

DAY CALENDAR
Wednesday, October 28, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1247.0
TP 15-00723

JOHN L. HORACE
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 24, 2015 to review a determination of respondent. The determination revoked the parole of petitioner after a final hearing.

LEAH R. NOWOTARSKI for JOHN L. HORACE

Submitted

FRANK BRADY for ANTHONY ANNUCCI

Submitted

1248.0
TP 15-00672

CHRISTIAN HANLON
V
NEW YORK STATE POLICE

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, Monroe County [Ann Marie Taddeo, J.], entered April 1, 2015 to review a determination of respondent. The determination terminated the employment of petitioner.

ERIC BROUTMAN for CHRISTIAN HANLON

15 minutes

FRANK BRADY for NEW YORK STATE POLICE

10 minutes

1249.0
KA 13-01609

PEOPLE
V
LAWRENCE P. FRUMUSA

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered September 30, 2011. The judgment convicted defendant, upon a jury verdict, of grand larceny in the second degree.

DREW R. DUBRIN for LAWRENCE P. FRUMUSA

10 minutes

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

10 minutes

1250.0
KA 14-00339

PEOPLE
V
RICKEY F. DILLEY

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered January 21, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree.

BARBARA J. DAVIES for RICKEY F. DILLEY

Submitted

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

Submitted

1251.0
KA 14-00785

PEOPLE
V
DONALD W. REINARD

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered June 8, 2010. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree and attempted sexual abuse in the first degree (two counts).

MARY-JEAN BOWMAN for DONALD W. REINARD Submitted

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

1252.0
KA 15-00527

PEOPLE
V
DONALD W. REINARD

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered June 8, 2010. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

MARY-JEAN BOWMAN for DONALD W. REINARD Submitted

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

1253.0
CAF 14-01687

In the Matter of
CRYSTIANA M.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered August 1, 2014 in a proceeding pursuant to Family Court Act article 10. The order, insofar as appealed from, did not provide visitation for respondent.

ALAN BIRNHOLZ for CRYSTAL M. Submitted

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

JESSICA L. VESPER, ATTORNEY FOR CHILD Submitted

1254.0
CAF 14-01819

ALDA M. MERKLE
V
CHARLES RICHARD HENRY

Appeal from an order of the Family Court, Ontario County (William F. Kocher, J.), entered August 25, 2014 in a proceeding pursuant to Family Court Act article 6. The order modified the terms of respondent's visitation.

MARY P. DAVISON for CHARLES RICHARD HENRY 5 minutes

ALDA M. MERKLE for HERSELF Submitted

PAUL B. WATKINS, ATTORNEY FOR CHILD 5 minutes

1255.0
CAF 14-01152

RONALD J. EAST
V
RACHEL L. GILES

Appeal from an order of the Family Court, Steuben County (Joseph W. Latham, J.), entered January 8, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted the petition of the father to modify visitation and denied the family offense petitions of the mother.

GERALD J. VELLA for RACHEL L. GILES 15 minutes

RONALD J. EAST for HIMSELF Submitted

TRAVIS J. BARRY, ATTORNEY FOR CHILD Submitted

1256.0
CAF 14-01537

**In the Matter of
DA'SHUNNA M.H.**

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, A.J.), entered August 18, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, sentenced respondent Delbert W.H. to five weekends in the Jefferson County Jail for his willful violation of an order of protection.

DELBERT W.H. for HIMSELF 5 minutes

MICHAEL WERNER for JEFFERSON COUNTY D.S.S. 5 minutes

KRYSTAL M. HARRINGTON, ATTORNEY FOR CHILD Submitted

KIMBERLY ANN WOOD, ATTORNEY FOR CHILD 5 minutes

RUTHANNE G. SANCHEZ, ATTORNEY FOR CHILD Submitted

1257.0
CAF 14-01014

**BRANDON P. SAUNDERS
V
JENNIFER M. STULL**

Appeal from an order of the Family Court, Steuben County (Gerard J. Alonzo, Jr., J.H.O.), entered May 16, 2014, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner sole custody of the subject child.

RUTH A. CHAFFEE for JENNIFER M. STULL Submitted

JOAN D. MERRY for BRANDON P. SAUNDERS Submitted

LYLE T. HAJDU, ATTORNEY FOR CHILD 10 minutes

1258.0
CA 14-01922

**CHRISTOPHER MOUSTAKOS
V
STATE OF NEW YORK**

Appeal from an order of the Court of Claims (Renee Forgensi Minarik, J.), entered July 30, 2014. The order denied claimant's motion for summary judgment.

CHRISTOPHER MOUSTAKOS for HIMSELF Submitted

PETER H. SCHIFF for STATE OF NEW YORK Submitted

1259.0
CA 15-00758

**STEVEN R. SAUMURE
V
U.R. BEST RESORT, INC.**

Appeals and cross appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered July 17, 2014. The order, insofar as appealed from, granted the motions of defendants for summary judgment dismissing plaintiffs' negligence and Labor Law §§ 200 and 241 (6) claims and denied the motion of plaintiffs and the cross motions of defendants for summary judgment with respect to Labor Law § 240 (1).

LISA M. ROBINSON for U.R. BEST RESORT, INC. 15 minutes

KAREN J. KROGMAN DAUM for SMITH STRUCTURES, INC. 15 minutes

JENNA W. KLUCSIK for STEVEN R. SAUMURE 15 minutes

1260.0
CA 15-00326

DEBRA L. SHERMAN
V
STEVE J. HEROD

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered November 6, 2014. The order granted the motion of defendant for summary judgment and dismissed the complaint.

MATTHEW J. KAISER for DEBRA L. SHERMAN 15 minutes

KAREN J. KROGMAN DAUM for STEVE J. HEROD 15 minutes

1262.0
CA 15-00023

CHANDRA M. HEWITT
V
LIVERPOOL CENTRAL SCHOOL DISTRICT

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered April 21, 2014. The order, among other things, denied the motion of defendant Klepper, Hahn & Hyatt, Engineers and Landscape Architect, P.C., for summary judgment dismissing plaintiff's complaint.

JENNA W. KLUCSIK for KLEPPER, HAHN & HYATT, ENGINEERS 10 minutes

DONALD S. DIBENEDETTO for LIVERPOOL CENTRAL SCHOOL DISTRICT 10 minutes

SHAWN T. NASH for BETTE & CRING, LLC 10 minutes

JAMES THOMAS SNYDER for DONALD E. HEWITT 15 minutes

TIMOTHY P. TRIPP for BBL CONSTRUCTION SERVICES, LLC 10 minutes

MARK J. HALPIN for NATARE CORPORATION Submitted

EDWARD HARRINGTON for PATTERSON-STEVENSON AQUATECH, INC. Submitted

KENNETH G. VARLEY for DODGE CHAMBERLIN LUZINE WEBER ASSOC. Submitted

1263.0
CA 15-00642

JASON T. AUGHTMON
V
RAYMOND T. WARD

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered August 5, 2014. The order, insofar as appealed from, denied plaintiff's motion for partial summary judgment.

STEPHEN BOYD for JASON T. AUGHTMON 15 minutes

KRISTEN B. DEGNAN for RAYMOND T. WARD 15 minutes

1264.0
CA 15-00504

THOMAS J. ARMELLA
V
ROBERT E. OLSON

Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered June 12, 2014. The order, among other things, granted defendant's motion for summary judgment dismissing the complaint.

R. COLIN CAMPBELL for THOMAS J. ARMELLA 10 minutes

BETSY F. VISCO for ROBERT E. OLSON 10 minutes

1265.0
CA 15-00693

GEORGE J. ROBERTS
V
MICHAEL J. ANDERSON

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered December 23, 2014. The order granted the motion of defendants for summary judgment, denied the cross motion of plaintiff for summary judgment and dismissed the action.

JACOB A. PIORKOWSKI for GEORGE J. ROBERTS 15 minutes

NORMAN E.S. GREENE for MICHAEL J. ANDERSON 15 minutes

1266.0
CA 14-02242

JEFFREY WEBB
V
THOMAS S. SCANLON, M.D., FACP

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered September 29, 2014. The order granted the motion of defendant for summary judgment and dismissed the complaint.

JUSTIN S. WHITE for JEFFREY WEBB 15 minutes

J. MARK GRUBER for THOMAS S. SCANLON, M.D., FACP 10 minutes

1267.0
CA 15-00380

ADAM GIACOMETTI
V
JACOB B. FARRELL

Appeal and cross appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered June 30, 2014. The order, among other things, denied in part the motion of defendant Executive Security Management, Inc., doing business as The Apex Group, for summary judgment.

VINCENT SACCOMANDO for EXECUTIVE SECURITY MANAGEMENT, INC. 15 minutes

TROY S. FLASCHER for COUNTY OF ERIE 10 minutes

CARRIE L. SMITH for ADAM GIACOMETTI 15 minutes

JAMES P. BURGIO for JACOB B. FARRELL Submitted

1268.0
CA 15-00381

ADAM GIACOMETTI
V
JACOB B. FARRELL

Appeal and cross appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered October 21, 2014. The order, among other things, granted the motions of plaintiff and defendant Executive Security Management, Inc., doing business as The Apex Group, for reargument and upon reargument the court adhered to its prior determination.

VINCENT SACCOMANDO for EXECUTIVE SECURITY MANAGEMENT, INC. Submitted

TROY S. FLASCHER for COUNTY OF ERIE Submitted

CARRIE L. SMITH for ADAM GIACOMETTI Submitted

JAMES P. BURGIO for JACOB B. FARRELL Submitted