

**DAY CALENDAR**  
**Tuesday, November 29, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1113.0  
TP 16-00741

**MICHAEL ALLEN**  
V  
**CAPTAIN R. SHIELDS**

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 May 2, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

**MICHAEL ALLEN** for HIMSELF

Submitted

**MARCUS J. MASTRACCO** for **CAPTAIN R. SHIELDS**

Submitted

1114.0  
KA 15-00070

**PEOPLE**  
V  
**JUSTIN FARRARA**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 23, 2014. The judgment convicted defendant, upon his plea of guilty, of rape in the third degree (two counts).

**ROBERT L. KEMP** for **JUSTIN FARRARA**

Submitted

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

Submitted

1115.0  
KA 15-00107

**PEOPLE**  
V  
**ANDRE JOHNSON**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered November 25, 2014. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

**ROBERT L. KEMP** for **ANDRE JOHNSON**

Submitted

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

Submitted

1116.0  
KA 11-02605

**PEOPLE**  
V  
**ARTAMION J. MOORE**

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered December 14, 2011. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

**KIMBERLY J. CZAPRANSKI** for **ARTAMION J. MOORE**

10 minutes

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

10 minutes

1117.0  
KA 12-01650

**PEOPLE**  
V  
**DAVID A. HENNIGAN**

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered May 21, 2012. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree, assault on a peace officer and attempted criminal possession of a weapon in the second degree.

CARA A. WALDMAN for DAVID A. HENNIGAN

Submitted

MELANIE J. BAILEY for PEOPLE OF THE STATE OF NEW YORK

Submitted

1118.0  
KA 14-00225

PEOPLE  
V  
DAVID A. HENNIGAN

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered July 2, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree and petit larceny (two counts).

CARA A. WALDMAN for DAVID A. HENNIGAN

Submitted

MELANIE J. BAILEY for PEOPLE OF THE STATE OF NEW YORK

Submitted

1119.0  
KA 14-00873

PEOPLE  
V  
ELHAJJI ELSHABAZZ

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered May 14, 2014. The judgment convicted defendant, upon a nonjury verdict, of murder in the second degree and burglary in the first degree (two counts).

DAVID M. ABBATOY, JR., for ELHAJJI ELSHABAZZ

10 minutes

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

10 minutes

1120.0  
KA 15-02133

PEOPLE  
V  
ANTHONY PARIS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered November 12, 2015. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

ANTHONY J. CERVI for ANTHONY PARIS

15 minutes

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK

5 minutes

1121.0  
KA 13-01654

PEOPLE  
V  
DAVID STREBER, JR.

Appeal from a judgment of the Monroe County Court (John R. Schwartz, A.J.), rendered July 9, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of stolen property in the fourth degree.

JANE I. YOON for DAVID STREBER, JR.

10 minutes

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

5 minutes

1122.0  
CAF 15-01547

BRIAN KNIGHT  
V  
NADIA WASHPUN

Appeals from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered August 31, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole custody of the minor child Brian to Nadia Washpun.

KIMBERLY F. DUGUAY for BRIAN KNIGHT 10 minutes

KATHLEEN P. REARDON for NADIA WASHPUN 10 minutes

TANYA CONLEY, ATTORNEY FOR CHILD Submitted

1123.0  
CAF 15-01520

TERIZA SHEHATOU  
V  
EMAD LOUKA

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered June 26, 2015 in a proceeding pursuant to Family Court Act article 4. The order, among other things, denied respondent's order to show cause dated January 21, 2013 and all the relief requested therein.

CRAIG D. CHARTIER for EMAD LOUKA 5 minutes

EDWARD B. ALDERMAN for TERIZA SHEHATOU 5 minutes

SUSAN B. MARRIS, ATTORNEY FOR CHILD 5 minutes

1124.0  
CAF 15-02024

GERALD SMITH  
V  
TONYA STEWART

Appeal from an order of the Family Court, Monroe County (Julie Ann Gordon, R.), entered May 1, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied petitioner's request for an order requiring the subject child to visit him in the correctional facility.

JAMES A. HOBBS for GERALD SMITH 5 minutes

PAUL B. WATKINS for TONYA STEWART 5 minutes

TANYA CONLEY, ATTORNEY FOR CHILD 5 minutes

1126.0  
CA 16-00143

PETER C. BRADY  
V  
MARY LOU DOMINO

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered August 4, 2015. The order granted defendant's motion for summary judgment dismissing the complaint.

TIMOTHY M. HUDSON for PETER C. BRADY 10 minutes

MAURICE L. SYKES for MARY LOU DOMINO 10 minutes

1127.0  
CA 16-00707

BARBARA J. HINES-BELL  
V  
LAURIE M. CRIDEN

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered February 22, 2016. The order granted the motion of plaintiff for summary judgment on the issues of negligence, serious injury and causation.

MEGHAN BROWN for LAURIE M. CRIDEN 15 minutes

	<b>GREGORY V. PAJAK for BARBARA J. HINES-BELL</b>	<b>10 minutes</b>
<b>1128.0 CA 16-00402</b>	<b>GAIL A. ANDERSON V JOSEPH M. ANDERSON</b>	
	Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered May 20, 2015. The order denied the motion of defendant seeking restitution of payments made to plaintiff pursuant to an order dated July 12, 2013.	
	<b>CHRISTINA L. SACCOGIO for JOSEPH M. ANDERSON</b>	<b>15 minutes</b>
	<b>JOSEPH M. FINNERTY for GAIL A. ANDERSON</b>	<b>15 minutes</b>
	<b>LEIGH E. ANDERSON, ATTORNEY FOR CHILD</b>	<b>Submitted</b>
<b>1129.0 CA 16-00477</b>	<b>JEFFREY CIANCHETTI, DC V PHYLLIS BURGIO, DC</b>	
	Appeal from an order of the Supreme Court, Niagara County (Mark Montour, J.), entered June 12, 2015. The order granted plaintiff money damages for breach of contract.	
	<b>JAMES C. ROSCETTI for PHYLLIS BURGIO, DC</b>	<b>Submitted</b>
	<b>THOMAS J. CASERTA, JR., for JEFFREY CIANCHETTI, DC</b>	<b>Submitted</b>
<b>1130.0 CA 16-00719</b>	<b>KENNETH ZIOLKOWSKI V HAN-TEK, INC.</b>	<b>SETTLED</b>
	Appeals from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered February 26, 2016. The order denied the motions of defendant to dismiss the complaint pursuant to CPLR 3216.	
	<b>DESTIN C. SANTACROSE for HAN-TEK, INC.</b>	
	<b>DANIEL DEBOLT for ZYNERGY SOLUTIONS, INC.</b>	
	<b>THOMAS C. PARES for KENNETH ZIOLKOWSKI</b>	
<b>1131.0 CA 16-00569</b>	<b>CLINTON STREET SOMA PROJECT, LLC V RAPID RESPONSE MONITORING SERVICES</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered August 19, 2015. The order denied the motion of defendant for summary judgment dismissing the complaint.	
	<b>JAMES P. YOUNGS for RAPID RESPONSE MONITORING SERVICES</b>	<b>15 minutes</b>
	<b>FRANKLIN A. JOSEF for CLINTON STREET SOMA PROJECT, LLC</b>	<b>10 minutes</b>
<b>1132.0 CA 16-00020</b>	<b>PEGGYANN HART V CHARLES R. HART</b>	
	Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered March 25, 2015. The order, insofar as appealed from, found that defendant has willfully failed to obey court orders dated April 1, 2014 and June 16, 2014 and suspended a judgment against plaintiff.	

RICHARD C. MITCHELL, JR., for CHARLES R. HART

10 minutes

COURTNEY S. RADICK for PEGGYANN HART

10 minutes

1133.0  
CA 16-00021

PEGGYANN HART

V

CHARLES R. HART

Appeal from a judgment of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered April 1, 2015. The judgment, inter alia, equitably distributed the marital property of the parties.

RICHARD C. MITCHELL, JR., for CHARLES R. HART

Submitted

COURTNEY S. RADICK for PEGGYANN HART

Submitted

1134.0  
CA 16-00202

SYLVIA F. BRYANT

V

WILLIAM M. CARTY

Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered October 7, 2015. The order declined to set aside or grant rescission of the child support provisions of the parties' 2009 separation agreement.

ANDREW J. ROBY for WILLIAM M. CARTY

15 minutes

DONALD A. WHITE for SYLVIA F. BRYANT

15 minutes