

DAY CALENDAR
Monday, May 18, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

643.0
KA 13-02191

PEOPLE
V
JAMES D. BRADBERRY

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered September 8, 2011. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child (two counts) and incest in the second degree.

KATHRYN B. FRIEDMAN for JAMES D. BRADBERRY 10 minutes

MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

635.0
KA 15-00119

PEOPLE
V
CHARLES R. PIERRE

Appeal from an order of the Monroe County Court (Douglas A. Randall, J.), entered July 21, 2014. The order granted the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10 (1) (g).

STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

VAN HENRI WHITE for CHARLES R. PIERRE 15 minutes

636.0
KA 12-01348

PEOPLE
V
WILLARD BAILEY

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered July 9, 2012. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree.

MARK C. CURLEY for WILLARD BAILEY 15 minutes

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

637.0
KA 14-00570

PEOPLE
V
WILLARD BAILEY

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, Oneida County (Barry M. Donalty, A.J.), dated January 14, 2014. The order denied the motion of defendant to vacate his conviction pursuant to CPL 440.10 (1) (6).

MARK C. CURLEY for WILLARD BAILEY Submitted

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

638.0
KA 12-00591

PEOPLE
V
CORI BUCKMAN

Appeal from a resentencing of the Monroe County Court (Alex R. Renzi, J.), rendered February 1, 2012. Defendant was resentenced upon his conviction of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

JAMES A. HOBBS for CORI BUCKMAN

Submitted

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

Submitted

639.0
KA 10-02418

PEOPLE
V
TIMOTHY BREWER

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered October 4, 2010. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child (two counts) and sexual abuse in the first degree (two counts).

BRIAN SHIFFRIN for TIMOTHY BREWER

10 minutes

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

10 minutes

640.0
KA 13-01924

PEOPLE
V
JOVAN L. BARKSDALE

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered August 29, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

ROBERT L. KEMP for JOVAN L. BARKSDALE

10 minutes

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

10 minutes

641.0
KA 11-00414

PEOPLE
V
ALBERT BURNICE

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered December 17, 2010. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (two counts).

MARY P. DAVISON for ALBERT BURNICE

Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

642.0
KA 14-02078

PEOPLE
V
CODY BACKUS

Appeal from an order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), dated March 19, 2014. The order granted the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

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

10 minutes

LUCILLE M. RIGNANESE for CODY BACKUS

15 minutes

644.0
KA 13-01863

PEOPLE
V
MATTHEW B. HORTON

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered July 9, 2013. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the second degree and attempted kidnapping in the second degree.

MARY P. DAVISON for MATTHEW B. HORTON

Submitted

JOHN C. TUNNEY for PEOPLE OF THE STATE OF NEW YORK

5 minutes

645.0
KA 14-00512

PEOPLE
V
WALTER M. EDWARDS

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered February 28, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree, intimidating a witness in the second degree and assault in the third degree (two counts).

MARY-JEAN BOWMAN for WALTER M. EDWARDS

Submitted

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

Submitted

646.0
CAF 12-01975

PAULINE KEICHER
V
DONALD SCHEIFLA

Appeal from an order of the Family Court, Erie County (Rosalie Bailey, J.), entered October 1, 2012 in a proceeding pursuant to Family Court Act article 8. The order dismissed the petition

EVELYNE A. O'SULLIVAN for PAULINE KEICHER

Submitted

BERNADETTE HOPPE for DONALD SCHEIFLA

Submitted

647.0
CAF 14-01318

SANDRA STIDHAM
V
GARY STIDHAM

Appeal from an order of the Family Court, Monroe County (John B. Gallagher, Jr., J.), entered October 21, 2013 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's written objections to the order of the Support Magistrate.

SANDRA STIDHAM for HERSELF

Submitted

GARY STIDHAM for HIMSELF

Submitted

648.0
CAF 14-01134

In the Matter of
ZACHARY H.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered May 28, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, terminated respondent's parental rights and transferred guardianship and custody of the child to petitioner.

PHILIP ROTHSCHILD for JESSICA H.

10 minutes

POLLY E. JOHNSON for ONONDAGA COUNTY D.S.S.

10 minutes

STEPHANIE N. DAVIS, ATTORNEY FOR CHILD

5 minutes

649.0
CA 13-00580

RUTH A. SHATZEL
V
VILLAGE OF HAMBURG

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 19, 2012. The order, insofar as appealed from, denied the motion of defendant 152 Buffalo Street, Ltd., for summary judgment and granted the cross motion of plaintiff for summary judgment against 152 Buffalo Street, Ltd., on the issue of negligence.

JONATHAN D. COX for 152 BUFFALO STREET, LTD 15 minutes

WILLIAM A. QUINLAN for RUTH A. SHATZEL 10 minutes

650.0
CA 14-01846

RACHEL HECKL
V
DANIEL M. WALSH

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered July 25, 2014. The order, insofar as appealed from, denied the motion of defendants HSBC North America, Inc., and HSBC Bank USA N.A. to dismiss the amended complaint with respect to the causes of action asserted on behalf of Aida Corey, adjudicated Aida Corey insane for the purposes of CPLR 208 and tolled the statute of limitations on the claims of Aida Corey as of July 11, 2005.

MITCHELL J. BANAS, JR., for HSBC NORTH AMERICA, INC. 15 minutes

BRENDAN H. LITTLE for RACHEL HECKL 15 minutes

651.0
CA 14-02303

BETH ANN PIENTA
V
A.W. CHESTERTON COMPANY

Appeal from an order of the Supreme Court, Erie County (John P. Lane, J.H.O.), entered April 15, 2013. The order, insofar as appealed from, denied the motion of defendant Crane Co. for summary judgment.

MICHAEL J. ROSS for CRANE CO. 15 minutes

JON NED LIPSITZ for CAROL A. HOLDSWORTH 10 minutes

652.0
CA 14-01886

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

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered June 13, 2014 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment, among other things, annulled respondents' determination dated February 10, 2014 that denied petitioner's claims for reimbursement of overburden expenses incurred prior to January 1, 2006.

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

CHRISTOPHER BUCKEY for COUNTY OF CAYUGA Submitted

653.0
CA 14-02082

KELLY VARANO
V
FORBA HOLDINGS, LLC

SETTLED

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered August 7, 2014. The order denied the motion of defendants Forba Holdings, LLC, now known as Church Street Health Management, LLC, Forba NY, LCC, and Small Smiles Dentistry of Syracuse, LLC, for recusal.

MATTHEW S. LERNER for FORBA HOLDINGS, LLC

MICHAEL J. HUTTER for KELLY VARANO

654.0
CA 15-00060

MOLLY R. COURTNEY

V

HEATHER G. HEBELER

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 4, 2014. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint.

MICHAEL P. SULLIVAN for HEATHER G. HEBELER

15 minutes

ALAN D. VOOS for MOLLY R. COURTNEY

10 minutes

655.0
CA 14-02110

PRISCILLA MORRIS

SETTLED

V

ROCHESTER-GENESEE REGIONAL TRANS.

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered April 7, 2014. The order, insofar as appealed from, denied the motion of defendants Rochester-Genesee Regional Transportation Authority and Lift Line, Inc., to dismiss plaintiff's first and second causes of action and granted the motion of plaintiff for partial summary judgment on the issues of serious injury and "use and operation" and to compel discovery.

GRETA KATRIN KOLCON for ROCHESTER-GENESEE REGIONAL TRANS.

K. JOHN WRIGHT for PRISCILLA MORRIS

656.0
CA 15-00015

SHELLY F. MOORE

V

NANCY A. CURTISS

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered August 12, 2014. The order denied the motion of defendant Nancy A. Curtiss for summary judgment dismissing the complaint and all cross claims.

BETHANY A. RUBIN for NANCY A. CURTISS

15 minutes

KRIS E. LAWRENCE for HENRY COX

15 minutes

JOHN A. COLLINS for SHELLY F. MOORE

10 minutes

657.0
CA 14-01888

COUNTY OF MONROE

V

NIRAV R. SHAH, M.D.

Appeal and cross appeal from an order of the Supreme Court, Monroe County (William P. Polito, J.), entered July 3, 2014. The order, among other things, annulled respondents' February 20, 2014 and March 6, 2014 denial of petitioner's reimbursement claims and denied respondents' motion for summary judgment.

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

10 minutes

CHRISTOPHER BUCKEY for COUNTY OF MONROE

Submitted

**658.0
CA 14-02081**

PATRICIA DEROSA

V

PAUL DYSTER

Appeal from a judgment (denominated order) of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered May 4, 2014 in a proceeding pursuant to CPLR article 78. The judgment granted the motion of respondents to dismiss the petition and dismissed the petition.

W. JAMES SCHWAN for PATRICIA DEROSA

10 minutes

CHRISTOPHER M. MAZUR for PAUL DYSTER

10 minutes

DAY CALENDAR
Tuesday, May 19, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

659.0
KA 11-01818

PEOPLE
V
MICHAEL E. PRINDLE

Appeal from a resentence of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered August 3, 2011. Defendant was resentenced upon his conviction of manslaughter in the second degree.

JAMES A. HOBBS for MICHAEL E. PRINDLE 10 minutes

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

660.0
KA 14-00784

PEOPLE
V
DEREK NICHOLSON

Appeal from an order of the Steuben County Court (Marianne Furfure, A.J.), entered December 28, 2013. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

BRENDA S. ASTON for DEREK NICHOLSON Submitted

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

661.0
KA 13-01896

PEOPLE
V
ALEXANDER REED

Appeal from an order of the Erie County Court (Michael L. D'Amico, J.), entered September 13, 2013. The order, insofar as appealed from, denied the motion of defendant for DNA testing pursuant to CPL 440.30 (1-a) (a).

MICHAEL J. STACHOWSKI for ALEXANDER REED 15 minutes

NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK 10 minutes

662.0
KA 13-01565

PEOPLE
V
CHARLIE MIXON

Appeal from an order of the Supreme Court, Erie County (M. William Boller, A.J.), entered May 16, 2013. The order, insofar as appealed from, denied the motion of defendant for DNA testing pursuant to CPL 440.30 (1-a).

TIMOTHY P. MURPHY for CHARLIE MIXON 10 minutes

MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

663.0
KA 12-00719

PEOPLE
V
JERWIE RICHARDSON

Appeal from a resentence of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered January 4, 2012. Defendant was resentenced upon his conviction of robbery in the first degree (two counts), attempted robbery in the first degree (two counts), criminal possession of a weapon on the second degree (two counts) and grand larceny in the fourth degree (two counts).

	JANE I. YOON for JERWIE RICHARDSON	5 minutes
	NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK	5 minutes
664.0 KA 14-02271	PEOPLE V JAMES D'AGOSTINO	
	Appeal from a revised order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), entered April 9, 2014. The revised order determined that defendant had not committed a registerable offense pursuant to the Sex Offender Registration Act.	
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	Submitted
	STUART JAMES LAROSE for JAMES D'AGOSTINO	Submitted
665.0 KA 12-00688	PEOPLE V GLENN E. SIMS	
	Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered February 21, 2012. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.	
	JAMES ECKERT for GLENN E. SIMS	Submitted
	ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK	Submitted
666.0 KA 10-01017	PEOPLE V NICHOLAS A. WEST	
	Appeal from a judgment of the Supreme Court, Monroe County (David D. Egan, J.), rendered January 7, 2010. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree, robbery in the first degree, robbery in the second degree and assault in the second degree.	
	SHIRLEY A. GORMAN for NICHOLAS A. WEST	15 minutes
	NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK	15 minutes
667.0 KA 12-02260	PEOPLE V TROY ROSE	
	Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered April 30, 2012. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of a weapon in the second degree.	
	PIOTR BANASIAK for TROY ROSE	10 minutes
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
668.0 KA 13-01491	PEOPLE V JOHN W. CARNEY	
	Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered May 28, 2013. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.	
	TIMOTHY P. MURPHY for JOHN W. CARNEY	Submitted

	ASHLEY R. LOWRY for PEOPLE OF THE STATE OF NEW YORK	Submitted
669.0 KAH 14-02147	PEOPLE EX REL. DANIEL FINLAY V HONORABLE DAVID S. GIDEON	
	Appeals from a judgment (denominated order/judgment) of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), entered March 24, 2014 in a habeas corpus proceeding. The judgment granted the writ of habeas corpus and discharged petitioner of all restraints imposed on his liberty by the temporary order of protection issued by respondent on May 7, 2013.	
	TDAVID W. HERKALA for HONORABLE DAVID S. GIDEON	10 minutes
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
	STEVEN SHIFFRIN for DANIEL FINLAY	20 minutes
670.0 CAF 14-00870	In the Matter of HAILEY	
	Appeal from an order of the Family Court, Lewis County (Donald E. Todd, A.J.), entered April 22, 2014 in a proceeding pursuant to Family Court Act article 6. The order denied and dismissed the application of petitioner to revoke a surrender instrument.	
	SCOTT A. OTIS for TAYLOR G.	Submitted
	LISA A. PROVEN for DARLA JOY L.	Submitted
	KRYSTAL A. RUPERT, ATTORNEY FOR CHILD	10 minutes
671.0 CAF 14-00526	LANCE M. LAPOINT V WENDY PELLICIOTTI	
	Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered February 26, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties have joint legal and physical custody of the subject child with respondent continuing to be the parent of primary residence.	
	KELLY M. CORBETT for LANCE M. LAPOINT	10 minutes
	WENDY PELLICIOTTI for HERSELF	Submitted
	KAREN JUNE DOCTER, ATTORNEY FOR CHILD	10 minutes
672.0 CA 14-01761	PETER E. GREVELDING, JR. V STATE OF NEW YORK	
	Appeal from an order of the Court of Claims (Diane L. Fitzpatrick, J.), entered June 26, 2014. The order awarded claimant money damages after a trial.	
	FREDERICK A. BRODIE for STATE OF NEW YORK	5 minutes
	W. BRADLEY HUNT for PETER E. GREVELDING, JR.	15 minutes
673.0 CA 14-01762	PETER E. GREVELDING, JR. V STATE OF NEW YORK	

Appeal from a judgment of the Court of Claims (Diane L. Fitzpatrick, J.), entered July 16, 2014. The judgment awarded claimant money damages after a trial.

FREDERICK A. BRODIE for STATE OF NEW YORK

Submitted

W. BRADLEY HUNT for PETER E. GREVELDING, JR.

Submitted

674.0
CA 14-02239

NICK'S GARAGE, INC.

SETTLED

V

ADIRONDACK INSURANCE EXCHANGE

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered March 4, 2014. The order, insofar as appealed from, denied the motion of defendant to dismiss plaintiff's causes of action for breach of contract, quantum meruit and violation of General Business Law § 349 and denied the motion of defendant for severance.

MATTHEW S. LERNER for ADIRONDACK INSURANCE EXCHANGE

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

675.0
CA 14-01918

LIBERTY INSURANCE UNDERWRITERS, INC.

V

CALLI, CALLI & CULLY

Appeal from an order of the Supreme Court, Oneida County (James P. McClusky, J.), entered April 24, 2014. The order denied the motion of plaintiff for partial summary judgment and granted the cross motion of defendants Calli, Calli & Cully, Calli & Calli, William S. Calli, Jr., as Administrator CTA of the Estate of William S. Calli, deceased, Robert R. Calli, William S. Calli Jr., Herbert J. Cully and Jason J. Centonella, for summary judgment dismissing the cause of action for rescission.

SHARON ANGELINO for LIBERTY INSURANCE UNDERWRITERS, INC.

15 minutes

DAVID A. BAGLEY for CALLI, CALLI & CULLY

10 minutes

KEVIN A. LUIBRAND for GARY M. DISCHIAVI

Submitted

676.0
CA 14-02139

BRANDYWINE PAVERS, LLC

V

PAT J. BOMBARD

Appeal from an order of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered February 10, 2014 in a foreclosure action. The order, among other things, directed that a portion of an appeal undertaking, posted on behalf of defendant Pat J. Bombard, be paid to defendant Denise M. Thurston.

DANIEL R. NORTON for BRANDYWINE PAVERS, LLC

10 minutes

DAVID M. BADAMI for PAT J. BOMBARD

Submitted

DAVID ALAN CONTIGUGLIA for ERMA C. JERVA

Submitted

DENISE M. THURSTON for DENISE M. THURSTON

Submitted

DAVID P. MARTIN for HIMSELF

Submitted

677.0
CA 15-00059

IRONWOOD, LLC

V

JGB PROPERTIES, LLC

Appeal from an order of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered March 24, 2014. The order, insofar as appealed from, determined that plaintiff Ironwood, L.L.C., is entitled to an award of punitive damages.

RAYMOND M. SCHLATHER for JGB PROPERTIES, LLC

15 minutes

JANET D. CALLAHAN for IRONWOOD, LLC

10 minutes

678.0
CA 15-00079

IRONWOOD, LLC
V
JGB PROPERTIES, LLC

Appeal from a judgment of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered March 24, 2014. The judgment awarded plaintiff Ironwood, L.L.C., punitive damages of \$300,000, plus costs, disbursements and interest.

RAYMOND M. SCHLATHER for JGB PROPERTIES, LLC

Submitted

JANET D. CALLAHAN for IRONWOOD, LLC

Submitted

679.0
CA 14-01763

CANANDAIGUA EMERGENCY SQUAD, INC.
V
ROCHESTER AREA HEALTH MAINTENANCE

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered December 26, 2013. The order, among other things, granted defendant's motion to strike plaintiffs' demand for a jury trial and granted in part plaintiffs' cross motion to strike certain affirmative defenses of defendant and to preclude certain evidence and testimony at trial.

BRADLEY MARC PINSKY for CANANDAIGUA EMERGENCY SQUAD, INC.

15 minutes

JEREMY M. SHER for ROCHESTER AREA HEALTH MAINTENANCE

10 minutes

680.0
CA 14-01764

CANANDAIGUA EMERGENCY SQUAD, INC.
V
ROCHESTER AREA HEALTH MAINTENANCE

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered May 27, 2014. The order, among other things, granted defendant's motion to reargue and upon reargument denied plaintiffs' motion to preclude.

BRADLEY MARC PINSKY for CANANDAIGUA EMERGENCY SQUAD, INC.

Submitted

JEREMY M. SHER for ROCHESTER AREA HEALTH MAINTENANCE

Submitted

681.0
CA 14-02229

BUYER'S FIRST CHOICE, INC.
V
JOANNE SIMME

Appeal from an order of the Erie County Court (Thomas P. Franczyk, J.), entered September 24, 2013. The order, among other things, denied plaintiff's motion for summary judgment.

JED L. CARROL for BUYER'S FIRST CHOICE, INC.

15 minutes

NORTON TODD LOWE for JOANNE SIMME

10 minutes

682.0
CA 14-01679

HAMILTON EQUITY GROUP, LLC
V
JOSEPH A. ABLES, JR.

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered January 15, 2014. The order denied and dismissed the petition to compel the delivery of certain collateral.

R. ANTHONY RUPP, III, for HAMILTON EQUITY GROUP, LLC 10 minutes

RICHARD T. SULLIVAN for JUAN E. IRENE, PLLC 10 minutes

683.0
CA 15-00092

CANDACE SWATLAND
V
JOHN R. KYLE

Appeal from a judgment of the Supreme Court, Erie County (James P. Punch, A.J.), entered June 3, 2014. The judgment awarded plaintiff money damages for pain and suffering.

NELSON E. SCHULE, JR., for CANDACE SWATLAND 10 minutes

KIMBERLY A. JANSEN for JOHN R. KYLE 10 minutes

684.0
CA 15-00047

GREGORY S. HEDLUND
V
JAMESTOWN PUBLIC SCHOOLS

Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered April 24, 2014. The order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 (1) against defendants Jamestown Public Schools and Jamestown Public Schools Board of Education; denied the cross motion of defendants Jamestown Public Schools and Jamestown Public Schools Board of Education for summary judgment dismissing plaintiff's Labor Law §§ 240 (1) and 241 (6) claims; granted the motion of defendants Jamestown Public Schools and Jamestown Public Schools Board of Education for summary judgment on defense and contractual indemnification against third-party plaintiff Picone Construction Corporation; and granted the motion of third-party plaintiff Picone Construction Corporation for summary judgment on defense and contractual indemnification against third-party defendant, Gillette Masonry, Inc.

BRUCE L. DECKER, JR., for GILLETTE MASONRY, INC. 15 minutes

DAVID RAY ADAMS for JAMESTOWN PUBLIC SCHOOLS 10 minutes

PETER FRANCIS BRADY for GREGORY S. HEDLUND 10 minutes

GERARD E. O'CONNOR for PICONE CONSTRUCTION CORPORATION 5 minutes

DAY CALENDAR
Tuesday, May 19, 2015 - 10:00 AM
COURTROOM 2

685.0
KA 12-01370

PEOPLE
V
JAMES BLAIR

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered July 18, 2012. The appeal was held by this Court by order entered October 3, 2014, decision was reserved and the matter was remitted to Supreme Court, Erie County, for further proceedings (121 AD3d 1570).

VINCENT F. GUGINO for JAMES BLAIR

Submitted

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

Submitted

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	COUNTRY PARK CHILD CARE, INC. V SMARTDESIGN ARCHITECTURE PLLC	
	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	COLLEEN M. ZBOCK V DANIEL B. GIETZ	
	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	RICHARD E. SAYERS V JANICE M. SAYERS	
	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	RICHARD E. ROLLS V STATE OF NEW YORK	
	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 COUNTY OF GENESEE (JENNIFER BOBZIN)	SETTLED

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

DAY CALENDAR
Thursday, May 21, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

712.0
TP 14-02106

DAVID SCOTT
V
HOWARD ZUCKER

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, Genesee County [Robert C. Noonan, A.J.], entered November 24, 2014) to review a determination of respondent. The determination imposed sanctions on the application of petitioner for Medicaid.

EDWARD CHARLES ROBINSON for DAVID SCOTT Submitted

JONATHAN D. HITSOUS for HOWARD ZUCKER Submitted

713.0
KA 10-00358

PEOPLE
V
OLE PETERSEN

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered May 27, 2009. The judgment convicted defendant, upon a jury verdict, of offering a false instrument for filing in the first degree (three counts).

PETER J. DIGIORGIO, JR., for OLE PETERSEN 15 minutes

DANIEL J. JAWOR for PEOPLE OF THE STATE OF NEW YORK 15 minutes

714.0
KA 14-00107

PEOPLE
V
MORRIS H. WHITE

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered April 24, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

MARY P. DAVISON for MORRIS H. WHITE 5 minutes

BRIAN D. DENNIS for PEOPLE OF THE STATE OF NEW YORK 5 minutes

715.0
KA 11-02526

PEOPLE
V
MICHAEL CRUZ

Appeal from a judgment of the Cattaraugus County Court (Terrence M. Parker, A.J.), rendered November 1, 2011. The judgment convicted defendant, upon a jury verdict, of grand larceny in the third degree.

ALAN WILLIAMS for MICHAEL CRUZ 15 minutes

KELLY M. BALCOM for PEOPLE OF THE STATE OF NEW YORK Submitted

716.0
KA 14-00566

PEOPLE
V
TERRELL HALE

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered November 19, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for TERRELL HALE

10 minutes

JEREMY V. MURRAY for PEOPLE OF THE STATE OF NEW YORK

10 minutes

717.0
KA 08-00227

PEOPLE

V

KEVIN D. LIPFORD

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered November 21, 2007. The judgment convicted defendant, upon a jury verdict, of kidnapping in the second degree.

JOHN R. LEWIS for KEVIN D. LIPFORD

10 minutes

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

5 minutes

718.0
KA 12-01618

PEOPLE

V

ANDRE BAPTISTA

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered April 11, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fourth degree.

PHILIP ROTHSCHILD for ANDRE BAPTISTA

10 minutes

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

10 minutes

719.0
CAF 14-00693

ANDREA E. RAFFERTY

V

MICHAEL J. RAFFERTY

Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered March 24, 2014 in a proceeding pursuant to Family Court Act article 4. The order committed respondent to the Oneida County Jail for a period of six months.

JOHN J. RASPANTE for MICHAEL J. RAFFERTY

Submitted

TIMOTHY A. BENEDICT for ANDREA E. RAFFERTY

Submitted

720.0
CAF 14-00385

In the Matter of
JAVONTE G.

Appeal from an order of the Family Court, Jefferson County (Richard V. Hunt, J.), entered February 19, 2014 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.

JOHN A. CIRANDO for SHAWN E.

10 minutes

ARTHUR C. STEVER, IV for JEFFERSON COUNTY D.S.S.

10 minutes

SCOTT A. OTIS, ATTORNEY FOR CHILD

10 minutes

721.0
CAF 14-00126

MARY E. COUNTRYMAN

V

WILLIS C. COUNTRYMAN

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, A.J.), entered December 23, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner custody of the subject children.

PAUL B. WATKINS for WILLIS C. COUNTRYMAN 10 minutes

MARY E. COUNTRYMAN for HERSELF Submitted

RUTHANNE G. SANCHEZ, ATTORNEY FOR CHILD 10 minutes

722.0
CAF 14-00569

DAVID A. LUGO
V
JAMIE M. HAMILL

Appeal from an order of the Supreme Court, Genesee County (Eric R. Adams, A.J.), entered March 10, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties shall have joint custody of the subject child, with primary residence being with the mother.

MICHAEL STEINBERG for DAVID A. LUGO 5 minutes

CHARLES J. GREENBERG for JAMIE M. HAMILL 5 minutes

WENDY S. SISSON, ATTORNEY FOR CHILD Submitted

723.0
CAF 13-02100

In the Matter of
ALEXANDER S.

Appeals from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered November 22, 2013 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred guardianship and custody of the subject child to petitioner.

JOHN A. CIRANDO for ALECIA P. 10 minutes

JESSICA MARIE PEASLEE for STEUBEN COUNTY D.S.S. 10 minutes

RAYMOND PETER KOT, II, for DAVID J.S., JR. 15 minutes

CHRISTINE M. VALKENBURGH, ATTORNEY FOR CHILD 5 minutes

724.0
CAF 14-00295

ANDREA E. RAFFERTY
V
MICHAEL J. RAFFERTY

Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, R.), entered October 28, 2013 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, awarded Andrea E. Rafferty sole custody of the subject child.

JOHN J. RASPANTE for MICHAEL J. RAFFERTY Submitted

TIMOTHY A. BENEDICT for ANDREA E. RAFFERTY Submitted

DOUGLAS M. DEMARCHE, JR., ATTORNEY FOR CHILD Submitted

725.0
CA 14-02184

SIMPSON & SIMPSON, PLLC
V
LIPPES MATHIAS WEXLER FRIEDMAN LLP

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered June 24, 2014. The order granted defendants' motion for summary judgment dismissing the complaint.

	LARRY KERMAN for SIMPSON & SIMPSON, PLLC	15 minutes
	TERRENCE MICHAEL CONNORS for LIPPES MATHIAS WEXLER	15 minutes
726.0 CA 14-01658	JACQUELYN J. SASSO V WCA HOSPITAL	
	Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered May 7, 2014. The order denied the motion of defendant to amend its answer and for summary judgment.	
	KARA M. ADDELMAN for WCA HOSPITAL	10 minutes
	NORMAN E.S. GREENE for JACQUELYN J. SASSO	15 minutes
727.0 CA 14-00117	ACQUEST WEHRLE, LLC V TOWN OF AMHERST	
	Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (John A. Michalek, J.), entered December 10, 2013. The order and judgment awarded plaintiff money damages and attorney's fees.	
	JOSEPH DEMARIE for TOWN OF AMHERST	15 minutes
	R. ANTHONY RUPP, III, for ACQUEST WEHRLE, LLC	15 minutes
728.0 CA 14-01436	ACQUEST WEHRLE, LLC V TOWN OF AMHERST	
	Appeal from a stipulated order of the Supreme Court, Erie County (John A. Michalek, J.), entered November 26, 2013. The stipulated order provided that plaintiff had moved for attorney's fees and disbursements and that defendant Town of Amherst had opposed the motion. The order and judgment awarded plaintiff money damages and attorney's fees.	
	JOSEPH DEMARIE for TOWN OF AMHERST	Submitted
	R. ANTHONY RUPP, III, for ACQUEST WEHRLE, LLC	Submitted
729.0 CA 13-02144	STEVEN M. PHILLIPS V BROCK, SCHECHTER & POLAKOFF, LLP	SETTLED
	Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered September 13, 2013. The order denied the motion of defendants to compel the further deposition of Laura Doolittle, Esq.	
	BRIAN R. BIGGIE for BROCK, SCHECHTER & POLAKOFF, LLP	
	HERSCHEL GELBER for STEVEN M. PHILLIPS	
730.0 CA 14-01011	CHRISTOPHER J. COLELLA V JAMIE L. COLELLA	
	Appeal from an order of the Supreme Court, Cayuga County (Elma A. Bellini, J.), entered March 14, 2014 in a divorce action. The order denied the contempt application of plaintiff.	
	SAMUEL PETER GIACONA for CHRISTOPHER J. COLELLA	Submitted

	RALPH G. DEMASI for JAMIE L. COLELLA	Submitted
731.0 CA 13-01672	CLARK BONO ROOFING & CONSTRUCTION V NORD BITUMI U.S., INC.	
	Appeal from an order of the Supreme Court, Erie County (Penny M. Wolfgang, J.), entered June 3, 2013. The order granted the motion of defendant for summary judgment and dismissed the complaint.	
	ALISA A. LUKASIEWICZ for CLARK BONO ROOFING & CONSTRUCTION	15 minutes
	DANIEL B. MOAR for NORD BITUMI U.S., INC.	10 minutes
734.0 CA 14-01809	RALPH A. DELEO V COUNTY OF MONROE	
	Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered June 25, 2014. The order granted the motion of plaintiff for leave to serve an amended complaint.	
	CLAIRE F. GALBRAITH for RG&E CORPORATION	20 minutes
	PATRICK J. BURKE for RALPH A. DELEO	10 minutes
	HOWARD A. STARK for COUNTY OF MONROE	Submitted
735.0 CA 14-02254	MONICA KINGSTON V KINGSTON FARMS PARTNERSHIP	
	Appeal and cross appeal from an order of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered September 4, 2014. The order granted the motion of plaintiff for summary judgment on its first cause of action and denied the motion for summary judgment on its second cause of action.	
	BRIAN MARC FELDMAN for KINGSTON FARMS PARTNERSHIP	15 minutes
	PETER K. SKIVINGTON for MONICA KINGSTON	15 minutes
736.0 CA 14-02183	KELSEY D. COVELL V SAMANTHA M. SLOCUM	
	Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 11, 2014. The order and judgment granted the motion of defendant for summary judgment on the issue of negligence.	
	ELLEN B. STURM for KELSEY D. COVELL	15 minutes
	JOAN M. RICHTER for SAMANTHA M. SLOCUM	15 minutes
736.1 CAF 13-01398	BRANDON L. GUNN V RACHEL S. GUNN	
	Appeal from an order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered July 25, 2013 in a proceeding pursuant to Family Court Act article 6. The order granted the petition for sole legal and physical custody of the parties' children.	

JOHN A. CIRANDO for RACHEL S. GUNN

10 minutes

RUPAK R. SHAH for BRANDON L. GUNN

10 minutes

COURTNEY S. RADICK, ATTORNEY FOR CHILD

Submitted

DAY CALENDAR
Tuesday, May 26, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

737.0
KA 14-00966

PEOPLE
V
MICHAEL G. BUTLER

Appeal from a decision and order of the Supreme Court, Monroe County (Francis A. Affronti, J.), entered May 5, 2014. The decision and order determined defendant to be a level three risk pursuant to the Sex Offender Registration Act.

JAMES ECKERT for MICHAEL G. BUTLER Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

738.0
KA 13-00827

PEOPLE
V
VINCENT TORRES

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered May 10, 2013. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, attempted sodomy in the first degree (two counts), sodomy in the first degree and sexual abuse in the first degree.

J. SCOTT PORTER for VINCENT TORRES Submitted

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

739.0
KA 11-00202

PEOPLE
V
JEROLD N. MITCHUM

Appeal from a judgment of the Supreme Court, Monroe County (Robert B. Wiggins, A.J.), rendered December 22, 2010. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts); criminal possession of a weapon in the third degree; and criminally using drug paraphernalia in the second degree (two counts).

MAURA C. MCGUIRE for JEROLD N. MITCHUM 10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

740.0
KA 12-01617

PEOPLE
V
DONTA ALBERT

Appeal from a judgment of the Onondaga County Court (Donald E. Todd, J.), rendered May 8, 2012. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree.

PIOTR BANASIAK for DONTA ALBERT 5 minutes

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

741.0
KA 12-01873

PEOPLE
V
JOHN C. HOWARD, JR.

Appeal from a judgment of the Monroe County Court (Thomas E. Moran, J.), rendered August 6, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree, criminal mischief in the third degree and petit larceny.

JANET C. SOMES for JOHN C. HOWARD, JR. 5 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK 5 minutes

742.0
CAF 13-01891

In the Matter of
CRYSTIANA M.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 13, 2013 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Pamela J. neglected the subject child.

DAVID J. PAJAK for PAMELA J. 5 minutes

JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S. 5 minutes

BERNADETTE HOPPE for CRYSTAL M. Submitted

JESSICA L. VESPER, ATTORNEY CHILD 5 minutes

743.0
CAF 14-00869

RONALD D. ROSSBOROUGH
V
HALA Y. ALATAWNEH

Appeal from a decision and order of the Family Court, Allegany County (Thomas P. Brown, J.), entered March 27, 2014, in a proceeding pursuant to Family Court Act article 6. The decision and order dismissed the petitions of petitioner for visitation, modification of custody and visitation and violation of court order.

MARK C. DAVISON for RONALD D. ROSSBOROUGH 10 minutes

JOSEPH P. MILLER for HALA Y. ALATAWNEH 10 minutes

PETER JEROME DEGNAN, ATTORNEY FOR CHILD 5 minutes

DAVID E. CODDINGTON, ATTORNEY FOR CHILD 5 minutes

744.0
CAF 13-01576

In the Matter of
KWAME B.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered July 31, 2013, in a proceeding pursuant to Social Services Law § 384-b. the order terminated the parental rights of respondent.

DAVID J. PAJAK for DASHAWN B. 5 minutes

COLLEEN S. HEAD for GENESEE COUNTY D.S.S. 5 minutes

JACQUELINE M. GRASSO, ATTORNEY FOR CHILD 5 minutes

745.0
CAF 13-01577

In the Matter of
CHANCE B.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered July 31, 2013, in a proceeding pursuant to Social Services Law § 384-b. the order terminated the parental rights of respondent.

DAVID J. PAJAK for DASHAWN B. Submitted

	COLLEEN S. HEAD for GENESEE COUNTY D.S.S.	Submitted
	JACQUELINE M. GRASSO, ATTORNEY FOR CHILD	Submitted
746.0 CAF 13-01578	In the Matter of TATYANNA B.	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered July 31, 2013, in a proceeding pursuant to Social Services Law § 384-b. the order terminated the parental rights of respondent.	
	DAVID J. PAJAK for DASHAWN B.	Submitted
	COLLEEN S. HEAD for GENESEE COUNTY D.S.S.	Submitted
	JACQUELINE M. GRASSO, ATTORNEY FOR CHILD	Submitted
747.0 CAF 13-01579	In the Matter of TEEHONESTEE B.	
	Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered July 31, 2013, in a proceeding pursuant to Social Services Law § 384-b. the order terminated the parental rights of respondent.	
	DAVID J. PAJAK for DASHAWN B.	Submitted
	COLLEEN S. HEAD for GENESEE COUNTY D.S.S.	Submitted
	JACQUELINE M. GRASSO, ATTORNEY FOR CHILD	Submitted
748.0 CAF 14-02146	CHRISTOPHER J. SCHIEBLE, SR. V MICHELE R. SWANTEK	
	Appeal from a decision and order of the Family Court, Oneida County (Joan E. Shkane, J.), entered March 20, 2014, in a proceeding pursuant to Family Court article 6. The decision and order continued sole custody and primary physical custody with respondent.	
	MEADE VERSACE for CHRISTOPHER J. SCHIEBLE, SR.	Submitted
	DIANE M. MARTIN-GRANDE for MICHELE R. SWANTEK	15 minutes
	JOHN G. KOSLOSKY, ATTORNEY FOR CHILD	5 minutes
749.0 CAF 14-00557	ELIZABETH A. DENISE V THEODORE R. DENISE	
	Appeal from an order of the Family Court, Genesee County, (Eric R. Adams, J.), entered March 17, 2014, in a proceeding pursuant to Family Court Act article 6. The order, insofar as appealed from, granted custody to respondent.	
	DAVID J. PAJAK for ELIZABETH A. DENISE	5 minutes
	WENDY S. SISSON for THEODORE R. DENISE	Submitted
	LORENZO NAPOLITANO, ATTORNEY FOR CHILD	5 minutes
750.0 CA 14-01337	TOWN OF AMHERST V GRANITE STATE INSURANCE COMPANY, INC.	

Appeal from a decision and order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered May 15, 2014. The decision and order denied the motion of defendant to compel arbitration and granted the cross motion of plaintiff for a permanent stay of arbitration.

MARC S. VOSES for GRANITE STATE INSURANCE COMPANY, INC. 15 minutes

JOHN GEORGE SCHMIDT, JR., for TOWN OF AMHERST 15 minutes

751.0
CA 14-01207

BERNARD OLIVIERI
V
RUSSELL P. COLOSI, DDS

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered April 9, 2014. The order granted the motions of defendants Russell P. Colosi, DDS, Individually and d/b/a Russell P. Colosi, DDS, and Patricia Colosi and dismissed the complaint against those defendants.

RALPH C. LORIGO for BERNARD OLIVIERI 15 minutes

JONATHAN H. BARD, for PATRICIA COLOSI 15 minutes

CARLTON K. BROWNELL, III, for RUSSELL P. COLOSI, DDS 5 minutes

752.0
CA 14-01627

TAMMY GARDNER
V
NATHAN KORTHALS

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered September 3, 2014. The order, among other things, allowed the subject child to register for and attend Tonawanda High School.

ANDREW F. EMBORSKY for TAMMY GARDNER Submitted

BARBARA A. KILBRIDGE for NATHAN KORTHALS Submitted

MINDY LYNN MARRANCA, ATTORNEY FOR CHILD Submitted

753.0
CA 14-00671

DETROY LIVINGSTON
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Michael E. Hudson, J.), entered September 18, 2013. The judgment dismissed the claim after a trial.

DETROY LIVINGSTON for HIMSELF Submitted

JULIE M. SHERIDAN for STATE OF NEW YORK Submitted

754.0
CA 14-01578

GEORGE EASTMAN HOUSE, INC.
V
MORGAN MANAGEMENT, LLC

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered May 29, 2014. The order adjudged and deemed that the amended verified petition be dismissed.

THOMAS H. JACKSON for GEORGE EASTMAN HOUSE, INC. 20 minutes

REUBEN ORTENBERG for MORGAN MANAGEMENT, LLC 10 minutes

PAUL VINCENT CIMINELLI for MONROE VOITURE NO. 111 10 minutes

	JOHANNA F. BRENNAN for CITY OF ROCHESTER PLANNING BOARD	10 minutes
755.0 CA 14-02174	DAWN L. BAKER V JEFFREY P. BAKER	
	Appeal from an order of the Supreme Court, Niagara County (Catherine Nugent Panepinto, J.), entered April 8, 2014. The order, among other things, denied defendant's request for plaintiff to pay child support.	
	CATHARINE M. VENZON for JEFFREY P. BAKER	15 minutes
	LEONARD G. TILNEY, JR., for DAWN L. BAKER	15 minutes
756.0 CA 14-02166	MARY DORE-COCKERHAM V TOWN OF FORESTPORT	
	Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered March 18, 2014. The order denied the motion of defendant for summary judgment.	
	DEREK L. HAYDEN for TOWN OF FORESTPORT	10 minutes
	MARTIN J. KERNAN for MARY DORE-COCKERHAM	10 minutes
757.0 CA 14-02297	LARRY J. LOMAGLIO V CARMEN M. LOMAGLIO	
	Appeal and cross appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered June 10, 2014. The order, among other things, denied defendant's motion to hold plaintiff in contempt.	
	RICHARD S. LEVIN for CARMEN M. LOMAGLIO	10 minutes
	TERRENCE C. BROWN-STEINER for LARRY J. LOMAGLIO	10 minutes
758.0 CA 14-01101	In the Matter of MARIA J.	
	Appeal from an order of the Supreme Court, Erie County (John A. Michalski, J.), entered August 23, 2013. The order, among other things, adjudged that the appointment of Maria J. as guardian of the person and property of Peter J. is deemed to have ceased as of August 15, 2013.	
	MARK E. LEWIS for MARIA J.	15 minutes
	JOSEPH L. NICASTRO for BERNHARDI & LUKASIK LAW OFFICES	5 minutes
	AVEN RENNIE for KALEIDA HEALTH	5 minutes
759.0 CA 14-00549	PAUL DAVILA V ANTHONY ANNUCCI	
	Appeal a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, J.), entered February 19, 2014 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.	
	ADAM W. KOCH for PAUL DAVILA	Submitted
	PETER H. SCHIFF for ANTHONY ANNUCCI	Submitted

760.0
CA 14-01644

MICHAEL E. BLACK
V
ADWAIT ATHALE

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered May 16, 2014. The order, insofar as appealed from, granted the motion of plaintiffs to compel the depositions of employees of defendant County of Erie.

JEREMY C. TOTH for COUNTY OF ERIE 15 minutes

BRIAN BOGNER for MICHAEL E. BLACK 15 minutes

761.0
CA 15-00051

LEONARD FISCHER
V
MICHAEL GRAZIANO

Appeal from a decision and order of the Supreme Court, Erie County (John L. Michalski, J.), entered September 15, 2014. The decision and order vacated the determination of respondents to deny petitioner parole release and directed a hearing de novo.

MARCUS J. MASTRACCO for MICHAEL GRAZIANO 10 minutes

LEONARD FISCHER for LEONARD FISCHER Submitted

762.0
KA 14-02086

In the Matter of
REPORT OF JEFFERSON COUNTY GRAND JURY

Appeal from a decision/order of the Jefferson County Court (Kim H. Martusewicz, J.), entered December 18, 2013. The decision/order forever sealed a certain grand jury report.

SCOTT D. MCNAMARA for HIMSELF Submitted

JOHN BURNS for HIMSELF Submitted

CINDY F. INTSCHERT for PEOPLE OF THE STATE OF NEW YORK Submitted

DAY CALENDAR
Wednesday, May 27, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

764.0
TP 14-02148

JAWWAD ABDUL-HALIM
V
ANTHONY J. 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, Seneca County [Dennis F. Bender, A.J.], entered November 26, 2014) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

JAWWAD ABDUL-HALIM for HIMSELF Submitted

PETER H. SCHIFF for ANTHONY J. ANNUCCI Submitted

765.0
KA 14-00049

PEOPLE
V
ROBERT W. TETRAULT

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered October 21, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree and attempted criminal possession of a weapon in the third degree.

NICHOLAS P. DIFONZO for ROBERT W. TETRAULT Submitted

KATHERINE K. BOGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

766.0
KA 11-01474

PEOPLE
V
DAVID J. WEINSTOCK

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered May 12, 2011. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

SHIRLEY A. GORMAN for DAVID J. WEINSTOCK 10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

767.0
KA 11-02498

PEOPLE
V
WALTER LEWIS

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered November 30, 2011. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree, assault in the second degree, criminal possession of a weapon in the third degree, unlawful imprisonment in the second degree, and assault in the third degree (two counts).

LINDA M. CAMPBELL for WALTER LEWIS 15 minutes

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

768.0
KA 12-00339

PEOPLE
V
MATTHEW PYKE

Appeal from a judgment of the Onondaga County Court (Jeffrey R. Merrill, A.J.), rendered November 15, 2011. The judgment revoked a term of probation and imposed a term of incarceration.

CHRISTINE M. COOK for MATTHEW PYKE

Submitted

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

Submitted

769.0
KA 13-01574

PEOPLE
V
JOSEPH MAXEY, JR.

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered July 11, 2013. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child, rape in the second degree (two counts), rape in the third degree (six counts) and endangering the welfare of a child.

TYSON BLUE for JOSEPH MAXEY, JR.

10 minutes

WENDY EVANS LEHMANN for PEOPLE OF THE STATE OF NEW YORK

10 minutes

770.0
KA 14-02098

PEOPLE
V
PETER SUDLIK

Appeal from a judgment of the Monroe County Court (James J. Pampiano, J.), rendered May 9, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree and assault in the first degree.

GARY MULDOON for PETER SUDLIK

Submitted

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

Submitted

771.0
KA 13-02207

PEOPLE
V
KEITH A. SMITH

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered October 18, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (two counts), criminal possession of a controlled substance in the third degree (four counts) and perjury in the first degree.

CARA A. WALDMAN for KEITH A. SMITH

Submitted

KRISTYNA S. MILLS for PEOPLE OF THE STATE OF NEW YORK

Submitted

772.0
KA 14-02182

PEOPLE
V
JOACHIM S. SYLVESTER AND SHATEEK L. PAYNE

Appeal from an order of the Niagara County Court (Matthew J. Murphy, III, J.), dated April 2, 2014. The order granted the motions of defendants to suppress all evidence seized by the Niagara Falls Police Department.

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

15 minutes

ANGELO MUSITANO for JOACHIM S. SYLVESTER

Submitted

JOSEPH G. FRAZIER for SHATEEK L. PAYNE

10 minutes

773.0
KA 14-02287

PEOPLE
V
JOSEPH R. FAFONE

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered June 14, 2012. The judgment convicted defendant, after a nonjury trial, of manslaughter in the first degree.

DONALD M. THOMPSON for JOSEPH R. FAFONE 10 minutes

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

774.0
CAF 13-01206

In the Matter of
ANNABELLA B.C.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered June 5, 2013, in a proceeding pursuant to article 10 of the Family Court Act. The order, among other things, adjudged that respondent had neglected the subject child.

ALAN BIRNHOLZ for SANDRA L.C. Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S. 10 minutes

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

775.0
CAF 14-01815

In the Matter of
ANNABELLA B.C.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered September 24, 2014, in a proceeding pursuant to article 10 of the Family Court Act. The order settled the record on appeal.

ALAN BIRNHOLZ for SANDRA L.C. Submitted

JOSEPH T. JARZEMBEK for ERIE COUNTY D.S.S. Submitted

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

776.0
CAF 14-00201

SHANTELLE SMITH
V
ANDRE R. CASHAW

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered June 25, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

WILLIAM D. BRODERICK, JR., for SHANTELLE SMITH 10 minutes

ALAN BIRNHOLZ for ANDRE R. CASHAW 5 minutes

JENNIFER Z. BLACKHALL, ATTORNEY FOR CHILD 5 minutes

777.0
CAF 14-00203

ANDRE R. CASHAW
V
SHANTELLE SMITH

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered August 20, 2013 in a proceeding pursuant to Family Court Act article 6. The order awarded the parties joint custody of the subject child with Andre R. Cashaw acting as the primary residential parent.

WILLIAM D. BRODERICK, JR., for SHANTELLE SMITH Submitted

ALAN BIRNHOLZ for ANDRE R. CASHAW Submitted

	JENNIFER Z. BLACKHALL, ATTORNEY FOR CHILD	Submitted
778.0 CA 14-02167	FINANCITECH, LTD. V GML SYRACUSE LLC	
	Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered May 8, 2014. The order, among other things, denied plaintiff's motion for summary judgment.	
	JUSTIN W. GRAY for FINANCITECH, LTD.	10 minutes
	ELIZABETH A. GENUNG for GML SYRACUSE LLC	10 minutes
	ROGER A RAIMOND for AMADEUS DEVELOPMENT, INC.	15 minutes
779.0 CA 14-01668	STEPHEN DIVITO V ZASTAWRNY LLC	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered June 16, 2014. The order, among other things, denied plaintiff's motion for summary judgment in lieu of complaint.	
	DAVID D. BENZ for STEPHEN DIVITO	10 minutes
	JAMES S. WOLFORD for ZASTAWRNY LLC	10 minutes
780.0 CA 15-00009	GENESEE VALLEY TRUST COMPANY V THE WATERFORD GROUP, LLC	
	Appeal and cross appeal from an order and interlocutory judgment of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered March 28, 2014. The order and interlocutory judgment declared that § 7.1 of the employment agreements of defendants Brian P. Costello and Mitchell J. Merriman with plaintiff Genesee Valley Trust Company is invalid and unenforceable, dismissed the fifth and eighth causes of action of plaintiffs, otherwise denied the motion of defendants for summary judgment and denied the cross motion of plaintiffs for summary judgment.	
	DAVID M. TANG for GENESEE VALLEY TRUST COMPANY	15 minutes
	JEREMY M. SHER for THE WATERFORD GROUP, LLC	15 minutes
781.0 CA 14-02213	DAVID V. GALLAWAY V TOWN OF NORTH COLLINS	
	Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered September 18, 2014. The order, among other things, denied in part the motion of defendants Town of North Collins and Town of North Collins Highway Department for summary judgment.	
	MICHAEL T. REAGAN for TOWN OF NORTH COLLINS	15 minutes
	CHARLES H. COBB for DAVID V. GALLAWAY	15 minutes
782.0 CA 14-01844	CAROL DURNEY V PETER J. MCQUILLEN	

Appeal from a decision and order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered June 6, 2014. The decision and order, insofar as appealed from, granted the motion of defendants Peter J. McQuillen and Judith M. McQuillen for summary judgment except to the extent that plaintiff may pursue nominal damages.

AMY K. KENDALL for CAROL DURNEY

15 minutes

KRISTIE L. DEFREZE for PETER J. MCQUILLEN

15 minutes

783.0
CA 14-02228

GREECE RIDGE, LLC
V
STATE OF NEW YORK

Appeal from a decision and order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered April 8, 2014. The decision and order, insofar as appealed from, granted the motion of plaintiffs to dismiss defendant's fourth, fifth, sixth, ninth and tenth affirmative defenses; granted the motion of plaintiffs to dismiss defendant's seventh and thirteenth affirmative defenses with respect to plaintiffs' claims for nuisance and trespass; and denied in part the motion of defendant for summary judgment.

KATHLEEN M. ARNOLD for STATE OF NEW YORK

10 minutes

ROBERT B. KOEGEL for GREECE RIDGE, LLC

10 minutes

784.0
CA 14-01774

UNIVERSAL RESOURCES HOLDINGS, INC.
V
NORTH PENN PIPE & SUPPLY, INC.

Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered October 7, 2013. The order, insofar as appealed from, denied the motion of third-party defendants Lakeside Steel Corp., Lakeside Steel Inc., and Lakeside Steel Services, Inc., for summary judgment dismissing the third-party complaint.

JAMES E. KIMMEL for LAKESIDE STEEL CORP.

15 minutes

PETER P. BALOUSKAS for NORTH PENN PIPE & SUPPLY, INC.

10 minutes

785.0
CA 14-01218

DEBORA KALBFLIESH
V
ANDREA MCCANN

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered March 3, 2014. The order denied the motion of defendants Joseph A. Moses and Smart Ride Ltd. For summary judgment dismissing the complaint.

GERARD E. O'CONNOR for JOSEPH A. MOSES

10 minutes

BRENT C. SEYMOUR for ANDREA MCCANN

15 minutes

EDWARD J. MARKARIAN for DEBORA KALBFLIESH

10 minutes

786.0
CA 14-01885

DEBORA KALBFLIESH
V
ANDREA MCCANN

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered September 29, 2014. The order denied the motion of defendants Joseph A. Moses and Smart Ride Ltd. to exclude from the record on appeal a certain letter.

GERARD E. O'CONNOR for JOSEPH A. MOSES	Submitted
BRENT C. SEYMOUR for ANDREA MCCANN	Submitted
EDWARD J. MARKARIAN for DEBORA KALBFLIESH	Submitted

787.0
CA 14-02268

TODD D. COOK
V
SUSAN E. HILL

Appeal and cross appeal from an order of the Supreme Court, Ontario County William F. Kocher, A.J.), entered October 15, 2014. The order, insofar as appealed from, denied the motion of plaintiffs and the cross motion of defendants Susan E. Hill, as Trustee of the Susan E. Hill Revocable Trust, et al., for summary judgment.

JERAULD E. BRYDGES for TODD D. COOK	15 minutes
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KARL S. ESSLER for SUSAN E. HILL	15 minutes
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788.0
CA 14-02304

MORGAN RV PARK MANAGEMENT, LLC
V
COMM 2006-C8 RV PARK MASTER SPE, LLC

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered November 6, 2014. The order granted the motion of plaintiffs for a preliminary injunction and enjoined defendant Comm 2006-C8 RV Park Master SPE, LLC, from drawing down a certain letter of credit.

JEFFREY I. WASSERMAN for COMM 2006-C8 RV PARK MASTER SPE, LLC	20 minutes
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JOSEPH BARBIERE for MORGAN RV PARK MANAGEMENT, LLC	Submitted
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DAY CALENDAR
Thursday, May 28, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

790.0
KA 14-02030

PEOPLE
V
NATHANIEL WILLIS

Appeal from an order of the Ontario County Court (William F. Kocher, J.), entered August 13, 2014. The order affirmed an order of the Canandaigua City Court, which denied petitioner's petition for downward modification of his 2006 Sexual Offender Registration adjudication.

MARY P. DAVISON for NATHANIEL WILLIS Submitted

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK Submitted

791.0
KA 13-01195

PEOPLE
V
DEVAN A. SIMMONS

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered March 6, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

DAVID R. JUERGENS for DEVAN A. SIMMONS Submitted

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

792.0
KA 14-00348

PEOPLE
V
ERIC L. STRONG

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered January 28, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted grand larceny in the third degree.

NICHOLAS P. DIFONZO for ERIC L. STRONG Submitted

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

793.0
KA 14-00513

PEOPLE
V
ALBERT J. WEBBER

Appeal from a judgment of the Wayne County Court (John B. Nesbitt, J.), rendered November 21, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the third degree, criminal possession of stolen property in the fifth degree and petit larceny.

RICHARD W. YOUNGMAN for ALBERT J. WEBBER Submitted

RICHARD M. HEALY for PEOPLE OF THE STATE OF NEW YORK Submitted

794.0
KA 13-00500

PEOPLE
V
LESTER A. BRAXTON

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered June 7, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree and driving while intoxicated.

KIMBERLY F. DUGUAY for LESTER A. BRAXTON 5 minutes

LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK 5 minutes

795.0
KA 08-01985

PEOPLE
V
DESMIN K. DIGGS

Appeal from a judgment of the Monroe County, Supreme Court (Stephen R. Sirkin, A.J.), rendered August 20, 2008. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree; criminal mischief in the second degree (two counts); petit larceny; assault in the second degree (two counts); reckless endangerment in the first degree; and leaving the scene of an incident (three counts).

KIMBERLY J. CZAPRANSKI for DESMIN K. DIGGS Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

796.0
KA 11-02527

PEOPLE
V
MATTHEW FREEMAN

Appeal from a resentence of the Onondaga County Court (William D. Walsh, J.), rendered November 28, 2011. The court resentenced defendant, as a predicate felon.

PHILIP ROTHSCHILD for MATTHEW FREEMAN Submitted

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

797.0
KA 14-00471

PEOPLE
V
WILLIAM M. COLLINS

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered June 20, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony, and aggravated unlicensed operation of a motor vehicle in the first degree.

CAITLIN M. CONNELLY for WILLIAM M. COLLINS 5 minutes

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

798.0
KA 11-01345

PEOPLE
V
BETH A. FAILING

Appeal from a judgment of the Monroe County Court (Thomas R. Morse, A.J.), rendered April 20, 2011. The judgment convicted defendant, upon a jury verdict, of criminal mischief in the third degree

KELLY S. FOSS for BETH A. FAILING 10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

799.0
CAF 14-00688

DELSENIOR STRACHAN
V
LINDA GILLIAM

Appeal from a decision and order of Family Court, Monroe County (Patricia E. Gallaher, J.), entered July 19, 2013, in a proceeding pursuant to Family Court Act article 6. The decision and order dismissed the petition for a modification of visitation.

DAVID R. JUERGENS for DELSENIOR STRACHAN 5 minutes

PAUL B. WATKINS for LINDA GILLIAM 5 minutes

SARA E. ROOK , ATTORNEY FOR CHILD 5 minutes

800.0
CAF 14-00689

DELSNIOR STRACHAN
V
LINDA GILLIAM

Appeal from a decision and order of Family Court, Monroe County (Patricia E. Gallaher, J.), entered March 28, 2014, in a proceeding pursuant to Family Court Act article 6. The decision and order dismissed the petition for a modification of visitation.

DAVID R. JUERGENS for DELSENIOR STRACHAN 5 minutes

PAUL B. WATKINS for LINDA GILLIAM 5 minutes

SARA E. ROOK , ATTORNEY FOR CHILD 5 minutes

801.0
CAF 14-00341

ANGELO M. VISCUSO
V
SUSAN M. VISCUSO

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered December 3, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner, Angelo M. Viscuso, sole custody of the subject child

EMILIO COLAIACOVO for SUSAN M. VISCUSO 15 minutes

FRANCINE E. MODICA for ANGELO M. VISCUSO 15 minutes

LEIGH E. ANDERSON, ATTORNEY FOR CHILD 10 minutes

802.0
CAF 14-00342

ANGELO M. VISCUSO
V
SUSAN M. VISCUSO

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered December 18, 2013 in a proceeding pursuant to Family Court Act article 6. The order directed respondent to pay petitioner's attorney the sum of \$12,500 in attorney fees.

EMILIO COLAIACOVO for SUSAN M. VISCUSO Submitted

FRANCINE E. MODICA for ANGELO M. VISCUSO Submitted

LEIGH E. ANDERSON, ATTORNEY FOR CHILD Submitted

803.0
CAF 14-01000

SAMANTHA J. MOREDOCK
V
ANTHONY T. CONTI

Appeal from a decision and order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered August 23, 2013, in a proceeding pursuant to Family Court Act article 6. The decision and order granted sole and primary physical custody to petitioner and granted petitioner an order of protection.

DAVID M. ABBATOY, JR., for ANTHONY T. CONTI 10 minutes

TED A. BARRACO for SAMANTHA J. MOREDOCK 5 minutes

TANYA CONLEY, ATTORNEY FOR CHILD 5 minutes

804.0
CA 14-01566

DONNA M. LATTUCA
V
JOHN M. LATTUCA

Appeal from a judgment of divorce of the Supreme Court, Erie County (John M. Curran, J.), entered December 17, 2013. The judgment, insofar as appealed from, obligated defendant to pay maintenance and plaintiff to pay support.

RICHARD JAY STEINER for JOHN M. LATTUCA 20 minutes

DONNA MARIE HARTNETT for DONNA M. LATTUCA 20 minutes

805.0
CA 14-02145

JOSEPH A. MASCIA
V
LEAGUE OF WOMEN VOTERS OF BUFFALO/NIAGARA

Appeal from an order and judgment of the Supreme Court, Erie County (Shirley Troutman, J.), entered June 25, 2014. The order and judgment declared that petitioner, as a Tenant Member of the Buffalo Municipal Housing Authority Board of Commissioners is a local officer subject to Public Officers Law § 30 (1) (e); declared that a violation of Election Law § 14-126 (3) is not a crime that requires the automatic vacating of a public office; declared that petitioner did not vacate his office of Tenant Commissioner by pleading guilty to violating Election Law § 14-126 (3); and granted petitioner a permanent injunction compelling respondents to reinstate petitioner as a candidate for reelection to the position of Tenant Member.

LAURENCE K. RUBIN for LEAGUE OF WOMEN VOTERS OF BUFF./NIA. 10 minutes

JOSEPH G. MAKOWSKI for JOSEPH A. MASCIA 10 minutes

806.0
CA 14-01792

JASON P. SADOWSKI
V
FORBES HOMES, INC.

Appeal from an order and judgment of the Supreme Court, Erie County (Donna M. Siwek, J.), entered February 18, 2014. The order and judgment granted contractual indemnification to third-party plaintiffs against third-party defendant and denied the motion of third-party defendant to set aside a directed verdict and to dismiss the third-party complaint.

MAURICE L. SYKES for WETZEL DEVELOPMENT, LLC 15 minutes

MATTHEW S. LERNER for FORBES HOMES, INC. 15 minutes

807.0
CA 14-01765

SHOPPINGTOWN MALL, LLC
V
ASSESSOR, TOWN OF DEWITT

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered July 10, 2014 in a proceeding pursuant to RPTL article 7. The order, among other things, denied the motion of Shoppingtown Mall NY, LLC to intervene.

RICHARD CRONIN for SHOPPINGTOWN MALL NY, LLC 15 minutes

DAVID C. ROWLEY for SHOPPINGTOWN MALL, LLC 10 minutes

DAVID W. HERKALA for TOWN OF DEWITT 10 minutes

KATHLEEN M. BENNETT for JAMESVILLE DEWITT CENTRAL SCHOOL 15 minutes

808.0
CA 14-01199

SUSAN TERASAKA
V
DAVID TERASAKA

Appeal from an a judgment of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered September 16, 2013 in a divorce action. The judgment, among other things, distributed the marital assets.

JANET D. CALLAHAN for DAVID TERASAKA 10 minutes

EDWARD B. ALDERMAN for SUSAN TERASAKA 10 minutes

RONALD L. VANNORSTRAND, ATTORNEY FOR CHILD Submitted

811.0
CA 14-01656

MARTIN T. KLINK
V
BARBARA J. FIALA

Appeal and from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 26, 2013. The order annulled and vacated a determination dated April 30, 2013 and directed respondent to render a decision on the application of petitioner for a driver's license based upon regulations in effect in May 2012.

JEFFREY W. LANG for BARBARA J. FIALA Submitted

CHARLES D. STEINMAN for MARTIN T. KLINK Submitted

812.0
CA 14-02149

AFFINITY ELMWOOD GATEWAY PROPERTIES
V
AJC PROPERTIES LLC

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered November 13, 2014. The order, among other things, denied a motion by defendants Evelyn Bencinich, Susan M. Davis, Steven Gathers, Angeline A. Genovese, Sandra Girage, Lorenz M. Wuster, and Andrew B. Lane to settle the consolidated record on appeal.

ARTHUR J. GIACALONE for EVELYN BENCINICH 15 minutes

BRENDAN H. LITTLE for AFFINITY ELMWOOD GATEWAY PROPERTIES 10 minutes

813.0
CA 14-02093

ANDREW H. HAIN
V
ANGELA J. JAMISON

Appeal from an order of the Supreme Court, Steuben County (Marianne Furfure, J.), entered August 15, 2014. The order denied the motion of defendant Drumm Family Farm, Inc. for summary judgment dismissing plaintiff's complaint and co-defendants' cross claims.

DEREK J. ROLLER for DRUMM FAMILY FARM, INC.	10 minutes
JAMES P. O'BRIEN for ANGELA J. JAMISON	10 minutes
ELLEN B. STURM for ANDREW H. HAIN	10 minutes

814.0
CA 15-00049

INTERBORO INSURANCE COMPANY
V
BUSHRA NAZ

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered April 24, 2014. The order and judgment, among other things, denied plaintiff's motion for leave to enter a default judgment against defendants Bushra Naz, Cliffside Park Imaging & Diagnostic Center and Kimba Medical Supply, LLC.

JASON TENENBAUM for INTERBORO INSURANCE COMPANY	15 minutes
BUSHRA NAZ for HIMSELF	Submitted
MICHAEL DAVIT for CLIFFSIDE PARK IMAGING & DIAGNOSTI CENTER	Submitted
LEAH THOMPSON for KIMBA MEDICAL SUPPLY, LLC	Submitted

DAY CALENDAR
Friday, May 29, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

815.0
TP 14-02080

JAMES STANBACK
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael A. Mohun, A.J.], entered November 17, 2014) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for JAMES STANBACK

Submitted

PETER H. SCHIFF for ANTHONY ANNUCCI

Submitted

817.0
TP 14-02116

ROBERT HAIGLER
V
ANTHONY J. ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered November 25, 2014) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

ROBERT HAIGLER for HIMSELF

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY J. ANNUCCI

Submitted

818.0
KA 14-00888

PEOPLE
V
BRYAN WASHINGTON

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered March 28, 2014. The judgment revoked a term of probation and imposed a term of incarceration.

LINDA M. CAMPBELL for BRYAN WASHINGTON

10 minutes

VICTORIA WHITE for PEOPLE OF THE STATE OF NEW YORK

10 minutes

819.0
KA 10-01489

PEOPLE
V
JAMES L. BLACKWELL

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered June 10, 2010. The judgment convicted defendant, upon his plea of guilty, of forgery in the second degree.

JOSEPH D. WALDORF for JAMES L. BLACKWELL

10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

820.0
KA 13-02074

PEOPLE
V
LAQUANN MORGAN

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered October 15, 2013. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

KAREN RUSSO-MCLAUGHLIN for LAQUANN MORGAN

Submitted

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

Submitted

821.0
KA 13-01919

PEOPLE
V
PETER GIACONA

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 29, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

J. SCOTT PORTER for PETER GIACONA

5 minutes

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK

5 minutes

822.0
KA 13-01920

PEOPLE
V
PETER GIACONA

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 29, 2013. The judgment convicted defendant, upon his plea of guilty, of vehicular assault in the second degree (two counts), driving while intoxicated, a class E felony, and reckless driving.

J. SCOTT PORTER for PETER GIACONA

Submitted

JON E. BUDELMANN for PEOPLE OF THE STATE OF NEW YORK

Submitted

823.0
KA 14-01779

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$2405.74 to Malori G.

J. SCOTT PORTER for PETER GIACONA

Submitted

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK

Submitted

824.0
KA 14-01780

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$5516.63 to Andrew N.

J. SCOTT PORTER for PETER GIACONA

Submitted

BRIAN LEEDS for PEOPLE OF THE STATE OF NEW YORK

Submitted

825.0
KA 14-01781

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$35,424.94 to the Office of the New York State Attorney General o/b/o SUNY Upstate Medical University Hospital.

J. SCOTT PORTER for PETER GIACONA

Submitted

BRIAN LEEDS for PEOPLE OF THE STATE OF NEW YORK

Submitted

826.0
KA 14-01782

PEOPLE
V
PETER GIACONA

Appeal from an order of the Cayuga County Court (Mark H. Fandrich, J.), entered September 8, 2014. The order directed defendant to pay restitution of \$59,528.12 to the Office of the New York State Attorney General o/b/o SUNY Upstate Medical University Hospital.

J. SCOTT PORTER for PETER GIACONA

Submitted

BRIAN LEEDSD for PEOPLE OF THE STATE OF NEW YORK

Submitted

827.0
KA 11-00255

PEOPLE
V
CARL J. HOLMES

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered March 18, 2009. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree and criminal possession of a weapon in the second degree (two counts).

LOUIS ROSADO for CARL J. HOLMES

10 minutes

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

10 minutes

828.0
KA 15-00008

PEOPLE
V
ANDY ASHKAR

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 23, 2013. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of stolen property in the first degree.

JOHN A. CIRANDO for ANDY ASHKAR

15 minutes

VICTORIA WHITE for PEOPLE OF THE STATE OF NEW YORK

10 minutes

829.0
KA 13-00057

PEOPLE
V
NATHANIEL WRIGHT

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered September 25, 2012. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree.

JANET C. SOMES for NATHANIEL WRIGHT

Submitted

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

Submitted

830.0
CAF 14-00137

JOSEPH CALLOWAY
V
MARQUITA ALLEN

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered December 6, 2013, in a proceeding pursuant to Family Court Act article 6. The order granted petitioner sole and primary physical custody of the child of the parties.

KATHLEEN P. REARDON for MARQUITA ALLEN 10 minutes

ALEXANDER KOROTKIN for JOSEPH CALLOWAY 10 minutes

ROBERT P. TURNER, ATTORNEY FOR CHILD 10 minutes

831.0
CAF 14-01053

SEAN E. PALMER
V
TERESA CORBETT

Appeal from an order of the Family Court, Jefferson County (Richard V. Hunt, J.), entered March 27, 2014, in a proceeding pursuant to article 6 of the Family Court Act. The order directed that petitioner shall have no visitation with the subject children.

CHARLES J. GREENBERG for SEAN E. PALMER 10 minutes

CARA A. WALDMAN for TERESA CORBETT Submitted

JOHN W. HALLETT, ATTORNEY FOR CHILD Submitted

832.0
CA 14-02201

FARASA BROWN SETTLED
V
WILLIAM PHIPPS

Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered September 27, 2014. The order withdrew the order of the court entered February 24, 2014, denied the motion of defendant for summary judgment and reinstated the complaint.

BRIAN D. CASEY for WILLIAM PHIPPS

ZACHARY JAMES WOODS for FARASA BROWN

833.0
CA 14-02196

MEGHAN M. MAMBRETTI
V
NEW YORK STATE DIV. OF HUMAN RIGHTS

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), dated July 10, 2014 in a proceeding pursuant to CPLR article 78. The order, among other things, granted the petitioner's petition.

KYLE W. STURGESS for WILLIAMSVILLE CENTRAL SCHOOL DISTRICT 15 minutes

LINDY KORN for MEGHAN M. MAMBRETTI 15 minutes

834.0
CA 14-02094

NICOLE VARI
V
PETER A. CAPITANO

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 3, 2013. The order, among other things, granted plaintiff's motion for summary judgment.

LISA M. DIAZ-ORDAZ for PETER A. CAPITANO 10 minutes

KRISTOPHER SCHWARZMUELLER for NICOLE VARI 10 minutes

835.0
CA 13-01599

MICHAEL J. CARLSON, SR.
V
AMERICAN INTERNATIONAL GROUP, INC.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered December 4, 2012. The order denied the cross motion of defendant American Alternative Insurance Co. to dismiss the complaint.

PAUL KOVNER for AMERICAN ALTERNATIVE INSURANCE CO. 15 minutes

EDWARD J. MARKARIAN for MICHAEL J. CARLSON, SR. 15 minutes

836.0
CA 15-00089

DESIREE DAWLEY
V
WHITETAIL 414, LLC

Appeal from a memorandum-decision, order and judgment of the Supreme Court, Seneca County (W. Patrick Falvey, A.J.), entered September 18, 2014. The memorandum-decision, order and judgment granted the motion of respondents to dismiss the reply of petitioners, dismissed the CPLR article 78 petition on the merits and confirmed the six June 12, 2014 resolutions of the Town of Tyre Town Board.

CHARLES W. MALCOMB for DESIREE DAWLEY 15 minutes

JOHN A. MANCUSO for WILMORITE, INC. 15 minutes

THOMAS R. SMITH for TOWN OF TYRE TOWN BOARD 15 minutes

837.0
CA 15-00083

CLAYTON A. POTTER **SETTLED**
V
ROBERT F. HYLAND & SONS, LLC

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered October 10, 2014. The order, insofar as appealed from, dismissed the petition pursuant to CPLR article 76.

SANFORD R. SHAPIRO for CLAYTON A. POTTER

STEVEN EDWARD COLE for ROBERT F. HYLAND & SONS, LLC

838.0
CA 14-02124

CHERYL VOSS
V
JEFFREY DUCHMANN

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered April 9, 2014. The order, insofar as appealed from, denied the motion of defendant to compel discovery responses from plaintiffs.

MICELLE M. RAGUSA for JEFFREY DUCHMANN 15 minutes

BRIAN R. HOGAN for CHERYL VOSS 5 minutes

839.0
CA 14-01791

AMY PETROCI
V
MICHAEL PETROCI

Appeal and cross appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 17, 2013. The order, among other things, awarded plaintiff a money judgment against defendant for maintenance arrears in the amount of \$29,071.61.

WILLIAM R. HITES for MICHAEL PETROCI 10 minutes

MELISSA HARDY THORE for AMY PETROCI 10 minutes

840.0
CA 14-02027

MICHAEL J. CARLSON, SR.
V
AMERICAN INTERNATIONAL GROUP, INC.

Appeals and cross appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered June 25, 2014. The order, among other things, denied in part the motions of defendants American International Group, Inc., AIG Domestic Claims, Inc., National Union Fire Insurance Company of Pittsburgh, PA, and American Alternative Insurance Co., to dismiss the plaintiff's complaint.

KEVIN D. SZCZEPANSKI for AMERICAN INTERNATIONAL GROUP, INC. 15 minutes

PAUL KOVNER for AMERICAN ALTERNATIVE INSURANCE CO. 15 minutes

EDWARD MARKARIAN for MICHAEL J. CARLSON, SR. 15 minutes

PATRICK J. LAWLESS for DHL EXPRESS (USA), INC. 15 minutes

841.0
CA 14-01642

LORI BARNABA-HOHM
V
ST. JOSEPH HOSPITAL HEALTH CENTER

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered May 8, 2014. The order granted the motion of defendants Amber Wilson, ANP-C, Emergency Care Services of New York, PC, St. Joseph Hospital Health Center and Deborah Fiordalice, P.C., for partial summary judgment and dismissed plaintiff's cause of action for wrongful death against those defendants.

BRIAN D. ROY for LORI BARNABA-HOHM 10 minutes

ASHLEY D. HAYES for ST. JOSEPH HOSPITAL HEALTH CENTER 5 minutes

JOSEPH B. SLATER for EMERGENCY CARE SERVICES OF NEW YORK 10 minutes

KEVIN E. HULSLANDER for AHMAD BILAL, M.D. 10 minutes

842.0
CA 14-01776

LORI BARNABA-HOHM
V
ST. JOSEPH HOSPITAL HEALTH CENTER

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered May 8, 2014. The order, insofar as appealed from, granted the motion of defendant Ahmad Bilal, M.D., for partial summary judgment and dismissed plaintiff's cause of action for wrongful death against him.

BRIAN D. ROY for LORI BARNABA-HOHM Submitted

ASHLEY D. HAYES for ST. JOSEPH HOSPITAL HEALTH CENTER Submitted

JOSEPH B. SLATER for EMERGENCY CARE SERVICES OF NEW YORK Submitted

KEVIN E. HULSLANDER for AHMAD BILAL, M.D. Submitted

842.1
CAF 14-00951

DONNY BRETZINGER
V
ALICIA HATCHER

Appeal from an order of the Family Court, Jefferson County (Richard V. Hunt, J.), entered May 9, 2014. The order found respondent in default, granted sole custody to petitioner and suspended the right of respondent to parenting time.

LISA DIPAOLA HABER for ALICIA HATCHER

10 minutes

JASON POPLASKI for DONNY BRETZINGER

10 minutes

SUSAN A. SOVIE, ATTORNEY FOR THE CHILD

10 minutes