

DAY CALENDAR
Tuesday, January 19, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

64.0
TP 15-01231

DION JOHN
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 [Michel M. Mohun, A.J.], entered July 14, 2015) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

ADAM KOCH for DION JOHN

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

65.0
TP 15-01072

DILLEN A. DEVEINES
V
NEW YORK STATE D.M.V.

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, Oneida County [Norman I. Siegel, J.], entered October 30, 2014) to review a determination of respondent. The determination affirmed the decision of the Administrative Law Judge, dated July 17, 2013, revoking the license and/or privilege of the petitioner to operate a motor vehicle.

JOHN G. LEONARD for DILLEN A. DEVEINES

Submitted

JONATHAN D. HITSOUS for NEW YORK STATE D.M.V.

Submitted

66.0
TP 15-01033

FRANCES FLANNERY
V
HOWARD Z. ZUCKER, M.D.

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, Ontario County [William F. Kocher, A.J.], entered May 28, 2015) to review a determination of respondents. The determination, after a fair hearing, denied the application of petitioner for chronic care medical assistance.

RACHELLE H. NUHFER for FRANCES FLANNERY

Submitted

JONATHAN D. HITSOUS for HOWARD Z. ZUCKER, M.D.

Submitted

PHILIP A. VAN DER KARR for EILEEN TIBERIO

Submitted

67.0
KA 12-00213

PEOPLE
V
JOSE ACEVEDO

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered July 19, 2011. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (two counts), robbery in the second degree (two counts) and assault in the second degree.

LINDA M. CAMPBELL for JOSE ACEVEDO

15 minutes

	DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK	10 minutes
68.0 KA 14-01980	PEOPLE V TIMOTHY C. DEPETRIS	
	Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered June 30, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree, assault in the first degree, criminal possession of a weapon in the second degree (three counts), criminal use of a firearm in the first degree and criminal trespass in the second degree.	
	GEORGE V.C. MUSCATO for TIMOTHY C. DEPETRIS	5 minutes
	THOMAS H. BRANDT for PEOPLE OF THE STATE OF NEW YORK	5 minutes
69.0 KA 11-00349	PEOPLE V DAVID J. YAW	
	Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered December 20, 2010. The judgment convicted defendant, upon a jury verdict, of robbery in the third degree.	
	ERIC M. DOLAN for DAVID J. YAW	10 minutes
	ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK	5 minutes
70.0 KA 14-01891	PEOPLE V DAVID E. BARNES	
	Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered October 14, 2014. The judgment convicted defendant, upon a nonjury verdict, of driving while intoxicated, a class E felony, and aggravated unlicensed operation of a motor vehicle in the first degree.	
	ANJAN K. GANGULY for DAVID E. BARNES	15 minutes
	LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK	10 minutes
71.0 KA 14-00338	PEOPLE V SEANDELL KING	
	Appeal from a judgment of the Onondaga County Court (John H. Crandall, A.J.), rendered December 19, 2012. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the seventh degree.	
	EVAN B. HANNAY for SEANDELL KING	10 minutes
	VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK	10 minutes
72.0 KA 13-00120	PEOPLE V D'ANDRE R. MARTIN	
	Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered May 29, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the second degree (two counts).	

	BARBARA J. DAVIES for D'ANDRE R. MARTIN	Submitted
	MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK	Submitted
73.0 KA 12-00687	PEOPLE V FRANKLIN A. RUPERT	
	Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered February 10, 2012. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.	
	SHIRLEY A. GORMAN for FRANKLIN A. RUPERT	10 minutes
	DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK	10 minutes
74.0 KA 15-00545	PEOPLE V ANTHONY KING	
	Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 12, 2010. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.	
	EVAN B. HANNAY for ANTHONY KING	10 minutes
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
75.0 CAF 14-02044	ROSE M. GIBSON V THOMAS W. MURTAUGH	
	Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered October 16, 2014 in a proceeding pursuant to Family Court Act article 8. The order dismissed the family offense petition.	
	TRACY LEE PUGLIESE for ROSE M. GIBSON	Submitted
	JOHN J. RASPANTE for THOMAS W. MURTAUGH	Submitted
	PETER J. DIGIORGIO, JR., ATTORNEY FOR CHILD	Submitted
76.0 CAF 14-02197	ROSE M. GIBSON V THOMAS W. MURTAUGH	
	Appeal from an order of the Family Court, Herkimer County (Anthony J. Garramone, J.H.O.), entered November 19, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for violation of an order of visitation.	
	TRACY LEE PUGLIESE for ROSE M. GIBSON	Submitted
	JOHN J. RASPANTE for THOMAS W. MURTAUGH	Submitted
	PETER J. DIGIORGIO, JR., ATTORNEY FOR CHILD	Submitted
77.0 CAF 14-02198	THOMAS W. MURTAUGH V ROSE M. GIBSON	

Appeal from an order of the Family Court, Herkimer County (Anthony J. Garramone, J.H.O.), entered November 19, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted the father sole custody of the parties' children.

TRACY LEE PUGLIESE for ROSE M. GIBSON

Submitted

JOHN J. RASPANTE for THOMAS W. MURTAUGH

Submitted

PETER J. DIGIORGIO, JR., ATTORNEY FOR CHILD

Submitted

78.0
CAF 14-02199

ROSE M. GIBSON

V

THOMAS W. MURTAUGH

Appeal from an order of the Family Court, Herkimer County (Anthony J. Garramone, J.H.O.), entered November 19, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for violation of order of visitation.

TRACY LEE PUGLIESE for ROSE M. GIBSON

Submitted

JOHN J. RASPANTE for THOMAS W. MURTAUGH

Submitted

PETER J. DIGIORGIO, JR., ATTORNEY FOR CHILD

Submitted

79.0
CA 15-01093

DENNIS T. BROWN

SETTLED

V

BRIAN MAOUAD

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 23, 2014. The order, among other things, dismissed the petition.

PATRICIA GILLEN for DENNIS T. BROWN

JOHN GEORGE SCHMIDT, JR., for BRIAN MAOUAD

80.0
CA 14-02205

In the Matter of Estate of
SHIRLEY T. TROMBLEY

Appeal from an order of the Surrogate's Court, Lewis County (Charles C. Merrell, S.), entered February 13, 2014. The order directed respondent to pay \$8,588.46 to the Estate of Shirley T. Trombley, deceased.

JOHN A. CIRANDO for THOMAS F. TROMBLEY

15 minutes

STEPHEN W. GEBO for BONNIE M. MARTIN

10 minutes

81.0
CA 15-00820

BERNARD A. UNGER

V

MICHAEL A. GANCI

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered September 12, 2014. The order granted the motion of defendant for summary judgment on liability on his counterclaim and dismissed the complaint of plaintiff.

STEPHEN C. HALPERN for BERNARD A. UNGER

10 minutes

B. KEVIN BURKE, JR., for MICHAEL A. GANCI

10 minutes

83.0
CA 15-00450

KHALID S. MAHRAN
V
MICHAEL B. BERGER, ESQ.

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (John A. Michalek, J.), entered October 29, 2014. The order and judgment granted the motion of defendant for summary judgment, denied the cross motion of plaintiffs for summary judgment and dismissed the complaint.

STEPHEN FRANCIS SZYMONIAK for KHALID S. MAHRAN 10 minutes

CHARLES C. SWANEKAMP for MICHAEL B. BERGER, ESQ. 15 minutes

84.0
CA 15-00615

ANTHONY JOSEPH ALATI
V
DIVIN BUILDERS, INC.

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), dated January 14, 2015. The order, among other things, granted plaintiff's motion for summary judgment.

DERRICK A. SPATORICO for DIVIN BUILDERS, INC. 15 minutes

WILLIAM P. SMITH, JR., for ANTHONY JOSEPH ALATI 15 minutes

JANICE MARIE IATI for MICHAEL FRIERY 10 minutes

85.0
CA 15-01133

ALEXANDER G. WEISER
V
MARYCLAIRE P. WILBER

Appeal from an order of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered October 3, 2014. The order, insofar as appealed from, denied the motion of plaintiff to strike defendants' affirmative defense of failure to wear a seatbelt.

HERSCHEL GELBER for ALEXANDER G. WEISER 15 minutes

ELISE L. CASSAR for MARYCLAIRE P. WILBER 10 minutes

86.0
CA 15-00084

DONTIE S. MITCHELL **SETTLED**
V
WOODS OVIATT GILMAN, LLP

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered June 5, 2014. The order, among other things, denied plaintiff's motion to strike defendants' answer.

DONTIE S. MITCHELL for DONTIE S. MITCHELL

WILLIAM G. BAUER for WOODS OVIATT GILMAN, LLP

87.0
CA 15-00085

DONTIE S. MITCHELL **SETTLED**
V
WOODS OVIATT GILMAN, LLP

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered December 23, 2014. The order, among other things, denied plaintiff's motion to have defendants bear plaintiff's costs of examining defendant William G. Bauer by stenographic means.

DONTIE S. MITCHELL for DONTIE S. MITCHELL

WILLIAM G. BAUER for WOODS OVIATT GILMAN, LLP