V  
STEPHEN L. KATES, M.D.**

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered April 20, 2017. The order, among other things, dismissed plaintiff's complaint.

DAVID L. MURPHY for DARLENE CLIFFORD 15 minutes

JENNIFER M. SCHWARTZOTT for HIGHLAND HOSPITAL OF ROCHESTER 10 minutes



JEFFREY S. ALBANESE for STEPHEN L. KATES, M.D.

10 minutes

1001.0  
CA 18-00273

TRUDY MENEAR  
V  
KWIK FILL

**SETTLED**

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered October 31, 2017. The order, among other things, granted in part plaintiffs' motion for a protective order.

MOLLY M. RYAN for MOTOR COACH INDUSTRIES, INC.

AARON J. RYDER for TRUDY MENEAR

1002.0  
CA 16-01853

NICK'S GARAGE, INC.  
V  
GEICO INDEMNITY COMPANY

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 11, 2016. The order and judgment granted the motion of defendants for summary judgment dismissing plaintiff's amended complaint.

CECELIA R. CANNON for NICK'S GARAGE, INC.

Submitted

JONATHAN SCHAPP for GEICO INDEMNITY COMPANY

15 minutes

1003.0  
CA 16-01854

JEFFREY'S AUTO BODY, INC.  
V  
GEICO INDEMNITY COMPANY

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 11, 2016. The order and judgment granted the motion of defendants for summary judgment dismissing plaintiff's amended complaint.

CECELIA R. CANNON for JEFFREY'S AUTO BODY, INC.

Submitted

JONATHAN SCHAPP for GEICO INDEMNITY COMPANY

Submitted

1004.0  
CA 18-00361

SHANTAE R. MARTINEZ  
V  
CITY OF ROCHESTER

Appeal from an amended order of the Supreme Court, Monroe County (William K. Taylor, J.), entered May 11, 2017. The amended order granted the motion of defendants for summary judgment and dismissed the complaint.

JAMES E. MASLYN for SHANTAE R. MARTINEZ

15 minutes

PATRICK N. BEATH for CITY OF ROCHESTER

5 minutes

1005.0  
CA 18-00307

SCOT LUTHER  
V  
PAYQUICKER, LLC

**SETTLED**

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered August 11, 2017. The order, among other things, denied plaintiff's motion for partial summary judgment.

DOUGLAS A. FOSS for SCOT LUTHER

ROBERT DANIEL HOOKS for PAYQUICKER, LLC

1006.0  
CA 18-00301

**DENNIS A. DUMOND**  
**V**  
**NEW YORK CENTRAL MUTUAL FIRE INS.**

Appeal from a stipulated order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered December 7, 2017. The stipulated order, inter alia, granted plaintiffs money damages of \$182,978.

**EDWARD GOZIGIAN for NEW YORK CENTRAL MUTUAL FIRE INS.**

**Submitted**

**MICHELE E. DETRAGLIA for DENNIS A. DUMOND**

**15 minutes**

1007.0  
CA 17-02136

**MICHAEL J. TARSEL**  
**V**  
**JAMES J. TROMBINO**

Appeal and cross appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered June 21, 2017. The order and judgment granted in part the motion of defendant to dismiss the complaint and declared that plaintiffs may make certain improvements to an easement.

**LANGSTON D. MCFADDEN for JAMES J. TROMBINO**

**10 minutes**

**KEVIN E. HULSLANDER for MICHAEL J. TARSEL**

**15 minutes**

**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

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

PEOPLE

V

JEAN SANCHEZ

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<br>CA 18-00032 | <b>KIMBERLY STRIBING</b><br>V<br><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<br>CA 18-00268 | <b>ROBERT K. LESSER LIVING TRUST</b><br>V<br><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<br>CA 18-00382 | <b>FREDERICK B. PAGELS</b><br>V<br><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 |
|                       | JEFFREY SENDZIAK for THADDEUS J. MULLEN  | 10 minutes |
| 1022.0<br>CA 18-00008 | <b>MICHAEL L. GILKERSON</b><br>V<br><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<br>CA 18-00309 | <b>JOSEPH DENNIS</b><br>V<br><b>VINCENT CERRONE</b>  |            |

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**

**DAY CALENDAR**  
**Wednesday, September 12, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1028.0  
KA 16-01718

**PEOPLE**  
**V**  
**TIMOTHY W. BENNETT**

Appeal from a judgment of the Oswego County Court (James M. Metcalf, A.J.), rendered July 17, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted kidnapping in the second degree.

JOHN A. CIRANDO for TIMOTHY W. BENNETT 15 minutes

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

1029.0  
KA 16-01719

**PEOPLE**  
**V**  
**TIMOTHY W. BENNETT**

Appeal from a judgment of the Oswego County Court (James M. Metcalf, A.J.), rendered July 17, 2015. The judgment convicted defendant, upon his plea of guilty, of aggravated family offense.

JOHN A. CIRANDO for TIMOTHY W. BENNETT Submitted

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1030.0  
KA 15-00599

**PEOPLE**  
**V**  
**DRON LUNDY**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered November 21, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree (two counts).

LINDA M. CAMPBELL for DRON LUNDY 15 minutes

KENNETH H. TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1031.0  
KA 17-01202

**PEOPLE**  
**V**  
**ERNESTO PEREZ**

Appeal from an order of the Supreme Court, Monroe County (Judith A. Sinclair, J.), entered May 3, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act

KIMBERLY F. DUGUAY for ERNESTO PEREZ Submitted

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

1032.0  
KA 16-02096

**PEOPLE**  
**V**  
**JEREMY J. REYNOLDS**

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, A.J.), rendered September 26, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the second degree.



|                        |   |            |
|------------------------|---|------------|
|                        | CAITLIN M. CONNELLY for JEREMY J. REYNOLDS  | Submitted  |
|                        | SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK   | Submitted  |
| 1033.0<br>CAF 17-01881 | <b>NICOLAS KAMMEYER</b><br>V<br><b>JAMI R. MANGES-MERRIMAN</b>  |            |
|                        | Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, A.J.), entered October 18, 2017 in a proceeding pursuant to Family Court Act article 6. The order settled a record on appeal.   |            |
|                        | STEPHANIE N. DAVIS for JAMI R. MANGES-MERRIMAN  | 5 minutes  |
|                        | RUTHANNE G. SANCHEZ for NICOLAS KAMMEYER  | Submitted  |
|                        | SCOTT A. OTIS, ATTORNEY FOR THE CHILD   | Submitted  |
| 1034.0<br>CAF 17-00049 | <b>In the Matter of BENTLEY C.</b>  |            |
|                        | Appeal from an order of the Family Court, Yates County (W. Patrick Falvey, J.), entered November 10, 2016 in a proceeding pursuant to Family Court Act article 10. The order directed respondent to comply with the terms and conditions specified in the Order of Protection.                              |            |
|                        | CARA A. WALDMAN for ZACHARY D.  | 5 minutes  |
|                        | JESSICA LEE BRYANT for YATES COUNTY DSS   | 10 minutes |
|                        | SUSAN GRAY, ATTORNEY FOR THE CHILD  | 5 minutes  |
| 1035.0<br>CAF 16-01940 | <b>JOHN HEIDRICK</b><br>V<br><b>ANGELA SHERMAN</b>  |            |
|                        | Appeal from an order of the Family Court, Steuben County (Mathew K. McCarthy, J.), entered September 27, 2017, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for failure to prove a substantial change in circumstances.   |            |
|                        | JOHN A. CIRANDO for JOHN HEIDRICK   | 10 minutes |
|                        | CHAUNCEY JOSEPH WATCHES for ANGELA SHERMAN  | Submitted  |
|                        | JOAN D. MERRY, ATTORNEY FOR THE CHILD   | 5 minutes  |
| 1036.0<br>CAF 16-02139 | <b>THOMAS E. HOWARD</b><br>V<br><b>AMANDA L. HOWARD</b>   |            |
|                        | Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, R.), entered October 17, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint custody of the subject child with primary physical residence with petitioner. |            |
|                        | PAUL A. NORTON for AMANDA L. HOWARD   | Submitted  |
|                        | DIANE M. MARTIN-GRANDE for THOMAS E. HOWARD   | Submitted  |
|                        | JOHN G. KOSLOSKY, ATTORNEY FOR THE CHILD  | 5 minutes  |
| 1037.0<br>CAF 17-00510 | <b>In the Matter of AIDEN T.</b>  |            |

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszcak, J.), entered February 23, 2017 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondents' parental rights with respect to the subject child.

DANIELLE BLACKABY for MELISSA S. 10 minutes

MAGGIE SEIKALY for ONONDAGA COUNTY DSS Submitted

JOHN S. CRISAFULLI for ANGELA A. 10 minutes

STUART JAMES LAROSE, ATTORNEY FOR THE CHILD Submitted

1038.0  
CAF 17-00623

In the Matter of  
AIDEN T.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszcak, J.), entered March 9, 2017 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondents' parental rights with respect to the subject child.

DANIELLE BLACKABY for MELISSA S. Submitted

MAGGIE SEIKALY for ONONDAGA COUNTY DSS Submitted

JOHN S. CRISAFULLI for ANGELA A. 10 minutes

STUART JAMES LAROSE, ATTORNEY FOR THE CHILD Submitted

1039.0  
CAF 17-01128

NICHOLAS J. KAMMEYER  
V  
JAMI R. MANGES-MERRIMAN

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, J.), entered May 22, 2017, in a proceeding pursuant to Family Court Act article 6. The order settled a record on appeal.

STEPHANIE N. DAVIS for JAMI R. MANGES-MERRIMAN 5 minutes

RUTHANNE G. SANCHEZ for NICHOLAS J. KAMMEYER Submitted

SCOTT A. OTIS, ATTORNEY FOR THE CHILD Submitted

1040.0  
CA 18-00334

SOUTH TOWNS SURGICAL ASSOCIATES, P. C.  
V  
JEFFREY P. STEINIG, M.D., F.A.C.S.

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered September 19, 2017. The order, among other things, granted plaintiff's notice for leave to reargue and granted defendant's cross motion for leave to reargue and upon reargument denied defendant's motion for summary judgment dismissing plaintiffs' first and fourth causes of action, and denied defendants' motions for summary judgment on his first, second, third fourth and fifth counterclaim.

FRANK J. JACOBSON for JEFFREY P. STEINIG, M.D., F.A.C.S. 15 minutes

AMBER E. STORR for SOUTH TOWNS SURGICAL ASSOCIATES, P. C. 15 minutes

1041.0  
CA 17-01999

DUVAL PITTS  
V  
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Renee Forgens Minarik, J.), entered October 4, 2017. The judgement found defendant 100% responsible for claimant's injuries.

JEFFREY W. LANG for STATE OF NEW YORK

10 minutes

DOMINIC PELLEGRINO for DUVAL PITTS

10 minutes

1042.0  
CA 18-00086

BEVERLY BRADLEY

**SETTLED**

V

RAMESH KONAKANCHI, D.O.

Appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered October 17, 2017. The order denied the motion of defendant Ramesh Konakanchi, D.O., for summary judgment dismissing plaintiffs' complaint as against him.

JOHN TIMOTHY LOSS for RAMESH KONAKANCHI, D.O.

BRIAN R. HOGAN for BEVERLY BRADLEY

1043.0  
CA 17-02083

SUSAN RIDGEWAY

V

SALEH A. FETOUH, M.D.

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered August 28, 2017. The order, insofar as appealed from, granted the motion of plaintiff for renewal and, upon renewal, denied the motion of defendants for summary judgment.

ELIZABETH G. ADYMY for SALEH A. FETOUH, M.D.

10 minutes

DIANE R. TIVERSON for SUSAN RIDGEWAY

10 minutes

1044.0  
CA 18-00122

JENNIFER TOMASCHOW

**SETTLED**

V

PINNACLE FAMILY PRACTICE, PLLC

Appeal from an order of the Supreme Court, Steuben County (Marianne Fufure, A.J.), entered July 12, 2017. The order denied the motion of defendants Pinnacle Family Practice, PLLC, and Rhonda Peterson, M.D., for summary judgment.

NICHOLAS J. REEDER for PINNACLE FAMILY PRACTICE, PLLC

KELLY CHRISTINE WOLFORD for JENNIFER TOMASCHOW

1045.0  
CA 18-00118

PATRICIA M. PARKHURST

V

SYRACUSE REGIONAL AIRPORT AUTHORITY

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered April 5, 2017. The order granted the motion of defendants for summary judgment and dismissed the complaint.

JOHN A. COLLINS for PATRICIA M. PARKHURST

10 minutes

JULIE M. CAHILL for SYRACUSE REGIONAL AIRPORT AUTHORITY

15 minutes

1046.0  
CA 17-02152

ROSE ORTEGA

V

HEALTHCARE SERVICES GROUP, INC.

Appeal from a decision and order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered April 7, 2017. The decision and order granted the motion of plaintiffs to increase the award of damages and denied the motion of defendant for expert costs and fees.

R. ANTHONY RUPP, III, for HEALTHCARE SERVICES GROUP, INC.

15 minutes

LAURA C. DOOLITTLE for ROSE ORTEGA

15 minutes

1047.0  
CA 17-01778

**CAROLE COTTEN**

**V**

**STANTON H. LESSER**

Appeals from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered February 27, 2017. The order, among other things, denied the motions of defendants Stanton H. Lesser and Sue Orten, as co-personal representatives of the estate of Robert K. Lesser; Stanton H. Lesser as successor trustee of the Robert K. Lesser living trust dated April 21, 2005; Palmer-Bryant Realty, Inc.; John J. Bankosh; and David Bryant seeking summary judgment dismissing plaintiffs' complaints.

TROY S. FLASCHER for STANTON H. LESSER

10 minutes

JAMES JOHNSTON NAVAGH for G.H. GRAF REALTY CORPORATION

20 minutes

LYDIA ALLEN CAYLOR for CAROLE COTTEN

Submitted

HOWARD ERIC BERGER for GRAF BUILDING, LLC

Submitted

MARCO CERCONE for MEDICOR ASSOCIATES, INC.

Submitted

1048.0  
CA 18-00459

**FREDERICK P. BRADLEY**

**V**

**ROBERT REXCOAT**

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered May 12, 2017. The order granted the motion of plaintiff for an extension of time to serve a summons and notice.

LEAH A. COSTANZO for ROBERT REXCOAT

10 minutes

JAMES M. VANDETTE for FREDERICK P. BRADLEY

10 minutes

1049.0  
TP 18-00478

**MICHAEL YARBOROUGH**

**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, J.], entered March 21, 2018) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for MICHAEL YARBOROUGH

Submitted

JULIE M. SHERIDAN for ANTHONY ANNUCCI

Submitted

1049.1  
CAF 16-01625

**IN THE MATTER OF  
MICHAEL S.**

Appeal from an order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered August 9, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, dismissed the petitions of Lloyd S., seeking custody of the subject children.

CHARLES J. GREENBERG for REBECCA S. 5 minutes

ROSEMARY L. BAPST for ERIE COUNTY DSS 5 minutes

LLOYD S. for HIMSELF Submitted

CHERYL A. ALOI, ATTORNEY FOR THE CHILD 5 minutes

1049.2  
CAF 16-02108

**IN THE MATTER OF  
AVA W.**

Appeal from an order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered October 14, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred respondent's guardian and custody rights with respect to the subject child to petitioner.

CHARLES J. GREENBERG for REBECCA S. Submitted

ROSEMARY L. BAPST for ERIE COUNTY DSS Submitted

LLOYD S. for HIMSELF Submitted

CHERYL A. ALOI, ATTORNEY FOR THE CHILD Submitted

1049.3  
CAF 16-02110

**IN THE MATTER OF  
MICHAEL S.**

Appeal from an order of the Family Court, Erie County (Sharon M. Lovallo, J.), entered October 14, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred respondent's guardian and custody rights with respect to the subject child to petitioner.

CHARLES J. GREENBERG for REBECCA S. Submitted

ROSEMARY L. BAPST for ERIE COUNTY DSS Submitted

LLOYD S. for HIMSELF Submitted

CHERYL A. ALOI, ATTORNEY FOR THE CHILD Submitted

**DAY CALENDAR**  
**Wednesday, September 12, 2018 - 10:00 AM**  
**COURTROOM 2**

1050.0  
KA 14-02227

**PEOPLE**  
**V**  
**CRAIG DAVIS**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered September 11, 2014. The judgment convicted defendant, upon a jury verdict, of rape in the second degree (two counts), criminal sexual act in the second degree (two counts), endangering the welfare of a child and sexual abuse in the third degree (two counts).

**PHILIP ROTHSCHILD for CRAIG DAVIS**

**Submitted**

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

**Submitted**

**DAY CALENDAR**  
**Thursday, September 13, 2018 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1051.0  
KA 16-01113

**PEOPLE**  
**V**  
**JOSEPH TETA**

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered October 27, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (three counts), criminal possession of a controlled substance in the third degree (three counts) and criminal possession of a controlled substance in the seventh degree (three counts).

HARRY JACOBS for JOSEPH TETA 10 minutes

KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1052.0  
KA 15-00006

**PEOPLE**  
**V**  
**JAMES D. THOMAS, JR.**

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered September 15, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

KATHLEEN P. REARDON for JAMES D. THOMAS, JR. 10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1053.0  
KA 16-01786

**PEOPLE**  
**V**  
**JARVIS STREETER**

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered July 21, 2016. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child, endangering the welfare of a child, compelling prostitution (four counts), sex trafficking (four counts) and rape in the third degree.

KELIANN M. ARGY for JARVIS STREETER 5 minutes

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

1054.0  
KA 16-00677

**PEOPLE**  
**V**  
**DARYL RUCKER**

Appeal from a judgment of the Onondaga County Court (Walter Hafner, Jr., J.), rendered January 5, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

BRITNEY CLARK for DARYL RUCKER 10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1055.0  
CAF 17-00298

**In the Matter of**  
**DELANIE S.**

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenzo, J.), entered November 10, 2016, in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that the subject children were neglected by respondents.

DAVID J. PAJAK for JEREMY S. 5 minutes

WENDY G. PETERSON for CATTARAUGUS COUNTY DSS 5 minutes

MARY SPEEDY HAJDU, ATTORNEY FOR THE CHILD 5 minutes

1056.0  
CAF 16-01852

DARCY W. NOBLE  
V  
MABELENE E. GIGON

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered July 12, 2016, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner primary physical custody.

JOHN A. CIRANDO for MABELENE E. GIGON 10 minutes

ROBERT J. GALLAMORE for DARCY W. NOBLE 10 minutes

COURTNEY S. RADICK, ATTORNEY FOR THE CHILD 5 minutes

1057.0  
CAF 17-00125

BRIDGETTE WHITE  
V  
MARK STONE

Appeal from an order of the Family Court, Monroe County (Thomas W. Polito, R.), entered July 26, 2016, in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied the petition for modification of custody.

KATHLEEN P. REARDON for BRIDGETTE WHITE Submitted

TIMOTHY S. DAVIS for MARK STONE 10 minutes

SARA E. ROOK, ATTORNEY FOR THE CHILD 5 minutes

1058.0  
CAF 16-02214

MARK A. MANDILE  
V  
KATRINA V. DESHOTEL

Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered November 3, 2016, in a proceeding pursuant to Family Court Act article 4. The order, among other things, adjudged that respondent had willfully failed to obey a court order.

TIMOTHY S. DAVIS for KATRINA V. DESHOTEL 10 minutes

MARK A. MANDILE for HIMSELF Submitted

1059.0  
CAF 17-01440

JOSE M. VALENTIN  
V  
NEYDA R. MENDEZ

Appeal from an order of the Family Court, Monroe County (Thomas Polito, R.), entered July 10, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded respondent sole custody of the subject child and suspended petitioner's right to unsupervised visitation.



|                        |   |            |
|------------------------|---|------------|
|                        | JAMES A. HOBBS for JOSE M. VALENTIN   | 10 minutes |
|                        | KATHLEEN P. REARDON for NEYDA R. MENDEZ   | 10 minutes |
|                        | CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD   | 15 minutes |
| 1060.0<br>CAF 16-02125 | <b>In the Matter of<br/>NORAH T.</b>  |            |
|                        | Appeal from an order of the Family Court, Cayuga County (Thomas G. Leone, J.), entered November 7, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, terminated the parental rights of respondent.                      |            |
|                        | JOHN A. CIRANDO for NORMAN T.   | 10 minutes |
|                        | ADAM H. VAN BUSKIRK for CAYUGA COUNTY DSS   | 10 minutes |
|                        | ARDETH L. HOUDE, ATTORNEY FOR THE CHILD   | 10 minutes |
| 1061.0<br>CA 17-01751  | <b>MICHELY J. PEREZ<br/>V<br/>CHARLES BARLING</b>   |            |
|                        | Appeal from a judgment of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered June 20, 2017. The judgment awarded plaintiff money damages upon a nonjury verdict.  |            |
|                        | DENIS A. KITCHEN, JR., for CHARLES BARLING  | 10 minutes |
|                        | MARTIN J. ZUFFRANIERI for MICHELY J. PEREZ  | 10 minutes |
| 1062.0<br>CA 18-00254  | <b>ANTWAN ANDERSON<br/>V<br/>NATIONAL GRID USA SERVICE CO.</b>  |            |
|                        | Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 19, 2017. The order and judgment, among other things granted defendants' motions for summary judgment dismissing plaintiff's complaint. |            |
|                        | JONATHAN M. GORSKI for ANTWAN ANDERSON  | 10 minutes |
|                        | MICHAEL JOSEPH MASINO for NATIONAL GRID USA SERVICE CO.   | 15 minutes |
|                        | THOMAS P. KAWALEC for DANUTA KOZBOR-FOGELBERG   | Submitted  |
| 1063.0<br>CA 17-01441  | <b>BANK OF AMERICA<br/>V<br/>PATRICK J. SPENCER</b>   |            |
|                        | Appeal from an order of the Supreme Court, Livingston County (Robert B. Wiggins, J.), entered April 19, 2017. The order, inter alia, granted the motion of plaintiff for summary judgment against defendant Sandra B. Spencer.                              |            |
|                        | AMARIS ELLIOT-ENGEL for SANDRA B. SPENCER   | 10 minutes |
|                        | LARRY T. POWELL for BANK OF AMERICA   | 10 minutes |
| 1064.0<br>CA 18-00041  | <b>AGNIESZKA CHEN<br/>V<br/>WILLIAM CHEN</b>  |            |

Appeal from an order of the Supreme Court, Erie County (Sharon S. Townsend, J.), entered August 10, 2017. The order, among other things, directed defendant to execute documents needed to transfer moneys from his Individual Retirement Accounts.

WILLIAM CHEN for HIMSELF

15 minutes

KATIE M. POLEON for AGNIESZKA CHEN

10 minutes

1065.0  
CA 18-00098

AGNIESZKA CHEN  
V  
WILLIAM CHEN

Appeal from an order of the Supreme Court, Erie County (Sharon S. Townsend, J.), entered November 17, 2017. The order, among other things, directed that one-half the value of defendant's retirement accounts be sequestered and that a receiver be appointed with full authority to transfer the monies in the sequestered accounts to plaintiff.

WILLIAM CHEN for HIMSELF

Submitted

KATIE M. POLEON for AGNIESZKA CHEN

Submitted

1066.0  
CA 18-00099

AGNIESZKA CHEN  
V  
WILLIAM CHEN

Appeal from an ex parte order and judgment (one paper) of the Supreme Court, Erie County (Sharon S. Townsend, J.), entered December 19, 2017. The ex parte order and judgment, among other things, awarded plaintiff attorney's fees.

WILLIAM CHEN for HIMSELF

Submitted

KATIE M. POLEON for AGNIESZKA CHEN

Submitted

1067.0  
CA 18-00332

PIONEER CENTRAL SCHOOL DISTRICT  
V  
PREFERRED MUTUAL INSURANCE COMPANY

Appeal from an order of the Supreme Court, Cattaragus County (Jeremiah J. Moriarty, III, J.), entered May 8, 2017. The order, among other things, granted plaintiffs' motion for summary judgment

MARY C. FITZGERALD for PREFERRED MUTUAL INSURANCE COMPANY

10 minutes

MEGAN K. THOMAS for PIONEER CENTRAL SCHOOL DISTRICT

10 minutes

1068.0  
CA 17-01406

GLASCO P. ROZIER  
V  
BTNH, INC.

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered March 29, 2017. The order, insofar as appealed from, denied the motion of plaintiff to preclude evidence and for summary judgment.

JOY A. KENDRICK for GLASCO P. ROZIER

15 minutes

COLIN D. RAMSEY for BTNH, INC.

10 minutes

1069.0  
CA 18-00264

GLASCO P. ROZIER  
V  
BTNH, INC.

Appeal from a judgment of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered May 2, 2017. The judgment awarded defendant costs upon a verdict of no cause of action.

JOY A. KENDRICK for GLASCO P. ROZIER

Submitted

COLIN D. RAMSEY for BTNH, INC.

Submitted

1070.0  
CA 18-00193

DEEPIKA REDDY  
V  
WSYR NEWSCHANNEL 9

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered November 28, 2017. The order, insofar as appealed from, declared plaintiff a limited purpose public figure, granted the motion of defendants for summary judgment, denied the cross motion of plaintiff for summary judgment and dismissed the complaint.

DEEPIKA REDDY for HERSELF

30 minutes

JOSEPH MARTIN FINNERTY for WSYR NEWSCHANNEL 9

15 minutes

1071.0  
CA 18-00197

DEEPIKA REDDY  
V  
WSYR NEWSCHANNEL 9

Appeal from a decision and order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered January 2, 2018. The decision and order denied the motion of defendant to vacate the prior order of the court.

DEEPIKA REDDY for HERSELF

Submitted

JOSEPH MARTIN FINNERTY for WSYR NEWSCHANNEL 9

Submitted

1072.0  
TP 17-02208

DENNIS BRENNAN  
V  
MICHAEL C. GREEN

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 December 22, 2017) to review a determination of respondents. The determination revoked petitioner's general and firearm certifications.

HARVEY PHILIP SANDERS for DENNIS BRENNAN

10 minutes

PATRICK A. WOODS for MICHAEL C. GREEN

10 minutes