

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

1108.0
KA 13-01934

PEOPLE
V
COLLIN M. BROWN

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered October 1, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the fourth degree (four counts).

MARIO J. GUTIERREZ for COLLIN M. BROWN Submitted

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

1109.0
KA 08-02649

PEOPLE
V
RONALD BRINK

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered December 9, 2008. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree and grand larceny in the fourth degree.

MARK C. DAVISON for RONALD BRINK 10 minutes

BRIAN D. DENNIS for PEOPLE OF THE STATE OF NEW YORK Submitted

1110.0
KA 12-01251

PEOPLE
V
SHAWN NELSON

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered May 29, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and reckless endangerment in the first degree.

PIOTR BANASIAK for SHAWN NELSON Submitted

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

1111.0
KA 13-01341

PEOPLE
V
DUSK A. TOCHA

Appeal from a judgment of the Cattaraugus County Court (Larry M. Himelein, J.), rendered September 17, 2012. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

SUSAN C. MINISTERO for DUSK A. TOCHA Submitted

JAY DAVID CARR for PEOPLE OF THE STATE OF NEW YORK Submitted

1112.0
KA 14-00884

PEOPLE
V
RICHARD J. SHAW

Appeal from a judgment of the Oswego County Court (Walter W. Hafner, Jr., J.), rendered June 3, 2013. The judgment convicted defendant, upon his plea of guilty, of rape in the third degree.

	JOHN A. CIRANDO for RICHARD J. SHAW	10 minutes
	AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1113.0 KA 14-01317	PEOPLE V DEMETRIUS HUFF	
	Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered January 3, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.	
	KATHRYN B. FRIEDMAN for DEMETRIUS HUFF	10 minutes
	NICHOLAS T. TEXIDO for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1114.0 KA 14-00313	PEOPLE V RONALD BRINK	
	Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Ontario County Court (Craig J. Doran, J.), dated December 18, 2013. The order denied the motion of defendant pursuant to CPL 440.10.	
	MARK C. DAVISON for RONALD BRINK	10 minutes
	BRIAN D. DENNIS for PEOPLE OF THE STATE OF NEW YORK	Submitted
1115.0 KA 14-00835	PEOPLE V TIMMY L. SIMMONS	
	Appeal from a judgment of the Supreme Court, Niagara County (Matthew J. Murphy, III, A.J.), rendered April 23, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the fourth degree.	
	PATRICIA M. MCGRATH for TIMMY L. SIMMONS	5 minutes
	THOMAS H. BRANDT for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1116.0 KA 12-01356	PEOPLE V KELLY J. KEEGAN	
	Appeal from a judgment of the Jefferson County Court (Donald E. Todd, A.J.), rendered June 21, 2012. The judgment convicted defendant, upon a jury verdict, of assault in the first degree, assault in the second degree (two counts), assault in the third degree, reckless assault of a child, reckless endangerment in the first degree, reckless endangerment in the second degree and endangering the welfare of a child.	
	JOHN A. CIRANDO for KELLY J. KEEGAN	30 minutes
	WENDY EVANS LEHMANN for PEOPLE OF THE STATE OF NEW YORK	15 minutes
1117.0 KA 11-00253	PEOPLE V CARL F. NELSON	
	Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered November 23, 2010. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.	

JAMES ECKERT for CARL F. NELSON 10 minutes

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

1118.0
CA 15-00735

W. JAMES CAMPERLINO
V
TOWN OF MANLIUS MUNICIPAL CORPORATION

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered July 25, 2014 in a declaratory judgment action. The judgment, among other things, adjudged that the restrictive covenants in the 1981 agreement apply to plaintiff's property in lot 95 and 85 east of Sweet Road in the Town of Manlius.

MICHAEL JON LONGSTREET for W. JAMES CAMPERLINO Submitted

DAVID MICHAEL CAPRIOTTI for TOWN OF MANLIUS MUNICIPAL CORP. Submitted

W. BRADLEY HUNT for VILLAGE OF MANLIUS Submitted

NEIL M. GINGOLD for BENITA ROGERS 15 minutes

1119.0
CA 15-00492

RESETARITS CONSTRUCTION CORPORATION
V
CITY OF NIAGARA FALLS

Appeal and cross appeal from an order of the Supreme Court, Niagara County (Timothy J. Walker, A.J.), entered July 21, 2014. The order, among other things, denied plaintiff's motion for summary judgment and denied defendant's cross motion for summary judgment.

JOSEPH J. MANNA for RESETARITS CONSTRUCTION CORPORATION 15 minutes

THOMAS M. O'DONNELL for CITY OF NIAGARA FALLS 10 minutes

1120.0
CA 15-00229

TOWN OF AMHERST
V
BREWSTER MEWS HOUSING CO., INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 30, 2014. The order, among other things, denied in part the motion of defendants Brewster Mews Housing Co. Inc. and Brewster Mills Associates, LP seeking to dismiss plaintiff's amended complaint.

GABRIEL J. FERBER for BREWSTER MEWS HOUSING CO., INC. 15 minutes

RONALD P. BENNETT for TOWN OF AMHERST 15 minutes

MICHAEL B. RISMAN for WILLIAMSVILLE CENTRAL SCHOOL DIST. 5 minutes

SEAN R. MCDERMOTT for COUNTY OF ERIE 5 minutes

1121.0
CA 15-00482

PATRICK J. UNDERWOOD
V
BARBARA J. FIALA

Appeal from a judgment (denominated order) of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered March 10, 2014 in a proceeding pursuant to CPLR article 78. The judgment, among other things, directed respondent Barbara J. Fiala, as New York State Commissioner of Motor Vehicles, to restore to petitioner full driving privileges without restrictions.

	JEFFREY W. LANG for BARBARA J. FIALA	Submitted
	WILLIAM G. PIXLEY for PATRICK J. UNDERWOOD	Submitted
1121.1 CA 14-02175	PATRICK J. UNDERWOOD V BARBARA J. FIALA	
	Appeal from an amended judgment (denominated order and judgment) of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered June 3, 2014 in a proceeding pursuant to CPLR article 78. The amended judgment, among other things, directed respondent Barbara J. Fiala, New York State Commissioner of Motor Vehicles, to restore to petitioner full driving privileges without restrictions.	
	JEFFREY W. LANG for BARBARA J. FIALA	Submitted
	WILLIAM G. PIXLEY for PATRICK J. UNDERWOOD	Submitted
1122.0 CA 15-00719	WESTOVER CAR RENTAL , LLC V NIAGARA FRONTIER TRANSPORTATION AUTHORITY	
	Appeal and cross appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered June 11, 2014. The order granted the motion of defendant to dismiss the first through third, and fifth and sixth causes of action of the complaint, denied the motion of defendant to dismiss the fourth cause of action of the complaint and denied the cross motion of plaintiffs for leave to file a late notice of claim.	
	SHANNON M. HENEGHAN for WESTOVER CAR RENTAL , LLC	10 minutes
	HEATH J. SZYMCZAK for NIAGARA FRONTIER TRANSPORTATION AUTH.	15 minutes
1123.0 CA 15-00574	JAVELL FOX V CITY OF UTICA	
	Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered September 22, 2014. The order, among other things, denied defendant's motion to dismiss plaintiff's claim.	
	ZACHARY C. OREN for CITY OF UTICA	10 minutes
	JAVELL FOX for HIMSELF	Submitted
1124.0 CA 14-02060	GAIL MURTAUGH V N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION	
	Appeal from a judgment (denominated order) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered January 22, 2014 in a proceeding pursuant to CPLR article 78. The judgment, among other things, denied petitioners' cross motions to dismiss.	
	KEVIN C. MURPHY for GAIL MURTAUGH	15 minutes
	KATHLEEN M. ARNOLD for N.Y.S. DEPT. OF ENVIRONMENTAL CONSERV.	10 minutes
1125.0 CA 14-02061	GAIL MURTAUGH V N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION	

Appeal from a judgment (denominated order) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered October 17, 2014 in a proceeding pursuant to CPLR article 78. The judgment, among other things, granted petitioners' motion to reargue their cross motion to dismiss, and upon reargument, denied the motion to dismiss the counterclaim and petition.

RICHARD J. BRICKWEDDE for GAIL MURTAUGH

Submitted

KATHLEEN M. ARNOLD for N.Y.S. DEPT. OF ENVIRONMENTAL CONSERV.

Submitted

1126.0
CA 15-00230

TOWN OF AMHERST

V

PEPPER TREE HEIGHTS HOUSING CO., INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 30, 2014. The order, among other things, denied in part the motion of defendants Pepper Tree Heights Housing Co., Inc. and Pepper Tree Heights Associates, L.P. seeking to dismiss plaintiffs' amended complaint.

GABRIEL J. FERBER for PEPPER TREE HEIGHTS HOUSING CO., INC.

15 minutes

RONALD P. BENNETT for TOWN OF AMHERST

15 minutes

SEAN R. MCDERMOTT for COUNTY OF ERIE

5 minutes

JOHN K. ROTTARIS for SWEETHOME CENTRAL SCHOOL DISTRICT

Submitted

1127.0
CA 15-00771

DAVID SMALLEY

V

HARLEY DAVIDSON MOTOR COMPANY, INC.

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered July 28, 2014. The order, among other things, granted defendants' motion seeking an order confirming that certain prior rulings made by the court constitute the law of the case.

MICHAEL STEINBERG for DAVID SMALLEY

15 minutes

LARS E. GULBRANDSEN for HARLEY DAVIDSON MOTOR COMPANY, INC.

15 minutes

1128.0
CA 14-02154

CARLA L. MURA

V

DAVID JAMES MURA

Appeal from a judgment and order (one paper) of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered February 14, 2014 in a divorce action. The judgment and order, among other things, determined the amount of defendant's child support arrears.

FRANK A. ALOI for DAVID JAMES MURA

15 minutes

MAUREEN A. PINEAU for CARLA L. MURA

10 minutes

1129.0
CA 14-02155

CARLA L. MURA

V

DAVID JAMES MURA

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered May 30, 2014 in a divorce action. The order, among other things, denied defendant's motion to vacate and/or resettle a prior judgment and order (one paper) of the court.

FRANK A. ALOI for DAVID JAMES MURA

Submitted

MAUREEN A. PINEAU for CARLA L. MURA

Submitted

1129.1
CAE 15-01662

THOMAS V. DADEY, JR.

V

DUSTIN M. CZARNY

Appeal from an order and judgment of the Supreme Court, Onondaga County (Norman W. Seiter, Jr., J.), entered September 29, 2015. The order and judgment decreed that the certificates of the Women's Equality Party, are null and void for failure to comply with Election Law § 6-128.

STEVEN C. RUSSO for PURPORTED WOMEN'S EQUALITY PARTY

15 minutes

THOMAS RUSSELL SCHEPP, II for THOMAS V. DADEY, JR.

10 minutes

JOANNA GOZZI for DUSTIN CZARNY

Submitted

BRIAN L. QUAIL for GREGORY PETERSON

Submitted

DAY CALENDAR
Tuesday, October 20, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1130.0
KA 14-01321

PEOPLE
V
JORDON MCKINNON

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered May 14, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the first degree.

LYLE T. HAJDU for JORDON MCKINNON Submitted

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

1131.0
KA 12-01917

PEOPLE
V
DOUGLAS FARMER

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered July 10, 2012. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree, criminal possession of a controlled substance in the fifth degree and criminally using drug paraphernalia in the second degree (two counts).

PHILIP ROTHSCHILD for DOUGLAS FARMER 10 minutes

VICTORIA M. WHITE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1132.0
KA 11-01118

PEOPLE
V
ROY L. TERRY

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered March 29, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

ERIC M. DOLAN for ROY L. TERRY Submitted

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

1133.0
KA 14-00838

PEOPLE
V
JOHNNY Q. RUSSELL

Appeal from a judgment of the Niagara County Court (Richard C. Kloch, Sr., A.J.), rendered January 10, 2014. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment..

JOSEPH G. FRAZIER for JOHNNY Q. RUSSELL Submitted

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

1134.0
KA 13-01588

PEOPLE
V
ELI CASILLAS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered August 1, 2013. The judgment convicted defendant, upon a jury verdict, of strangulation in the second degree and assault in the second degree.

CAITLIN M. CONNELLY for ELI CASILLAS

15 minutes

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

15 minutes

1135.0
KA 14-00581

PEOPLE
V
THOMAS J. LYON

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered January 23, 2014. The judgment vacated defendant's sentence of probation and imposed a sentence of imprisonment..

JAMES A. HOBBS for THOMAS J. LYON

10 minutes

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

10 minutes

1136.0
KA 12-01260

PEOPLE
V
ANTHONY BOOKER

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered June 7, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

CHRISTINE M. COOK for ANTHONY BOOKER

10 minutes

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

10 minutes

1138.0
OP 15-00589

FRANCIS LIBORDI
V
KENNETH ISAMAN

Proceeding pursuant to Public Officers Law § 36 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department) for the removal of respondent from the Office of Town Supervisor of the Town of Hornellsville.

FRANCIS LIBORDI for FRANCIS LIBORDI

10 minutes

PATRICK F. MCALLISTER for KENNETH ISAMAN

5 minutes

1139.0
CAF 14-02194

KERRI PHILOPOULOS
V
GEORGE PHILOPOULOS

SETTLED

Appeal from an order of the Family Court, Niagara County (Kathleen M. Wojtaszek-Gariano, J.), entered March 7, 2014 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objections to the order of the Support Magistrate.

THOMAS J. CASERTA, JR., for KERRI PHILOPOULOS

GEORGE PHILOPOULOS for HIMSELF

1140.0
CAF 14-01770

In the Matter of
XAVIER B.

SETTLED

Appeal from an order of the Family Court, Monroe County (Dandrea L. Ruhlmann, J.), entered September 24, 2014 in a proceeding pursuant to Social Services Law § 384-b. The order dismissed the petition

PETER ANDREW ESSLEY for MONROE COUNTY D.H.S.

JAMES A. HOBBS for NADIR B.

TANYA CONLEY, ATTORNEY FOR CHILD

1141.0
CA 15-00591

WAYNE ANTINORE
V
JOHN IVISON

Appeal from an order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered June 6, 2014. The order granted the motion of defendant for summary judgment.

SEAN P. KELLEY for WAYNE ANTINORE

10 minutes

TIFFANY L. D'ANGELO for JOHN IVISON

10 minutes

1142.0
CA 15-00709

ROBERT JAMES ANDERSON
V
JAMES M. KERNAN

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered August 4, 2014. The order and judgment, among other things, granted defendants' motions for summary judgment dismissing plaintiff's complaint.

JOHN D. HOGGAN, JR., for ROBERT JAMES ANDERSON

15 minutes

GEORGE F. ANEY for MARLENE KERNAN

10 minutes

LEIGHTON R. BURNS for JAMES M. KERNAN

10 minutes

1143.0
CA 15-00737

CHAMBERLAIN, D'AMANDA, OPPENHEIMER
V
REBECCA P. WILSON

Appeal and cross appeal from an amended order of the Supreme Court, Monroe County (John J. Ark, J.), entered August 5, 2014 in a divorce action. The amended order denied the respective motions of the parties for summary judgment.

TARA J. SCIORTINO for CHAMBERLAIN, D'AMANDA, OPPENHEIMER

15 minutes

MARK WARREN MOODY for REBECCA P. WILSON

15 minutes

1144.0
CA 15-00464

MARCUS QUIROS
V
FIVE STAR IMPROVEMENTS, INC.

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (John J. Ark, J.), entered December 23, 2014. The order and judgment granted the motion of plaintiff for summary judgment on negligence pursuant to Labor Law § 241 (6) and denied the motion of defendant for summary judgment dismissing the complaint.

MATTHEW A. LENHARD for FIVE STAR IMPROVEMENTS, INC.

10 minutes

RAUL E. MARTINEZ for MARCUS QUIROS

15 minutes

1145.0
CA 15-00548

CARIANN RAY
V
ANNETTE FRANCHINI

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered November 19, 2014. The order and judgment granted the motion of defendant to dismiss the complaint and dismissed the complaint.

STEPHEN CIOTOLI for CARIANN RAY 10 minutes

JOSEPH M. DOUGHERTY for ANNETTE FRANCHINI 10 minutes

1146.0
CA 15-00561

D&M CONCRETE, INC.
V
WEGMANS FOOD MARKETS, INC.

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered June 23, 2014. The order and judgment granted the motion of defendant for summary judgment and dismissed the action with costs.

ROBERT DANIEL HOOKS for D&M CONCRETE, INC. 15 minutes

TONY R. SEARS for WEGMANS FOOD MARKETS, INC. 10 minutes

1147.0
CA 15-00220

BRIAN LIPPENS
V
WINKLER BACKEREITECHNIK GMBH

Appeals from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered June 16, 2014 in a personal injury action. The order, among other things, denied in part the motion of defendant Bakery Engineering/Winkler, Inc., and the cross motion of defendants Winkler Backereitechnik GMBH and Werner & Pfleiderer Industrielle Backtechnik GMBH seeking summary judgment.

JEFFREY P. DIPALMA for BAKERY ENGINEERING/WINKLER, INC. 15 minutes

LESLIE F. RUFF for WINKLER BACKEREITECHNIK GMBH 15 minutes

WILLIAM KERRIGAN for BRIAN LIPPENS 15 minutes

1148.0
CA 15-00221

BRIAN LIPPENS
V
WINKLER BACKEREITECHNIK GMBH

Appeals from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered November 19, 2014 in a personal injury action. The order, among other things, denied the motions of defendants Bakery Engineering/Winkler, Inc., Winkler Backereitechnik GMBH and Werner & Pfleiderer Industrielle Backtechnik GMBH for summary judgment dismissing plaintiff's amended complaint.

JEFFREY P. DIPALMA for BAKERY ENGINEERING/WINKLER, INC. Submitted

LESLIE F. RUFF for WINKLER BACKEREITECHNIK GMBH Submitted

WILLIAM KERRIGAN for BRIAN LIPPENS Submitted

1149.0
CA 15-00744

PETER R. KEPPLER **SETTLED**
V
CHARLES E. KEPPLER

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 22, 2014. The order, among other things, dismissed plaintiff's amended complaint and granted the relief requested in defendants' counterclaim.

JUSTIN S. WHITE for PETER R. KEPPLER

WILLIAM G. BAUER for CHARLES E. KEPPLER

1150.0
CA 14-02065

JAMES J. SMISLOFF
V
DAVID P. STOTT, JR.

Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered August 14, 2014. The order granted the motion of plaintiff and third-party defendant for summary judgment dismissing the counterclaims of defendants and the third-party complaint.

DAVID SCOTT STERN for DAVID P. STOTT, JR.

10 minutes

JEREMY M. SHER for JAMES J. SMISLOFF

5 minutes

1151.0
CA 14-02066

JAMES J. SMISLOFF
V
DAVID P. STOTT, JR.

Appeal from a judgment of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered August 14, 2014. The judgment awarded plaintiff money damages of \$72,800, plus interest, costs and disbursements.

DAVID SCOTT STERN for DAVID P. STOTT, JR.

Submitted

JEREMY M. SHER for JAMES J. SMISLOFF

Submitted

DAY CALENDAR
Tuesday, October 20, 2015 - 10:00 AM
COURTROOM 2

1152.0
KA 09-01961

PEOPLE
V
ROBERT FULLEN, JR.

Appeal from a judgment of the Supreme Court, Monroe County (David D. Egan, J.), rendered July 30, 2009. The appeal was held by this Court by order entered March 23, 2012, decision was reserved and the matter was remitted to Supreme Court, Monroe County for further proceedings (93 AD3d 1340). The proceedings were held and completed.

JANE I. YOON for **ROBERT FULLEN, JR.**

Submitted

MATTHEW DUNHAM for **PEOPLE OF THE STATE OF NEW YORK**

Submitted

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

1153.0
KA 13-01022

PEOPLE
V
RACHAEL CASEY

Appeal from an order of the Steuben County Court (Marianne Furfure, A.J.), entered April 26, 2013. The order denied the motion of defendant to vacate a judgment of conviction.

KEIR WEYBLE for RACHAEL CASEY 15 minutes

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

1154.0
KA 14-01093

PEOPLE
V
DALE K. BUTLER, JR.

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered June 9, 2014. The judgment convicted defendant, upon his plea of guilty, of unlawful manufacture of methamphetamine in the third degree.

THEODORE W. STENUF for DALE K. BUTLER, JR. Submitted

AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK Submitted

1155.0
KA 13-02110

PEOPLE
V
DARDREQUEZ HAYNES

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered September 10, 2013. The judgment convicted defendant, upon a nonjury verdict, of assault in the second degree (two counts), criminal possession of a weapon in the third degree and possession of burglar's tools.

KAREN RUSSO-MCLAUGHLIN for DARDREQUEZ HAYNES 5 minutes

ANTHONY M. ROSSI for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1156.0
KA 13-00424

PEOPLE
V
DANZEL ROLAND

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered February 15, 2013. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree (two counts).

DAVID M. ABBATOY, JR., for DANZEL ROLAND 10 minutes

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK 5 minutes

1157.0
KA 14-01541

PEOPLE
V
IMPERIAL DAVIS

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered August 23, 2013. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

	LINDA M. CAMPBELL for IMPERIAL DAVIS	Submitted
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	Submitted
1158.0 KA 12-00136	PEOPLE V RAMADHAN RAJAB	
	Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered October 24, 2011. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.	
	KIMBERLY F. DUGUAY for RAMADHAN RAJAB	Submitted
	ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK	Submitted
1159.0 KA 12-01818	PEOPLE V DOUGLAS B. WORTH	
	Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered September 7, 2012. Defendant was resentenced upon his conviction of attempted burglary in the second degree.	
	DAVID M. ABBATOY, JR., for DOUGLAS B. WORTH	10 minutes
	STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1160.0 KA 15-00505	PEOPLE V CHRISTOPHER A. WILSON	
	Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered May 10, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the first degree.	
	MARTIN P. MCCARTHY, II, for CHRISTOPHER A. WILSON	10 minutes
	HARMONY A. HEALY for PEOPLE OF THE STATE OF NEW YORK	Submitted
1161.0 KA 14-00224	PEOPLE V KENNETH G. EDMONDS	
	Appeal from an order of the Monroe County Court (James J. Piampiano, J.), entered January 7, 2014. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.	
	JAMES ECKERT for KENNETH G. EDMONDS	Submitted
	NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK	Submitted
1162.0 KA 14-00507	PEOPLE V VERNON W. PEDRO	
	Appeal from a judgment of the Oswego County Court (Walter W. Hafner, Jr., J.), rendered September 6, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the second degree.	
	MICHAEL G. CIANFARANO for VERNON W. PEDRO	10 minutes
	AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK	10 minutes

1163.0
CAF 13-01349

**In the Matter of
NADYA S.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered July 19, 2013 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred guardianship and custody rights of the subject child to petitioner.

WILLIAM D. BRODERICK, JR., for BRAUNA S. 10 minutes

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

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD 10 minutes

1164.0
CAF 14-01921

**In the Matter of
CHARLES P.**

Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered September 22, 2014 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 for a period of 18 months upon a finding of juvenile delinquency.

CHARLES J. PLOVANICH for CHARLES P. 5 minutes

PAUL IRVING for MONROE COUNTY ATTORNEY 5 minutes

1165.0
CAF 14-01873

**AMANDA MACRI
V
LISA BROWN**

Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered October 8, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, terminated respondent's visitation with the subject child.

JOHN J. RASPANTE for LISA BROWN Submitted

CLIFFORD C. EISENHUT for AMANDA MACRI Submitted

1166.0
CA 14-02249

**ROBERT I. REED
V
ANTHONY ANNUCCI**

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered October 2, 2014 in a proceeding pursuant to CPLR article 78. The judgment dismissed the proceeding.

ROBERT I. REED for HIMSELF Submitted

MARTIN A. HOTVET for ANTHONY ANNUCCI Submitted

1167.0
CA 15-00386

**JAMES SPACHT
V
CHAUTAUQUA COUNTY**

Appeal from an order of the Supreme Court, Chautauqua County (John T. Ward, A.J.), entered October 2, 2014. The order granted the motion of defendant for summary judgment and dismissed the complaint.

HARRY J. FORREST for JAMES SPACHT 10 minutes

NORMAN E.S. GREENE for CHAUTAUQUA COUNTY 15 minutes

1168.0
CA 15-00575

DARTNELL ENTERPRISES, INC.
V
HEWLETT-PACKARD COMPANY

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered June 18, 2014. The order, among other things, granted defendant's motion for summary judgment dismissing the amended complaint of plaintiff.

H. TODD BULLARD for DARTNELL ENTERPRISES, INC. 15 minutes

WILLIAM G. BAUER for HEWLETT-PACKARD COMPANY 15 minutes

1169.0
CA 15-00659

In the Matter of Estate of
PETER L. PETTI

Appeal from an order of the Surrogate's Court, Ontario County (Frederick G. Reed, S.), entered June 30, 2014. The order, among other things, granted respondent's motion to dismiss the petition for a compulsory accounting.

G. WINSTON DELONG for NICHOLAS PETTI 10 minutes

PHILLIP D. PETTI for HIMSELF Submitted

1170.0
CA 14-02259

MELISSA MISENHEIMER
V
QUENTIN MISENHEIMER

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered August 25, 2014. The order, among other things, denied defendant's motion to dismiss the complaint.

MARISSA A. COHELEY for QUENTIN MISENHEIMER 15 minutes

JENNIFER M. MCCANN for MELISSA MISENHEIMER 15 minutes

1171.0
CA 15-00035

ROBERT I. REED
V
ANTHONY ANNUCCI

Appeal from an order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered November 17, 2014. The order granted the motions of respondents to dismiss the petition and dismissed the petition.

ROBERT I. REED for HIMSELF Submitted

JONATHAN D. HITSOUS for ANTHONY ANNUCCI Submitted

MATTHEW J. ROSNO for CHRISTOPHER MOSS Submitted

1172.0
CA 15-00125

LISA KELLEY
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Nicholas V. Midey, Jr., J.), entered April 2, 2014. The order, among other things, granted in part defendant's motion for summary judgment.

JANET D. CALLAHAN for LISA KELLEY 10 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

1173.0
CA 14-01183

COUNTY OF LIVINGSTON
V
RONALD E. CHABOT

Appeal from an order of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered June 5, 2014. The order, among other things, granted plaintiff's motion for summary judgment.

DERRICK A. SPATORICO for RONALD E. CHABOT 10 minutes

MARK J. MORETTI for COUNTY OF LIVINGSTON 10 minutes

1174.0
CA 15-00598

JEAN POTTER
V
KURT GRAGE

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered June 19, 2014. The order denied defendant's motion for summary judgment.

MICHELLE M. DAVOLI for KURT GRAGE 15 minutes

MATTHEW JOHN GARVEY for JEAN POTTER 15 minutes

1175.0
CA 15-00440

RICHARD P. JEANETTI
V
CASLER MASONRY, INC.

Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered May 12, 2014. The order, insofar as appealed from, denied the motion of third-party defendant for summary judgment dismissing the contractual indemnification cause of action of the third-party complaint and denied the motion of third-party plaintiff for summary judgment on said cause of action against third-party defendant.

THOMAS W. BENDER for CASLER MASONRY, INC. 15 minutes

JAMES P. O'CONNOR for BARR & BARR, INC. 15 minutes

1176.0
CA 15-00171

LARRY LANGE
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered September 15, 2014. The order denied the motion of claimant for leave to file and serve a late notice of claim.

JONATHAN M. GORSKI for LARRY LANGE 10 minutes

JAMES JOHNSTON NAVAGH for STATE OF NEW YORK 10 minutes

1177.0
CA 15-00662

SUSAN M. WEICHERT
V
ROY A. BROWN

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered June 23, 2014. The order granted defendant's motion to vacate a default judgment.

SUSAN M. WEICHERT for HERSELF Submitted

JEFFREY DEROBERTS for ROY A. BROWN Submitted

DAY CALENDAR
Thursday, October 22, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1178.0
TP 15-00724

RALPH ALICEA
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 22, 2015) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for RALPH ALICEA Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI Submitted

1179.0
TP 15-00700

DIEDRE WYNN
V
MONROE COUNTY

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Monroe County [John J. Ark, J.], entered April 24, 2015) to review a determination of respondent New York State Division of Human Rights. The determination dismissed petitioner's complaint.

DIEDRE WYNN for HERSELF 10 minutes

ROBERT P. YAWMAN, III, for MONROE COUNTY 10 minutes

MARILYN BALCACER for NEW YORK STATE DIV. OF HUMAN RIGHTS Submitted

1180.0
TP 15-00674

JAMES E. BUDD
V
STATE UNIVERSITY OF NEW YORK AT GENESEO

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Livingston County [Robert B. Wiggins, A.J.], entered April 17, 2015) to review a determination of respondent. The determination, among other things, dismissed petitioner as a student at the State University of New York at Geneseo.

DANIEL R. MAGILL for JAMES E. BUDD 15 minutes

BRIAN D. GINSBERG for STATE UNIVERSITY OF NEW YORK AT GENESEO 15 minutes

1181.0
TP 15-00707

FREDERICK W. SARKIS, II
V
MONROE COUNTY DEPARTMENT OF HUMAN 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, Monroe County [Renee Forgensi Minarik, J.], entered April 23, 2015) to review a determination of respondents. The determination sustained an indicated report of maltreatment.

KRISTINA KARLE for FREDERICK W. SARKIS, II Submitted

	PETER ANDREW ESSLEY for MONROE COUNTY D.H.S.	Submitted
	ALLYSON B. LEVINE for N.Y.S. CENTRAL REGISTER OF CHILD ABUSE	5 minutes
1182.0 KA 12-02264	PEOPLE V ERIC L. WILCOX	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered October 3, 2012. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree (two counts), criminal possession of a controlled substance in the fifth degree, criminal possession of a controlled substance in the seventh degree and unlawful possession of marihuana.	
	RYAN A. LEMA for ERIC L. WILCOX	10 minutes
	SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1183.0 KA 15-00329	PEOPLE V ALAN HEMPHILL	
	Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), dated January 20, 2015. The order granted the motion of defendant to suppress a firearm.	
	DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK	10 minutes
	BARBARA J. DAVIES for ALAN HEMPHILL	10 minutes
1184.0 KA 12-02158	PEOPLE V RICKY JACKSON	
	Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered July 18, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the second degree (two counts), criminal possession of a controlled substance in the second degree, criminal possession of a weapon in the second degree and conspiracy in the fourth degree.	
	PHILIP ROTHSCHILD for RICKY JACKSON	Submitted
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	Submitted
1185.0 KA 12-00250	PEOPLE V CHRISTEN DOWDELL	
	Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered December 5, 2011. The judgment convicted defendant, upon a jury verdict, of assault in the second degree	
	SPENCER L. DURLAND for CHRISTEN DOWDELL	15 minutes
	ROBERT J. SHOEMAKER for PEOPLE OF THE STATE OF NEW YORK	15 minutes
1186.0 KA 14-01517	PEOPLE V JOSHUA I. SERRANO-SOTO	

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered June 27, 2014. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

MARY-JEAN BOWMAN for JOSHUA I. SERRANO-SOTO

Submitted

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

Submitted

1187.0
CAF 14-00050

**In the Matter of
DAYSHAUN W.**

Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered December 9, 2013 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent had neglected the subject children.

PAUL B. WATKINS for JASMINE G.

10 minutes

PETER ANDREW ESSLEY for MONROE COUNTY D.H.S.

Submitted

KATHLEEN P. REARDON for RICKEY L.W.

Submitted

KIMBERLY F. DUGUAY for LINDA M.

10 minutes

TANYA CONLEY, ATTORNEY FOR CHILD

5 minutes

1188.0
CAF 14-00138

**RICKEY L.W.
V
LINDA M.**

Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered November 26, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole custody of the subject children.

PAUL B. WATKINS for JASMINE G.

Submitted

PETER ANDREW ESSLEY for MONROE COUNTY D.H.S.

Submitted

KATHLEEN P. REARDON for RICKEY L.W.

Submitted

KIMBERLY F. DUGUAY for LINDA M.

Submitted

TANYA CONLEY, ATTORNEY FOR CHILD

Submitted

1189.0
CAF 14-00520

**ROBERT E. TROMBLEY
V
KRISTIN S. PAYNE**

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered March 5, 2014 in proceedings pursuant to Family Court Act article 6. The order, among other things, dismissed the petition filed by Kristin S. Payne and adjudged that Robert E. Trombley, Jr. shall have sole custody of the subject children.

KELIANN M. ARGY for KRISTIN S. PAYNE

5 minutes

MICHAEL STEINBERG for ROBERT E. TROMBLEY

5 minutes

FARES A. RUMI, ATTORNEY FOR CHILD

10 minutes

1190.0
CA 15-00389

**JESSICA KELLER
V
CARLA LIBERATORE, M.D.**

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered April 24, 2014. The order and judgment granted the motion of defendants Carla Liberatore, M.D. and CNY Obstetrics & Gynecology, P.C., for summary judgment and dismissed the complaint against those defendants.

JOSEPH S. COTE, III, for JESSICA KELLER

15 minutes

DANIEL P. LARABY for CARLA LIBERATORE, M.D.

10 minutes

1191.0
CA 15-00147

In the Matter of
**CIVIL SERVICE EMPLOYEES ASSOCIATION
(BOARD OF EDUCATION OF SYRACUSE SCHOOL DISTRICT)**

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered May 7, 2014. The order, inter alia, granted the petition and confirmed an arbitrator's award.

CRAIG M. ATLAS for BD. OF ED. OF SYRACUSE SCHOOL DISTRICT

10 minutes

D. JEFFREY GOSCH for C.S.E.A., INC., LOCAL 1000, AFSCME

10 minutes

1192.0
CA 15-00772

DENNIS BRENNAN

V

SETTLED

RONALD W. BRISBEE

Appeal from an order of the Supreme Court, Cattaraugus County (Paula L. Feroletto, J.), entered July 1, 2014. The order denied the motion of defendant to dismiss the complaint.

KARALYN M. ROSSI for RONALD W. BRISBEE

HARVEY PHILIP SANDERS for DENNIS BRENNAN

1193.0
CA 15-00660

BAC HOME LOANS SERVICING, LP

V

ALEXANDER J. MCCOMBIE, III

Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered June 16, 2014. The order, among other things, granted plaintiff's motion for summary judgment as against defendant Alexander J. McCombie, III.

G. WINSTON DELONG for ALEXANDER J. MCCOMBIE, III

10 minutes

ROBERT N. ROTHBERG for BAC HOME LOANS SERVICING, LP

10 minutes

1194.0
CA 15-00530

In the Matter of
**COUNTY OF ERIE
(FACULTY FEDERATION OF ERIE COMMUNITY COLLEGE)**

SETTLED

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered June 6, 2014. The order granted the petition and vacated the award of an arbitrator.

TIMOTHY CONNICK for FACULTY FEDERATION OF E.C.C.

KRISTIN K. WHEATON for COUNTY OF ERIE

1195.0
CA 15-00532

JANICE A. MCDONELL

V

WAL-MART STORES, INC.

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered May 20, 2014. The order, insofar as appealed from, denied the motion of defendants for summary judgment.

KIMBERLY CAMPBELL for WAL-MART STORES, INC. 15 minutes

CHERYL MEYERS BUTH for JANICE A. MCDONELL 15 minutes

1196.0
CA 15-00507

LOUIS YOURDON
V
PAROLE OFFICER MARTIN SEMRAU

Appeal from an order and judgment (one paper) of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.) entered December 18, 2014 in a proceeding pursuant to CPLR article 78. The order and judgment dismissed the petition.

LOUIS ROSADO for LOUIS YOURDON 10 minutes

BRIAN D. GINSBERG for PAROLE OFFICER MARTIN SEMRAU 5 minutes

1197.0
CA 15-00602

ANTHONY DESA
V
NEW YORK STATE

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered March 10, 2014. The order, among other things, held respondents in civil contempt of a prior order of the court.

ROBERT M. GOLDFARB for NEW YORK STATE 10 minutes

DAVID E. ZUKHER for ANTHONY DESA 10 minutes

1198.0
CA 15-00610

ANTHONY DESA
V
NEW YORK STATE

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered June 20, 2014. The order, among other things, awarded petitioner attorney's fees and costs for bringing the contempt proceeding.

ROBERT M. GOLDFARB for NEW YORK STATE Submitted

DAVID E. ZUKHER for ANTHONY DESA Submitted

1199.0
CA 14-02172

YONGMI ODDO
V
ALC OF WILLIAMSVILLE, LLC

Appeal from an order of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered May 29, 2014. The order, among other things, denied defendants' motion to set aside the finding of liability against defendant Suchitra Koneru, M.D.

MARYLOU K. ROSHIA for ALC OF WILLIAMSVILLE, LLC 15 minutes

EDWARD J. MARKARIAN for YONGMI ODDO 15 minutes

1200.0
CA 14-02173

YONGMI ODDO
V
ALC OF WILLIAMSVILLE, LLC

Appeal from a judgment of the Supreme Court, Erie County (Jeremiah J. Moriarty, III, J.), entered June 25, 2014. The judgment, among other things, awarded plaintiff Yongmi Oddo the sum of \$152,737.57 for past and future damages as against defendants.

MARYLOU K. ROSHIA for ALC OF WILLIAMSVILLE, LLC

Submitted

EDWARD J. MARKARIAN for YONGMI ODDO

Submitted

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

1201.0
KA 13-02192

PEOPLE
V
DAMON J. ERVING

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered October 15, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

ROBERT L. KEMP for DAMON J. ERVING Submitted

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

1202.0
KA 12-00846

PEOPLE
V
DEAN MANOR

Appeal from a resentence of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered February 14, 2012. Defendant was resentedenced by imposing terms of postrelease supervision.

CARA A. WALDMAN for DEAN MANOR Submitted

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

1203.0
KA 10-02117

PEOPLE
V
NOEL R. RIVERA

Appeal from a judgment of the Supreme Court, Monroe County (David D. Egan, J.), rendered July 15, 2010. The judgment convicted defendant, upon a jury verdict, of assault in the first degree (two counts).

DAVID R. JUERGENS for NOEL R. RIVERA 10 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK 10 minutes

1204.0
KA 14-01528

PEOPLE
V
ROKYM KNOX

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered May 21, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree (two counts).

KATHRYN B. FRIEDMAN for ROKYM KNOX 10 minutes

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK 5 minutes

1205.0
KA 12-01045

PEOPLE
V
ANTHONY F. ARMSTRONG, JR.

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered January 12, 2012. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and intimidating a victim or witness in the third degree.

	MARK C. DAVISON for ANTHONY F. ARMSTRONG, JR.	10 minutes
	DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1206.0 KA 14-00228	PEOPLE V DONALD E. MEAD, JR.	
	Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered December 4, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree	
	DAVID J. PAJAK for DONALD E. MEAD, JR.	5 minutes
	WILLIAM G. ZICKL for PEOPLE OF THE STATE OF NEW YORK	5 minutes
1207.0 KA 15-00614	PEOPLE V JAMEL A. NELLONS	
	Appeal from an order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), dated July 8, 2014. The order reduced count 1 of indictment number 2014-0238-1.	
	JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	10 minutes
	PAUL GEOR CAREY for JAMEL A. NELLONS	Submitted
1208.0 KA 15-00616	PEOPLE V JAMEL A. NELLONS	
	Appeal from a revised order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), dated August 7, 2014. The revised order reduced count 1 of indictment number 2014-0238-1.	
	ROMANA A. LAVALAS for PEOPLE OF THE STATE OF NEW YORK	Submitted
	PAUL GEOR CAREY for JAMEL A. NELLONS	Submitted
1209.0 KA 14-00857	PEOPLE V JASON A. RANSIER	
	Appeal from a judgment of the Oswego County Court (James M. Metcalf, A.J.), rendered February 14, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.	
	LINDA M. CAMPBELL for JASON A. RANSIER	10 minutes
	AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK	10 minutes
1210.0 CAF 14-01279	In the Matter of DAILA W.	
	Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered May 27, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, returned Daniel W. and Daiana W. to the care and custody of respondent Daniel P.	
	CARA A. WALDMAN for DANIELLE W.	Submitted
	KIMBERLY A. KOLCH for ONEIDA COUNTY D.S.S.	10 minutes
	PAUL M. DEEP for DANIEL P.	5 minutes

	JESSICA REYNOLDS-AMUSO, ATTORNEY FOR CHILD	5 minutes
1211.0 CAF 14-01143	DANIEL P. V DANIELLE W.	
	Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered June 2, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole custody of the subject children.	
	CARA A. WALDMAN for DANIELLE W.	Submitted
	PAUL M. DEEP for DANIEL P.	Submitted
	JESSICA REYNOLDS-AMUSO, ATTORNEY FOR CHILD	Submitted
1212.0 CAF 14-01584	MICHELE DAVIS V KEVIN L. WILLIAMS	
	Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered July 15, 2014 in a proceeding pursuant to Family Court Act article 4. The order committed respondent to the Erie County Correctional Facility for a period of six months.	
	TIMOTHY R. LOVALLO for KEVIN L. WILLIAMS	5 minutes
	MICHELE DAVIS for HERSELF	Submitted
1213.0 CA 14-01109	ANTHONY LATSON V ANTHONY ANNUCCI	
	Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered May 13, 2014 in a proceeding pursuant to CPLR article 78. The judgment denied the petition.	
	ADAM W. KOCH for ANTHONY LATSON	Submitted
	PETER H. SCHIFF for ANTHONY ANNUCCI	Submitted
1214.0 CA 15-00228	MICHELLE DEERING V LEEANN M. DEERING	
	Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 1, 2014. The order, insofar as appealed from, denied in part the motion of defendant William J. Mackey for summary judgment.	
	MICHAEL T. COUTU for WILLIAM J. MACKEY	5 minutes
	MATTHEW J. KAISER for LEEANN M. DEERING	10 minutes
	MICHAEL D. BRAISTED for MICHELLE DEERING	15 minutes
1215.0 CA 15-00555	DANIEL REDEYE V PROGRESSIVE INSURANCE COMPANY	

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (John F. O'Donnell, J.), entered November 7, 2014. The order and judgment granted the motion of defendant for summary judgment dismissing the complaint, declared that plaintiff is not entitled to recover supplementary underinsured motorist benefits and denied the cross motion of plaintiff to compel disclosure.

GREGORY V. PAJAK for DANIEL REDEYE

10 minutes

DAN D. KOHANE for PROGRESSIVE INSURANCE COMPANY

15 minutes

1216.0
CA 15-00699

STEVEN J. CRACCHIOLA
V
BRIAN SAUSNER

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered August 15, 2014. The order, insofar as appealed from, denied in part the motion of defendants for summary judgment on the issue of serious injury and granted the cross motion of plaintiffs for summary judgment on the issue of negligence of plaintiff Steven J. Cracchiola.

ROBERT DADMUN LEARY for BRIAN SAUSNER

15 minutes

GREGORY V. PAJAK for STEVEN J. CRACCHIOLA

10 minutes

1217.0
CA 15-00698

LEE WILLIAMS
V
STATE OF NEW YORK

Appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered July 18, 2014. The order denied the motion of claimant seeking leave to file a late notice of claim.

SEAN COONEY for LEE WILLIAMS

10 minutes

DENNIS P. GLASCOTT for STATE OF NEW YORK

15 minutes

1218.0
CA 15-00745

SHERIE L. LARABY
V
GEOFFREY R. COULTER

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered September 17, 2014. The order granted the motion of plaintiffs for summary judgment on the issues of defendant's negligence and serious injury.

DANIEL J. GUARASCI for GEOFFREY R. COULTER

10 minutes

MATTHEW F. BELANGER for SHERIE L. LARABY

10 minutes

1219.0
CA 15-00546

In the Matter of
CITY OF ROCHESTER
(ROCHESTER POLICE LOCUST CLUB)

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered June 23, 2014. The order granted the verified petition, denied the cross petition and granted the motion of petitioner to vacate an arbitration award.

ERIC M. DOLAN for ROCHESTER POLICE LOCUST CLUB

15 minutes

YVETTE CHANCELLOR GREEN for CITY OF ROCHESTER

15 minutes

1220.0
CA 14-02230

**DIANE THORNTON
V
HUSTED DAIRY, INC.**

Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), dated September 8, 2014. The order denied the motion of plaintiff for summary judgment and granted the motion of defendant for summary judgment dismissing the complaint for failure to meet the serious injury threshold.

WILLIAM R. MORGAN for DIANE THORNTON 20 minutes

KAREN J. KROGMAN DAUM for HUSTED DAIRY, INC. 15 minutes

1221.0
CA 15-00626

**In the Matter of
CITY OF LOCKPORT
(LOCKPORT PROFESSIONAL FIREFIGHTERS ASSOCIATION, INC.)**

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered July 2, 2014. The order, insofar as appealed from, granted the motion of petitioner to stay arbitration and denied the cross motion of respondent to compel arbitration.

ANDREA L. SAMMARCO for LOCKPORT PROFESSIONAL FIREFIGHTERS Submitted

BRIAN S. KREMER for CITY OF LOCKPORT 10 minutes

1222.0
CA 15-00122

**TRAVELERS INSURANCE COMPANY
V
BENDERSON DEVELOPMENT COMPANY, LLC.**

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered August 25, 2014. The order, among other things, granted plaintiff's motion for summary judgment and denied defendants' motion for summary judgment.

RICHARD ARNOLD GALBO for BENDERSON DEVELOPMENT CO., LLC. 15 minutes

ABE M. RYCHIK for TRAVELERS INSURANCE COMPANY 15 minutes

1223.0
CA 15-00123

**TRAVELERS INSURANCE COMPANY
V
BENDERSON DEVELOPMENT COMPANY, LLC.**

Appeal from a judgment of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered August 25, 2014. The judgment, among other things, awarded plaintiff the sum of \$190,068.79 as against defendant Benderson Development Company, Inc., now known as Benderson Properties, Inc.

RICHARD A. GALBO for BENDERSON DEVELOPMENT COMPANY, LLC. Submitted

ABE M. RYCHIK for TRAVELERS INSURANCE COMPANY Submitted

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

1224.0
TP 15-00560

HENRY JOHNSON
V
JAMES THOMPSON

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 [M. William Boller, A.J.], entered March 31, 2015) to review a determination of respondent. The determination terminated the parole of petitioner.

HENRY JOHNSON for HIMSELF

Submitted

KATE H. NEPVEU for **JAMES THOMPSON**

Submitted

1225.0
TP 15-00597

GABRIEL M. WILLIAMS
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, Erie County [M. William Boller, A.J.], entered April 9, 2015) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

GABRIEL M. WILLIAMS for HIMSELF

Submitted

PETER H. SCHIFF for **ANTHONY J. ANNUCCI**

Submitted

1226.0
KA 14-00255

PEOPLE
V
DYLAN FOX

Appeal from a judgment of the Wyoming County Court (Mark H. Dadd, J.), rendered December 23, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and driving while ability impaired by drugs, as a misdemeanor.

GREGORY A. KILBURN for **DYLAN FOX**

Submitted

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

Submitted

1227.0
KA 13-01904

PEOPLE
V
BRENDA M. NEWKIRK

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered August 15, 2013. The judgment convicted defendant, upon her plea of guilty, of murder in the second degree.

DAVID P. ELKOVITCH for **BRENDA M. NEWKIRK**

Submitted

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

Submitted

1228.0
KA 13-01487

PEOPLE
V
AWET GEBREYESUS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered June 3, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree.

ROBERT L. KEMP for AWET GEBREYESUS

Submitted

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

Submitted

1229.0
KA 14-00630

PEOPLE

V

JEREMY J. ROTHMUND

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered March 3, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

TIMOTHY P. MURPHY for JEREMY J. ROTHMUND

Submitted

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

Submitted

1230.0
KA 11-00545

PEOPLE

V

RAYMOND V. GAUSE

Appeal from a judgment of the Monroe County Court (Stephen T. Miller, A.J.), rendered January 20, 2011. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

JANET C. SOMES for RAYMOND V. GAUSE

Submitted

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK

Submitted

1231.0
KAH 14-01747

PEOPLE EX REL.

VALAVE GREEN

V

ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered June 24, 2014 in a habeas corpus proceeding. The judgment denied and dismissed the petition.

LEAH R. NOWOTARSKI for VALAVE GREEN

Submitted

LAURA ETLINGER for ANTHONY ANNUCCI

Submitted

1232.0
CAF 14-00880

In the Matter of

ZARHIANNA K.

Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered March 21, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Frank K. abused the subject child.

JOHN J. RASPANTE for FRANK K.

Submitted

LISA P. DENMAN for ONEIDA COUNTY D.S.S.

5 minutes

PAUL SKAVINA, ATTORNEY FOR CHILD

5 minutes

1233.0
CAF 14-02269

KATHLEEN MARTIN

V

CHARLES J. FLYNN

Appeal from an order of the Family Court, Erie County (Brenda M. Freedman, R.), entered September 19, 2014 in a proceeding pursuant to Family Court Act article 8. The order, among other things, granted the petition seeking an order of protection and placed respondent on probation for one year.

MARC STEVEN SHATKIN for CHARLES J. FLYNN 15 minutes

DAVID E. GUTOWSKI for KATHLEEN MARTIN 15 minutes

1234.0
CAF 14-00685

JAMES E. DONOHUE
V
TANYA M. DONOHUE

Appeal from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered March 14, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied in part the petition to modify a prior order.

KELIANN M. ARGY for JAMES E. DONOHUE 5 minutes

CHARLES J. GREENBERG for TANYA M. DONOHUE 5 minutes

JOHN M. LOCKHART, ATTORNEY FOR CHILD 5 minutes

1235.0
CAF 14-00250

In the Matter of
BURKE H.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered May 30, 2014 in proceedings pursuant to Family Court Act article 10 and Social Services Law § 384-b. The order terminated the parental rights of respondents with respect to Sean, Donna and Chloe, and determined that respondents had neglected Burke.

REGINA A. DELVECCHIO for TIFFANY H. Submitted

BERNADETTE HOPPE for RICHARD H. 5 minutes

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

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1236.0
CA 14-02021

FRANCES A. MARIGLIO
V
BERTHEL FISHER & COMPANY FINANCIAL

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered June 26, 2014. The order, among other things, denied plaintiff's motion for trial preference.

JOANNE SCHULTZ for FRANCES A. MARIGLIO 20 minutes

STEPHEN A. SHARKEY for BERTHEL FISHER & COMPANY FINANCIAL 20 minutes

1237.0
CA 15-00556

HARRY P. DAUBNEY
V
DANIEL J. BENNETT

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered July 8, 2014. The order denied the motion of defendants for summary judgment.

ROBERT S. ROBERSON for DANIEL J. BENNETT 10 minutes

WAYNE I. FREID for HARRY P. DAUBNEY 5 minutes

1238.0
CA 15-00612

DARREN DAVIS
V
RICHARD BRZOSTOWSKI

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered January 21, 2015. The order denied the motion of defendants Richard Brzostowski and Linda Brzostowski for summary judgment.

ALAN J. BEDENKO for RICHARD BRZOSTOWSKI 15 minutes

MO J. ATHARI for DARREN DAVIS 10 minutes

1239.0
CA 15-00592

VERLEY DAVIS, JR.
V
COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered June 23, 2014 in a personal injury action. The order denied the motion of Erie County Department of Social Services seeking to dismiss the plaintiff's complaint.

JEREMY C. TOTH for COUNTY OF ERIE DEPT. OF SOC. SERVS. 10 minutes

MARC STEVEN SHATKIN for VERLEY DAVIS, JR. 10 minutes

1240.0
CA 15-00716

RICHARD J. FRONCE
V
PORT BYRON TELEPHONE COMPANY, INC.

Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered December 12, 2014 in a personal injury action. The order denied defendants' motion for summary judgment and denied plaintiff's cross motion for summary judgment.

MICHAEL G. BERSANI for RICHARD J. FRONCE 10 minutes

DONALD S. DIBENEDETTO for PORT BYRON TELEPHONE CO., INC. 10 minutes

1241.0
CA 15-00586

JACQUE R. GILLIS
V
RODNEY C. BROWN

Appeal and cross appeal from an order of the Supreme Court, Steuben County (Marianne Furfure, A.J.), entered February 11, 2015. The order, among other things, denied in part defendants' motion for summary judgment and denied plaintiff's cross motion for partial summary judgment.

ALFRED PANICCIA, JR., for JACQUE R. GILLIS 10 minutes

L. DAMIEN COSTANZA for RODNEY C. BROWN 10 minutes

1242.0
CA 15-00639

MARCELLA HAROLD
V
SYLVESTER HAROLD

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 30, 2014 in a divorce action. The order, among other things, denied plaintiff's request for attorney's fees and a share of defendant's severance package.

CARL B. KUSTELL for MARCELLA HAROLD 10 minutes

	JOHN P. PIERI for SYLVESTER HAROLD	10 minutes
1243.0 CA 15-00750	GARY MILITELLO V LANDSMAN DEVELOPMENT CORP.	
	Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered February 11, 2015. The order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 and denied the motion of defendant for summary judgment dismissing plaintiff's Labor Law § 240 (1) cause of action.	
	CAROL R. FINOCCHIO for LANDSMAN DEVELOPMENT CORP.	15 minutes
	MICHAEL STEINBERG for GARY MILITELLO	10 minutes
1244.0 CA 15-00562	KEITH CONRAD V LOCKPORT CITY SCHOOL DISTRICT	SETTLED
	Appeals and cross appeal from an order of the Supreme Court, Niagara County (Ralph A. Boneillo, III, J.), entered October 30, 2014. The order, among other things, denied in part defendants' motions for summary judgment and denied plaintiffs' cross motion for summary judgment against defendants Lockport City School District and Mihpier Company, Inc.	
	CHRISTINE D. HANLON for LOCKPORT CITY SCHOOL DISTRICT	
	SAMUEL J. CAPIZZI for KEITH CONRAD	
	BRIAN SUTTER for MIHPIER COMPANY, INC.	
1245.0 CA 14-00431	ROOSEVELT COBB V MICHAEL SHEAHAN	
	Appeal from a judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered December 26, 2013 in a proceeding pursuant to CPLR article 78. The judgment denied and dismissed the petition.	
	ROOSEVELT COBB for HIMSELF	Submitted
	MARCUS J. MASTRACCO for MICHAEL SHEAHAN	Submitted
1246.0 CA 14-01443	ELVIS CASTILLO V ANTHONY ANNUCCI	
	Appeal from an amended judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered April 16, 2014 in a proceeding pursuant to CPLR article 78. The amended judgment confirmed the determination of respondent and dismissed the petition.	
	LEAH R. NOWOTARSKI for ELVIS CASTILLO	Submitted
	ANDREW B. AYERS for ANTHONY ANNUCCI	Submitted
1246.1 CA 14-01335	CAPITAL ONE NA V DAVID COLUCCI	SETTLED

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), dated October 8, 2013. The order, among other things, denied defendant's motion to vacate a default judgment.

JOHN J. DELMONTE for DAVID COLUCCI

DAVID K. KOWALENKO for CAPITAL ONE NA

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