

**DAY CALENDAR**  
**Thursday, October 20, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

953.0  
TP 16-00315

**ARMANDO R. TORRES**  
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 March 1, 2016) 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 ARMANDO R. TORRES

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

954.0  
KA 15-01108

**PEOPLE**  
V  
**MARTIN SMALLWOOD**

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered March 26, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (three counts).

JAMES S. KERNAN for MARTIN SMALLWOOD

Submitted

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

Submitted

955.0  
KA 15-00924

**PEOPLE**  
V  
**DAROLD D. PAGE**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), entered May 4, 2015. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

THERESA L. PREZIOSO for DAROLD D. PAGE

Submitted

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

Submitted

956.0  
KA 14-00759

**PEOPLE**  
V  
**CHRISTOPHER J. FREEMAN**

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered March 17, 2014. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

CARA A. WALDMAN for CHRISTOPHER J. FREEMAN

Submitted

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

Submitted

957.0  
KA 15-01396

**PEOPLE**  
V  
**JULYNN CRISCUOLO**

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered August 11, 2015. The judgment convicted defendant, upon her plea of guilty, of driving while intoxicated, a class E felony, and aggravated vehicular assault.

SHIRLEY A. GORMAN for JULYNN CRISCUOLO

Submitted

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

Submitted

958.0  
KA 11-01423

PEOPLE

V

QUENTIN A. NOWLIN

Appeal from a judgment of the Monroe County Court (Patricia D. Marks, J.), rendered October 15, 2010. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

DAVID M. ABBATOY, JR., for QUENTIN A. NOWLIN

10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

959.0  
KA 11-01097

PEOPLE

V

QUINTIN NOWLIN

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Monroe County Court (Victoria M. Argento, J.), entered April 19, 2011. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

DAVID M. ABBATOY, JR., for QUINTIN NOWLIN

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

960.0  
KA 13-00958

PEOPLE

V

QUINTIN A. NOWLIN

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered April 12, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fourth degree.

DAVID M. ABBATOY, JR., for QUINTIN A. NOWLIN

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

961.0  
KA 14-01548

PEOPLE

V

CHAD J. COLSRUD

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered December 9, 2013. The judgment convicted defendant, upon a jury verdict, of endangering the welfare of a child.

MARY P. DAVISON for CHAD J. COLSRUD

5 minutes

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

Submitted

962.0  
KA 15-01774

PEOPLE  
V  
ROGER W. BARTO

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered October 13, 2015. The judgment convicted defendant, upon a jury verdict, of insurance fraud in the third degree, falsifying business records in the first degree, defrauding the government and falsely reporting an incident in the third degree.

GARY MULDOON for ROGER W. BARTO 20 minutes

BARRY L. PORSCHE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

963.0  
KA 14-01490

PEOPLE  
V  
DONALD BRIDGES

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered August 8, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the first degree, sexual abuse in the first degree and endangering the welfare of a child.

ROBERT L. KEMP for DONALD BRIDGES 10 minutes

DANIELLE E. SMITH for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

964.0  
KA 15-00734

PEOPLE  
V  
KELLY COOMEY

Appeal from an order of the Onondaga County Court (Thomas J. Miller, J.), entered May 11, 2015. The order dismissed the indictment in the interest of justice.

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

LINDA M. CAMPBELL for KELLY COOMEY 10 minutes

965.0  
CA 15-01053

EARTHA C. SOUTHERN  
V  
SENZAN HSU, M.D.

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered April 9, 2015. The order granted the motions of defendants Senzan Hsu, M.D., and Children's Hospital of Buffalo of Kaleida Health, for summary judgment dismissing the complaint.

EARTHA C. SOUTHERN for HERSELF 10 minutes

MICHAEL J. WILLETT for SENZAN HSU, M.D. 10 minutes

ELIZABETH G. ADYMY for CHILDREN'S HOSPITAL OF BUFFALO 5 minutes

966.0  
CA 15-00867

DEREK GOODING  
V  
STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered April 29, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order denied the motion of petitioner to vacate an order for continued confinement.

PATRICK T. CHAMBERLAIN for DEREK GOODING 10 minutes

	ALLYSON B. LEVINE for STATE OF NEW YORK	10 minutes
967.0 CA 15-01035	<b>CATHERINE M. HEARY</b> V <b>DENISE HIBIT</b>	<b>SETTLED</b>
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered May 26, 2015. The order granted the request of collateral source reductions of a jury verdict.	
	SARAH P. RERA for CATHERINE M. HEARY	
	NORMAN E.S. GREENE for DENISE HIBIT	
968.0 CA 16-00107	<b>CHRISTOPHER J. ZEDICK</b> V <b>STACIA L. NANCE</b>	
	Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered October 6, 2015. The order, insofar as appealed from, granted the motion of defendant Jim Mazz Auto for summary judgment and dismissed the complaint against it.	
	MATTHEW J. KAISER for CHRISTOPHER J. ZEDICK	10 minutes
	THOMAS P. CUNNINGHAM for JIM MAZZ AUTO	10 minutes
969.0 CA 16-00098	<b>MARGARITA ZULEY, M.D.</b> V <b>ELIZABETH WENDE BREAST CARE, LLC</b>	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered November 16, 2015. The order granted the motion of plaintiff to compel defendants to respond to requests second through fifth of plaintiff's second notice to produce.	
	THOMAS F. KNAB for ELIZABETH WENDE BREAST CARE, LLC	15 minutes
	BRIAN J. CAPITUMMINO for MARGARITA ZULEY, M.D.	15 minutes
970.0 CA 16-01043	<b>DALE BARHITE</b> V <b>TOWN OF DEWITT</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Walter W. Hafner, Jr., A.J.), entered September 18, 2015. The order, inter alia, declared that respondent violated Civil Service Law § 70.	
	DAVID W. HERKALA for TOWN OF DEWITT	10 minutes
	MARILYN D. BERSON for DALE BARHITE	10 minutes
971.0 CA 16-00464	<b>MELINA CRVELIN</b> V <b>BD. OF ED. OF CITY SCHOOL DISTRICT</b>	
	Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered January 4, 2016. The order and judgment granted defendants' motion for summary judgment and dismissed plaintiff's complaint on the merits with prejudice.	
	MATTHEW J. BIRD for MELINA CRVELIN	15 minutes
	MICHAEL F. PERLEY for BD. OF ED. OF CITY SCHOOL DISTRICT	10 minutes

972.0  
CA 16-00302

**MICHELLE M. FIGURA**  
V  
**TIMOTHY W. FRASIER**

Appeal from an order of the Supreme Court, Niagara County (Mark Montour, J.), entered September 22, 2015. The order denied the motion of defendant Zayachek Mechanical, Ltd., for summary judgment dismissing the complaint and all cross claims.

JOHN WALLACE for ZAYACHEK MECHANICAL, LTD.

15 minutes

MARK P. DELLA POSTA for MICHELLE M. FIGURA

15 minutes

JILL Z. FLORKOWSKI for TIMOTHY W. FRASIER

Submitted

974.0  
CA 16-01030

**FRANCES JACKSON**  
V

**SETTLED**

**ESTATE OF KENNETH P. SADLER, JR.**

Appeals and cross appeal from an order of the Supreme Court, Allegany County (Thomas P. Brown, A.J.), entered November 6, 2015. The order granted in part and denied in part the motion of defendant County of Allegany for summary judgment and denied the motion of third-party defendant Town of Scio for summary judgment.

MICHAEL P. MCCLAREN for COUNTY OF ALLEGANY

MATTHEW J. DUGGAN for TOWN OF SCIO

JACOB P. WELCH for FRANCES JACKSON