

DAY CALENDAR
Monday, November 28, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1091.0
KA 14-01743

PEOPLE
V
JAMES A. COOK

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered January 15, 2014. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony, aggravated unlicensed operation of a motor vehicle in the first degree and endangering the welfare of a child (two counts).

ROBERT TUCKER for JAMES A. COOK Submitted

HEATHER PARKER HINES for PEOPLE OF THE STATE OF NEW YORK Submitted

1092.0
KA 15-00490

PEOPLE
V
BERNARD GRUCZA

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered July 24, 2014. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

TIMOTHY P. MURPHY for BERNARD GRUCZA Submitted

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

1093.0
KA 14-02215

PEOPLE
V
GARY L. CARR

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered November 26, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

KRISTIN M. PREVE for GARY L. CARR Submitted

MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK Submitted

1094.0
KA 15-01172

PEOPLE
V
RAMON SALAS, JR.

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered May 29, 2015. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

TIMOTHY P. MURPHY for RAMON SALAS, JR. Submitted

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

1095.0
KA 15-01804

PEOPLE
V
JULIE R. WISNIEWSKI

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered August 17, 2015. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated, a class D felony, and driving while ability impaired.

	ERIN E. MC CAMPBELL for JULIE R. WISNIEWSKI	15 minutes
	KATHERINE K. BOGAN for PEOPLE OF THE STATE OF NEW YORK	Submitted
1096.0 KA 10-00652	PEOPLE V DAVID G. COX	
	Appeal from a judgment of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered January 19, 2010. The judgment convicted defendant, after a nonjury trial, of criminal sexual act in the first degree (two counts).	
	JEFFREY WICKS for DAVID G. COX	15 minutes
	ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1097.0 KA 16-00767	PEOPLE V KURY S. SPENCER	
	Appeal from an order of the Livingston County Court (Dennis S. Cohen, J.), entered July 28, 2011. The order directed defendant to pay restitution	
	PETER R. CHANDLER for KURY S. SPENCER	15 minutes
	ERIC R. SCHIENER for PEOPLE OF THE STATE OF NEW YORK	Submitted
1098.0 KA 16-00823	PEOPLE V KURY S. SPENCER	
	Appeal from an order of the Livingston County Court (Dennis S. Cohen, J.), entered August 17, 2015. The order converted an order of restitution to a civil judgment.	
	PETER R. CHANDLER for KURY S. SPENCER	Submitted
	ERIC R. SCHIENER for PEOPLE OF THE STATE OF NEW YORK	Submitted
1099.0 KA 14-00192	PEOPLE V BRANDON W. BOX	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 11, 2013. The judgment convicted defendant, upon a jury verdict, of identity theft in the first degree and falsifying business records in the first degree.	
	DAVID M. ABBATOY, JR., for BRANDON W. BOX	15 minutes
	NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK	15 minutes
1100.0 KA 15-00432	PEOPLE V FELTON M. OSTEEN	
	Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered January 7, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.	
	ROBERT L. KEMP for FELTON M. OSTEEN	10 minutes
	DANIELLE E. PHILLIPS for PEOPLE OF THE STATE OF NEW YORK	10 minutes

1101.0
KAH 15-00927

PEO. EX REL.
DEANDRE WILLIAMS
V
MICHAEL SHEAHAN

Appeal from a judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered April 21, 2015 in a habeas corpus proceeding. The judgment denied the petition.

CHARLES J. GREENBERG for DEANDRE WILLIAMS

5 minutes

ERIC T. SCHNEIDERMAN for MICHAEL SHEAHAN

Submitted

1102.0
KAH 15-01200

PEO. EX REL.
QUINCY NOLLEY
V
ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered June 23, 2015 in a habeas corpus proceeding. The judgment denied and dismissed the petition.

NORMAN P. EFFMAN for QUINCY NOLLEY

10 minutes

HEATHER L. MCKAY for ANTHONY ANNUCCI

5 minutes

1103.0
KAH 16-00167

PEO. EX REL.
RAYMOND CIMINO
V
ANTHONY ANNUCCI

Appeal from a judgment (denominated order) of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered January 7, 2016 in a habeas corpus proceeding. The judgment denied the petition

RAYMOND CIMINO for HIMSELF

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI

Submitted

1104.0
CA 16-00663

INTERNATIONAL UNION
V
NEW YORK STATE DEPT. OF LABOR

Appeals from an order and judgment (one paper) of the Supreme Court, Erie County (James H. Dillon, J.), entered October 22, 2015. The order and judgment declared that the determination of defendant New York State Department of Labor, that the subject work is work of ironworkers not glazers, is not unreasonable, arbitrary and capricious and otherwise granted defendants' motion to dismiss the complaint.

JOSEPH L. GUZA for RACHEL TERHART

10 minutes

OWEN DEMUTH for NEW YORK STATE DEPT. OF LABOR

10 minutes

1105.0
CA 16-00547

M&T BANK
V
RONALD R. BENJAMIN

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered December 23, 2015. The order, inter alia, granted the motion of plaintiff for summary judgment.

MARY JANE MURPHY for RONALD R. BENJAMIN

Submitted

	JOSEPH S. MONTAGNOLA for M&T BANK	10 minutes
1106.0 CA 16-00552	M&T BANK V RONALD R. BENJAMIN	
	Appeal from a judgment of the Supreme Court, Erie County (John M. Curran, J.), entered December 28, 2015. The judgment awarded plaintiff money damages of \$322,701.02.	
	MARY JANE MURPHY for RONALD R. BENJAMIN	Submitted
	JOSEPH S. MONTAGNOLA for M&T BANK	Submitted
1107.0 CA 16-00380	STAMM LAW FIRM V ROSEMARY LIGOTTI	
	Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 15, 2015. The order, insofar as appealed from, denied the motion of defendant to dismiss the complaint, denied in part the motion of defendant to extinguish plaintiffs' charging lien and denied the motion of defendant to quash a subpoena served on her former attorney.	
	JOSEPH G. MAKOWSKI for ROSEMARY LIGOTTI	15 minutes
	EDWARD J. MARKARIAN for STAMM LAW FIRM	5 minutes
1108.0 CA 16-01125	COLLEEN M. ZBOCK V DANIEL B. GIETZ	
	Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered February 1, 2016. The order, insofar as appealed from, denied in part the motions of defendants for summary judgment.	
	RENATA KOWALCZUK for DANIEL B. GIETZ	15 minutes
	DONNA L. BURDEN for PHILLIP C. FOURNIER	15 minutes
	MICHAEL J. CHMIEL for RONNIE BROWN	15 minutes
	JOHN A. COLLINS for COLLEEN M. ZBOCK	15 minutes
1109.0 CA 16-00017	In the Matter of COUNTY OF MONROE (MONROE COUNTY FEDERATION OF SOCIAL WORKERS)	
	Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered June 2, 2015. The order denied the motion of respondent for reargument.	
	DANIEL P. DEBOLT for MONROE CO. FEDERATION OF SOCIAL WORKERS	10 minutes
	KYLE W. STURGESS for COUNTY OF MONROE	10 minutes
1110.0 CA 16-00665	MAUDE DEVELOPMENT, LLC V BOARD OF ASSESSMENT REVIEW FOR CITY OF CORNING	SETTLED

Appeal from a judgment of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered June 1, 2015 in proceedings pursuant to RPTL article 7. The judgment, among other things, denied the petitions challenging the real property tax assessment for the 2009 and 2010 tax years.

BRUCE J. STAVITSKY for MAUDE DEVELOPMENT, LLC

BRYAN MAGGS for BD.OF ASSESSMENT REVIEW FOR CITY OF CORNING

TED HENRY WILLIAMS for CORNING-PAINTED POST SCHOOL DIST.

1111.0
CA 16-00588

JENNA CLEARY
V
WALDEN GALLERIA LLC

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered September 25, 2015. The order, insofar as appealed from, granted the motion of defendants AT&T Mobility LLC, formerly known as Cingular Wireless LLC, and New Cingular Wireless PCS, LCC, for summary judgment and dismissed the complaint against them.

JOHN A. COLLINS for JENNA CLEARY

15 minutes

JARETT L. WARNER for AT&T MOBILITY LLC

15 minutes

1112.0
CA 16-00694

JAMES M. COSTANZO
V
CITY OF LOCKPORT HOUSING AUTHORITY

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered July 30, 2015. The order denied defendant's motion for summary judgment dismissing plaintiff's complaint.

MICHAEL T. COUTU for CITY OF LOCKPORT HOUSING AUTHORITY

10 minutes

JOHN A. COLLINS for JAMES M. COSTANZO

10 minutes

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

	GREGORY V. PAJAK for BARBARA J. HINES-BELL	10 minutes
1128.0 CA 16-00402	GAIL A. ANDERSON V JOSEPH M. ANDERSON	
	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.	
	CHRISTINA L. SACCOGIO for JOSEPH M. ANDERSON	15 minutes
	JOSEPH M. FINNERTY for GAIL A. ANDERSON	15 minutes
	LEIGH E. ANDERSON, ATTORNEY FOR CHILD	Submitted
1129.0 CA 16-00477	JEFFREY CIANCHETTI, DC V PHYLLIS BURGIO, DC	
	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.	
	JAMES C. ROSCETTI for PHYLLIS BURGIO, DC	Submitted
	THOMAS J. CASERTA, JR., for JEFFREY CIANCHETTI, DC	Submitted
1130.0 CA 16-00719	KENNETH ZIOLKOWSKI V HAN-TEK, INC.	SETTLED
	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.	
	DESTIN C. SANTACROSE for HAN-TEK, INC.	
	DANIEL DEBOLT for ZYNERGY SOLUTIONS, INC.	
	THOMAS C. PARES for KENNETH ZIOLKOWSKI	
1131.0 CA 16-00569	CLINTON STREET SOMA PROJECT, LLC V RAPID RESPONSE MONITORING SERVICES	
	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.	
	JAMES P. YOUNGS for RAPID RESPONSE MONITORING SERVICES	15 minutes
	FRANKLIN A. JOSEF for CLINTON STREET SOMA PROJECT, LLC	10 minutes
1132.0 CA 16-00020	PEGGYANN HART V CHARLES R. HART	
	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

DAY CALENDAR
Tuesday, November 29, 2016 - 10:00 AM
COURTROOM 2

1135.0
KA 12-02100

PEOPLE
V
SHAQUEL WILLIAMS

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered November 5, 2012. The appeal was held by this Court by order entered December 31, 2015, decision was reserved and the matter was remitted to Supreme Court, Onondaga County, for further proceedings (134 AD3d 1572). The proceedings were held and completed.

PIOTR BANASIAK for SHAQUEL WILLIAMS

Submitted

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

Submitted

DAY CALENDAR
Wednesday, November 30, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1136.0
KA 15-00019

PEOPLE
V
JONAS PEACOCK

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered October 23, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted strangulation in the second degree.

DEBORAH K. JESSEY for JONAS PEACOCK

Submitted

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

Submitted

1137.0
KA 15-00656

PEOPLE
V
BRIAN ALLPORT

Appeal from an order of the Orleans County Court (James P. Punch, J.), entered March 4, 2015. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

BENJAMIN L. NELSON for BRIAN ALLPORT

Submitted

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

Submitted

1138.0
KA 12-00790

PEOPLE
V
WILLIAM J. CASSIDY

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered April 4, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of forgery devices.

JANE I. YOON for WILLIAM J. CASSIDY

10 minutes

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

5 minutes

1139.0
KA 13-01470

PEOPLE
V
KEVIN BINET

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered August 1, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KRISTEN MCDERMOTT for KEVIN BINET

10 minutes

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

10 minutes

1140.0
KA 15-01408

PEOPLE
V
KYLE HUNTER

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered May 14, 2015. The judgment convicted defendant, upon a jury verdict, of promoting prison contraband in the first degree.

DAVID P. ELKOVITCH for KYLE HUNTER

15 minutes

	BRIAN THOMAS LEEDS for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1141.0 KA 16-00076	PEOPLE V DONALD SCHWARTZ	
	Appeal from an order of the Niagara County Court (Sara S. Farkas, J.), dated November 10, 2015. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.	
	JEREMY D. SCHWARTZ for DONALD SCHWARTZ	Submitted
	LAURA T. BITTNER for PEOPLE OF THE STATE OF NEW YORK	Submitted
1142.0 KA 14-00127	PEOPLE V ALAN D. NEAL	
	Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered January 10, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony.	
	DREW R. DUBRIN for ALAN D. NEAL	5 minutes
	LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1143.0 KA 14-00803	PEOPLE V ADRIAN BROWN	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered April 24, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree.	
	PHILIP ROTHSCHILD for ADRIAN BROWN	15 minutes
	VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1144.0 KA 15-01405	PEOPLE V MICHAEL GERMAN	
	Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered June 25, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts).	
	DAVID P. ELKOVITCH for MICHAEL GERMAN	10 minutes
	BRIAN THOMAS LEEDS for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1145.0 KA 14-00997	PEOPLE V SHEARARD G. GRIFFIN	
	Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered February 25, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (two counts) and robbery in the second degree (two counts).	
	BRIDGET L. FIELD for SHEARARD G. GRIFFIN	Submitted
	ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK	Submitted

1146.0
KA 14-01213

PEOPLE
V
CURTIS N. HENDERSON

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 20, 2010. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

PIOTR BANASIAK for CURTIS N. HENDERSON 10 minutes

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

1147.0
KA 14-00974

PEOPLE
V
TAJERON WILLIAMS

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered April 3, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

LINDA M. CAMPBELL for TAJERON WILLIAMS 5 minutes

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

1148.0
CA 15-02117

MICHELLE MUNGOVAN
V
DAVID MUNGOVAN

Appeal from an order of the Supreme Court, Onondaga County (Martha E. Mulroy, A.J.), entered October 22, 2015. The order, insofar as appealed from, denied the application of plaintiff for attorney's fees.

LAWRENCE P. BROWN for MICHELLE MUNGOVAN Submitted

DAVID MUNGOVAN for HIMSELF Submitted

1149.0
CA 16-00603

CLEARVIEW FARMS LLC
V
SHAWN FANNON

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered January 25, 2016. The order and judgment denied the motion of plaintiff to set aside the verdict.

ANDREW J. DICK for CLEARVIEW FARMS LLC Submitted

SHAWN FANNON for HIMSELF Submitted

1150.0
CA 16-00524

PELUSIO CANANDAIGUA, LLC
V
GENESEE REGIONAL BANK

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 12, 2015. The order denied the motion of defendant for summary judgment.

MICHAEL J. WEGMAN for GENESEE REGIONAL BANK 10 minutes

RICHARD H. HOLTZBERG for PELUSIO CANANDAIGUA, LLC 10 minutes

1151.0
CA 16-00032

IRENE HILL
V
MICHELLE MCGINNES

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered September 8, 2015. The order granted the motion of defendants Michelle McGinnes and Janet S. Canty for summary judgment.

WILLIAM P. SMITH, JR., for IRENE HILL 20 minutes

MICHAEL ANTHONY REDDY for MICHELLE MCGINNES 10 minutes

1152.0
CA 16-00458

NICHOLAS KILMER
V
DAVID MASTROPIETRO

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered December 24, 2015. The order granted the motions of defendants for summary judgment dismissing the complaint.

EUGENE W. LANE for NICHOLAS KILMER 10 minutes

SHANNON R. BECKER for DAVID MASTROPIETRO 10 minutes

KAREN J. KROGMAN DAUM for DAVID BAKER 10 minutes

1153.0
CA 16-00602

LAURA MACALUSO
V
WEBSTER H. PILCHER, M.D., Ph.D.

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 24, 2015. The order denied the motion of defendants for summary judgment dismissing the complaint.

HAROLD A. KURLAND for WEBSTER H. PILCHER, M.D., Ph.D. 10 minutes

CHARLES A. HALL for LAURA MACALUSO 10 minutes

1154.0
CA 16-00489

BARBARA KIRBY
V
DRUMLINS, INC.

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered November 30, 2015. The order, insofar as appealed from, granted the motion of defendant Drumlins, Inc. for summary judgment and dismissed the complaint.

KEVIN E. HULSLANDER for BARBARA KIRBY 10 minutes

MICHELLE M. DAVOLI for DRUMLINS, INC. 15 minutes

1155.0
CA 16-00630

KRISTY MONTANARO
V
ROBERT M. WEICHERT

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), dated November 25, 2014. The order granted the motion of plaintiff for leave to file an amended complaint.

ROBERT M. WEICHERT for HIMSELF Submitted

SUSAN M. WEICHERT for HERSELF Submitted

CONOR J. KIRCHNER for KRISTY MONTANARO Submitted

1156.0
CA 16-00631

KRISTY MONTANARO
V
ROBERT M. WEICHERT

Appeal from a letter decision of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), dated June 18, 2015. The letter decision granted plaintiff's motion for a default judgment against defendants.

ROBERT M. WEICHERT for HIMSELF

Submitted

SUSAN M. WEICHERT for HERSELF

Submitted

CONOR J. KIRCHNER for KRISTY MONTANARO

Submitted

DAY CALENDAR
Wednesday, November 30, 2016 - 10:00 AM
COURTROOM 2

1157.0
KA 15-01659

PEOPLE
V
RICKY D. PEGLOW, II

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered January 13, 2015. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

CHARLES A. MARANGOLA for RICKY D. PEGLOW, II Submitted

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

1158.0
KA 14-00258

PEOPLE
V
TAKEIME JACKSON

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered January 6, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree (four counts).

EVAN B. HANNAY for TAKEIME JACKSON Submitted

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

1159.0
KA 14-01045

PEOPLE
V
MARK HAWKINS

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered May 27, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the third degree.

SHERRY A. CHASE for MARK HAWKINS Submitted

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

1160.0
KA 14-02212

PEOPLE
V
CHARLES HOOD

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered December 5, 2014. The judgment convicted defendant, upon a jury verdict, of promoting prison contraband in the first degree.

TIMOTHY P. MURPHY for CHARLES HOOD 5 minutes

MATTHEW S. SZALKOWSKI for PEOPLE OF THE STATE OF NEW YORK 5 minutes

1161.0
KA 14-01968

PEOPLE
V
MARSHALL DANIELS

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered July 21, 2014. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of a weapon in the second degree.

ROBERT L. KEMP for MARSHALL DANIELS 10 minutes

	JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1162.0 KA 15-01660	PEOPLE V RICKY D. PEGLOW, II	
	Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, J.), rendered January 13, 2015. The judgment convicted defendant, upon his plea of guilty, of falsifying business records in the first degree.	
	CHARLES A. MARANGOLA for RICKY D. PEGLOW, II	Submitted
	CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK	Submitted
1163.0 KA 14-01677	PEOPLE V CRYSTAL BEASLEY	
	Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered June 10, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree and criminal possession of a weapon in the fourth degree.	
	STEVEN D. SESSLER for CRYSTAL BEASLEY	10 minutes
	JOSHUA J. TONRA for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1164.0 KA 14-00821	PEOPLE V JOSHUA A. GANG	
	Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered July 8, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.	
	TIMOTHY P. MURPHY for JOSHUA A. GANG	5 minutes
	KATHERINE K. BOGAN for PEOPLE OF THE STATE OF NEW YORK	Submitted
1165.0 KA 14-00059	PEOPLE V ANTHONY A. CARTER	
	Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered November 20, 2013. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.	
	DAVID J. PAJAK for ANTHONY A. CARTER	Submitted
	ASHLEY R. LOWRY for PEOPLE OF THE STATE OF NEW YORK	Submitted
1166.0 CAF 14-00965	In the Matter of DANARYEE B.	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered May 29, 2014 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject child.	
	EVELYNE A. O'SULLIVAN for ERICA T.	Submitted
	NICHOLAS G. LOCICERO for ERIE COUNTY D.S.S.	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted

1167.0
CAF 15-01575

MICHELLE K. RUSIECKI
V
AARON J. MARSHALL

Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered August 18, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

DEBORAH J. SCINTA for **MICHELLE K. RUSIECKI** 5 minutes
MARTEN ROSE VIOLANTE for **AARON J. MARSHALL** 10 minutes
MICHELE A. BROWN, ATTORNEY FOR CHILD 10 minutes

1168.0
CAF 15-01576

MICHELLE K. RUSIECKI
V
AARON J. MARSHALL

Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered August 18, 2015 in a proceeding pursuant to Family Court Act article 6. The order granted the motion of respondent and dismissed the petition for lack of jurisdiction.

DEBORAH J. SCINTA for **MICHELLE K. RUSIECKI** Submitted
MARTEN ROSE VIOLANTE for **AARON J. MARSHALL** Submitted
MICHELE A. BROWN, ATTORNEY FOR CHILD Submitted

1169.0
CAF 14-01333

ZAKIYYAH WOLFFORD
V
ANTHONY STEPHENS

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered June 18, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the subject child shall continue to reside with Gayle Brynette.

EVELYNE A. O'SULLIVAN for **ZAKIYYAH WOLFFORD** Submitted
ANTHONY STEPHENS for **HIMSELF** Submitted
BERNADETTE HOPPE, ATTORNEY FOR CHILD Submitted

1170.0
CA 16-00554

JACKUELINE WATERS
V
CIMINELLI DEVELOPMENT COMPANY, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered December 8, 2015. The order denied the motion of defendants for summary judgment dismissing the complaint.

KEVIN LOFTUS for **CIMINELLI DEVELOPMENT COMPANY, INC.** 10 minutes
JOHN A. COLLINS for **JACKUELINE WATERS** 10 minutes

1171.0
CA 16-00522

ANITA L. CASTRO
V
PROFESSIONAL GOLF SERVICES, INC.

Appeal from an order of the Supreme Court, Erie County (Paula L. Feroletto, J.), entered January 14, 2016. The order ordered a new trial on damages unless defendant stipulated to specified increases in damages.

MICHAEL M. CHELUS for **PROFESSIONAL GOLF SERVICES, INC.** 15 minutes

	PHILIP J. O'SHEA, JR., for ANITA L. CASTRO	10 minutes
1172.0 CA 16-00597	GORDON J. KING V NIAGARA FALLS WATER AUTHORITY	
	Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered July 7, 2015. The order granted the application of claimants for leave to serve a late notice of claim.	
	CORY J. WEBER for NIAGARA FALLS WATER AUTHORITY	10 minutes
	JOHN A. COLLINS for GORDON J. KING	10 minutes
1173.0 CA 16-00768	ANGELA BERARDI V NIAGARA COUNTY SHERIFF	
	Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered July 21, 2015. The order, among other things, reinstated plaintiff's complaint against defendant Niagara County Sheriff James R. Voutour.	
	ELIZABETH M. BERGEN for NIAGARA COUNTY SHERIFF	10 minutes
	ROBERT J. MARANTO, JR., for ANGELA BERARDI	10 minutes
1174.0 CA 16-00478	TAMMY GRIER V TARA L. HALLAM	
	Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered November 4, 2015. The order, insofar as appealed from, denied in part the motion of defendants for summary judgment.	
	KEVIN J. KRUPPA for TARA L. HALLAM	15 minutes
	PETER M. JASEN for TAMMY GRIER	15 minutes
1175.0 CA 16-00212	WAYNE CLARKE V WEGMANS FOOD MARKETS, INC.	
	Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered May 5, 2015. The order denied the motion of defendants for summary judgment dismissing the complaint.	
	ROBERT P. GOODWIN for WEGMANS FOOD MARKETS, INC.	10 minutes
	DOMINIC J. POMPO for WAYNE CLARKE	10 minutes
1176.0 CA 16-01094	BRANDI HARDY V THOMAS KULWICKI	
	Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered November 10, 2015. The order, among other things, granted in part the motion of third-party plaintiffs for summary judgment and denied the cross motion of third-party defendant for summary judgment.	
	AGNIESZKA A. WILEWICZ for HARLEYSVILLE WORCESTER INS. CO.	10 minutes
	ANDREW O. MILLER for CARLO V. MADONIA, JR.	10 minutes

1177.0
CA 16-00010

BARBARA TULLY
V
TRANSITOWN SOUTH ASSOCIATES, LLC

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered October 8, 2015. The order, insofar as appealed from, granted the motion of third-party plaintiffs to require third-party defendant to defend and indemnify them.

RICHARD T. SARAF for TIGER STRIPE, LLC

10 minutes

CARLTON K. BROWNELL, III, for TRANSITOWN SOUTH ASSOCIATES, LLC

10 minutes

DAY CALENDAR
Thursday, December 1, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1178.0
TP 16-00740

EDWARD BROWN
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 May 2, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

EDWARD BROWN for HIMSELF

Submitted

MARCUS J. MASTRACCO for ANTHONY J. ANNUCCI

Submitted

1179.0
TP 16-00683

LARBI ADOUI
V
COMMISSIONER OF PERMIT AND INSPECTION SERVICES

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Tracey A. Bannister, J.], entered April 13, 2016) to review a determination of respondents. The determination revoked the food store license and restaurant take-out license of petitioner.

JACOB A. PIORKOWSKI for LARBI ADOUI

15 minutes

JAMES COMERFORD, JR., for COMMR. OF PERMIT & INSPECTION SERV.

Submitted

1180.0
KA 14-01244

PEOPLE
V
TYLER GETMAN

Appeal from a judgment of the Erie County Court (M. William Boller, A.J.), entered June 9, 2014. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

KRISTIN M. PREVE for TYLER GETMAN

Submitted

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK

Submitted

1181.0
KA 15-00645

PEOPLE
V
JOSHUA D. MCCARTHY

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered December 4, 2014. The judgment convicted defendant, upon his plea of guilty, of aggravated criminal contempt, menacing a police officer or peace officer, and attempted aggravated assault upon a police officer or a peace officer.

MARY P. DAVISON for JOSHUA D. MCCARTHY

Submitted

VINCENT A. HEMMING for PEOPLE OF THE STATE OF NEW YORK

Submitted

1182.0
KA 15-01384

PEOPLE
V
JOSHUA D. MCCARTHY

Appeal from a resentencing of the Wyoming County Court (Michael M. Mohun, J.), rendered February 11, 2015. Defendant was resentenced upon his conviction of menacing a police officer or a peace officer.

MARY P. DAVISON for JOSHUA D. MCCARTHY

Submitted

VINCENT A. HEMMING for PEOPLE OF THE STATE OF NEW YORK

Submitted

1183.0
KA 15-00435

PEOPLE
V
DECARLO WORTH

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered October 23, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the first degree.

ROBERT L. KEMP for DECARLO WORTH

Submitted

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

Submitted

1184.0
KA 14-00459

PEOPLE
V
ANTOINE GARNER

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered May 14, 2013. The judgment convicted defendant, upon a jury verdict, of strangulation in the second degree and assault in the third degree.

DAVID M. ABBATOY, JR., for ANTOINE GARNER

10 minutes

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

10 minutes

1185.0
KA 13-01078

PEOPLE
V
AYIESHA HORTON

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered April 4, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

JOHN P. BRINGEWATT for AYIESHA HORTON

10 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK

10 minutes

1186.0
KA 16-00609

PEOPLE
V
LAURA VIEIRA-SUAREZ

Appeal from an order of the Onondaga County Court (Thomas J. Miller, J.), dated September 14, 2015. The order, insofar as appealed from, granted the motion of defendant to dismiss the first count of the indictment.

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

10 minutes

ROBERT L. TISDELL for LAURA VIEIRA-SUAREZ

10 minutes

1187.0
KA 13-01452

PEOPLE
V
TERRY L. KENNEDY

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered January 19, 2012. The judgment convicted defendant, upon a nonjury verdict, of attempted murder in the second degree and criminal possession of a weapon in the fourth degree.

DAVID R. JUERGENS for TERRY L. KENNEDY 10 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1188.0
KA 15-00108

PEOPLE
V
WILLIE HENLEY

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 2, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

BENJAMIN N. NELSON for WILLIE HENLEY 10 minutes

DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1189.0
CAF 15-01025

JENNIFER L.
V
GERALD S.

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered April 29, 2015 in proceedings pursuant to Family Court Act article 4 and article 6. The order, among other things, vacated the acknowledgment of paternity signed by Gerald S., Jr., and Jennifer L.

KATHLEEN P. REARDON for GERALD S. 10 minutes

PAUL B. WATKINS for JENNIFER L. 5 minutes

MELINDA L.-B. for HERSELF Submitted

NATHAN A. VAN LOON, ATTORNEY FOR CHILD 10 minutes

1190.0
CAF 14-02243

In the Matter of
EMILY W.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered November 17, 2014. The order denied the motion of respondent Rebecca S. for an order requiring petitioner to return the subject children to her.

DAVID J. PAJAK for REBECCA S. Submitted

LAUREN CREIGHTON for ERIE COUNTY D.S.S. 10 minutes

AYOKA TUCKER, ATTORNEY FOR CHILD 5 minutes

MARY ANNE CONNELL, ATTORNEY FOR CHILD 10 minutes

1191.0
CAF 15-00678

In the Matter of
KAYLEE W.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered March 6, 2015. The order, among other things, continued the placement of the subject child.

DAVID J. PAJAK for REBECCA S. Submitted

LAUREN CREIGHTON for ERIE COUNTY D.S.S. Submitted

	AYOKA TUCKER, ATTORNEY FOR CHILD	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	Submitted
1192.0 CAF 15-00679	In the Matter of AVA W.	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered March 6, 2015. The order, among other things, continued the placement of the subject child with petitioner.	
	DAVID J. PAJAK for REBECCA S.	Submitted
	LAUREN CREIGHTON for ERIE COUNTY D.S.S.	Submitted
	AYOKA TUCKER, ATTORNEY FOR CHILD	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	Submitted
1193.0 CAF 15-00680	In the Matter of MICHAEL S., JR.	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered March 6, 2015. The order, among other things, continued the placement of the subject child with petitioner.	
	DAVID J. PAJAK for REBECCA S.	Submitted
	LAUREN CREIGHTON for ERIE COUNTY D.S.S.	Submitted
	AYOKA TUCKER, ATTORNEY FOR CHILD	Submitted
	MARY ANNE CONNELL, ATTORNEY FOR CHILD	Submitted
1194.0 CA 16-00601	VIRGINIA L. CAUM LAKE V SAFECO INSURANCE COMPANY OF AMERICA	
	Appeal from an order of the Supreme Court, Steuben County (Elma A. Bellini, J.), entered August 12, 2015. The order, among other things, denied in part defendant's motion for summary judgment.	
	ERIN K. SKUCE for SAFECO INSURANCE COMPANY OF AMERICA	10 minutes
	ANNA CZARPLES for VIRGINIA L. CAUM LAKE	10 minutes
1195.0 CA 15-01942	LAUREN L. SHEIVE V HOLLEY VOLUNTEER FIRE COMPANY	
	Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (James P. Punch, A.J.), entered February 19, 2015 pursuant to a CPLR article 78 proceeding. The judgment denied and dismissed the petition.	
	ANUP K. MISRA for LAUREN L. SHEIVE	15 minutes
1197.0 CA 16-00708	JAMES J. MORAN V JRM CONTRACTING, INC.	
	Appeal from an order of the Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered July 22, 2015. The order, among other things, denied in part defendant's motion for summary judgment dismissing the complaint.	

	ROBERT J. LUNN for JRM CONTRACTING, INC.	10 minutes
	KEITH R. LORD for JAMES J. MORAN	10 minutes
1198.0 CA 16-00394	DENNIS H. KINDRED V SARAH COLBY	
	Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered May 19, 2015. The order granted defendants' motion to dismiss plaintiff's complaint for failure to state a cause of action.	
	JONATHAN D. COX for DENNIS H. KINDRED	10 minutes
	MARK T. WHITFORD, JR., for SARAH COLBY	10 minutes
1199.0 CA 16-00511	LEVEL 3 COMMUNICATIONS, LLC V CHAUTAUQUA COUNTY	
	Appeal from a judgment (denominated order and judgment) of the Supreme Court, Chautauqua County (Paul Wojtaszek, J.), entered October 2, 2015 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment dismissed the petition.	
	JOHN G. NICOLICH for LEVEL 3 COMMUNICATIONS, LLC	15 minutes
	MICHAEL B. RISMAN for CITY OF DUNKIRK	15 minutes
	STEPHEN M. ABDELLA for CHAUTAUQUA COUNTY	Submitted
1200.0 CA 16-00718	DEWOLFF PARTNERSHIP ARCHITECTS, LLP SETTLED V KING HUSSEIN INSTITUTE	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered February 22, 2016. The order, inter alia, granted the motion of plaintiff for summary judgment.	
	CLAIRE A. DELELLE for KING HUSSEIN INSTITUTE BIOTECHNOLOG	
	JOHN WALTER DRESTE for DEWOLFF PARTNERSHIP ARCHITECTS, LLP	
	DAVID A. SHULTS for WILLIAM R. NOJAY	
1201.0 CA 16-00423	TRAVIS BUTCHELLO V MICHAEL J. HERBERGER	
	Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered December 22, 2015. The order denied the motion of defendant Michael J. Herberger for summary judgment dismissing the complaint.	
	REBECCA R. JOSEFIAK for MICHAEL J. HERBERGER	10 minutes
	RONALD J. WRIGHT for TRAVIS BUTCHELLO	10 minutes

DAY CALENDAR
Monday, December 5, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1202.0
TP 16-00742

SHANNON CAMPBELL
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 May 2, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

SHANNON CAMPBELL for HIMSELF

Submitted

LAURA ETLINGER for ANTHONY J. ANNUCCI

Submitted

1203.0
TP 16-00501

In the Matter of Estate of
EMILIE S. BURKE

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, Cayuga County [Thomas G. Leone, A.J.], entered March 23, 2016) to review a determination of respondent. The determination imposed a penalty of 17.30 months on the Medicaid application of petitioner's decedent.

ADAM H. VAN BUSKIRK for SANDRA DIMARCO

Submitted

KATE H. NEPVEU for HOWARD ZUCKER

10 minutes

1204.0
TP 16-00613

RYAN BRADWAY
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Oneida County [Bernadette T. Clark, J.], entered March 29, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

RYAN BRADWAY for HIMSELF

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

1205.0
KA 15-00110

PEOPLE
V
GENE D. RIVERS

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered September 26, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted aggravated criminal contempt, unlawfully fleeing a police officer in a motor vehicle in the third degree and resisting arrest.

JOHN A. CIRANDO for GENE D. RIVERS

10 minutes

NICOLE L. KYLE for PEOPLE OF THE STATE OF NEW YORK

Submitted

1206.0
KA 14-00754

PEOPLE
V
HORACE BETTS, III

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered March 6, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the first degree.

MICHAEL JOS. WITMER for HORACE BETTS, III Submitted

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

1207.0
KA 15-00106

PEOPLE
V
DARRYL JONES

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Busgaglia, A.J.), rendered March 27, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), attempted robbery in the first degree, and criminal possession of a weapon in the second degree.

SHERRY A. CHASE for DARRYL JONES 10 minutes

NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK 5 minutes

1208.0
KA 13-01360

PEOPLE
V
MICHAEL A. PILATO

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered July 24, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (six counts), attempted murder in the second degree (two counts) and arson in the second degree.

MATTHEW J. RICH for MICHAEL A. PILATO 15 minutes

LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK 15 minutes

1209.0
KA 14-01826

PEOPLE
V
STEVEN MYERS

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), entered rendered March 25, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree

JOHN A. CIRANDO for STEVEN MYERS 10 minutes

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

1210.0
CAF 15-01837

LARRY D. STEVENSON, II
V
TRICIA A. SMITH

Appeal from an order of the Family Court, Monroe County (Caroline E. Morrison, A.J.), entered August 25, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner primary physical custody of the parties' child.

JANET C. SOMES for TRICIA A. SMITH 10 minutes

LARRY D. STEVENSON, II, for HIMSELF Submitted

	ARDETH L. HOUDE, ATTORNEY FOR CHILD	10 minutes
1211.0 CAF 16-00605	STACEY WYNN MOREY V SONJA ANKE FRANKLIN	
	Appeal from an order of the Family Court, Chautauqua County (Michael F. Griffith, J.), entered September 2, 2015 in proceedings pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint custody of the subject child	
	LYDIA ALLEN CAYLOR for STACEY WYNN MOREY	10 minutes
	DAVID M. CIVILETTE for SONJA ANKE FRANKLIN	10 minutes
	JOHN J. WESTMAN, ATTORNEY FOR CHILD	10 minutes
1212.0 CAF 15-01119	LISA M. HOLECK V SEAN D. BEYEL	
	Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered April 23, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied the objection of respondent to an order of a Support Magistrate.	
	SEAN D. BEYEL for HIMSELF	Submitted
	LISA M. HOLECK for HERSELF	Submitted
1213.0 CAF 15-00549	JOSEPH M. SPRING V HEATHER K. MOSHER	
	Appeal from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered February 13, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted the petition to modify visitation.	
	HEIDI W. FEINBERG for HEATHER K. MOSHER	15 minutes
	JOSEPH M. SPRING for HIMSELF	Submitted
	GARY MULDOON, ATTORNEY FOR CHILD	Submitted
1214.0 CA 16-00538	JEFFREY MALKAN V STATE OF NEW YORK	
	Appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered June 19, 2015. The order denied the application of claimant for leave to file and serve a late notice of claim.	
	ANTHONY J. BROCK for JEFFREY MALKAN	10 minutes
	JULIE M. SHERIDAN for STATE OF NEW YORK	10 minutes
1215.0 CA 16-00496	JAMIE LEE RODRIGUEZ V DYNASTY MAINTENANCE CREW, LLC	

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered October 19, 2015. The order denied the motion of defendant Jovino Property and Financial Management for summary judgment and for sanctions.

JEFFREY F. BAASE for JOVINO PROPERTY AND FINANCIAL MANAG 10 minutes

FRANK BOGULSKI for JAMIE LEE RODRIGUEZ Submitted

1217.0
CA 15-01673

NORMAN JOHN PERRY
V
JAMES W. EDWARDS

Appeal and cross appeal from a judgment of the Supreme Court, Erie County (John A. Michalek, J.), entered March 10, 2015. The judgment awarded defendants money damages upon a nonjury verdict.

MICHAEL JAMES WRONA for NORMAN JOHN PERRY 10 minutes

LAWRENCE A. SCHULZ for JAMES W. EDWARDS 10 minutes

1218.0
CA 16-00544

JAYSON BULMAHN
V
NYS OFFICE OF MEDICAID INSPECTOR GENERAL

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Timothy J. Drury, J.), entered June 26, 2015 in a proceeding pursuant to CPLR article 78. The judgment denied the amended petition.

GREGORY STAMM for JAYSON BULMAHN 10 minutes

KATE H. NEPVEU for NYS OFFICE OF MEDICAID INSPECTOR GENERAL 10 minutes

1219.0
CA 15-01355

STATE OF NEW YORK
V
JOSEPH SCHOLTISEK

Appeal from an order of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered June 26, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that respondent is a dangerous sex offender requiring confinement.

NEIL T. CAMPBELL for JOSEPH SCHOLTISEK 15 minutes

KATHLEEN M. ARNOLD for STATE OF NEW YORK 10 minutes

1220.0
CA 16-00089

CITY OF ROME
V
BD. OF ASSESSORS AND/OR ASSESSOR OF TOWN OF LEWIS

Appeals from an order of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered August 27, 2015. The order, inter alia, granted the motion of petitioner for summary judgment on the ground of selective enforcement.

JOAN E. MCNICHOL for COUNTY OF LEWIS 5 minutes

C. LOUIS ABELOVE for BD. OF ASSESSORS OF TOWN OF LEWIS 10 minutes

KATHERINE E. GAVETT for ADIRONDACK CENTRAL SCHOOL DISTRICT 10 minutes

PAUL J. GOLDMAN for CITY OF ROME 10 minutes

1221.0
CA 16-00090

CITY OF ROME
V
BD. OF ASSESSORS AND/OR ASSESSOR OF TOWN OF LEWIS

Appeals from a judgment of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered October 16, 2015. The judgment, inter alia, reduced certain tax assessments for the years 2012 through 2014.

C. LOUIS ABELOVE for BD. OF ASSESSORS OF TOWN OF LEWIS Submitted

PAUL J. GOLDMAN for CITY OF ROME Submitted

1222.0
CA 15-01740

TRAVIS KEEGAN
V
BRONWEN L. KEEGAN

Appeal and cross appeal from an order of the Supreme Court, Oneida County (Joan E. Shkane, A.J.), entered January 13, 2015. The order, inter alia, granted primary physical custody of the children of the parties to plaintiff.

PAUL DEEP for BRONWEN L. KEEGAN 10 minutes

LUCILLE M. RIGNANESE for TRAVIS KEEGAN 15 minutes

JOHN G. KOSLOSKY, ATTORNEY FOR CHILD 5 minutes

1223.0
CA 15-01741

TRAVIS KEEGAN
V
BRONWEN L. KEEGAN

Appeal from an amended order of the Supreme Court, Oneida County (Joan E. Shkane, A.J.), entered June 3, 2015. The amended order, inter alia, awarded primary physical custody of the children of the parties to plaintiff.

PAUL DEEP for BRONWEN L. KEEGAN Submitted

LUCILLE M. RIGNANESE for TRAVIS KEEGAN Submitted

JOHN G. KOSLOSKY, ATTORNEY FOR CHILD Submitted

1224.0
CA 15-01742

TRAVIS KEEGAN
V
BRONWEN L. KEEGAN

Appeal from a judgment of the Supreme Court, Oneida County (Joan E. Shkane, A.J.), entered June 3, 2015. The judgment, inter alia, granted primary physical custody of the children of the parties to plaintiff.

PAUL DEEP for BRONWEN L. KEEGAN Submitted

LUCILLE M. RIGNANESE for TRAVIS KEEGAN Submitted

JOHN G. KOSLOSKY for BRENDEN E. KEEGAN Submitted

1224.1
CA 16-01337

ISKALO 5000 MAIN LLC
V
TOWN OF AMHERST INDUSTRIAL DEVELOPMENT

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered June 30, 2016. The order reversed the determination of respondent denying the application of petitioners, granted the application of petitioners and denied the request of respondent for attorney's fees.

ANDREA SCHILLACI for TOWN OF AMHERST INDUS. DEVELOPMENT	15 minutes
SEAN W. HOPKINS for ISKALO 5000 MAIN LLC	15 minutes
JEREMY C. TOTH for COUNTY OF ERIE	10 minutes

1224.2
CA 16-01425

ISKALO 5000 MAIN LLC
V
TOWN OF AMHERST INDUSTRIAL DEVELOPMENT

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered July 29, 2016. The order reversed the determination of respondent denying the application of petitioners, granted the application of petitioners and denied the request of respondent for attorney's fees.

ANDREA SCHILLACI for TOWN OF AMHERST INDUS. DEVELOPMENT	Submitted
JEREMY C. TOTH for COUNTY OF ERIE	Submitted
SEAN W. HOPKINS for ISKALO 5000 MAIN LLC	Submitted

DAY CALENDAR
Monday, December 5, 2016 - 10:00 AM
COURTROOM 2

1225.0
KA 02-00049

PEOPLE
V
JAMES KENDRICK

Appeal from a judgment of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), rendered February 1, 2001. The appeal was held by this Court by order entered May 8, 2015, decision was reserved and the matter was remitted to Supreme Court, Monroe County for further proceedings (138 AD3d 1482). The proceedings were held and completed.

JAMES A. HOBBS for **JAMES KENDRICK**

Submitted

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

Submitted

DAY CALENDAR
Tuesday, December 6, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1226.0
KA 15-00736

PEOPLE
V
SAMUEL RIVALDO

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), entered March 28, 2014. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

DAVID R. JUERGENS for SAMUEL RIVALDO Submitted

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

1227.0
TP 16-00762

TERRY DAUM
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered May 4, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for TERRY DAUM Submitted

OWEN DEMUTH for ANTHONY ANNUCCI Submitted

1228.0
TP 16-00691

MICHAEL FREDERICK
V
DONALD E. VENETOZZI

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, Cayuga County [Thomas G. Leone, A.J.], entered April 22, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated an inmate rule.

MICHAEL FREDERICK for HIMSELF Submitted

MARCUS J. MASTRACCO for DONALD E. VENETOZZI Submitted

1229.0
KA 15-00902

PEOPLE
V
PATRICK J. ELLIOTT

Appeal from a judgment of the Lewis County Court (Daniel R. King, J.), rendered November 8, 2013. The judgment convicted defendant, upon a jury verdict, of rape in the second degree and endangering the welfare of a child.

JOHN J. RASPANTE for PATRICK J. ELLIOTT Submitted

JOHN A. CIRANDO for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1230.0
KA 14-00230

PEOPLE
V
MALQUAN R. JUNIOUS

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered December 19, 2013. The judgment convicted defendant, upon a jury verdict, of attempted assault in the first degree, criminal possession of a weapon in the third degree and criminal possession of a weapon in the fourth degree.

DAVID M. ABBATOY, JR., for MALQUAN R. JUNIOUS

10 minutes

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

10 minutes

1231.0
KA 14-00666

PEOPLE

V

DARYL HILKERT, JR.

Appeal from a judgment of the Yates County Court (W. Patrick Falvey, J.), rendered February 18, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree and petit larceny.

TYSON BLUE for DARYL HILKERT, JR.

10 minutes

LORA TRYON for PEOPLE OF THE STATE OF NEW YORK

10 minutes

1232.0
KA 14-00834

PEOPLE

V

ALLEN L. RICKS, JR.

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered December 16, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree and attempted criminal possession of a weapon in the second degree.

JOHN A. CIRANDO for ALLEN L. RICKS, JR.

10 minutes

NICOLE L. KYLE for PEOPLE OF THE STATE OF NEW YORK

Submitted

1233.0
CAF 15-00712

In the Matter of

TRISTYN R.

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered March 24, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, granted custody of Addasyn R. and Tristyn R. to Jenna W. and Trevor W.

JAY DAVID CARR for JOSHUA R.

5 minutes

WENDY G. PETERSON for CATTARAUGUS COUNTY D.S.S.

Submitted

GERALD J. VELLA for JENNA W.

Submitted

MICHAEL D. BURKE, ATTORNEY FOR CHILD

Submitted

1234.0
CAF 15-01871

In the Matter of

KENNETH C.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered September 8, 2015 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject children.

KRISTEN N. MCDERMOTT for TERRI C.

10 minutes

CATHERINE Z. GILMORE for ONONDAGA COUNTY D.C.F.

10 minutes

THEODORE W. STENUF, ATTORNEY FOR CHILD

10 minutes

1235.0
CAF 15-01118

JOSEPH L. KING
V
TIFFANY A. KING

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenzo, J.), entered June 3, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner custody of the subject children.

JANINE C. FODOR for TIFFANY A. KING 10 minutes

GERALD J. VELLA for JOSEPH L. KING 10 minutes

LYLE T. HAJDU, ATTORNEY FOR CHILD 10 minutes

1236.0
CAF 16-00369

ANDREW R. SABOL
V
PAUL G. IANNELLO

Appeal from an order of the Family Court, Herkimer County (Anthony J. Garramone, J.H.O.), entered September 22, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, granted petitioners visitation with the subject children.

PETER J. DIGIORGIO, JR., for PAUL G. IANNELLO 10 minutes

WILLIAM H. GETMAN for ANDREW R. SABOL 5 minutes

JOSEPH MICHAEL CIRILLO, ATTORNEY FOR CHILD Submitted

1237.0
CAF 14-02252

In the Matter of
CHARITY M.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered November 17, 2014 in proceedings pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Warren M. had abused the subject child Kordell S.

DAVID J. PAJAK for WARREN M. Submitted

KIMBERLY S. CONIDI for ERIE COUNTY D.S.S. Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1238.0
CAF 15-00407

In the Matter of
CHARITY M.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered February 20, 2015 in proceedings pursuant to Family Court Act article 10. The order, among other things, directed respondent Warren M. to comply with the terms and conditions specified in the order of protection issued in favor of Charity M.

DAVID J. PAJAK for WARREN M. Submitted

KIMBERLY S. CONIDI for ERIE COUNTY D.S.S. Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1239.0
CA 16-00690

PEGGY HALL
V
SCHRADER, ISRAELY, DELUCA & WATERS

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered March 7, 2016. The order denied the motion of defendant for summary judgment and denied the cross motion of plaintiff for summary judgment.

PETER A. LAURICELLA for SCHRADER, ISRAELY, DELUCA & WATERS 10 minutes

DAVID L. MURPHY for PEGGY HALL 10 minutes

1240.0
CA 16-00653

SYDNEY H. RAIT

V

MATTHEW D. SHEEHAN

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered June 30, 2015. The order granted the motion of defendants for summary judgment and dismissed the amended complaint.

DAVID M. BLOCK for SYDNEY H. RAIT 10 minutes

LEO T. FABRIZI for MATTHEW D. SHEEHAN 10 minutes

1241.0
CA 16-00467

CARRIE MARX

V

LYNN M. KESSLER

Appeals from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered June 2, 2015. The order, insofar as appealed from, granted the motion of defendant Bernard M. Shevlin for summary judgment dismissing the complaints against him.

HERSCHEL GELBER for CARRIE MARX 15 minutes

LEONARD D. ZACCAGNINO for KEITH MARX Submitted

AARON M. ADOFF for BERNARD M. SHEVLIN 10 minutes

1242.0
CA 16-00328

HOGANWILLIG, PLLC

V

CARRIE W. KAHN

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered May 18, 2015. The order granted the motion of defendant Carrie H. Kahn, in her individual capacity, for summary judgment dismissing plaintiff's amended complaint.

LINDA LALLI STARK for HOGANWILLIG, PLLC 15 minutes

BRIAN M. MELBER for CARRIE W. KAHN 15 minutes

1243.0
CA 15-02079

WILLIAM E. HAMILTON

V

BOARD OF EDUCATION OF JORDAN-ELBRIDGE C.S.D.

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered August 7, 2015. The order and judgment, among other things, denied plaintiff's motion for summary judgment and granted defendants' motions for summary judgment.

STEPHEN CIOTOLI for WILLIAM E. HAMILTON 15 minutes

BRIAN J. BUTLER for BD. OF ED. OF THE JORDAN-ELBRIDGE C.S.D. 15 minutes

DANNY LOUIS MEVEC for HIMSELF 5 minutes

1245.0
CA 16-00497

MARCIA WENTLAND
V
E.A. GRANCHELLI DEVELOPERS, INC.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered January 22, 2016. The order denied the motion of plaintiff to set aside a verdict.

DAVID W. OLSON for MARCIA WENTLAND 15 minutes

ELISE L. CASSAR for E.A. GRANCHELLI DEVELOPERS, INC. 10 minutes

DANIEL D. DUBNICKI for K.M. TREATS 15 minutes

1246.0
CA 16-00500

MARCIA WENTLAND
V
E.A. GRANCHELLI DEVELOPERS, INC.

Appeal from a judgment of the Supreme Court, Niagara County (Frank Caruso, J.), entered January 22, 2016. The judgment granted judgment in favor of defendants upon a jury verdict.

DAVID W. OLSON for MARCIA WENTLAND Submitted

ELISE L. CASSAR for E.A. GRANCHELLI DEVELOPERS, INC. Submitted

DANIEL D. DUBNICKI for K.M. TREATS Submitted

1247.0
CA 15-01472

GREG WILLIAMS
V
ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered July 14, 2015 in a CPLR article 78 proceeding. The judgment dismissed the petition.

ADAM W. KOCH for GREG WILLIAMS Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI Submitted

DAY CALENDAR
Wednesday, December 7, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1248.0
KA 15-00948

PEOPLE
V
RICHARD A. DAVIS

Appeal from an order of the Supreme Court, Erie County (Deborah A. Haendiges, J.), entered November 6, 2014. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

CAITLIN M. CONNELLY for RICHARD A. DAVIS Submitted

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

1249.0
KA 15-01402

PEOPLE
V
CLIFFORD BROWN

Appeal from an order of the Wayne County Court (Dennis M. Kehoe, J.), entered April 27, 2015. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

JAMES S. KERNAN for CLIFFORD BROWN Submitted

BRUCE A. ROSEKRANS for PEOPLE OF THE STATE OF NEW YORK Submitted

1250.0
KA 13-01951

PEOPLE
V
WILLIS KNIGHT, JR.

Appeal from a resentencing of the Monroe County Court (John L. DeMarco, J.), rendered September 6, 2013. Defendant was resentenced upon his conviction of burglary in the second degree.

DAVID R. JUERGENS for WILLIS KNIGHT, JR. Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

1251.0
KA 15-00814

PEOPLE
V
STEPHEN M. REBER

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered March 30, 2015. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for STEPHEN M. REBER Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

1252.0
KA 13-02164

PEOPLE
V
MATTHEW ROACH

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 20, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree and resisting arrest.

PIOTR BANASIAK for MATTHEW ROACH 10 minutes

	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1253.0 KA 15-00420	PEOPLE V WILLIE D. SMITH, III	
	Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered September 12, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree, assault in the second degree, reckless endangerment in the first degree and endangering the welfare of a child.	
	GUY A. TALIA for WILLIE D. SMITH, III	15 minutes
	SEAN R. STERLING for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1254.0 KA 14-00505	PEOPLE V BENNIE SMITH	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered January 29, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.	
	PIOTR BANASIAK for BENNIE SMITH	10 minutes
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1255.0 KA 12-00910	PEOPLE V ANDREW DEAN	
	Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered February 23, 2012. The judgment convicted defendant, upon a jury verdict, of two counts of driving while intoxicated, as class E felonies, and aggravated unlicensed operation of a motor vehicle in the first degree.	
	STEPHEN J. BIRD for ANDREW DEAN	Submitted
	JOSHUA J. TONRA for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1256.0 KA 12-02263	PEOPLE V ZACHARY STRAUSS	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered January 30, 2012. The judgment convicted defendant, upon a jury verdict, of rape in the first degree.	
	PETER J. DIGIORGIO, JR., for ZACHARY STRAUSS	15 minutes
	STEVEN G. COX for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1257.0 KA 15-01581	PEOPLE V SHAWN A. MULCAHEY	
	Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered June 22, 2015. The judgment convicted defendant, upon a jury verdict, of course of sexual conduct against a child in the second degree.	
	SALVATORE FREDERICK LANZA for SHAWN A. MULCAHEY	Submitted

	ALLISON O'NEILL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1258.0 KA 09-00310	PEOPLE V WILLIAM MORRISON	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered April 18, 2007. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, sexual abuse in the first degree and endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the second degree.	
	MARY R. HUMPHREY for WILLIAM MORRISON	10 minutes
	TIM WU for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1259.0 CAF 16-00476	In the Matter of CELINA D.	
	Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered May 26, 2015 in a proceeding pursuant to Family Court Act article 3. The order placed respondent with the New York State Office of Children and Family Services upon a juvenile delinquency adjudication.	
	BARBARA E. FARRELL, ATTORNEY FOR CHILD	10 minutes
	BRETT CHRISTOPHER GRANVILLE for COUNTY OF MONROE	Submitted
1260.0 CAF 16-00479	In the Matter of CELINA D.	
	Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered May 26, 2015 in a proceeding pursuant to Family Court Act article 3. The order adjudicated respondent a juvenile delinquent.	
	BARBARA E. FARRELL, ATTORNEY FOR CHILD	Submitted
	BRETT CHRISTOPHER GRANVILLE for COUNTY OF MONROE	Submitted
1261.0 CA 16-00545	THE PIKE COMPANY, INC. V JERSEN CONSTRUCTION GROUP, LLC	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered October 27, 2015. The order granted the motion of plaintiff to dismiss the fifth counterclaim of defendant Jersen Construction Group, LLC.	
	ERIC W. GENTINO for JERSEN CONSTRUCTION GROUP, LLC	15 minutes
	MARK J. MORETTI for THE PIKE COMPANY, INC.	10 minutes
1262.0 CA 16-00526	J. THOMAS BASSETT V TOWN OF MANLIUS	
	Appeal from a judgment (denominated order) of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered January 15, 2016 in a CPLR article 78 proceeding. The judgment denied the petition	
	J. THOMAS BASSETT for HIMSELF	10 minutes
	SILVIA DE LA GARZA BASSETT for HERSELF	Submitted
	TIMOTHY A. FRATESCHI for TOWN OF MANLIUS	10 minutes

1263.0
CA 16-01079

SUZANNE BARNER
V
CHRISTOPHER R. DEPNER, M.D.

Appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered August 4, 2015. The order, insofar as appealed from, granted the motion of defendants University of Rochester and Barbara J. Kircher, M.D., for summary judgment and dismissed the complaint against those defendants.

ERIC C. NORDBY for SUZANNE BARNER 15 minutes

CHRISTIAN C. CASINI for UNIVERSITY OF ROCHESTER 15 minutes

1264.0
CA 16-00286

WILLIAM ANDRE **SETTLED**
V
FRED L. SANFILIPO, D.C.

Appeal from an amended order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered November 30, 2015. The amended order, insofar as appealed from, denied the motion of defendants for summary judgment.

KEVIN E. HULSLANDER for FRED L. SANFILIPO, D.C. 15 minutes

DERRICK A. SPATORICO for WILLIAM ANDRE 15 minutes

1265.0
CA 16-00600

EXPRESSVIEW DEVELOPMENT, INC.
V
TOWN OF GATES ZONING BOARD OF APPEALS

Appeal from a judgment (denominated order) of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered January 21, 2016. The judgment, insofar as appealed from, granted the cross motion of respondents to dismiss the petition and complaint.

ALAN J. KNAUF for EXPRESSVIEW DEVELOPMENT, INC. 20 minutes

JOHN ANDREW DICARO for TOWN OF GATES ZONING BD. OF APPEALS 15 minutes

1266.0
CA 16-00062

COR ROUTE 5 COMPANY, LLC
V
VILLAGE OF FAYETTEVILLE

Appeal from a judgment (denominated order) of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered August 18, 2015. The judgment granted the motion of respondents to dismiss the petition and dismissed the petition without prejudice.

GABRIELLE MARDANY HOPE for COR ROUTE 5 COMPANY, LLC 15 minutes

W. BRADLEY HUNT for VILLAGE OF FAYETTEVILLE 10 minutes

WALTER DENNIS KOGUT for GOODFELLOW CONSTRUCTION Submitted

1267.0
CA 15-00185

ARTHUR GERBER
V
EMPIRE SCALE

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered April 2, 2014. The order and judgment granted the cross motion of defendant for summary judgment dismissing the complaint and for attorney's fees.

ANGELO T. CALLERI for ARTHUR GERBER

20 minutes

CANDACE MARIE CURRAN ESPINOSA for EMPIRE SCALE

15 minutes

**1268.0
CA 15-01438**

STATE OF NEW YORK

V

JEDEDIAH HUSTED

Appeal from an order of the Supreme Court, Ontario County (Craig J. Doran, A.J.), entered July 22, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, ordered the confinement of respondent in a secure treatment facility.

LISA L. PAINE for JEDEDIAH HUSTED

15 minutes

ALLYSON B. LEVINE for STATE OF NEW YORK

10 minutes

DAY CALENDAR
Wednesday, December 7, 2016 - 10:00 AM
COURTROOM 2

1269.0
KA 15-01395

PEOPLE
V
BRETT E. COPEES

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered July 7, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree and criminally using drug paraphernalia in the second degree.

CHARLES A. MARANGOLA for BRETT E. COPEES

Submitted

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

Submitted

1270.0
KA 14-01607

PEOPLE
V
YADIEL CORREA

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered March 27, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree, criminal sale of a controlled substance in the third degree (two counts), and conspiracy in the fourth degree.

ROBERT A. DINIERI for YADIEL CORREA

Submitted

BRUCE A. ROSEKRANS for PEOPLE OF THE STATE OF NEW YORK

Submitted

1271.0
TP 16-00649

BRIAN HUNT
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered April 19, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

ADAM W. KOCH for BRIAN HUNT

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI

Submitted

1272.0
KA 15-00811

PEOPLE
V
ROOSEVELT R. COLEMAN, JR.

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered February 18, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree (two counts).

CHARLES A. MARANGOLA for ROOSEVELT R. COLEMAN, JR.

Submitted

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

Submitted

1273.0
KA 14-01338

PEOPLE
V
MICHAEL C. KRAATZ

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 24, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree.

SUSAN C. MINISTERO for MICHAEL C. KRAATZ

10 minutes

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

10 minutes

1274.0
KA 13-01282

PEOPLE

V

RICHARD E. VANGORDEN

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered January 11, 2013. The judgment convicted defendant, upon a jury verdict, of attempted murder in the first degree (two counts), tampering with physical evidence (two counts), criminal mischief in the second degree, criminal use of a firearm in the first degree, criminal possession of a weapon in the fourth degree and reckless endangerment in the first degree.

MARY P. DAVISON for RICHARD E. VANGORDEN

10 minutes

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

10 minutes

1275.0
KA 15-01475

PEOPLE

V

CHRISTOPHER A. TYLER

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered July 22, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (three counts) and menacing in the second degree.

WILLIAM MASELLI for CHRISTOPHER A. TYLER

10 minutes

JASON A. MACBRIDE for PEOPLE OF THE STATE OF NEW YORK

5 minutes

1276.0
CAF 15-01895

KELLY NEUPERT

V

JASON M. NEUPERT

Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered October 16, 2015 in a proceeding pursuant to Family Court Act article 6. The order denied respondent's motion to vacate a default judgment.

DEBORAH J. SCINTA for JASON M. NEUPERT

5 minutes

DENIS A. KITCHEN, JR., for KELLY NEUPERT

5 minutes

KELLY LINN BALL, ATTORNEY FOR CHILD

5 minutes

1277.0
CAF 16-00134

KIMBERLY M. BRINK

V

KEVIN P. BRINK

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered April 14, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied the objections of respondent to an order of a Support Magistrate.

GERALD J. VELLA for KEVIN P. BRINK

10 minutes

MAURA C. SEIBOLD for KIMBERLY M. BRINK

10 minutes

1278.0
CAF 15-01029

AMBER L. ORLOWSKI
V
CRYSTAL M. ZWACK

Appeals from an order of the Family Court, Cattaraugus County (Judith E. Samber, R.), entered June 2, 2015 in a proceeding pursuant to Family Court Act article 6. The order granted the petition.

MARY SPEEDY HAJDU for CRYSTAL M. ZWACK 10 minutes

AMBER L. ORLOWSKI for HERSELF Submitted

MICHAEL J. SULLIVAN, ATTORNEY FOR CHILD 10 minutes

1279.0
CAF 15-01600

MIRIAM M. OWENS
V
RICHARD G. POUND

Appeal from an order of the Family Court, Steuben County (Gerald J. Alonzo, J.H.O.), entered September 9, 2015 in proceedings pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint legal custody of the subject child with primary physical placement with Richard G. Pound, Jr.

MARY P. DAVISON for MIRIAM M. OWENS 5 minutes

RUTH A. CHAFFEE for RICHARD G. POUND 10 minutes

PATRICIO JIMENEZ, ATTORNEY FOR CHILD Submitted

1280.0
CAF 15-01064

STACI L. CASPER
V
JAMES R. SOCCIO

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered June 4, 2015 in proceedings pursuant to Family Court Act article 6. The order adjudged that if James Soccio failed to complete his substance abuse evaluation within 45 days of the court's decision of May 7, 2015, James Soccio's visitation will be suspended until an evaluation is completed.

DAVID J. PAJAK for JAMES R. SOCCIO Submitted

MICHAEL STEINBERG for STACI L. CASPER 10 minutes

BRIAN P. DEGNAN, ATTORNEY FOR CHILD 5 minutes

1281.0
CA 16-01141

MICHAEL PILARZ
V
KEVIN HELFER

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (John F. O'Donnell, J.), entered February 3, 2016. The judgment granted the motion of respondent to dismiss the petition and dismissed the petition.

JOHN P. FORD for MICHAEL PILARZ 10 minutes

JOHN J. HANNIBAL, IV, for KEVIN HELFER Submitted

1282.0
CA 16-00413

COUNTY OF ERIE
V
FRANCES B. VOLANTE

Appeal from an order of the Supreme Court, Erie County (Catherine R.Nugent Panepinto, J.), entered August 19, 2015. The order granted the motion of defendant for partial summary judgment limiting plaintiff's claim for damages to amounts paid in excess of basic economic loss of \$50,000.

ANTHONY B. TARGIA for COUNTY OF ERIE

10 minutes

STEPHEN P. BROOKS for FRANCES B. VOLANTE

10 minutes

1283.0
CA 16-01136

MUIR LAKE ASSOCIATES

V

ASSOCIATED INDEMNITY CORPORATION

Appeals from an order and judgment (one paper) of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered February 23, 2016. The order and judgment, among other things, denied the motions of defendant D&D Power Inc.for summary judgment and denied the motion of defendant Associated Indemnity Corporation for summary judgment.

STEVEN E. PEIPER for ASSOCIATED INDEMNITY CORPORATION

15 minutes

SEAN W. COSTELLO for D&D POWER, INC.

10 minutes

ELIZABETH A. KRAENGEL for MUIR LAKE ASSOCIATES

10 minutes

1284.0
CA 16-00081

JEFFREY BURNS

SETTLED

V

LECESSE CONSTRUCTION SERVICES, LLC

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered January 12, 2015. The order, among other things, denied the cross motion of defendants/third-party plaintiffs Lecesse Construction Services, LLC, The Mills at High Falls Housing Development Fund Company, Inc., and Urban League of Rochester, NY, Inc., for summary judgment.

PHILIP M. GULISANO for LECESSE CONSTRUCTION SERVICES, LLC

MELANIE S. WOLK for JEFFREY BURNS

1285.0
CA 16-00243

JEFFREY BURNS

SETTLED

V

LECESSE CONSTRUCTION SERVICES, LLC

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered December 18, 2015. The order, among other things, denied the motion of defendants/third-party plaintiffs Lecesse Construction Services, LLC, The Mills at High Falls Housing Development Fund Company, Inc., and Urban League of Rochester, NY, Inc., for indemnification against plaintiff/third-party defendant Jeffrey W. Burns, doing business as Burns Flooring.

PHILIP M. GULISANO for LECESSE CONSTRUCTION SERVICES, LLC

MELANIE S. WOLK for JEFFREY BURNS

1286.0
CA 16-00664

NAKITA HARRIS

V

CITY OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered May 5, 2015. The order granted the motion of defendant for summary judgment and dismissed the complaint.

JAMES P. DAVIS for NAKITA HARRIS

Submitted

DAVID M. LEE for CITY OF BUFFALO

10 minutes

1287.0
CA 15-01957

ANTONIO GIORGIONE

V

CORRY F. GIBAUD

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered August 13, 2015. The order, among other things, denied plaintiff's motion to set aside the jury verdict as against the weight of the evidence.

ROBERT L. VOLTZ for ANTONIO GIORGIONE

15 minutes

BENJAMIN R. WOLF for CORRY F. GIBAUD

15 minutes

1290.0
CA 16-00578

KATHLEEN M. HOLDING

SETTLED

V

MATTHEW BROOKS

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered January 22, 2016. The order and judgment, insofar as appealed from, granted the motion of plaintiffs for partial summary judgment on liability against defendant MGB Building, Inc., granted the motion of plaintiffs to dismiss the first, fifth, sixth and eighth affirmative defenses of defendant MGB Building, Inc., and denied the cross motion of defendant MGB Building, Inc., for summary judgment.

BENJAMIN R. WOLF for MGB BUILDING, INC.

KEVIN A. SZANYI for KATHLEEN M. HOLDING

DAY CALENDAR
Thursday, December 8, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1291.0
KA 15-00846

PEOPLE
V
JAMES M. CARLBERG

Appeal from an order of the Steuben County Court (Marianne Furfure, J.), entered May 4, 2015. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

BRENDA S. ASTON for JAMES M. CARLBERG

Submitted

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

Submitted

1292.0
KA 11-02329

PEOPLE
V
DARYL GUNN

Appeal from a resentencing of the Onondaga County Court (Joseph E. Fahey, J.), rendered October 18, 2011. Defendant was resentenced upon his conviction of attempted murder in the first degree.

JOHN A. CIRANDO for DARYL GUNN

10 minutes

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

10 minutes

1293.0
KA 13-01485

PEOPLE
V
ANGEL GUZMAN

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered January 26, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree and petit larceny (three counts).

DAVID M. ABBATOY, JR., for ANGEL GUZMAN

10 minutes

BRUCE A. ROSEKRANS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

1294.0
KA 13-01593

PEOPLE
V
ANGEL GUZMAN

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered January 26, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (four counts).

DAVID M. ABBATOY, JR., for ANGEL GUZMAN

Submitted

BRUCE A. ROSEKRANS for PEOPLE OF THE STATE OF NEW YORK

Submitted

1295.0
KA 14-01430

PEOPLE
V
LAIGTH A. OLLMAN

Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered August 19, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

	CARA A. WALDMAN for LAIGTH A. OLLMAN	5 minutes
	JOHN C. TUNNEY for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1296.0 KA 14-01431	PEOPLE V LAIGTH A. OLLMAN	
	Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered August 19, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.	
	CARA A. WALDMAN for LAIGTH A. OLLMAN	Submitted
	JOHN C. TUNNEY for PEOPLE OF THE STATE OF NEW YORK	Submitted
1297.0 KA 14-01432	PEOPLE V LAIGTH A. OLLMAN	
	Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered August 19, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.	
	CARA A. WALDMAN for LAIGTH A. OLLMAN	Submitted
	JOHN C. TUNNEY for PEOPLE OF THE STATE OF NEW YORK	Submitted
1298.0 KA 14-01065	PEOPLE V SAMUEL DIPALMA	
	Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered October 15, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, as a class E felony.	
	TIMOTHY P. MURPHY for SAMUEL DIPALMA	Submitted
	NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK	Submitted
1299.0 KA 14-01072	PEOPLE V SAMUEL DIPALMA	
	Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered October 15, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.	
	TIMOTHY P. MURPHY for SAMUEL DIPALMA	Submitted
	NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK	Submitted
1300.0 KA 16-00383	PEOPLE V JOSHUA B. KLOSSNER	
	Appeal from a judgment of the Oneida County Court (John S. Balzano, A.J.), rendered July 1, 2014. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated, a felony, failure to stay in lane and consumption of an alcoholic beverage in a motor vehicle.	

	JOHN LEONARD for JOSHUA B. KLOSSNER	10 minutes
	MATTHEW P. WORTH for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1301.0 CAF 14-01739	CINIA E. BILES V MICHAEL S. BILES	
	Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered August 26, 2014, in a proceeding pursuant to Family Court Act article 6. The order granted sole custody to petitioner and supervised visitation to respondent.	
	CARA A. WALDMAN for MICHAEL S. BILES	5 minutes
	KRISTINE KIPERS for CINIA E. BILES	5 minutes
	JULIE GIRUZZI-MOSCA, ATTORNEY FOR CHILD	5 minutes
1302.0 CA 16-00737	NEW YORK STATE CORRECTIONAL OFFICER AND POLICE BENEVOLENT V NEW YORK STATE OFFICE OF MENTAL HEALTH	
	Appeal from a decision, order and judgment of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered July 8, 2015. The decision, order and judgment dismissed the CPLR article 78 petition.	
	EMILY G. HANNIGAN for N.Y.S. STATE CORRECTIONAL OFFICER	10 minutes
	JULIE M. SHERIDAN for N.Y.S. OFFICE OF MENTAL HEALTH	10 minutes
1303.0 CA 16-01142	SONYA J. O'HARA V HOLIDAY FARM	
	Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered March 4, 2016. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment and granted the motion of defendant Christina Piemonte for summary judgment.	
	MATTHEW J. KAISER for SONYA J. O'HARA	15 minutes
	ROBERT E. LAHM for HOLIDAY FARM	Submitted
	MATTHEW J. LARKIN for CHRISTINA PIEMONTE	15 minutes
1304.0 CA 16-00695	BRADFORD PETTIT V COUNTY OF LEWIS	
	Appeal from a second decision and order of the Supreme County, Lewis County (Peter A. Schwerzmann, A.J.), entered July 1, 2015. The second decision and order, insofar as appealed from, denied the motion of plaintiffs for summary judgment.	
	SCOTT B. GOLDIE for BRADFORD PETTIT	10 minutes
	ANDREW J. LEJA for COUNTY OF LEWIS	10 minutes
	JOAN E. MCNICHOL for BOARD OF LEGISLATORS (CO. OF LEWIS)	Submitted
1305.0 CA 16-00751	MICHAEL J. STACHOWSKI V UNITED FRONTIER MUTUAL INSURANCE CO.	

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered February 1, 2016. The order, among other things, denied the motion of defendant for summary judgment and granted the cross motion of plaintiffs

ADAM R. DURST for UNITED FRONTIER MUTUAL INSURANCE CO. 15 minutes

ARTHUR ALAN HERDZIK for MICHAEL J. STACHOWSKI 15 minutes

ROGELIO CASTELLANOS, JR., for HIMSELF Submitted

1306.0
CA 16-00038

In the Matter of Estate of
SHIRLEY A. KEHOE

Appeal from a decision and decree of the Surrogate's Court, Jefferson County (Peter A. Schwerzmann, S.), entered October 15, 2015. The decision and decree granted the motion of petitioner for summary judgment, dismissed the objections to probate and admitted the last will and testament of Shirley A. Kehoe to probate.

ROBERT F. BALDWIN, JR., for ROBERT L. EDICK, JR. 15 minutes

STEPHEN W. GEBO for JEFFREY KEHOE 10 minutes

1307.0
CA 16-00251

THE GERRY HOMES
V
TOWN OF ELLICOTT

Appeal and cross appeal from a decision and order of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered June 11, 2015. The decision and order granted in part and denied in part each of the respective motions of the parties for summary judgment.

KATHERINE E. GAVETT for TOWN OF ELLICOTT 10 minutes

CRAIG R. BUCKI for THE GERRY HOMES 10 minutes

1308.0
CA 16-00508

JOSEPH P. GALLAGHER, JR.
V
DOMINIC RUZZINE, JR.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered January 6, 2016. The order, insofar as appealed from, granted the motions of defendants for summary judgment, dismissed the complaint and granted the motion of defendants Dominic Ruzzine, Jr., and Andrea Ruzzine for summary judgment on their counterclaim against plaintiffs for attorneys fees.

JAMES I. MYERS for JOSEPH P. GALLAGHER, JR. 15 minutes

SCOTT R. ORNDOFF for DOMINIC RUZZINE, JR. 15 minutes

JENNIFER A. BECKAGE for TIMOTHY R. MALCHOW 5 minutes

JAMES PATRICK MILBRAND for ROBITAILLE RELOCATION CENTER, INC. 10 minutes

RICHARD A. CLACK for REALTY USA.COM 10 minutes

1309.0
CA 16-00475

JEFFREY J. MCKAY
V
JARED WEEDEN

Appeal and cross appeals from a decision and order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered January 4, 2016. The decision and order denied the motion of plaintiffs for summary judgment, granted the cross motion of defendants Nolan Construction, LLC, for summary judgment and Nolan Drywall, LLC, and granted in part and denied in part the cross motions of defendants Jared Weeden and C.T. Construction, Inc. for summary judgment.

RYAN J. LUCINSKI for JEFFREY J. MCKAY 10 minutes

VALERIE L. BARBIC for JARED WEEDEN 10 minutes

JOHN R. CONDREN for C.T. GATES CONSTRUCTION, INC. 10 minutes

NICHOLAS J. PONTZER for NOLAN CONSTRUCTION, LLC 10 minutes

1310.0
CA 16-00548

WORKERS' COMPENSATION BOARD OF STATE OF N.Y.
V
OLD LAMSON STATION, INC.

Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered June 16, 2015. The order denied the motion of defendant to vacate a money judgment.

JOHN A. CIRANDO for OLD LAMSON STATION, INC. 15 minutes

FREDERICK A. BRODIE for WORKERS' COMPENSATION BOARD OF NY 10 minutes

1311.0
CA 15-01984

THOMAS KRUPA
V
TINA M. STANFORD

Appeal from a decision/order of the Supreme Court, Oneida County (David A. Murad, J.), entered October 20, 2015. The decision/order dismissed the CPLR article 78 petition.

THOMAS KRUPA for HIMSELF Submitted

LAURA ETLINGER for TINA M. STANFORD Submitted