

DAY CALENDAR
Monday, January 11, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1.0
TP 15-01229

JEFFREY TAMSEN
V
VILLAGE OF KENMORE

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 [James H. Dillon, J.], entered April 17, 2015) to review a determination of respondent. The determination terminated the employment of petitioner.

W. JAMES SCHWAN for JEFFREY TAMSEN

Submitted

MARK A. MOLDENHAUER for VILLAGE OF KENMORE

10 minutes

2.0
TP 15-01078

LUCIANO SPATARO
V
NEW YORK STATE DOCCS

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 [Shirley Troutman, J.], filed June 16, 2015) to review a determination of respondent. The determination rescinded petitioner's parole release date.

THOMAS J. EOANNOU for LUCIANO SPATARO

Submitted

FRANK BRADY for NEW YORK STATE DOCCS

Submitted

3.0
KA 12-01682

PEOPLE
V
THOMAS B. SIMCOE

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Niagara County Court (Sara S. Farkas, J.), dated August 8, 2012. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of attempted murder in the first degree, attempted murder in the second degree, attempted assault in the first degree (three counts), assault in the second degree (two counts), assault in the third degree, criminal possession of a weapon in the fourth degree (two counts), and endangering the welfare of a child.

MARY-JEAN BOWMAN for THOMAS B. SIMCOE

Submitted

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

Submitted

4.0
KA 14-00058

PEOPLE
V
KEVIN L. ABERNATHY

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered October 9, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KAREN RUSSO-MCLAUGHLIN for KEVIN L. ABERNATHY

Submitted

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

Submitted

5.0
KA 09-00568

**PEOPLE
V
ANDRE VERNON**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered January 23, 2009. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree.

MICHAEL L. D'AMICO for ANDRE VERNON 10 minutes

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK 5 minutes

6.0
KA 15-00472

**PEOPLE
V
FRANCIS FINSTER**

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered January 20, 2011. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

DAVID A. COOKE for FRANCIS FINSTER Submitted

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

7.0
KA 12-01345

**PEOPLE
V
HIKEME WILLIAMS**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered August 1, 2011. The judgment convicted defendant, upon his plea of guilty, of menacing a police officer, criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree and resisting arrest.

KRISTEN MCDERMOTT for HIKEME WILLIAMS 10 minutes

ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

8.0
KA 14-00565

**PEOPLE
V
RAUL O. ACEVEDO**

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered July 10, 2013. The judgment convicted defendant, upon a jury verdict, of attempted assault in the second degree and criminal possession of a weapon in the third degree.

MARK C. DAVISON for RAUL O. ACEVEDO 10 minutes

BRIAN D. DENNIS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

9.0
KA 12-01362

**PEOPLE
V
RICHARD J. TORTORICE**

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered April 20, 2012. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree (three counts), robbery in the first degree (two counts), criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

	WILLIAM G. PIXLEY for RICHARD J. TORTORICE	10 minutes
	SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK	10 minutes
10.0 KA 11-00519	PEOPLE V ANDRE VERNON	
	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, Erie County (M. William Boller, A.J.), dated January 24, 2011. The order denied the motion of defendant to vacate a judgment of conviction.	
	MICHAEL L. D'AMICO for ANDRE VERNON	10 minutes
	DONNA A. MILLING for PEOPLE OF THE STATE OF NEW YORK	10 minutes
11.0 CAF 14-01367	In the Matter of CHRISTOPHER D.S.	
	Appeal from an order of the Family Court, Allegany County (Thomas P. Brown, J.), entered April 15, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, transferred respondent's guardianship and custody rights with respect to the subject children to petitioner.	
	KELIANN M. ARGY for RICHARD E.D.	10 minutes
	LESLIE J. HAGGSTROM for ALLEGANY COUNTY D.S.S.	10 minutes
	JOAN D. MERRY, ATTORNEY FOR CHILD	10 minutes
	MICHAEL D. BURKE, ATTORNEY FOR CHILD	Submitted
12.0 CAF 15-00313	MARIVI DEJESUS V STEVEN A. GONZALEZ	
	Appeal from an order of the Family Court, Ontario County (Maurice E. Strobridge, J.H.O.), entered December 29, 2014 in proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties shall continue to share joint custody of the subject children.	
	MARY P. DAVISON for MARIVI DEJESUS	5 minutes
	SUSAN JONES for STEVEN A. GONZALEZ	5 minutes
	KIMBERLY WEISBECK, ATTORNEY FOR CHILD	5 minutes
	MARYBETH D. BARNET, ATTORNEY FOR CHILD	5 minutes
13.0 CAF 15-00739	CONNIE M. SCHOENL V KEVIN M. SCHOENL	
	Appeal from an order of the Family Court, Monroe County (Paul M. Riordan, R.), entered June 30, 2014 in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed respondent to stay away from petitioner.	
	DAVID M. ABBATOY, JR., for KEVIN M. SCHOENL	10 minutes
	MAUREEN A. PINEAU for CONNIE M. SCHOENL	Submitted

14.0
CAF 15-00187

MICHAEL C. WAITE
V
MALLORY J. CLANCY

Appeal from an order of the Family Court, Steuben County (Gerard J. Alonzo, J.H.O.), entered May 16, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted petitioner sole legal custody and physical placement of the parties' child.

MICHELLE A. COOKE for MALLORY J. CLANCY 10 minutes

MICHAEL C. WAITE for HIMSLEF Submitted

CHRISTINE M. VALKENBURGH, ATTORNEY FOR CHILD 5 minutes

15.0
CA 15-01045

DEBORAH VOSS
V
THE NETHERLANDS INSURANCE COMPANY

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered January 14, 2015. The order denied the motion of defendant CH Insurance Brokerage Services, Inc., for leave to amend its answer and to preclude plaintiffs from seeking consequential damages.

THOMAS M. WITZ for CH INSURANCE BROKERAGE SERVICES, CO ., INC. 15 minutes

DIRK J. OUDEMOOL for DEBORAH VOSS 15 minutes

17.0
CA 15-00443

MARIA A. LEGGO
V
MARTIN J. LEGGO

Appeal from a judgment of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered June 11, 2014 in a divorce action. The judgment, among other things, awarded plaintiff maintenance.

JAMES P. RENDA for MARTIN J. LEGGO Submitted

DONALD ALAN WHITE for MARIA A. LEGGO 10 minutes

18.0
CA 15-01144

LISA SLOCUM
V
PROGRESSIVE NORTHWESTERN INSURANCE

Appeal from an order of the Supreme Court, Onondaga County (Donald F. Cerio, Jr., A.J.), entered January 21, 2015 in a declaratory judgment action. The order, among other things, denied plaintiff's motion for summary judgment.

ROBERT A. QUATTROCCI for LISA SLOCUM 10 minutes

KEITH D. MILLER for PROGRESSIVE NORTHWESTERN INSURANCE 10 minutes

19.0
CA 15-00751

NICHOLAS BOWMAN
V
JOHN S. ZUMPARO

SETTLED

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 5, 2015. The order granted the motion of defendants Jeanette E. Zumpano and John S. Zumpano for summary judgment and dismissed the complaint against them.

MO J. ATHARI for NICHOLAS BOWMAN

ALAN J. BEDENKO for JOHN S. ZUMPANO

**20.0
CA 15-00816**

**In the Matter of
ONONDAGA-CORTLAND-MADISON BOCES
(ONONDAGA-CORTLAND-MADISON BOCES FEDERATION OF TEACHERS)**

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered August 19, 2014. The order denied the petition to stay arbitration and granted the cross application to compel arbitration.

CRAIG M. ATLAS for ONONDAGA-CORTLAND-MADISON BOCES 10 minutes

MATTHEW BERGERON for ONONDAGA-CORTLAND BOCES FEDERATION 10 minutes

DAY CALENDAR
Tuesday, January 12, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

38.0
CA 15-00414

ELIZABETH RESZKA
V
COUNCILMAN JOSEPH A. COLLINS

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered May 22, 2014. The order, insofar as appealed from, denied the motion of plaintiff to dismiss the counterclaims of defendant.

STEVEN M. COHEN for ELIZABETH RESZKA 15 minutes

JOSEPH A. COLLINS for COUNCILMAN JOSEPH A. COLLINS 15 minutes

21.0
KA 13-01756

PEOPLE
V
SAMUEL J. SAELI

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered June 19, 2013. The judgment convicted defendant, upon his plea of guilty, of offering a false instrument for filing in the first degree.

KRISTIN PREVE for SAMUEL J. SAELI Submitted

THOMAS B. LITSKY for PEOPLE OF THE STATE OF NEW YORK Submitted

22.0
KA 14-00240

PEOPLE
V
HENRY L. SMITH

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered December 2, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree and robbery in the first degree (two counts).

SHERRY A. CHASE for HENRY L. SMITH Submitted

ASHLEY R. LOWRY for PEOPLE OF THE STATE OF NEW YORK Submitted

23.0
KA 12-02357

PEOPLE
V
BENANCIO VASQUEZ

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered March 23, 2012. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the second degree.

JANET C. SOMES for BENANCIO VASQUEZ Submitted

STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK Submitted

24.0
KA 10-02453

PEOPLE
V
MICHAEL D. SCHLUTER

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered October 7, 2010. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree, criminal sexual act in the second degree, criminal sexual act in the third degree, rape in the third degree and falsely reporting an incident in the second degree.

DAVID R. JUERGENS for MICHAEL D. SCHLUTER 10 minutes

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

25.0
KA 13-01467

PEOPLE
V
CYNTHIA L. OBERDORF

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered July 3, 2013. The judgment convicted defendant, upon her plea of guilty, of criminal sale of a controlled substance in the second degree and criminal sale of a controlled substance in the third degree (three counts).

JOHN A. CIRANDO for CYNTHIA L. OBERDORF 10 minutes

BRIAN D. DENNIS for PEOPLE OF THE STATE OF NEW YORK Submitted

26.0
KA 13-00860

PEOPLE
V
JACOB C. BUCHANAN

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

WILLIAM CLAUSS for JACOB C. BUCHANAN 10 minutes

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK 10 minutes

27.0
KA 13-00861

PEOPLE
V
JACOB C. BUCHANAN

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

WILLIAM CLAUSS for JACOB C. BUCHANAN Submitted

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK Submitted

28.0
KA 13-00862

PEOPLE
V
JACOB C. BUCHANAN

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

WILLIAM CLAUSS for JACOB C. BUCHANAN Submitted

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK Submitted

29.0
KA 13-02055

PEOPLE
V
DAMONE SAVAGE

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered November 12, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for DAMONE SAVAGE

10 minutes

NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK

5 minutes

30.0
KA 13-01960

PEOPLE
V
NICHOLAS J. BOAZ

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 28, 2013. The judgment convicted defendant, after a nonjury trial, of burglary in the second degree.

BARBARA J. DAVIES for NICHOLAS J. BOAZ

10 minutes

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK

10 minutes

31.0
KA 10-02454

PEOPLE
V
MICHAEL D. SCHLUTER

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered October 7, 2010. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the third degree.

DAVID R. JUERGENS for MICHAEL D. SCHLUTER

Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

32.0
CAF 14-02151

In the Matter of
ANNABELLA B.C.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered August 18, 2014 in a proceeding pursuant to Family Court Act article 10. The order denied respondent's motion to vacate an order of fact-finding and disposition.

ALAN BIRNHOLZ for SANDRA L. COUGHLIN

Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY DSS

Submitted

DAVID E. BLACKLEY, ATTORNEY FOR CHILD

Submitted

33.0
CAF 15-00738

KATHRYN TAYLOR
V
JOSEPH BENEDICT

Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered July 3, 2014 in a proceeding pursuant to Family Court Act article 4. The order denied the objection of respondent to the order of a Support Magistrate.

ANTHONY J. CERVI for JOSEPH BENEDICT

Submitted

BONNIE A. MCLAUGHLIN for KATHRYN TAYLOR

Submitted

34.0
CAF 14-00567

DALE A. MAKOWSKI
V
LISA M. MAUERMAN

Appeal from an order of the Family Court, Erie County (Rosalie S. Bailey, J.), entered August 20, 2013 in a proceeding pursuant to Family Court Act article 6. The order, insofar as appealed from, granted sole custody of the parties' child to Dale A. Makowski.

DAVID J. PAJAK for LISA M. MAUERMAN

Submitted

SHARON ANSCOMBE OSGOOD for DALE A. MAKOWSKI

5 minutes

MELISSA A. REESE, ATTORNEY FOR CHILD

5 minutes

35.0
CAF 14-02119

In the Matter of
ADDISON S.

SETTLED

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenko, J.), entered November 14, 2014 in a proceeding pursuant to Family Court Act article 3. The order, among other things, adjudged that respondent is a juvenile delinquent and placed him in the custody of the New York State Office of Children and Family Services.

LYLE T. HAJDU, ATTORNEY FOR CHILD

STEPHEN J. RILEY for CATTARAUGUS COUNTY ATTORNEY

36.0
CA 15-01166

PETER GUIDO
V
BENCHMARK ENVIRONMENTAL ENGINEERING

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered March 19, 2015. The order, insofar as appealed from, denied the motion of defendant Tecumseh Redevelopment Inc. for summary judgment dismissing the complaint.

ROBERT J. HANNEN for TECUMSEH REDEVELOPMENT INC.

15 minutes

JAMES W. SHUTTLEWORTH, III, for PETER GUIDO

15 minutes

37.0
CA 15-00818

WILFRED TURNER
V
COUNTY OF ERIE

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered February 13, 2015 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition with prejudice.

RICHARD G. BERGER for WILFRED TURNER

15 minutes

DANIEL A. SPITZER for COUNTY OF ERIE

15 minutes

39.0
CA 15-01137

JGB PROPERTIES, LLC
V
IRONWOOD, LLC

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered September 8, 2014. The order, insofar as appealed from, dismissed the first amended complaint against defendants Ironwood, LLC, 4550 Steelway Boulevard, LLC, Plainville Farms, LLC, JSF Service, LLC, and CSX Transportation, Inc.

SALVATORE D. FERLAZZO for JGB PROPERTIES, LLC

15 minutes

JOHN A. CIRANDO for TOWN OF CLAY

15 minutes

	TERENCE L. ROBINSON for CSX TRANSPORTATION, INC.	10 minutes
	JANET D. CALLAHAN for IRONWOOD, LLC	10 minutes
40.0 CA 15-00499	WILLIAM E. HAMILTON V MARY ALLEY	
	Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered December 17, 2014 in a proceeding pursuant to CPLR article 75. The order denied the petition.	
	DENNIS G. O'HARA for WILLIAM E. HAMILTON	15 minutes
	LARRY P. MALFITANO for MARY ALLEY	10 minutes
41.0 CA 15-00687	PITTSFORD CANALSIDE PROPERTIES, LLC V VILLAGE OF PITTSFORD	
	Appeals from an order and judgment (one paper) of the Supreme Court, Monroe County (John J. Ark, J.), entered October 29, 2014. The order and judgment, among other things, annulled the Resolution adopted by respondent Board of Trustees of Village of Pittsford on May 1, 2014, rescinding the Negative Declaration made pursuant to the State Environmental Quality Review Act (SEQRA).	
	DANIEL A. SPITZER for VILLAGE OF PITTSFORD	15 minutes
	ALAN J. KNAUF for FRIENDS OF PITTSFORD VILLAGE, INC.	20 minutes
	JOHN A. MANCUSO for PITTSFORD CANALSIDE PROPERTIES, LLC	15 minutes
42.0 CA 15-00382	GMAC MORTGAGE, LLC V MICHAEL H. SPINDELMAN	
	Appeal from an order of the Supreme Court, Erie County (Thomas P. Franczyk, A.J.), entered May 19, 2014. The order denied the motion of defendants for renewal or reargument of the denial of their motion to vacate a judgment of foreclosure.	
	DEAN M. DREW for MICHAEL H. SPINDELMAN	15 minutes
	BENJAMIN SAMUEL NOREN for GMAC MORTGAGE, LLC	15 minutes

DAY CALENDAR
Wednesday, January 13, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

43.0
TP 15-00056

ANTHONY MEDINA
V
MICHAEL SHEAHAN

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 January 6, 2015) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

ANTHONY MEDINA for HIMSELF

Submitted

MARCUS J. MASTRACCO for MICHAEL SHEAHAN

Submitted

44.0
KA 14-00668

PEOPLE
V
SYROYA N. CLARK

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered January 21, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree and grand larceny in the fourth degree.

JOHN A. CIRANDO for SYROYA N. CLARK

10 minutes

JAMES B. RITTS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

45.0
KA 13-01616

PEOPLE
V
ERIC A. EASTON

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered June 18, 2013. The judgment convicted defendant, upon his plea of guilty, of reckless endangerment in the first degree.

SUSAN C. MINISTERO for ERIC A. EASTON

Submitted

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

Submitted

46.0
KA 14-00719

PEOPLE
V
AARON W. CLARK

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered February 25, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

KARIM ABDULLA for AARON W. CLARK

Submitted

WILLIAM G. ZICKL for PEOPLE OF THE STATE OF NEW YORK

Submitted

47.0
KA 13-01667

PEOPLE
V
ASHODD J. PARKS

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered May 20, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree, criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree and criminal possession of a controlled substance in the fifth degree.

GARY MULDOON for ASHODD J. PARKS 10 minutes

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

48.0
KA 14-00110

PEOPLE
V
DYLAN SCHUMACHER

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered January 10, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

TIMOTHY P. MURPHY for DYLAN SCHUMACHER 20 minutes

DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

49.0
KA 12-00045

PEOPLE
V
BARBARA J. GARNER

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered July 1, 2011. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

LINDA M. CAMPBELL for BARBARA J. GARNER 10 minutes

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

50.0
KA 14-00852

PEOPLE
V
JOSEPH A. STEFANOVICH

Appeal from a judgment of the Oswego County Court (James M. Metcalf, A.J.), rendered February 21, 2014. The judgment convicted defendant, upon jury verdict, of rape in the first degree.

BRUCE R. BRYAN for JOSEPH A. STEFANOVICH 30 minutes

AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK 30 minutes

51.0
KA 14-00726

PEOPLE
V
JOHN J. SLACK

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered April 9, 2014. The judgment convicted defendant, upon a jury verdict, of grand larceny in the third degree.

SUSAN C. MINISTERO for JOHN J. SLACK 10 minutes

WILLIAM G. ZICKL for PEOPLE OF THE STATE OF NEW YORK 10 minutes

52.0
KA 15-01077

PEOPLE
V
DAMISO WOOTEN

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered February 25, 2015. The judgment convicted defendant, upon his plea of guilty, of promoting sexual performance of a child.

CHARLES A. SCHIANO for DAMISO WOOTEN 5 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

53.0
CAF 14-00524

WILLIAM A. WARREN
V
GEORGE E. HIBBS

Appeal from an order of the Family Court, Yates County (W. Patrick Falvey, J.), entered December 20, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition without prejudice.

JOHN A. CIRANDO for WILLIAM A. WARREN 10 minutes

CARA A. WALDMAN for GEORGE E. HIBBS 5 minutes

ANNE S. GALBRAITH, ATTORNEY FOR CHILD 10 minutes

54.0
CAF 14-00089

MARY I. WHITNEY
V
FRANK JUDGE

Appeal from an order of the Supreme Court, Monroe County (Gail A. Donofrio, J.), entered December 20, 2013 in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed respondent to stay away from petitioner.

KATHLEEN P. REARDON for FRANK JUDGE Submitted

DENISE BUSCEMI-SYED for MARY I. WHITNEY Submitted

55.0
CAF 14-02118

MARK A. MANDILE
V
KATRINA V. DESHOTEL

Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered October 29, 2014 in a proceeding pursuant to Family Court Act article 4. The order, among other things, confirmed the Support Magistrate's determination that respondent had willfully failed to obey a court order and awarded petitioner a judgment in the sum of \$4,129.

KIMBERLY F. DUGUAY for KATRINA V. DESHOTEL 10 minutes

MAUREEN A. PINEAU for MARK A. MANDILE 5 minutes

56.0
CA 15-01079

ADAM DAILEY
V
LABRADOR DEVELOPMENT CORP.

Appeal from an amended order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered September 22, 2014. The amended order denied the motion of defendant for summary judgment dismissing the complaint.

STEVEN M. ZWEIG for LABRADOR DEVELOPMENT CORP. 15 minutes

ROBERT A. QUATTROCCI for ADAM DAILEY 15 minutes

57.0
CA 15-01178

WILLIAM EISLEBEN
V
JAMES DEAN

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered December 12, 2014 in a personal injury action. The order, among other things, denied defendant's cross motion for summary judgment.

VINCENT J. ROSSI, JR., for JAMES DEAN 10 minutes

MARC JONAS for WILLIAM EISLEBEN 15 minutes

58.0
CA 14-02022

COUNTY OF ORLEANS
V
NIRAV R. SHAH, M.D.

Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (James P. Punch, A.J.), entered October 1, 2014 in a CPLR article 78 proceeding and declaratory judgment action. The judgment, among other things, annulled the determination of respondents-defendants and directed respondents-defendants to allow petitioner-plaintiff's claims for reimbursement.

VICTOR PALADINO for NIRAV R. SHAH, M.D. 10 minutes

CHRISTOPHER BUCKEY for COUNTY OF ORLEANS 10 minutes

59.0
CA 15-01125

JULIE L. GARDNER
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Nicholas V. Midey, Jr., J.), entered July 30, 2014. The order, insofar as appealed from, denied the motion of defendant for summary judgment.

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

TIMOTHY R. HEDGES for JULIE L. GARDNER 10 minutes

60.0
CA 15-01094

HARRY E. LORENZO
V
HOGANWILLIG

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered November 17, 2014. The order, among other things, granted defendant's motion for partial summary judgment dismissing the fifth cause of action in plaintiff's amended complaint.

THOMAS F. KNAB for HARRY E. LORENZO 15 minutes

DIANE R. TIVERON for HOGANWILLIG 15 minutes

61.0
CA 15-00668

ROLAND E. STUART
V
PEGGY L. STUART

Appeal from a judgment of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered May 29, 2014 in a divorce action. The judgment, among other things, awarded defendant spousal maintenance.

ANDREW J. ROBY for ROLAND E. STUART 15 minutes

GUY A. TALIA for PEGGY L. STUART 10 minutes

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

DAY CALENDAR
Wednesday, January 20, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

88.0
KA 13-00439

PEOPLE
V
CORTNEY TOOSON

Appeal from a judgment of the Onondaga County Court (Donald Todd, J.); December 14, 2012. The judgment revoked defendant's probation and imposed a term of imprisonment.

EVAN B. HANNAY for CORTNEY TOOSON

Submitted

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

Submitted

89.0
KA 14-02223

PEOPLE
V
KENNETH S. LATHROP

Appeal from a judgment of the Niagara County Court (Richard C. Kloch, Jr., J.), rendered June 11, 2014. The judgment convicted defendant, upon his plea of guilty, of reckless assault of a child.

JOSEPH G. FRAZIER for KENNETH S. LATHROP

Submitted

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

Submitted

90.0
KA 15-01074

PEOPLE
V
CURTIS HUDGINS

Appeal from a decision/order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), dated August 22, 2014. The decision/order, insofar as appealed from, granted the motion of defendant to dismiss the first count of an indictment.

ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

EVAN B. HANNAY for CURTIS HUDGINS

10 minutes

91.0
KA 14-01328

PEOPLE
V
VERNON THOMAS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered June 24, 2014. The judgment convicted defendant, upon a jury verdict, of attempted assault in the first degree.

ROBERT L. KEMP for VERNON THOMAS

10 minutes

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

10 minutes

92.0
KA 11-01060

PEOPLE
V
PETER J. VIANA

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered March 2, 2011. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

ERIC M. DOLAN for PETER J. VIANA

Submitted

	STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK	Submitted
93.0 KA 12-00206	PEOPLE V MICHELLE D. SPIRLES	
	Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered December 13, 2011. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree.	
	JAMES ECKERT for MICHELLE D. SPIRLES	10 minutes
	DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK	10 minutes
94.0 CAF 14-01546	In the Matter of ISOBELLA A.	
	Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered June 26, 2014 in proceedings pursuant to article 10 and article 6 of the Family Court Act. The order, among other things, awarded custody of Isobella A. to petitioner Charles J. S., II.	
	LYLE T. HAJDU for ANNA W.	10 minutes
	STEPHEN J. RILEY for CATTARAUGUS COUNTY D.S.S.	10 minutes
	EMILY A. VELLA for CHARLES J.S.	10 minutes
	SCHAVON R. MORGAN for HERSELF	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	10 minutes
95.0 CAF 14-01232	CINDY L. TUCKER V DANIEL L. MILLER	
	Appeal from an order of the Family Court, Yates County (Dennis F. Bender, J.), entered November 26, 2013, in a proceeding pursuant to article 8 of the Family Court Act. The order, among other things, adjudged that respondent committed acts constituting the family offenses of disorderly conduct and stalking.	
	JOHN A. CIRANDO for DANIEL L. MILLER	10 minutes
	CINDY L. TUCKER for HERSELF	Submitted
96.0 CAF 15-00405	CHRISTOPHER P. FOWLER V VALERIE M. VANGEE	
	Appeal from an order of the Family Court, Wayne County (Daniel G. Baret, J.), entered December 16, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition	
	ROBERT A. DINIERI for CHRISTOPHER P. FOWLER	Submitted
	VICTOR B. CHAMBERS for VALERIE M. VANGEE	Submitted
97.0 CAF 13-02133	In the Matter of BRAYDEN R.	
	Appeal from a decision and order of the Family Court, Erie County (Margaret O. Szczur, J.), entered November 26, 2013, in a proceeding pursuant to Social Services Law § 384-b. The decision and order terminated the parental rights of respondent.	

EVELYNE A. O'SULLIVAN for DUANE R. Submitted
JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S. Submitted
CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

98.0
CAF 14-01133

DANIELLE R. LADD
V
MATTHEW F. KRUPP

Appeal from an order of the Family Court, Oswego County (Donald E. Todd, A.J.), entered February 5, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and physical custody of the subject child.

JOHN A. CIRANDO for MATTHEW F. KRUPP 10 minutes
MICHAEL G. CIANFARANO for DANIELLE R. LADD 10 minutes
KRISTIN SHANLEY, ATTORNEY FOR CHILD 10 minutes

99.0
CAF 14-01547

In the Matter of
ISOBELLA A.

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered June 26, 2014 in proceedings pursuant to article 10 and article 6 of the Family Court Act. The order, among other things, awarded custody of Cameron K. to respondent Joseph K.

LYLE T. HAJDU for ANNA W. Submitted
STEPHEN J. RILEY for CATTARAUGUS COUNTY D.S.S. Submitted
EMILY A. VELLA for JOSEPH K. Submitted
MARY ANNE CONNELL, ATTORNEY FOR CHILD Submitted

100.0
CA 15-01232

MARK SQUAIRS
V
SAFECO NATIONAL INSURANCE COMPANY

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered April 22, 2015. The order and judgment granted the motion of plaintiffs for summary judgment, decreed that defendant had breached the fire insurance policy that it has issued to plaintiffs and denied the motion of defendant for summary judgment.

ROBERT M. WOLF for SAFECO NATIONAL INSURANCE COMPANY 15 minutes
GUSTAVE J. DETRAGLIA, JR., for MARK SQUAIRS 15 minutes

101.0
CA 15-01066

PETER W. BEYER, JR. **SETTLED**
V
FAMILY VIDEO MOVIE CLUB, INC.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered February 12, 2015. The order granted the motion of plaintiff for partial summary judgment on the issue of liability pursuant to Labor Law §§ 240 (1) and 241 (6) and denied the cross motion of defendants for summary judgment dismissing plaintiff's Labor Law §§ 240 (1) and 241 (6) causes of action.

ANTHONY F. DESTEFANO for FAMILY VIDEO MOVIE CLUB, INC.

SEAN COONEY for PETER W. BEYER, JR.

102.0
CA 15-01111

MARILYN RODRIGUES
V
ROBERT LESSER

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered December 15, 2014. The order granted defendant Catherine M. Pirillo's motion for summary judgment dismissing the plaintiffs' complaint and all cross claims against her

MO J. ATHARI for MARILYN RODRIGUES 10 minutes

ERIC M. GERNANT, II, for CATHERINE M. PIRILLO 10 minutes

103.0
CA 14-01790

WILFREDO POLANCO
V
ANTHONY ANNUCCI

Appeal and from a memorandum and judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered August 29, 2014. The memorandum and judgment dismissed the CPLR article 78 petition.

LEAH R. NOWOTARSKI for WILFREDO POLANCO Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI Submitted

104.0
CAF 14-01940

In the Matter of
ISOBELLA A.

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenko, J.), entered September 15, 2014, in a proceeding pursuant to article 10 of the Family Court Act. The order, among other things, adjudged that respondent had neglected the subject children.

LYLE T. HAJDU for ANNA W. Submitted

STEPHEN J. RILEY for CATTARAUGUS COUNTY D.S.S. Submitted

MARY ANNE CONNELL, ATTORNEY FOR CHILD Submitted

105.0
CA 15-01122

JOSEPH KING, III
V
MALONE HOME BUILDERS, INC.

Appeal and cross appeal from an order of the Supreme Court, Steuben County (Peter C. Bradstreet, A.J.), entered February 25, 2015. The order, among other things, granted plaintiff's motion for partial summary judgment.

MICHAEL A. DONLON for JOSEPH KING, III 10 minutes

JAMES W. CUNNINGHAM for MALONE HOME BUILDERS, INC. 10 minutes

106.0
CA 15-01168

FRANK J. MAHIQUES
V
COUNTY OF NIAGARA FALLS

Appeal from a judgment of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered May 6, 2015 in a personal injury action. The judgment, among other things, awarded plaintiffs the sum \$187,500.

R. ANTHONY RUPP, III, for IGT 10 minutes

NORMAN E.S. GREENE for FRANK J. MAHIQUES 15 minutes

111.1
CA 13-01529

SHIKEMA WILLIAMS
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Glen T. Bruening, J.), entered November 7, 2012. The order, insofar as appealed from, denied in part the motion of claimants for leave to file a late claim.

AMEER BENNO for SHIKEMA WILLIAMS

Submitted

KATE H. NEPVEU for STATE OF NEW YORK

10 minutes

DAY CALENDAR
Thursday, January 21, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

112.0
KA 12-01987

PEOPLE
V
PHILIP FINCH

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered August 28, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

PIOTR BANASIAK for PHILIP FINCH 10 minutes

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK 10 minutes

113.0
KA 14-01610

PEOPLE
V
TAVARIS MOXLEY

Appeal from an order of the Supreme Court, Monroe County (Alex R. Renzi, J.), dated July 25, 2014. The order granted defendant's motion to suppress physical evidence.

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

WILLIAM G. PIXLEY for TAVARIS MOXLEY 10 minutes

114.0
KA 14-00041

PEOPLE
V
STEVEN L. FOWLER

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered November 19, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

DEBORAH K. JESSEY for STEVEN L. FOWLER 10 minutes

DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK 5 minutes

115.0
KA 13-00154

PEOPLE
V
DARREN HIGHTOWER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered December 19, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

CHRISTINE M. COOK for DARREN HIGHTOWER 10 minutes

VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

116.0
KA 13-01069

PEOPLE
V
ERIC BELLAMY

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered December 17, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

	LINDA M. CAMPBELL for ERIC BELLAMY	Submitted
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	Submitted
117.0 KA 13-01683	PEOPLE V BRANDON L. GIBSON	
	Appeal from a judgment of the Erie County Court (Michael Pietruszka, J.), rendered April 2, 2013. The judgment convicted defendant, after a nonjury trial, of criminal possession of a weapon in the second degree, aggravated unlicensed operation of a motor vehicle in the third degree and a traffic infraction.	
	DEBORAH K. JESSEY for BRANDON L. GIBSON	10 minutes
	NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK	5 minutes
118.0 KA 14-00191	PEOPLE V DONALD R. COOPER	
	Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered December 16, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class E felony and aggravated unlicensed operation of a motor vehicle in the first degree.	
	GARY M. PHILLIPS for DONALD R. COOPER	5 minutes
	AMBER KERLING for PEOPLE OF THE STATE OF NEW YORK	Submitted
119.0 KA 14-00403	PEOPLE V MICHAEL T. HOGAN	
	Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered February 10, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and unlawful possession of marihuana.	
	SHERRY A. CHASE for MICHAEL T. HOGAN	5 minutes
	DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK	5 minutes
120.0 KA 15-01145	PEOPLE V THOMAS O'TOOLE	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered August 20, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.	
	FRANK POLICELLI for THOMAS O'TOOLE	10 minutes
	STEVEN G. COX for PEOPLE OF THE STATE OF NEW YORK	10 minutes
121.0 KA 15-01148	PEOPLE V THOMAS O'TOOLE	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered August 20, 2013. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.	

	FRANK POLICELLI for THOMAS O'TOOLE	Submitted
	SCOTT D. MCNAMARA for PEOPLE OF THE STATE OF NEW YORK	Submitted
122.0 KA 12-01254	PEOPLE V AARON PAIGE	
	Appeal from a resentence of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 5, 2012. Defendant was resentenced upon a conviction of the crimes of robbery in the first degree, burglary in the first degree, robbery in the second degree and burglary in the second degree.	
	PIOTR BANASIAK for AARON PAIGE	5 minutes
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	10 minutes
123.0 KA 12-01255	PEOPLE V AARON PAIGE	
	Appeal from a resentence of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 5, 2012. Defendant was resentenced upon a conviction of the crimes of robbery in the first degree (three counts) and, burglary in the first degree.	
	PIOTR BANASIAK for AARON PAIGE	Submitted
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	Submitted
124.0 KA 12-01256	PEOPLE V AARON PAIGE	
	Appeal from a resentence of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 5, 2012. Defendant was resentenced upon a conviction of the crimes of robbery in the first degree, burglary in the first degree, and burglary in the second degree.	
	PIOTR BANASIAK for AARON PAIGE	Submitted
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	Submitted
125.0 KA 12-01257	PEOPLE V AARON PAIGE	
	Appeal from a resentence of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 5, 2012. Defendant was resentenced upon a conviction of the crime of burglary in the first degree	
	PIOTR BANASIAK for AARON PAIGE	Submitted
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	Submitted
126.0 KA 12-01258	PEOPLE V AARON PAIGE	
	Appeal from a resentence of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 5, 2012. Defendant was resentenced upon a conviction of the crime of attempted rape in the first degree.	
	PIOTR BANASIAK for AARON PAIGE	Submitted

Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered July 24, 2014. The order, among other things, denied plaintiff's post-divorce application to modify the custody and visitation agreement.

MICHAEL STEINBERG for JOHN S. GIZZI

15 minutes

TINA M. GIZZI for HERSELF

Submitted

GARY MULDOON, ATTORNEY FOR CHILD

10 minutes

132.0
CA 15-00508

DWAYNE HALL
V
CARDINAL HEALTH

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered May 22, 2014 in a proceeding pursuant to CPLR article 78. The order dismissed the petition.

ROBERT C. WHITAKER, JR., for DWAYNE HALL

10 minutes

CLEMENTE J. PARENTE for CARDINAL HEALTH

15 minutes

133.0
CA 15-01123

JOHN M. HOLMES
V
MICHAEL A. FIORE

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered December 22, 2014. The order and judgment, among other things, denied the motion of defendants Michael A. Fiore and City of Utica seeking summary judgment dismissing the complaint.

KEVIN A. LANE for MICHAEL A. FIORE

10 minutes

SAMANTHA M. HOLBROOK for JOHN M. HOLMES

10 minutes

YAMILE AL-SULLAMI for WYATT T. HOLMES

15 minutes

134.0
CA 15-00082

WILLIAM HOTALING
V
DELONE CARTER

Appeal from a judgment of the Supreme Court, Onondaga County (James P. Murphy, J.), entered March 17, 2014. The judgment, among other things, awarded plaintiff the sum of \$43,688.14 as against defendant.

SIDNEY P. COMINSKY for WILLIAM HOTALING

15 minutes

DELONE CARTER for HIMSELF

Submitted

135.0
CA 15-01085

TATTOOS BY DESIGN, INC.
V
MARK KOWALSKI

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 29, 2015. The order denied the motion of defendant for summary judgment.

JEREMY C. TOTH for MARK KOWALSKI

10 minutes

PARKER MACKAY for TATTOOS BY DESIGN, INC.

10 minutes

136.0
CA 14-01066

ANTWAN THOMPSON
V
ANTHONY J. ANNUCCI

Appeal from a decision and judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered April 28, 2014. The decision and judgment denied and dismissed the CPLR article 78 petition of petitioner.

ANTWAN THOMPSON for HIMSELF

Submitted

FRANK BRADY for ANTHONY J. ANNUCCI

Submitted

137.0
CA 14-01689

ANTWAN THOMPSON
V
ANTHONY J. ANNUCCI

Appeal from a decision and order of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered September 9, 2014. The decision and order, insofar as appealed from, denied, upon reargument, the motion of petitioner to modify a decision and judgment denying and dismissing his CPL article 78 petition.

ANTWAN THOMPSON for HIMSELF

Submitted

FRANK BRADY for ANTHONY J. ANNUCCI

Submitted