

**DAY CALENDAR**  
**Wednesday, May 20, 2015 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

686.0  
KA 12-00764

PEOPLE  
V  
JASON L. WRIGHT

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 24, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

DAVID M. ABBATOY, JR., for JASON L. WRIGHT Submitted

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK Submitted

687.0  
KA 12-00765

PEOPLE  
V  
JASON L. WRIGHT

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 24, 2012. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

DAVID M. ABBATOY, JR., for JASON L. WRIGHT Submitted

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK Submitted

688.0  
KA 13-00748

PEOPLE  
V  
DONALD J. ENGLERT, II

Appeal from a judgment of the Monroe County Court (Dennis M. Kehoe, A.J.), rendered April 9, 2013. The judgment convicted defendant, upon a jury verdict, of course of sexual conduct against a child in the first degree.

BRIAN SHIFFRIN for DONALD J. ENGLERT, II 10 minutes

ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK 10 minutes

689.0  
KA 14-00568

PEOPLE  
V  
DANIELLE L. LEIGHTON

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered May 9, 2013. The judgment convicted defendant, upon her plea of guilty, of failure to exercise due care, reckless driving while ability impaired by drugs, driving while impaired by combined influences of drugs, vehicular assault in the second degree and assault in the second degree.

JOSEPH G. FRAZIER for DANIELLE L. LEIGHTON Submitted

LAURA T. BITTNER for PEOPLE OF THE STATE OF NEW YORK Submitted

690.0  
KA 14-00057

PEOPLE  
V  
ELAINA J. MEAD

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered December 4, 2013. The judgment convicted defendant, upon her plea of guilty, of attempted menacing a police officer.

	NICHOLAS P. DIFONZO for ELAINA J. MEAD	Submitted
	WILLIAM G. ZICKL for PEOPLE OF THE STATE OF NEW YORK	Submitted
691.0 KA 14-00491	PEOPLE V ADAM C. SMITH	
	Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered October 17, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree and conspiracy in the fourth degree.	
	CHRISTOPHER M. PALERMO for ADAM C. SMITH	5 minutes
	CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK	Submitted
692.0 KA 12-01676	PEOPLE V BRANDON E. HARPER	
	Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered September 4, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the first degree, murder in the second degree (two counts) and attempted robbery in the first degree.	
	DAVID M. ABBATOY, JR., for BRANDON E. HARPER	10 minutes
	DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK	10 minutes
693.0 KA 12-01693	PEOPLE V CHARLES W. TOMLIN, III	
	Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered February 9, 2012. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated, a class E felony, and unlawful possession of marihuana.	
	KRISTEN MCDERMOTT for CHARLES W. TOMLIN, III	10 minutes
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	10 minutes
694.0 KA 14-00064	PEOPLE V JOSE G. JOHNSON	
	Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered October 28, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.	
	SHERRY A. CHASE for JOSE G. JOHNSON	10 minutes
	SYDNEY V. PROBST for PEOPLE OF THE STATE OF NEW YORK	5 minutes
695.0 KA 11-00669	PEOPLE V NIXON ELIAN	

Appeal from a judgment of the Supreme Court, Monroe County (David D. Egan, J.), rendered January 6, 2011. The judgment convicted defendant, upon a jury verdict, of attempted aggravated murder (two counts), assault in the first degree (two counts), attempted robbery in the first degree, burglary in the first degree, criminal possession of a weapon in the second degree, assault in the second degree and criminal possession of a controlled substance in the fourth degree.

DREW R. DUBRIN for NIXON ELIAN

10 minutes

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK

10 minutes

696.0  
CAF 13-02184

TAMMY L. GAINES

V

JASON F. PERRY

Appeal from an order of the Family Court, Erie County (Rosalie Bailey, J.), entered October 4, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition

ALAN BIRNHOLZ for TAMMY L. GAINES

Submitted

TIMOTHY R. LOVALLO for JASON F. PERRY

5 minutes

JOSEPH CHARLES BANIA, ATTORNEY FOR CHILD

Submitted

697.0  
CAF 12-01583

In the Matter of  
JOHNATHAN B.M.

Appeal from an order of the Family Court, Steuben County (Peter C. Bradstreet, J.), entered August 2, 2012 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 Commissioner of Social Services of the County of Steuben for a period of 12 months.

WENDY S. SISSON for JOHNATHAN B.M.

Submitted

ALAN P. REED for STEUBEN COUNTY ATTORNEY

Submitted

698.0  
CAF 14-00273

In the Matter of  
ARKADIAN S.

Appeals from an order of the Family Court, Cayuga County (Mark H. Fandrich, A.J.), entered January 9, 2014 in a proceeding pursuant to Family Court Act article 10. The order denied the motion of respondent Crystal S. to vacate prior court orders.

CYNTHIA B. BRENNAN for CRYSTAL S.

10 minutes

JOHN A. CIRANDO for JOSHUA S.

10 minutes

SAMUEL PETER GIACONA for CAYUGA COUNTY DEPT. OF HEALTH

10 minutes

JAMES ANTHONY LEONE, ATTORNEY FOR CHILD

10 minutes

699.0  
CA 14-01006

ELISABETH R. VURAL

V

MATTHEW OZHAN VURAL

Appeal from a judgment of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered August 27, 2013 in a divorce action. The judgment, among other things, distributed the marital assets and awarded plaintiff child support.

	JOHN A. CIRANDO for MATTHEW OZHAN VURAL	15 minutes
	EDWARD B. ALDERMAN for ELISABETH R. VURAL	15 minutes
	LISA GILELS for HANNA VURAL	Submitted
700.0 CA 14-01200	<b>COUNTRY PARK CHILD CARE, INC.</b> V <b>SMARTDESIGN ARCHITECTURE PLLC</b>	
	Appeal from a judgment of the Supreme Court, Erie County (John A. Michalek, J.), entered January 28, 2014. The judgment dismissed the action upon a verdict of no cause of action.	
	ALAN J. BOZER for COUNTRY PARK CHILD CARE, INC.	10 minutes
	DANIEL J. ALTIERI for SMARTDESIGN ARCHITECTURE PLLC	15 minutes
701.0 CA 14-02298	<b>COLLEEN M. ZBOCK</b> V <b>DANIEL B. GIETZ</b>	
	Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered May 14, 2014. The order denied the motion of defendants Phillip C. Fournier, Fournier Enterprises, Inc., and Cope Bestway Express, Inc., to preclude plaintiff from presenting testimony of Stephanie P. Messina or, in the alternative, to compel plaintiff's counsel to produce a copy of Stephanie P. Messina's statement.	
	DONNA L. BURDEN for PHILLIP C. FOURNIER	15 minutes
	JOHN A. COLLINS for COLLEEN M. ZBOCK	15 minutes
702.0 CA 14-02273	<b>RICHARD E. SAYERS</b> V <b>JANICE M. SAYERS</b>	
	Appeal from an order of the Supreme Court, Monroe County (Elma A. Bellini, J.), entered May 21, 2014 in a divorce action. The order denied the application of plaintiff for a downward modification of maintenance.	
	STEVEN M. WITKOWICZ for RICHARD E. SAYERS	5 minutes
	MARGARET MCMULLEN RESTON for JANICE M. SAYERS	10 minutes
703.0 CA 14-02109	<b>RICHARD E. ROLLS</b> V <b>STATE OF NEW YORK</b>	
	Appeal from an order of the Court of Claims (Richard E. Sise, J.), entered July 22, 2014. The order denied the motion of claimant for summary judgment on negligence and proximate cause.	
	JOHN A. COLLINS for RICHARD E. ROLLS	10 minutes
	KATE H. NEPVEU for STATE OF NEW YORK	10 minutes
704.0 CA 14-02074	In the Matter of <b>COUNTY OF GENESEE</b> (JENNIFER BOBZIN)	<b>SETTLED</b>

Appeal from an order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered April 17, 2014 in a proceeding pursuant to RPTL article 11. The order, among other things, granted respondent's motion to vacate a judgment of foreclosure.

MARK J. MORETTI for COUNTY OF GENESEE

ALANA P. CARR for JENNIFER BOBZIN

705.0  
CA 14-00288

TOWN OF MACEDON  
V  
VILLAGE OF MACEDON

Appeal from an order of the Supreme Court, Wayne County (Daniel G. Barrett, A.J.), entered April 11, 2013. The order denied the motion of defendant to dismiss the complaint and amended complaint and granted a preliminary injunction enjoining defendant from terminating sewage treatment service to any of the sewer users in the Town of Macedon Sewer District serviced by the Village of Macedon Sewage Treatment Plant.

EUGENE WELCH for VILLAGE OF MACEDON

15 minutes

ANTHONY J. VILLANI for TOWN OF MACEDON

10 minutes

706.0  
CA 14-01040

CATHERINE FLINT  
V  
ROBERT ZIELINSKI, M.D.

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered February 13, 2014. The order granted the motion of defendant Robert Zielinski, M.D., for summary judgment dismissing the complaint against him.

KATHERINE V. MARKEL for CATHERINE FLINT

15 minutes

MOLLIE C. MCGORRY for ROBERT ZIELINSKI, M.D.

10 minutes

707.0  
CA 14-01856

DAVID G. HARRIS  
V  
SYRACUSE UNIVERSITY

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered January 2, 2014. The order and judgment granted the motion of defendants to dismiss the complaint and dismissed the complaint with costs and disbursements.

DAVID G. HARRIS for HIMSELF

15 minutes

THOMAS S. D'ANTONIO for SYRACUSE UNIVERSITY

15 minutes

708.0  
CA 14-01857

DAVID G. HARRIS  
V  
SYRACUSE UNIVERSITY

Appeal from an order of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered April 3, 2014. The order, insofar as appealed from, denied the motions of plaintiff for a stay of judgment, to vacate a judgment on the ground of fraud, to replead, to renew, to rule, to resettle, to recuse and to amend.

DAVID G. HARRIS for HIMSELF

Submitted

THOMAS S. D'ANTONIO for SYRACUSE UNIVERSITY

Submitted

709.0  
CA 14-01676

**KOVALSKY-CARR ELECTRIC SUPPLY CO.,  
V  
HARTFORD CASUALTY INSURANCE COMPANY**

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered December 18, 2013. The order granted the motion of plaintiff for summary judgment, awarded plaintiff judgment in the principal amount of \$70,460.98, struck the answer of defendants and denied the cross motion of defendants for leave to serve an amended answer.

**ANTHONY J. ADAMS, JR., for HARTFORD CASUALTY INSURANCE** 15 minutes

**MAX G. KINSKY for EASTCOAST ELECTRIC, LLC** Submitted

**JOHN A. CIRANDO for KOVALSKY-CARR ELECTRIC SUPPLY CO.** 15 minutes

710.0  
CA 14-01858

**KOVALSKY-CARR ELECTRIC SUPPLY CO.,  
V  
HARTFORD CASUALTY INSURANCE COMPANY**

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 23, 2014. The order, insofar as appealed from, granted the motion of plaintiff to strike the answer and counterclaims of defendants and denied the motion of defendants to consolidate.

**ANTHONY J. ADAMS, JR., for HARTFORD CASUALTY INSURANCE** Submitted

**MAX G. KINSKY for EASTCOAST ELECTRIC, LLC** Submitted

**JOHN A. CIRANDO for KOVALSKY-CARR ELECTRIC SUPPLY CO.** Submitted

711.0  
CA 14-01919

**JAMES R. DIEGELMAN  
V  
CITY OF BUFFALO**

Appeal from an order of the Supreme Court, Erie County (John P. Lane, J.H.O.), entered January 16, 2014. The order granted the motion of plaintiffs for permission to serve a late notice of claim

**DAVID M. LEE for CITY OF BUFFALO** 10 minutes

**JOHN A. COLLINS for JAMES R. DIEGELMAN** 15 minutes

711.1  
KA 12-00753

**PEOPLE  
V  
ERIC HARRIS**

Appeal from a resentence of the Seneca County Court (Dennis F. Bender, J.), rendered March 7, 2011. Defendant was resented by imposing terms of postrelease supervision.

**DAVID J. PAJAK for ERIC HARRIS** 10 minutes

**BARRY L. PORSCHE for PEOPLE OF THE STATE OF NEW YORK** 10 minutes

711.2  
KA 03-00716

**PEOPLE  
V  
ERIC HARRIS**

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered March 27, 2003. The judgment convicted defendant, upon a jury verdict, of assault in the first degree, arson in the second degree, reckless endangerment in the first degree and assault in the second degree.

DAVID J. PAJAK for ERIC HARRIS

Submitted

BARRY L. PORSCHE for PEOPLE OF THE STATE OF NEW YORK

Submitted

711.3  
KA 06-02577

PEOPLE

V

ERIC HARRIS

Appeal from an order of the Seneca County Court (Dennis F. Bender, J.), rendered July 31, 2006. The order denied the motion of defendant to vacate a conviction pursuant to CPL 440.10.

DAVID J. PAJAK for ERIC HARRIS

Submitted

BARRY L. PORSCHE for PEOPLE OF THE STATE OF NEW YORK

Submitted