

**DAY CALENDAR**  
**Thursday, October 27, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1061.0  
KA 15-01230

**PEOPLE**  
**V**  
**SHANNON B. MURCIN**

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 driving while ability impaired by drugs.

GREGORY A. KILBURN for SHANNON B. MURCIN Submitted

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

1062.0  
KA 16-00335

**PEOPLE**  
**V**  
**HAMID A. MEMON**

Appeal from a judgment of the Supreme Court, Erie County (John F. O'Donnell, J.), rendered June 25, 2015. The judgment convicted defendant, upon a nonjury verdict, of criminal obstruction of breathing and unlawful imprisonment in the second degree.

THOMAS J. EOANNOU for HAMID A. MEMON Submitted

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

1063.0  
KA 15-01224

**PEOPLE**  
**V**  
**MARC J. DAVIS**

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered May 28, 2015. The judgment convicted defendant, upon his plea of guilty, of rape in the third degree.

JOSEPH G. FRAZIER for MARC J. DAVIS Submitted

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

1064.0  
KA 13-01182

**PEOPLE**  
**V**  
**MICHAEL KING**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered April 16, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony.

PIOTR BANASIAK for MICHAEL KING Submitted

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

1065.0  
KA 12-00433

**PEOPLE**  
**V**  
**CHRISTIAN J. FORD**

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered May 6, 2011. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

KATHLEEN P. REARDON for CHRISTIAN J. FORD Submitted

	DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1066.0 KA 15-01282	PEOPLE V RAMON REYES	
	Appeal from a judgment of the Supreme Court, Monroe County (John B. Gallagher, Jr., A.J.), rendered July 27, 2015. The judgment convicted defendant, upon a jury verdict, of aggravated criminal contempt, criminal contempt in the first degree, and assault in the third degree.	
	DAVID M. ABBATOY, JR., for RAMON REYES	15 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1068.0 TP 16-00196	LUIS ROSALES 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, Erie County [Russell P. Buscaglia, A.J.], entered February 2, 2016) to review a determination of respondent. The determination placed petitioner in administrative segregation.	
	LUIS ROSALES for HIMSELF	Submitted
	MARTIN A. HOTVET for DONALD E. VENETOZZI	Submitted
1069.0 TP 16-00256	TOWN OF EDEN V KERRY A. DELANEY	
	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 [Deborah A. Chimes, J.], entered February 18, 2016) to review a determination of respondent. The determination denied petitioner's objection to the proposed siting of a community residential facility at 8621 Jennings Road in the Town of Eden.	
	WILLIAM JOSEPH TRASK for TOWN OF EDEN	15 minutes
	KATE H. NEPVEU for KERRY A. DELANEY	10 minutes
1070.0 CAF 15-00167	In the Matter of AMYN C.	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered January 5, 2015 in a proceeding pursuant to Family Court Act article 10. The order adjudged that the subject child was neglected by respondents.	
	WILLIAM D. BRODERICK, JR., for CHELSEA K.	Submitted
	JOSEPH T. JARZEMBEK for ERIE CO. DSS	10 minutes
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
1071.0 CAF 14-01933	In the Matter of ANTHONY L., JR.	

Appeal from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered October 1, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Lisa P. had neglected the subject child.

MARY P. DAVISON for LISA P. 5 minutes

JESSICA MARIE PEASLEE for STEUBEN CO. DSS 5 minutes

VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD 5 minutes

1072.0  
CAF 15-00375

In the Matter of  
LATONIA W.

Appeal from an order of the Family Court, Monroe County (Dandrea L. Ruhlmann, J.), entered January 23, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights.

JANE I. YOON for ANTHONY W. 10 minutes

PETER ANDREW ESSLEY for MONROE CO. DSS 5 minutes

TANYA CONLEY, ATTORNEY FOR CHILD 5 minutes

1073.0  
CA 16-00266

In the Matter of  
NICOLE DIOGUARDI BECK  
V  
KRYSTYNA M. DIOGUARDI

Appeal from an order of the Surrogate's Court, Monroe County (John M. Owens, S.), entered May 11, 2015. The order, among other things, ordered respondent to provide an accounting of the assets of the Adam D. and Krystyna M. Dioguardi Living Trust U/A DTD. January 28, 1997, Trust B, from the date of death of Adam D. Dioguardi.

MICHAEL J. KIEFFER for NICOLE DIOGUARDI BECK 20 minutes

RICHARD C. MILLER for KRYSTYNA M. DIOGUARDI 20 minutes

1074.0  
CA 16-00211

MARY ESPOSITO  
V  
CONTEC, INC.

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered April 24, 2015. The order dismissed the complaint and denied as moot the ex parte application of plaintiff for an extension of time to serve the summons and complaint on defendant Contec, Inc.

ROBERT A. COHEN for MARY ESPOSITO 10 minutes

DANIEL B. MOAR for CONTEC, INC. 15 minutes

1075.0  
CA 15-02043

JOHN GUTHRIE  
V  
EDWARD L. MOSSOW

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered February 12, 2015. The order declared that the right in common to use certain undivided lakeshore has not been extinguished and that defendants have a common right to use such property.

SAMUEL PETER GIACONA for JOHN GUTHRIE Submitted

	NORMAN J. CHIRCO for EDWARD L. MOSSOW	Submitted
1076.0 CA 15-01813	<b>BRYAN MEDINA</b> V <b>ANTHONY J. ANNUCCI</b>	
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered July 7, 2015. The order directed respondent to expunge the underlying incident from petitioner's inmate records.	
	MARTIN A. HOTVET for ANTHONY J. ANNUCCI	10 minutes
	DAVID W. BENTIVEGNA for BRYAN MEDINA	10 minutes
1077.0 CA 15-01199	<b>LEONIDES SIERRA</b> V <b>ANTHONY ANNUCCI</b>	
	Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered May 4, 2015 pursuant to a CPLR article 78 proceeding. The judgment dismissed the petition.	
	LEONIDES SIERRA for LEONIDES SIERRA	Submitted
	MARCUS J. MASTRACCO for ANTHONY ANNUCCI	Submitted
1078.0 CA 16-00075	<b>RAYMOND T. WEBBER</b> V <b>LEE WEBBER</b>	
	Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 18, 2015. The order and judgment awarded money damages to plaintiff Raymond T. Webber upon a nonjury verdict.	
	JOHN G. HORN for RAYMOND T. WEBBER	15 minutes
	JENNIFER PERSICO for LEE WEBBER	15 minutes
1079.0 CA 15-00989	<b>DORN ENERGY, LLC</b> V <b>NORA B. SULLIVAN</b>	
	Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered April 15, 2015. The order granted plaintiffs' renewed motion for summary judgment.	
	GUY J. AGOSTINELLI for NORA B. SULLIVAN	20 minutes
	BRIAN D. GWITT for DORN ENERGY, LLC	20 minutes
1080.0 CA 15-00991	<b>DORN ENERGY, LLC</b> V <b>NORA B. SULLIVAN</b>	
	Appeal from a judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered May 12, 2015. The judgment, among other things, granted each of plaintiffs' claims in their entirety.	
	GUY J. AGOSTINELLI for NORA B. SULLIVAN	Submitted
	BRIAN D. GWITT for DORN ENERGY, LLC	Submitted

1081.0  
CA 15-02090

**JEFFREY RICE**  
**V**  
**CITY OF BUFFALO**

Appeals from an order of the Supreme Court, Erie County (John M. Curran, J.), entered March 4, 2015. The order, insofar as appealed from, denied the motions of plaintiffs for partial summary judgment on the issues of reckless disregard and ordinary negligence.

JOHN A. COLLINS for JEFFREY RICE	10 minutes
ROLAND M. CERCONE for JAMES FELIX OLIVER	10 minutes
DAVID M. LEE for CITY OF BUFFALO	15 minutes
EMILY M. COBB for PETER B. NICELY	Submitted

1082.0  
TP 16-00342

**KWOK SZE**  
**V**  
**LINDA GOPPERT**

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 November 25, 2015) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

KWOK SZE for HERSELF	Submitted
ERIC T. SCHNEIDERMAN for LINDA GOPPERT	Submitted