

**DAY CALENDAR**  
**Monday, October 17, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

858.0  
KA 15-02120

**PEOPLE**  
**V**  
**JERRY T. SADDLER, JR.**

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered November 17, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree and assault in the second degree.

CHARLES A. MARANGOLA for JERRY T. SADDLER, JR. Submitted

NATHAN J. GARLAND for THE PEOPLE OF THE STATE OF NEW YORK Submitted

859.0  
KA 15-01169

**PEOPLE**  
**V**  
**DONALD C. PENDLETON**

Appeal from a judgment of the Supreme Court, Niagara County (Matthew J. Murphy, III, A.J.), rendered June 17, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal contempt in the second degree.

THERESA L. PREZIOSO for DONALD C. PENDLETON Submitted

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

860.0  
KA 14-00396

**PEOPLE**  
**V**  
**JERWAN B. MCFARLEY**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered December 4, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

BRENDA S. ASTON for JERWAN B. MCFARLEY Submitted

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

861.0  
KA 14-00820

**PEOPLE**  
**V**  
**JERWAN B. MCFARLEY**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered December 4, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fourth degree.

BRENDA S. ASTON for JERWAN B. MCFARLEY Submitted

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

862.0  
KA 13-01481

**PEOPLE**  
**V**  
**WILFREDO ROMAN**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered July 26, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the first degree, criminal sale of a controlled substance in the second degree, criminal possession of a controlled substance in the third degree (seven counts) and criminal possession of a controlled substance in the fourth degree.

PIOTR BANASIAK for WILFREDO ROMAN

Submitted

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

Submitted

863.0  
KA 10-01429

PEOPLE  
V  
KEITH BRYANT

Appeal from a judgment of the Monroe County Court (Robert B. Wiggins, A.J.), rendered May 3, 2010. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree, grand larceny in the fourth degree and criminal mischief in the third degree.

KATHLEEN P. REARDON for KEITH BRYANT

10 minutes

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

10 minutes

864.0  
KA 16-00697

PEOPLE  
V  
JERRY T. SADDLER

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered November 17, 2013. The judgment convicted defendant, upon his plea of guilty, of aggravated family offense.

CHARLES A. MARANGOLA for JERRY T. SADDLER

Submitted

NATHAN J. GARLAND for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

865.0  
KA 13-01530

PEOPLE  
V  
TUREMAIL MCCULLOUGH

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), dated July 3, 2013. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

JEFFREY WICKS for TUREMAIL MCCULLOUGH

15 minutes

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

15 minutes

866.0  
KA 13-01991

PEOPLE  
V  
JOHN E. SABINS

**SETTLED**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered June 25, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree.

CARA A. WALDMAN for JOHN E. SABINS

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

867.0  
KA 13-01992

**PEOPLE** **SETTLED**  
V  
**JOHN E. SABINS**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered June 25, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree.

CARA A. WALDMAN for JOHN E. SABINS

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

868.0  
KA 13-01993

**PEOPLE** **SETTLED**  
V  
**JOHN E. SABINS**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered June 25, 2013. The judgment convicted defendant, upon his plea of guilty, of robbery in the third degree.

CARA A. WALDMAN for JOHN E. SABINS

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

869.0  
KA 13-01994

**PEOPLE** **SETTLED**  
V  
**JOHN E. SABINS**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered June 25, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree.

CARA A. WALDMAN for JOHN E. SABINS

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

870.0  
KA 14-00717

**PEOPLE**  
V  
**SPENCER WILLIAMS**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered November 20, 2013. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

PIOTR BANASIAK for SPENCER WILLIAMS

10 minutes

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

10 minutes

871.0  
KA 10-01430

**PEOPLE**  
V  
**KEITH BRYANT**

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered June 23, 2010. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

KATHLEEN P. REARDON for KEITH BRYANT

Submitted

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

5 minutes

<b>872.0</b> <b>CA 15-01771</b>	<b>In the Matter of</b> <b>KAMLEH S. TEHAN</b>	
	<p>Appeal and cross appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), dated April 29, 2015. The order, among other things, denied petitioner's motion for summary judgment.</p>	
	<p>JON P. DEVENDORF for KAMLEH S. TEHAN</p>	10 minutes
	<p>RALPH W. FUSCO for TEHAN'S CATALOG SHOWROOMS, INC.</p>	10 minutes
<b>873.0</b> <b>CA 15-01772</b>	<b>In the Matter of</b> <b>KAMLEH S. TEHAN</b>	
	<p>Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered August 3, 2015. The order, among other things, granted respondent's motion for summary judgment.</p>	
	<p>JON P. DEVENDORF for KAMLEH S. TEHAN</p>	Submitted
	<p>RALPH W. FUSCO for TEHAN'S CATALOG SHOWROOMS, INC.</p>	Submitted
<b>874.0</b> <b>CA 16-00207</b>	<b>ELMER G. COX, JR.</b> <b>V</b> <b>MCCORMICK FARMS, INC.</b>	
	<p>Appeal from an order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered April 16, 2015. The order granted defendants' motions for summary judgment dismissing the complaint.</p>	
	<p>J. MICHAEL HAYES for ELMER G. COX, JR.</p>	10 minutes
	<p>STEPHEN MATTHEW SORRELS for SYNERGY, LLC</p>	10 minutes
	<p>ALAN J. PIERCE for MCCORMICK FARMS, INC.</p>	10 minutes
<b>875.0</b> <b>CA 15-01912</b>	<b>LINDA M. BROWN</b> <b>V</b> <b>STATE OF NEW YORK</b>	
	<p>Appeal and cross appeal from an order of the Court of Claims (Nicholas V. Midey, Jr., J.), entered July 20, 2015. The order directed a judgment pursuant to CPLR article 50-B.</p>	
	<p>JONATHAN D. HITSOUS for STATE OF NEW YORK</p>	10 minutes
	<p>MICHAEL S. STEINBERG for LINDA M. BROWN</p>	10 minutes
<b>876.0</b> <b>CA 15-01913</b>	<b>LINDA M. BROWN</b> <b>V</b> <b>STATE OF NEW YORK</b>	
	<p>Appeal from a judgment of the Court of Claims (Nicholas V. Midey, Jr., J.), entered August 6, 2015. The judgment awarded claimant money damages upon a structured judgment.</p>	
	<p>JONATHAN D. HITSOUS for STATE OF NEW YORK</p>	Submitted
	<p>NORMAN ANDREW PALMIERE for LINDA M. BROWN</p>	Submitted
<b>877.0</b> <b>CA 16-00299</b>	<b>LINDA M. BROWN</b> <b>V</b> <b>STATE OF NEW YORK</b>	

Appeal and cross appeal from a judgment of the Court of Claims (Nicholas V. Midey, Jr., J.), entered August 6, 2015. The judgment awarded claimant money damages upon a structured judgment.

JONATHAN D. HITSOUS for STATE OF NEW YORK

Submitted

NORMAN ANDREW PALMIERE for LINDA M. BROWN

Submitted

878.0  
CA 16-00160

**MAVEN TECHNOLOGIES, LLC**

**V**

**GAYLE A. VASILE**

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered May 1, 2015. The order denied defendant's motion for partial summary judgment and denied plaintiffs' cross motion for summary judgment.

JASON S. DIPONZIO for MAVEN TECHNOLOGIES, LLC

10 minutes

RICHARD GLEN CURTIS for GAYLE A. VASILE

10 minutes

879.0  
CA 16-00267

**LARRY ITALIA**

**SETTLED**

**V**

**CLIFFSTAR CORPORATION**

Appeal from an order of the Supreme Court, Erie County (Michael L. D'Amico, A.J.), entered December 23, 2015. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint and granted plaintiff's cross motion for summary judgment on liability pursuant to Labor Law §§ 240 (1) and 241 (6).

VINCENT POZZUTO for CLIFFSTAR CORPORATION

SEAN COONEY for LARRY ITALIA

880.0  
CA 15-00366

**In the Matter of**

**ANTHONY LAMONT JACKSON**

Appeal from an order of the Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered December 10, 2014. The order, among other things, denied petitioner's application to change his name.

MIK KINKEAD for ANTHONY LAMONT JACKSON

Submitted

ROBERT M. GOLDFARB for NEW YORK STATE DOCCS

Submitted

881.0  
CA 15-02032

**SANDRA RIVERA**

**V**

**ROCHESTER GENERAL HEALTH SYSTEM**

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered September 18, 2015. The order, inter alia, granted the motion of defendant for a protective order.

JOHN E. ABEEL for SANDRA RIVERA

15 minutes

JENNIFER SCHWARTZOTT for ROCHESTER GENERAL HEALTH SYSTEM

15 minutes

882.0  
CA 15-01076

**TROY WASHINGTON**

**V**

**ANTHONY ANNUCCI**

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered May 13, 2015 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for TROY WASHINGTON

Submitted

KATE H. NEPVEU for ANTHONY ANNUCCI

Submitted

883.0  
CA 16-00551

CAROL J. KOBRIN

V

STATE OF NEW YORK

Appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered July 6, 2015. The order dismissed the claim.

DIANE R. TIVERON for CAROL J. KOBRIN

15 minutes

OWEN DEMUTH for STATE OF NEW YORK

10 minutes

884.0  
CA 16-00208

PATRICIA CURTO

V

NEW YORK LAW JOURNAL

Appeal from an order of the Erie County Court (Michael L. D'Amico, J.), dated March 9, 2015. The order affirmed a judgment of the Buffalo City Court.

PATRICIA CURTO for HERSELF

15 minutes

KARIM A. ABDULLA for NEW YORK LAW JOURNAL

15 minutes

**DAY CALENDAR**  
**Tuesday, October 18, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

885.0  
KA 15-00934

**PEOPLE**  
**V**  
**LESTER M. STREETER**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.

JOSEPH G. FRAZIER for LESTER M. STREETER Submitted

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

886.0  
KA 15-00838

**PEOPLE**  
**V**  
**KELLY L. MARSHALL**

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered December 4, 2013. The judgment convicted defendant, upon her plea of guilty, of murder in the second degree and robbery in the first degree.

PATRICK J. MARTHAGE for KELLY L. MARSHALL Submitted

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK Submitted

887.0  
KA 14-00529

**PEOPLE**  
**V**  
**JOSUE GONZALES**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered November 26, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree.

PIOTR BANASIAK for JOSUE GONZALES 10 minutes

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

888.0  
KA 14-02278

**PEOPLE**  
**V**  
**JON T. MAGLIOCCO**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 3, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the third degree.

CAITLIN M. CONNELLY for JON T. MAGLIOCCO Submitted

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

889.0  
KA 14-01732

**PEOPLE**  
**V**  
**DESHAWN E. LARKIN**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 21, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

	KRISTIN M. PREVE for DESHAWN E. LARKIN	Submitted
	JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
890.0 KA 15-00933	PEOPLE V LESTER M. STREETER	
	Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.	
	JOSEPH G. FRAZIER for LESTER M. STREETER	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
891.0 KA 13-00172	PEOPLE V DONALD J. GARDNER	
	Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 1, 2012. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the second degree.	
	JANET C. SOMES for DONALD J. GARDNER	5 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
892.0 KA 14-01830	PEOPLE V BRIAN L. SMITH	
	Appeal from a judgment of the Supreme Court, Genesee County (Eric R. Adams, A.J.), rendered June 25, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree.	
	MICHAEL STEINBERG for BRIAN L. SMITH	10 minutes
	WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
893.0 KA 15-00094	PEOPLE V BRIAN L. SMITH	
	Appeal from a judgment of the Supreme Court, Genesee County (Eric R. Adams, A.J.), rendered June 25, 2014. The judgment convicted defendant, upon his plea of guilty, of aggravated family offense.	
	MICHAEL STEINBERG for BRIAN L. SMITH	Submitted
	WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
894.0 KA 14-00900	PEOPLE V TERRENCE REDFIELD	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered August 28, 2013. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree.	
	JAMES A. HOBBS for TERRENCE REDFIELD	10 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes

<b>895.0</b> <b>KAH 15-00416</b>	<b>PEOPLE EX REL.</b> <b>RICHIE STOKES</b> <b>V</b> <b>THE DIVISION OF PAROLE</b>	<p>Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (James P. Punch, A.J.), entered November 19, 2014 in a habeas corpus proceeding. The judgment denied the petition</p>	<p><b>ALAN WILLIAMS for RICHIE STOKES</b> <span style="float: right;">5 minutes</span></p> <p><b>KATE H. NEPVEU for THE DIVISION OF PAROLE</b> <span style="float: right;">Submitted</span></p>
<b>896.0</b> <b>CAF 14-01978</b>	<b>ROBERT E. TROMBLEY, JR.</b> <b>V</b> <b>KRISTIN S. PAYNE</b>	<p>Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered October 2, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that respondent shall pay a fine for three separate events constituting civil contempt.</p>	<p><b>KELIANN M. ARGY for KRISTIN S. PAYNE</b> <span style="float: right;">5 minutes</span></p> <p><b>MICHAEL STEINBERG for ROBERT E. TROMBLEY, JR.</b> <span style="float: right;">5 minutes</span></p> <p><b>FARES A. RUMI, ATTORNEY FOR CHILD</b> <span style="float: right;">10 minutes</span></p>
<b>897.0</b> <b>CAF 15-00634</b>	<b>ROBERT E. TROMBLEY, JR.</b> <b>V</b> <b>KRISTIN S. PAYNE</b>	<p>Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered March 17, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that Robert E. Trombley, Jr. have sole custody of the subject children.</p>	<p><b>KELIANN M. ARGY for KRISTIN S. PAYNE</b> <span style="float: right;">Submitted</span></p> <p><b>MICHAEL STEINBERG for ROBERT E. TROMBLEY, JR.</b> <span style="float: right;">Submitted</span></p> <p><b>FARES A. RUMI, ATTORNEY FOR CHILD</b> <span style="float: right;">Submitted</span></p>
<b>898.0</b> <b>CA 15-00861</b>	<b>ALFREDO MARQUEZ</b> <b>V</b> <b>STATE OF NEW YORK</b>	<p>Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered April 15, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, directed the continued confinement of petitioner.</p>	<p><b>PATRICK T. CHAMBERLAIN for ALFREDO MARQUEZ</b> <span style="float: right;">15 minutes</span></p> <p><b>KATHLEEN M. ARNOLD for STATE OF NEW YORK</b> <span style="float: right;">10 minutes</span></p>
<b>899.0</b> <b>CA 16-00357</b>	<b>ROSEMARY WHITE</b> <b>V</b> <b>ROMAN CATHOLIC CHURCH OF BOWMANVILLE</b>	<p>Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 20, 2015. The order denied the motion of plaintiff to restore the action to the trial calendar.</p>	

	ANGELO S. GAMBINO for ROSEMARY WHITE	10 minutes
	THOMAS J. SPEYER for ROMAN CATHOLIC CHURCH OF BOWMANSVILLE	15 minutes
900.0 CA 15-01753	<b>GROTON COMMUNITY HEALTH CARE CENTER</b> V <b>PHILLIP BEVIER</b>	
	Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered December 9, 2014. The order awarded petitioner a judgment as against respondent in the sum of \$44,601.70 with legal fees in the sum of \$3,500.00.	
	JOHN A. CIRANDO for PHILLIP BEVIER	10 minutes
	JOSEPHINE YANG-PATYI for GROTON COMMUNITY HEALTH CARE CTR.	10 minutes
901.0 CA 15-02035	<b>LUCIA TERCILIO</b> V <b>FREDDY POLL-DELGADO</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered July 23, 2015. The order granted the motion of defendant for summary judgment dismissing the complaint and denied the cross motion of plaintiff for summary judgment.	
	JOSE E. PEREZ for LUCIA TERCILIO	15 minutes
	DANIEL KENNETH CARTWRIGHT for FREDDY POLL-DELGADO	10 minutes
902.0 CA 16-00082	<b>ANTONIO JACKSON</b> V <b>CITY OF BUFFALO</b>	
	Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 8, 2015. The order denied the motion of third-party defendant for summary judgment dismissing the third-party complaint.	
	JOAN M. RICHTER for TANEKA JACKSON	15 minutes
	CARMEN JAMES GENTILE for CITY OF BUFFALO	10 minutes
903.0 CA 16-00317	<b>ALBERTO FRASSETTO ENTERPRISES</b> V <b>HARTFORD FIRE INSURANCE COMPANY</b>	
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered July 16, 2015. The order denied defendant's motion for summary judgment dismissing plaintiff's complaint.	
	BRIAN R. BIGGIE for HARTFORD FIRE INSURANCE COMPANY	10 minutes
	JOHN D. CELANI for ALBERTO FRASSETTO ENTERPRISES	10 minutes
904.0 CA 15-00868	<b>MELVIN WALLS</b> V <b>STATE OF NEW YORK</b>	
	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 MELVIN WALLS** **10 minutes**

**KATHLEEN M. ARNOLD for STATE OF NEW YORK** **10 minutes**

**905.0**  
**CA 15-02008**

**CAROLYN MERRILL, CPA**  
**V**  
**ROMEO'S RESTAURANT OF ROCHESTER, INC.**

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered July 21, 2015. The order and judgment dismissed with prejudice any and all counterclaims asserted against plaintiff.

**THOMAS J. RZEPKA for ROMEO'S RESTAURANT OF ROCHESTER, INC.** **10 minutes**

**CHARLES C. SWANEKAMP for CAROLYN MERRILL, CPA** **10 minutes**

**906.0**  
**CA 15-01869**

**DAWUD H.**  
**V**  
**STATE OF NEW YORK**

Appeal from a judgment of the Court of Claims (Christopher J. McCarthy, J.), entered September 17, 2015. The judgment dismissed the claim.

**JAMES BOGIN for DAWUD H.** **Submitted**

**ROBERT M. GOLDFARB for STATE OF NEW YORK** **Submitted**

**DAY CALENDAR**  
**Tuesday, October 18, 2016 - 10:00 AM**  
**COURTROOM 2**

907.0  
KA 13-02206

**PEOPLE**  
**V**  
**GILBERTO LOPEZ**

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered January 30, 2013. The appeal was held by this Court by order entered May 6, 2016, decision was reserved and the matter was remitted to Onondaga County Court for further proceedings. The proceedings were held and completed.

**PIOTR BANASIAK for GILBERTO LOPEZ**

**Submitted**

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

**Submitted**

**DAY CALENDAR**  
**Wednesday, October 19, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

908.0  
TP 16-00260

**SHAWN AVERY**  
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 February 18, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for SHAWN AVERY Submitted

JULIE M. SHERIDAN for ANTHONY ANNUCCI Submitted

909.0  
TP 16-00115

**FRED HARRIS**  
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 January 14, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for FRED HARRIS Submitted

FRANK BRADY for ANTHONY ANNUCCI Submitted

910.0  
TP 16-00103

**SAMUEL WALTON**  
V  
**JOHN COLVIN**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered January 19, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

SAMUEL WALTON for SAMUEL WALTON Submitted

MARCUS J. MASTRACCO for JOHN COLVIN Submitted

911.0  
KA 15-01097

**PEOPLE**  
V  
**KENNETH LAND**

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered April 8, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

KATHRYN B. FRIEDMAN for KENNETH LAND Submitted

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

912.0  
KA 15-01301

PEOPLE  
V  
EDDIE WASHINGTON

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Thomas J. Miller, J.), entered July 1, 2015. The order denied the motion of defendant pursuant to CPL 440.10.

EDDIE WASHINGTON for HIMSELF Submitted

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

913.0  
KA 13-01708

PEOPLE  
V  
JESSE MORMAN

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered June 27, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (two counts) and criminal possession of a controlled substance in the third degree (two counts).

PIOTR BANAIK for JESSE MORMAN 20 minutes

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

914.0  
KA 14-01018

PEOPLE  
V  
JESSE MORMAN

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered June 27, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree (two counts), criminal use of drug paraphernalia in the second degree (two counts), and two vehicle and traffic infractions.

POITR BANASIAK for JESSE MORMAN Submitted

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

915.0  
KA 15-02068

PEOPLE  
V  
RENE SUSAN BAILEY

Appeal from an order of the Monroe County Court (James J. Piampiano, J.), dated December 16, 2014. The order granted the motion of defendant to vacate her judgment of conviction pursuant to CPL 440.10 (1) (g) and granted defendant a new trial.

MATTHEW DUNHAM for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

ADELE BERNHARD for RENE SUSAN BAILEY 10 minutes

916.0  
KA 15-00785

PEOPLE  
V  
TRAVON CARTER

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered April 2, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

MARY R. HUMPHREY for TRAVON CARTER Submitted

	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
917.0 KA 14-01709	PEOPLE V MARVIN DEJESUS	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered March 3, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the first degree.	
	DONALD R. GERACE for MARVIN DEJESUS	15 minutes
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
918.0 KA 14-00235	PEOPLE V JUDSON WATKINS	
	Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Joseph E. Fahey, J.), entered December 18, 2013. The order denied the motion of defendant pursuant to CPL article 440.	
	PIOTR BANASIAK for JUDSON WATKINS	5 minutes
	ROMANA A. LAVALAS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
919.0 CAF 16-00102	ONIEDA COUNTY DSS V ADRIAN THOMAS	
	Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, J.), entered June 19, 2015, in a proceeding pursuant to Family Court Act article 4. The order denied the objections to the corrected order of a Support Magistrate.	
	TRACY LEE PUGLIESE for ONIEDA CO. DSS	Submitted
	ADRIAN THOMAS for HIMSELF	Submitted
920.0 CAF 15-01292	MICHAEL EDWARD WORTHINGTON V HOLLY LYNN WORTHINGTON	
	Appeal from an order of the Supreme Court, Onondaga County (Kevin G. Young, J.), dated June 26, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition with prejudice.	
	PHILIP ROTHSCHILD, for MICHAEL EDWARD WORTHINGTON	Submitted
	JOSEPH PAUL MORAWSKI for HOLLY LYNN WORTHINGTON	Submitted
921.0 CAF 15-01298	VICTORIA THOMAS V JECARL ARMSTRONG	
	Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered June 24, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted custody and primary physical residence of the parties' children to petitioner.	
	JAMES A. HOBBS for ROSETTA BRYANT	5 minutes
	KATHLEEN P. REARDON for VICTORIA THOMAS	5 minutes

	TANYA CONLEY, ATTORNEY FOR CHILD	5 minutes
922.0 CAF 15-01134	RYAN J. ELLIOTT, SR. V BRITTANY ROSARIO	
	Appeal from an order of the Family Court, Oswego County (James K. Eby, J.), entered June 3, 2015 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted respondent legal and sole physical child custody.	
	LINDA M. CAMPBELL for RYAN J. ELLIOTT, SR.	Submitted
	JOHN A. CIRANDO for BRITTANY ROSARIO	10 minutes
	CATHERINE MARY SULLIVAN, ATTORNEY FOR CHILD	5 minutes
923.0 CAF 15-01492	JOSHUA HOUSE V SUSAN O'ROURKE	
	Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, J.), entered August 10, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that Susan O'Rourke shall have primary physical residence of the subject child.	
	JOHN J. RASPANTE for JOSHUA HOUSE	Submitted
	PAUL A. NORTON for SUSAN O'ROURKE	Submitted
	DOREEN ST. THOMAS, ATTORNEY FOR CHILD	Submitted
924.0 CA 16-00223	DARYL A. HANIFAN V COR DEVELOPMENT COMPANY, LLC	
	Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered April 27, 2015. The order denied the motion of defendants for summary judgment, attorney's fees, costs and disbursements.	
	L. DAMIEN COSTANZA for COR DEVELOPMENT COMPANY, LLC	15 minutes
	DARYL A. HANIFAN for HIMSELF	20 minutes
925.0 CA 15-00883	BRODERICK HART V ANTHONY ANNUCCI	
	Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), entered May 4, 2015 in a CPLR article 78 proceeding. The judgment dismissed the petition.	
	LEAH R. NOWOTARSKI for BRODERICK HART	Submitted
	ALLYSON B. LEVINE for ANTHONY ANNUCCI	Submitted
926.0 CA 15-01939	In the Matter of THE ESTATE OF MANSFIELD B. JORDON	
	Appeal from an order of the Surrogate's Court, Jefferson County (Peter A. Schwerzmann, S.), entered June 8, 2015. The order, among other things, denied the motion of respondent to dismiss the petition.	
	RALPH S. ALEXANDER for VERONICA T. REYES	10 minutes

**ANTHONY A. MARRONE, II, for NORMAN J. MOBLEY**

**15 minutes**

**927.0  
CA 16-00263**

**POMCO, INC.  
V  
HEALTHEDGE SOFTWARE, INC.**

**Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered August 10, 2015. The order granted in part defendant's motion for summary judgment.**

**EDWARD E. KOPKO for POMCO, INC.**

**15 minutes**

**MITCHELL J. KATZ for HEALTHEDGE SOFTWARE, INC.**

**15 minutes**

**928.0  
CA 16-00300**

**JOAN STEIN  
V  
SARKISIAN BROTHERS, INC.**

**Appeal from an order and partial judgment (one paper) of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 19, 2015. The order and partial judgment, among other things, denied the motion of defendant Sarkisian Brothers, Inc., seeking summary judgment dismissing plaintiff's complaint as against them.**

**ERIC M. KURTZ for SARKISIAN BROTHERS, INC.**

**15 minutes**

**IVAN KALTER for JOAN STEIN**

**15 minutes**

**DAY CALENDAR**  
**Wednesday, October 19, 2016 - 10:00 AM**  
**COURTROOM 2**

929.0  
TP 16-00074

**BRANDON KING**  
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 January 12, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for BRANDON KING Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI Submitted

930.0  
TP 16-00313

**MICHAEL FREDERICK**  
V  
**DOCCS**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Cayuga County [Thomas G. Leone, A.J.], entered February 24, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

MICHAEL FREDERICK for MICHAEL FREDERICK Submitted

MARCUS J. MASTRACCO for NYS DOCCS Submitted

931.0  
TP 16-00104

**JEFFREY JOSEPH**  
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 January 14, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for JEFFREY JOSEPH Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI Submitted

932.0  
KA 15-00647

**PEOPLE**  
V  
**TERRI T. HAVENS**

Appeal from an order of the Livingston County Court (Dennis S. Cohen, J.), entered February 26, 2016. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

JEANNIE MICHALSKI for TERRI T. HAVENS Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

933.0  
KA 15-00918

PEOPLE  
V  
RONALD GONYEAU, JR.

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered April 14, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

ROBERT TUCKER for RONALD GONYEAU, JR. Submitted

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

934.0  
KA 16-00078

PEOPLE  
V  
STEVEN P. BROCKWAY

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered July 31, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

SUSAN BETZJITOMIR for STEVEN P. BROCKWAY 15 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

935.0  
KA 16-00087

PEOPLE  
V  
STEVEN P. BROCKWAY

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered July 31, 2013. The judgment convicted defendant, upon his plea of guilty, of tampering with a witness in the third degree.

SUSAN BETZJITOMIR for STEVEN P. BROCKWAY Submitted

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

936.0  
KA 14-01243

PEOPLE  
V  
JOSEPH MACHADO

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered May 22, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (two counts), burglary in the first degree (two counts), grand larceny in the fourth degree (three counts) and unlawful imprisonment in the first degree.

STEPHEN J. BIRD for JOSEPH MACHADO 10 minutes

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

937.0  
KA 14-01981

PEOPLE  
V  
MARC MADORE

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered July 17, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree and criminal possession of a weapon in the third degree.

PATRICIA M. MCGRATH for MARC MADORE 5 minutes

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

938.0  
KA 16-00161

PEOPLE  
V  
ANTHONY WILLIAMS, III

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered September 29, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and unlawful possession of marihuana.

HERBERT L. GREENMAN for ANTHONY WILLIAMS, III 15 minutes

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

939.0  
KA 14-02102

PEOPLE  
V  
TOMMY L. MARTIN

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered October 28, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.

SHERRY A. CHASE for TOMMY L. MARTIN 10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

940.0  
CAF 14-01416

KELLY AMES HATCH-WALKER SETTLED  
V  
AARON MATTHEW WALKER

Appeal from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered July 3, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties shall have joint custody of the subject child.

HEIDI W. FEINBERG for KELLY AMES HATCH-WALKER

CHARLES J. GREENBERG for AARON MATTHEW WALKER

WENDY S. SISSON, ATTORNEY FOR CHILD

941.0  
CAF 15-01744

In the Matter of  
NANCY T.

Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered September 22, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.

CARL B. KUSTELL for LYNN T. 10 minutes

JANE E. LOVE for CHAUTAUQUA CO. DSS 10 minutes

NANCY ANN DIETZEN, ATTORNEY FOR CHILD 5 minutes

942.0  
CAF 15-00684

In the Matter of  
OMIA M.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered January 26, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, denied respondent's motion to set aside an order approving respondent's surrender of her five children.

EVELYNE A. O'SULLIVAN for TYKIA B. Submitted

	ELISABETH M. COLUCCI for ERIE CO. DSS	Submitted
	DEAN S. PULEO, ATTORNEY FOR CHILD	Submitted
943.0 CAF 15-01812	<b>In the Matter of GAIGE F.</b>	
	Appeal from an order of the Family Court, Niagara County (John F. Batt, J.), entered September 25, 2015 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, granted the petition for the temporary removal of the subject child	
	KATHLEEN E. CASEY for CAROLYN F.	Submitted
	ABRAHAM J. PLATT for NIAGARA CO. DSS	Submitted
	VINCENT R GINESTRE, ATTORNEY FOR CHILD	Submitted
944.0 CAF 14-01867	<b>In the Matter of NICKIE M.A.</b>	
	Appeal from an order of the Family Curt, Erie County (Lisa Bloch Rodwin, J.), entered October 8, 2014 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined respondent to be, at most, a notice father.	
	EVELYNE A. O'SULLIVAN for PABLO F.	Submitted
	JOSEPH T. JARZEMBEK for ERIE CO. DSS	10 minutes
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
945.0 CAF 14-01869	<b>In the Matter of PABLO A.</b>	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered October 8, 2014 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined respondent to be, at most, a notice father.	
	EVELYNE A. O'SULLIVAN for PABLO F.	Submitted
	JOSEPH T. JARZEMBEK for ERIE CO. DSS	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
946.0 CA 16-00236	<b>DAVID GOWIN V AVOX SYSTEMS, INC.</b>	
	Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered October 29, 2015. The order denied the motion of defendant for summary judgment.	
	VINCENT G. SACCOMANDO for AVOX SYSTEMS, INC.	10 minutes
	SCOTT MICHAEL DUQUIN for DAVID GOWIN	15 minutes
947.0 CA 15-01524	<b>KERRY A. DONOHUE V RICHARD BERNSTEIN</b>	<b>SETTLED</b>

Appeal from an order of the Supreme Court, Cattaraugus County (Michael L. Nenno, A.J.), entered December 2, 2014. The order, among other things, granted plaintiff's motion for reargument on the motion by defendant Richard Bernstein for summary judgment dismissing the complaint and upon reargument, the court reversed its prior determination granting summary judgment in favor of defendant Richard Bernstein and denied his motion for summary judgment.

JOSHUA P. RUBIN for RICHARD BERNSTEIN

JOHN A. COLLINS for KERRY A. DONOHUE

948.0  
CA 15-01525

KERRY A. DONOHUE                    **SETTLED**  
V  
RICHARD BERNSTEIN

Appeal from an order of the Supreme Court, Cattaraugus County (Michael L. Nenno, A.J.), entered July 23, 2015. The order, among other things, granted the motion of defendant Richard Bernstein for leave to reargue and granted in part his motion for summary judgment.

JOSHUA P. RUBIN for RICHARD BERNSTEIN

JOHN A. COLLINS for KERRY A. DONOHUE

949.0  
CA 15-01830

STATE OF NEW YORK  
V  
LERRYL SMITH

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered August 18, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that respondent is a dangerous sex offender requiring confinement and committed respondent to the custody of petitioner for confinement in a secure treatment facility.

MARGOT S. BENNETT for LERRYL SMITH

Submitted

LAURA ETLINGER for STATE OF NEW YORK

10 minutes

950.0  
CA 15-01831

STATE OF NEW YORK  
V  
LERRYL SMITH

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 18, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, denied respondent's motion to reargue.

MARGOT S. BENNETT for LERRYL SMITH

Submitted

LAURA ETLINGER for STATE OF NEW YORK

Submitted

951.0  
CA 15-01827

ANNA STRANGIO  
V  
T.M. MAGADDINO VASQUEZ

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered July 6, 2015. The order, insofar as appealed from, granted in part the motion of defendant for summary judgment.

JOHN A. COLLINS for ANNA STRANGIO

10 minutes

ALEX M. NEUROHR for T.M. MAGADDINO VASQUEZ

10 minutes

952.0  
CA 16-00239

**BRANDY KOCH**  
**V**  
**LISA A. RICHARDSON**

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 27, 2015. The order denied the motion of defendants Heather M. Griffith and William M. Griffith for summary judgment.

**MARTHA E. DONOVAN for HEATHER M. GRIFFITH**

**10 minutes**

**JAMES M. VANDETTE for BRANDY KOCH**

**10 minutes**

**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

**DAY CALENDAR**  
**Monday, October 24, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

975.0  
KA 12-02180

**PEOPLE**  
**V**  
**ARTHUR E. MASON**

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered July 18, 2012. The judgment convicted defendant, upon his plea of guilty, of forgery in the second degree.

GUY A. TALIA for ARTHUR E. MASON Submitted

PATRICIA L. DZIUBA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

976.0  
KA 13-00481

**PEOPLE**  
**V**  
**ARTHUR E. MASON**

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered July 18, 2012. The judgment convicted defendant, upon his plea of guilty, of bail jumping in the second degree

GUY A. TALIA for ARTHUR E. MASON Submitted

PATRICIA L. DZIUBA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

977.0  
KA 15-00099

**PEOPLE**  
**V**  
**NEDRA JONES**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered September 15, 2014. The judgment convicted defendant, upon her plea of guilty, of manslaughter in the first degree.

KRISTIN M. PREVE for NEDRA JONES Submitted

NICHOLAS T. TEXIDO for THE PEOPLE OF THE STATE OF NEW YORK Submitted

978.0  
KA 16-00854

**PEOPLE**  
**V**  
**RICHARD A. RODAS, JR.**

Appeal from an order of the Yates County Court (W. Patrick Falvey, J.), dated April 7, 2016. The order, insofar as appealed from, granted the motion of defendant to suppress certain statements.

DAVID G. MASHEWSKE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

TIFFANY M. SORGEN for RICHARD A. RODAS, JR. 5 minutes

979.0  
KA 15-00601

**PEOPLE**  
**V**  
**PATRICK J. DAILEY**

Appeal from a judgment of the Niagara County Court (Sara Sheldon Farkas, J.), rendered February 27, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted sexual abuse in the first degree.

JOSEPH G. FRAZIER for PATRICK J. DAILEY Submitted

	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
982.0 KA 13-01619	<b>PEOPLE</b> V <b>ANTHONY FORD</b>	
	Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 6, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree (two counts).	
	PHILIP ROTHSCHILD, for ANTHONY FORD	10 minutes
	JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
983.0 KA 11-01389	<b>PEOPLE</b> V <b>JEFFREY B. HOUGHTALING</b>	
	Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered July 6, 2010. The judgment convicted defendant, upon a jury verdict, of bail jumping in the second degree	
	CHARLES J. GREENBERG for JEFFREY B. HOUGHTALING	10 minutes
	R. MICHAEL TANTILLO for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
984.0 KA 13-00893	<b>PEOPLE</b> V <b>KAAZIM F. FREEMAN</b>	
	Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered March 12, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.	
	THOMAS B. BENNETT for KAAZIM F. FREEMAN	15 minutes
	ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
985.0 KA 14-01622	<b>PEOPLE</b> V <b>TYWAN HOWINGTON</b>	
	Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered June 23, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.	
	LUCILLE M. RIGNANESE for TYWAN HOWINGTON	15 minutes
	ROMANA A. LAVALAS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
986.0 KA 12-01527	<b>PEOPLE</b> V <b>MATTHEW V. NOCE</b>	
	Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered July 25, 2012. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.	
	JANET C. SOMES for MATTHEW V. NOCE	10 minutes
	DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes

987.0  
CA 15-02127

**EDWARD J. CAZA**  
V  
**L.P. CIMINELLI CONSTRUCTION COMPANY**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered September 15, 2015. The order, among other things, granted defendants' motion for summary judgment dismissing plaintiffs' complaint.

**MICHAEL J. SKONEY** for **EDWARD J. CAZA** 15 minutes

**PATRICK J. HINES** for **L.P. CIMINELLI CONSTRUCTION COMPANY** 10 minutes

988.0  
CA 16-00362

**STEPHEN P. FRANCIS** **SETTLED**  
V  
**NBT BANK**

Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered June 3, 2015. The order, among other things, denied in part the motion of defendant NBT Bank for summary judgment.

**DANIEL R. NORTON** for **NBT BANK**

**STEPHEN P. FRANCIS** for **HIMSELF**

989.0  
CA 16-00139

**JEAN GREFRATH**  
V  
**MICHAEL A. DEFELICE**

Appeal from an order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered May 27, 2015. The order granted the motions of defendant Michael A. DeFelice, individually and doing business as Michael Anthony's Salon, and Evelyn Mager, individually and as executrix of the Estate of Leo S. Mager, deceased, for summary judgment.

**BLAKE ZACCAGNINO** for **JEAN GREFRATH** 15 minutes

**MARK C. RODGERS** for **MICHAEL A. DEFELICE** 15 minutes

**JAMES J. NASH** for **EVELYN MAGER** 10 minutes

990.0  
CA 16-00252

**WILLIAM J. KUHN**  
V  
**WILLIAM GIOVANNIELLO**

Appeal from an order of the Supreme Court, Steuben County (Peter C. Bradstreet, A.J.), entered May 7, 2015. The order granted the motion of defendants for summary judgment, dismissed the complaint and denied the cross motion of plaintiff for partial summary judgment.

**WILLIAM WHITAKER PULOS** for **WILLIAM J. KUHN** 10 minutes

**THOMAS PAUL DURKIN** for **WILLIAM GIOVANNIELLO** 10 minutes

991.0  
CA 16-00338

**SARAH MCKEON**  
V  
**MCLANE COMPANY, INC.**

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered January 12, 2016. The order denied the motion of defendants McLane Company, Inc., Transco, Inc. and Steven M. Peppenelli for summary judgment dismissing the complaint.

**KAREN J. KROGMAN DAUM** for **MCLANE COMPANY, INC.** Submitted

	JEREMY M. SHER for SARAH MCKEON	10 minutes
992.0 CA 15-01801	<b>TIMOTHY SHERMAN</b> V <b>ST. ELIZABETH MEDICAL CENTER</b>	
	Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered July 8, 2015. The order, insofar as appealed from, granted the motion of defendant St. Elizabeth Medical Center to deem the original complaint to be the active pleading and denied the cross motion of plaintiff for leave to file and serve an amended complaint.	
	STEPHANIE A. PALMER for TIMOTHY SHERMAN	10 minutes
	MATTHEW J. VANBEVEREN for ST. ELIZABETH MEDICAL CENTER	Submitted
	ANNE-JO MCTAGUE for KEVIN LAMPHERE, R.N.	Submitted
993.0 CA 15-01714	<b>STATE OF NEW YORK</b> V <b>SCOTT PETERS</b>	
	Appeal from an order of the Supreme Court, Cattaraugus County (John L. Michalski, J.), entered April 3, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, committed respondent to a secure treatment facility.	
	NICHOLAS P. DIFONZO for SCOTT PETERS	10 minutes
	LAURA ETLINGER for STATE OF NEW YORK	10 minutes
994.0 CA 16-00178	<b>MICHELE MOORE-HAARR</b> V <b>Z-AXIS, INC.</b>	
	Appeal from an order of the Supreme Court, Ontario County (Matthew A. Rosenbaum, J.), entered August 17, 2015. The order, insofar as appealed from, denied the motion of defendant Z-Axis, Inc., for summary judgment and granted the cross motion of plaintiff to compel responses to her notice to admit.	
	SCOTT ROGOFF for Z-AXIS, INC.	10 minutes
	JOSEPH B. RIZZO for MICHELE MOORE-HAARR	15 minutes
995.0 CA 16-00292	<b>EMMA B. SCHUVER</b> V <b>PAMELA LODESTRO</b>	
	Appeal from an order of the Supreme Court, Chautauqua County (Stephen W. Cass, A.J.), entered May 29, 2015. The order, insofar as appealed from, denied the motion of defendant Pamela Lodestro to dismiss plaintiff's second, third and, in part, fourth, fifth and sixth causes of action.	
	JOSEPH M. CALIMERI for PAMELA LODESTRO	10 minutes
	DARYL BRAUTIGAM for EMMA B. SCHUVER	10 minutes
996.0 CA 15-01410	<b>PETER J. RUSSELL</b> V <b>JASON T.</b>	

**Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered July 20, 2015. The order, inter alia, granted the application of petitioner for authorization to administer medication to respondent over his objection.**

**BRYCE THERRIEN for JASON T.**

**15 minutes**

**PARICK A. WOODS for PETER J. RUSSELL**

**10 minutes**

**DAY CALENDAR**  
**Tuesday, October 25, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

997.0  
KA 13-02158

**PEOPLE**  
**V**  
**JAMES KNIGHTON**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered September 23, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of marihuana in the third degree.

PIOTR BANASIAK for JAMES KNIGHTON Submitted

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

998.0  
KA 13-02159

**PEOPLE**  
**V**  
**JAMES KNIGHTON**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered September 23, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

PIOTR BANASIAK for JAMES KNIGHTON Submitted

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

999.0  
KA 15-00018

**PEOPLE**  
**V**  
**NICHOLE M. MCKERROW**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered October 8, 2014.. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

NICHOLAS P. DIFONZO for NICHOLE M. MCKERROW Submitted

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

1000.0  
KA 14-02131

**PEOPLE**  
**V**  
**DARRYL ANDERSON**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered October 21, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree

TIMOTHY P. MURPHY for DARRYL ANDERSON Submitted

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1001.0  
KA 15-00728

**PEOPLE**  
**V**  
**DAVID O. RIVERA**

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered March 19, 2015. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

JAMES ECKERT for DAVID O. RIVERA Submitted

	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1002.0 KA 13-01957	PEOPLE V ERIC HARRIS	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered October 11, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.	
	KRISTEN MCDERMOTT for ERIC HARRIS	Submitted
	JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1003.0 KA 14-00087	PEOPLE V RONALD THOMAS	
	Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Joseph E. Fahey, J.), entered December 18, 2014. The order denied the motion of defendant pursuant to CPL article 440.	
	PHILIP ROTHSCHILD for RONALD THOMAS	15 minutes
	ROMANA A. LAVALAS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1004.0 KA 15-00646	PEOPLE V RICKY GRACE	
	Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered November 26, 2014. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree (three counts), assault in the first degree (three counts), criminal use of a firearm in the first degree (three counts) and criminal possession of a weapon in the second degree.	
	KATHRYN B. FRIEDMAN for RICKY GRACE	10 minutes
	DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1005.0 KA 14-01971	PEOPLE V DEVON SCOTT	
	Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered August 8, 2013. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.	
	ROBERT L. KEMP for DEVON SCOTT	10 minutes
	NICHOLAS T. TEXIDO for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
1006.0 KA 13-00493	PEOPLE V JON T. FONTAINE	
	Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered November 1, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.	
	JANET C. SOMES for JON T. FONTAINE	10 minutes

1007.0 KA 14-00670	<p><b>DANIEL A. GROSS</b> for THE PEOPLE OF THE STATE OF NEW YORK</p> <p><b>PEOPLE</b> V <b>MILES S. MITCHELL</b></p> <p>Appeal from a judgment of the Monroe County Court (Thomas E. Moran, J.), rendered October 29, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), attempted robbery in the first degree, attempted robbery in the second degree and criminal possession of a weapon in the second degree (two counts).</p>	10 minutes
	<p><b>SHIRLEY A. GORMAN</b> for MILES S. MITCHELL</p> <p><b>NANCY GILLIGAN</b> for THE PEOPLE OF THE STATE OF NEW YORK</p>	10 minutes 10 minutes
1008.0 CAF 15-01015	<p><b>JOHN F. LEWIS</b> V <b>STEFANY V. LEWIS</b></p> <p>Appeal and cross appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered March 17, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied the respective objections of the parties to the decision and order of a Support Magistrate.</p>	
	<p><b>RANDEL A. SCHARF</b> for STEFANY V. LEWIS</p> <p><b>DONALD J. MURPHY</b> for JOHN F. LEWIS</p>	10 minutes 10 minutes
1009.0 CA 15-02060	<p><b>RJW ENTERPRISES, INC.</b> V <b>P.J. SIMAO</b></p> <p>Appeals from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered February 12, 2015. The order, among other things, granted plaintiff's motion for summary judgment.</p>	<b>SETTLED</b>
	<p><b>DAVID TEMES</b> for P.J. SIMAO</p> <p><b>RICHARD T. TUCKER</b> for RJW ENTERPRISES, INC.</p>	
1011.0 CA 16-00356	<p><b>MEHMET CANAL</b> V <b>ABDULAZIZ MUNASSAR</b></p> <p>Appeal from an order of the Supreme Court, Monroe County (John M. Owens, A.J.), entered July 29, 2015. The order denied the motion of plaintiff for summary judgment and granted the motion of defendant Abdulaziz Munassar for summary judgment dismissing the amended complaint.</p>	
	<p><b>STEVEN EDWARD FEDER</b> for MEHMET CANAL</p> <p><b>ANTHONY P. LAFAY</b> for ABDULAZIZ MUNASSAR</p>	10 minutes 10 minutes
1012.0 CA 14-01777	<p><b>FRANK GARCIA</b> V <b>ANTHONY ANNUCCI</b></p> <p>Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered July 15, 2014. The judgment confirmed the determination of respondent and dismissed the petition.</p>	
	<p><b>FRANK GARCIA</b> for HIMSEFL</p>	Submitted

	KATE H. NEPVEU for ANTHONY ANNUCCI	Submitted
1013.0 CA 15-01958	<b>MALACHI FICEK</b> V <b>AKRON CENTRAL SCHOOL DISTRICT</b>	
	Appeals from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered August 6, 2015. The order granted the application of plaintiff for leave to serve a late notice of claim.	
	CHRISTINE GASSER for AKRON CENTRAL SCHOOL DISTRICT	15 minutes
	BRENN A C. GUBALA for SALAMANCA CITY CENTRAL SCHOOL DISTR	10 minutes
	JOHN I. LAMANCUSO for MALACHI FICEK	15 minutes
1014.0 CA 16-00226	<b>JOHN M. LACEY</b> V <b>CITY OF SYRACUSE</b>	
	Appeal and cross appeal from an amended order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered July 22, 2015. The amended order denied the motion of defendants and the cross motion of plaintiff for summary judgment and granted the motion of defendants for a bifurcated trial.	
	SIDNEY P. COMINSKY for JOHN M. LACEY	15 minutes
	JOSEPH R. H. DOYLE for CITY OF SYRACUSE	15 minutes
1015.0 CA 15-01197	<b>JOAQUINA MOSES</b> V <b>GEICO INSURANCE COMPANY</b>	
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered September 15, 2014. The order, among other things, granted defendant's motion for summary judgment dismissing the complaint.	
	STEPHEN C. HALPERN for JOAQUINA MOSES	15 minutes
	LAUREN GAUTHIER for GEICO INSURANCE COMPANY	15 minutes
1016.0 CA 16-00108	<b>JULIANNE RIZZO</b> V <b>NATIONAL VACUUM CORP.</b>	
	Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered March 26, 2015. The order granted the motion of defendant National Vacuum Corp, for summary judgment.	
	DAVID HAKAN ELIBOL for JULIANNE RIZZO	15 minutes
	STEVEN W. KLUTKOWSKI for NATIONAL VACUUM CORP.	15 minutes
1017.0 CA 15-02096	<b>ZOLTAN SZALAY</b> V <b>TOWN OF WEBSTER POLICE DEPARTMENT</b>	
	Appeal from an order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered August 12, 2015. The order denied the motion of plaintiffs for summary judgment, granted the motion of defendants to dismiss the complaint and dismissed the complaint.	

ZOLTAN SZALAY for HIMSELF

Submitted

DEBRA SZALAY for HERSELF

Submitted

BRENNA C. GUBALA for TOWN OF WEBSTER POLICE DEPARTMENT

10 minutes

1010.0  
CA 15-01022

DEBORAH DRAKE

V

RICHARD MUNDRICK

Appeal and cross appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Elma A. Bellini, J.), entered April 27, 2015. The order and judgment, inter alia, distributed certain assets of defendant to respondent.

MAUREEN A. PINEAU for DEBORAH DRAKE

10 minutes

STUART L. LEVISON for RICHARD MUNDRICK

10 minutes

**DAY CALENDAR**  
**Wednesday, October 26, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1018.0  
TP 16-00258

**MAURICE JONES**  
V  
**ANTHONY J. ANNUCCI**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered February 16, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

**MAURICE JONES for HIMSELF** Submitted

**MARCUS J. MASTRACCO for ANTHONY J. ANNUCCI** Submitted

1019.0  
TP 16-00131

**RALPH DOMINQUEZ**  
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 January 25, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

**LEAH R. NOWOTARSKI for RALPH DOMINQUEZ** Submitted

**MARCUS J. MASTRACCO for ANTHONY ANNUCCI** Submitted

1020.0  
TP 16-00116

**JERRY GILLARD**  
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 January 14, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

**LEAH R. NOWOTARSKI for JERRY GILLARD** Submitted

**MARCUS J. MASTRACCO for ANTHONY ANNUCCI** Submitted

1021.0  
KA 15-00042

**PEOPLE**  
V  
**TIFFANY J. ERNST**

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered December 16, 2014. The judgment convicted defendant, upon her plea of guilty, of burglary in the third degree and petit larceny.

**DAVID P. ELKOVITCH for TIFFANY J. ERNST** Submitted

**BRIAN THOMAS LEEDS for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

1022.0  
KA 15-00925

PEOPLE  
V  
MICHAEL A. HEWITT

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered March 20, 2015. The judgment convicted defendant, upon a jury verdict, of criminal obstruction of breathing (two counts) and assault in the third degree.

JOSEPH G. FRAZIER for MICHAEL A. HEWITT

Submitted

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

Submitted

1023.0  
KA 14-01612

PEOPLE  
V  
JIBRAUN M. MOSTILLER

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered July 16, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.

BARBARA J. DAVIES for JIBRAUN M. MOSTILLER

10 minutes

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

10 minutes

1024.0  
KA 15-01680

PEOPLE  
V  
MICHAEL A. HEAD

OVER THE TERM

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered July 8, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts).

LEAH NOWOTARSKI for JERRY T. SADDLER, JR.

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

1025.0  
KA 14-01504

PEOPLE  
V  
RAYSHAWN BETHANY

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered July 28, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

BENJAMIN L. NELSON for RAYSHAWN BETHANY

10 minutes

KATHARINE S. LAVIN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1026.0  
KA 14-00698

PEOPLE  
V  
WILLIAM PLUME

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Cattaraugus County Court (Ronald D. Ploetz, J.), entered February 19, 2014. The order denied the motion of defendant to set aside his sentence pursuant to CPL 440.20.

	NICHOLAS P. DIFONZO for WILLIAM PLUME	10 minutes
	LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1027.0 KA 14-01324	<b>PEOPLE</b> V <b>SCOTT WENDEL</b>	
	Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered February 25, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree,	
	TIMOTHY P. MURPHY for SCOTT WENDEL	10 minutes
	ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1028.0 CAF 14-01924	<b>TORRENCE P. CURRY</b> V <b>LATOYA D. REESE</b>	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered October 3, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted the petition for modification and awarded petitioner sole custody of the subject child.	
	ELIZABETH J. CIAMBRONE for LATOYA D. REESE	Submitted
	CHARLES J. MARCHESE for TORRENCE P. CURRY	Submitted
	ALVIN M. GREENE, ATTORNEY FOR CHILD	5 minutes
1029.0 CAF 15-00843	<b>PAULA L. GIBBS</b> V <b>ROBERT LEE GIBBS</b>	
	Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered April 13, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objection to the order of the Support Magistrate.	
	PAULA L. GIBBS for HERSELF	Submitted
	TIMOTHY R. LOVALLO for ROBERT LEE GIBBS	5 minutes
1030.0 CAF 15-00093	<b>In the Matter of</b> <b>KENDALLE K.</b>	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered November 17, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, transferred guardianship and custody of the subject child to petitioner.	
	DAVID J. PAJAK for CORIN K.	Submitted
	ERIC R. ZIOBRO for ERIE CO. DSS	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
1031.0 CAF 15-00547	<b>JEREMY D. OTROSINKA</b> V <b>CHRISTIAN HAGEMAN</b>	
	Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered March 18, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, dismissed the petition.	

	ELIZABETH J. CIAMBRONE for JEREMY D. OTROSINKA	Submitted
	CHRISTIAN HAGEMAN for HIMSELF	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	10 minutes
1032.0 CAF 15-00294	<b>In the Matter of TRISTYN R.</b>	
	Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered January 9, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, granted custody of the subject child to Jenna W. and Trevor W.	
	LYLE T. HAJDU for JACQUELINE Z.	Submitted
	WENDY G. PETERSON for CATTARAUGUS CO. DSS	Submitted
	MICHAEL D. BURKE, ATTORNEY FOR CHILD	Submitted
1033.0 CAF 15-00564	<b>In the Matter of TRISTYN R.</b>	
	Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered March 24, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, granted custody of Addasyn R. and Tristyn R. to Jenna W. and Trevor W.	
	LYLE T. HAJDU for JACQUELINE Z.	Submitted
	GERALD J. VELLA for JENNA W.	Submitted
	MICHAEL D. BURKE, ATTORNEY FOR CHILD	Submitted
1034.0 CA 15-02041	<b>PATRICK KINGSTON V CARDINAL O'HARA HIGH SCHOOL</b>	
	Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), entered September 10, 2015. The order denied the motion of plaintiff for partial summary judgment and granted the cross motion of defendants for summary judgment.	
	ANNE M. WHEELER for PATRICK KINGSTON	10 minutes
	THOMAS JOSEPH SPEYER for CARDINAL O'HARA HIGH SCHOOL	15 minutes
	MEGHAN BROWN for THE BOYS AND GIRLS CLUB	15 minutes
1035.0 CA 16-01067	<b>ALEX MURDOCK V R&amp;P OAK HILL, DEVELOPMENT LLC.</b>	
	Appeal and cross appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered September 11, 2015. The order denied in part defendant's motion for summary judgment and denied plaintiffs' cross motion for partial summary judgment.	
	ROBERT J. MARANTO, JR., for ALEX MURDOCK	15 minutes
	PATRICK J. HINES for R&P OAK HILL, DEVELOPMENT LLC.	15 minutes
1036.0 CA 16-01066	<b>RENEE WANTUCK V CITY OF BUFFALO</b>	

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered September 3, 2015. The order granted the motion of defendant for summary judgment and dismissed the complaint.

JACLYN F. SILVER for RENEE WANTUCK

10 minutes

DAVID M. LEE for CITY OF BUFFALO

Submitted

1037.0  
CA 15-01959

JAMES R. WITTMAN

V

LANCASTER CENTRAL SCHOOL DISTRICT

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered September 2, 2015. The order, insofar as appealed from, granted the motion of defendant Lancaster Central School District Board of Education and dismissed the complaint against said defendant.

BRADLEY D. MARBLE for JAMES R. WITTMAN

15 minutes

JENNA W. KLUCSIK, for LANCASTER CSD

15 minutes

1038.0  
CA 15-02019

NICHOLAS GRANTO

V

CITY OF NIAGARA FALLS

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 2, 2015 pursuant to a CPLR article 78 proceeding. The order granted the motion of respondent to dismiss and dismissed the petition.

SEAN MACKENZIE for NICHOLAS GRANTO

15 minutes

CHRISTOPHER M. MAZUR for CITY OF NIAGARA FALLS

10 minutes

1039.0  
CA 15-02020

NICHOLAS GRANTO

V

CITY OF NIAGARA FALLS

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered November 30, 2015. The order denied the motion of petitioners for renewal.

SEAN MACKENZIE for NICHOLAS GRANTO

Submitted

CHRISTOPHER M. MAZUR for CITY OF NIAGARA FALLS

Submitted

**DAY CALENDAR**  
**Wednesday, October 26, 2016 - 10:00 AM**  
**COURTROOM 2**

1060.0  
CA 16-00502

**ONE FLINT ST. LLC**  
V  
**EXXON MOBIL CORPORATION**

Appeal and cross appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered March 4, 2016. The order, among other things, denied the cross motion of plaintiff DHD Ventures New York, LLC for summary judgment and denied the cross motion of defendants Exxon Mobile Corporation and Exxon Mobile Oil Corporation for summary judgment.

PATRICIA PREZIOSO for EXXON MOBIL CORPORATION

20 minutes

ALAN J. KNAUF for ONE FLINT ST. LLC

20 minutes

1040.0  
TP 16-00314

**ALLAH JUSTICE**  
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 III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for ALLAH JUSTICE

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

1041.0  
TP 16-00140

**LEROY JOHNSON**  
V  
**JOHN B. LEMPKE**

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 [Christopher J. Burns, J.], entered January 20, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

LEROY JOHNSON for HIMSELF

Submitted

MARCUS J. MASTRACCO for JOHN B. LEMPKE

Submitted

1042.0  
TP 16-00257

**DEVIN GRAY**  
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 February 18, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for DEVIN GRAY

Submitted

	<b>MARCUS J. MASTRACCO for ANTHONY ANNUCCI</b>	<b>Submitted</b>
<b>1043.0</b> <b>KA 15-00156</b>	<b>PEOPLE</b> <b>V</b> <b>JON ANDERSON</b>	
	Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered November 17, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.	
	<b>BARBARA J. DAVIES for JON ANDERSON</b>	<b>Submitted</b>
	<b>DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>1044.0</b> <b>KA 15-00727</b>	<b>PEOPLE</b> <b>V</b> <b>DONALD E. GIFFORD</b>	
	Appeal from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), entered March 23, 2015. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.	
	<b>JAMES ECKERT for DONALD E. GIFFORD</b>	<b>Submitted</b>
	<b>NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>1045.0</b> <b>KA 14-01169</b>	<b>PEOPLE</b> <b>V</b> <b>TOMMY BRUNSON</b>	
	Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered July 2, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.	
	<b>PHILIP ROTHSCHILD for TOMMY BRUNSON</b>	<b>10 minutes</b>
	<b>JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1046.0</b> <b>KA 16-00297</b>	<b>PEOPLE</b> <b>V</b> <b>SHANE CARLSON</b>	
	Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered October 21, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree, criminally using drug paraphernalia in the second degree, assault in the second degree, tampering with physical evidence, resisting arrest and driving while ability impaired by combined influence of drugs or of alcohol and any drugs or drugs.	
	<b>MICHAEL A. GARZO, JR., for SHANE CARLSON</b>	<b>15 minutes</b>
	<b>JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>5 minutes</b>
<b>1047.0</b> <b>KA 14-02296</b>	<b>PEOPLE</b> <b>V</b> <b>TODD M. COLLINS</b>	
	Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered December 15, 2014. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree.	
	<b>BRIAN SHIFFRIN for TODD M. COLLINS</b>	<b>15 minutes</b>

	<b>JAMES B. RITTS for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1048.0</b> <b>KA 13-00526</b>	<b>PEOPLE</b> <b>V</b> <b>KENNETH L. BOYD</b>	
	<b>Appeal from a judgment of the Monroe County Court (Alex R. Renzi, J.), rendered January 16, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree (two counts), criminal possession of a controlled substance in the third degree and criminal use of drug paraphernalia in the second degree (two counts).</b>	
	<b>JOHN G. MCCARTHY for KENNETH L. BOYD</b>	<b>10 minutes</b>
	<b>LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1049.0</b> <b>KA 13-02163</b>	<b>PEOPLE</b> <b>V</b> <b>WILLIE L. BROWN, JR.</b>	
	<b>Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered September 4, 2013. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and criminal possession of a weapon in the fourth degree.</b>	
	<b>PHILIP ROTHSCHILD for WILLIE L. BROWN, JR.</b>	<b>15 minutes</b>
	<b>VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>1050.0</b> <b>CAF 15-01559</b>	<b>In the Matter of</b> <b>MATIGAN G.</b>	
	<b>Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered August 11, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent neglected the subject children.</b>	
	<b>NANCY FARRELL for SARA E. W.-G.</b>	<b>10 minutes</b>
	<b>MAGGIE SEIKALY for ONONDAGA CO. DSS</b>	<b>Submitted</b>
	<b>LAURA ESTELA CARDONA, ATTORNEY FOR CHILD</b>	<b>5 minutes</b>
<b>1051.0</b> <b>CAF 15-00987</b>	<b>NICOLE M. HONSBERGER</b> <b>V</b> <b>JOSEPH R. HONSBERGER</b>	
	<b>Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, A.J.), entered March 9, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint custody of the subject child with primary physical placement to respondent.</b>	
	<b>SUSAN JONES, ATTORNEY FOR CHILD</b>	<b>5 minutes</b>
	<b>MARGARET MCMULLEN RESTON for NICOLE M. HONSBERGER</b>	<b>10 minutes</b>
	<b>DAVID J. WHITCOMB for JOSEPH R. HONSBERGER</b>	<b>5 minutes</b>
<b>1052.0</b> <b>CAF 15-00900</b>	<b>AMY R. CANOUGH</b> <b>V</b> <b>TODD R. TRAINHAM</b>	

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered May 8, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied the objections of respondent to an order of a Support Magistrate.

JOHN A. CIRANDO for TODD R. TRAINHAM

10 minutes

LOU ANNE RUCYNSKI COLEMAN for AMY R. CANOUGH

Submitted

1053.0  
CAF 15-00376

**In the Matter of  
TRINITY E.**

Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered February 4, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.

KIMBERLY F. DUGUAY for ROBERT E.

10 minutes

CAROL LYNN EISENMAN for MONROE CO. DSS

5 minutes

PAUL B. WATKINS, ATTORNEY FOR CHILD

5 minutes

1055.0  
CA 16-01077

**In the Matter of  
TOWN OF GREECE  
(THE UNIFORMED PATROLMEN'S ASSOC.)**

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered October 28, 2015. The order denied the petition for a stay of grievance arbitration.

KYLE W. STURGESS for TOWN OF GREECE

10 minutes

MICHAEL F. GERACI for THE UNIFORMED PATROLMEN'S ASSOC.

10 minutes

1057.0  
CA 16-00344

**MARK D. WELLS  
V  
THE HURLBURT ROAD COMPANY, LLC**

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered May 19, 2015. The order, among other things, granted defendants' motion to dismiss plaintiff's second cause of action.

JANA K. MCDONALD for MARK D. WELLS

10 minutes

JULIAN B. MODESTI for THE HURLBURT ROAD COMPANY, LLC

10 minutes

1058.0  
CA 15-01483

**ONEWEST BANK, FSB  
V  
STEVEN D. SPENCER**

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered February 2, 2015. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment against defendant Donna S. Spencer and granted the cross motion of Donna S. Spencer for summary judgment dismissing all claims against her.

JOHN A. MANCUSO for ONEWEST BANK, FSB

15 minutes

REID A. HOLTER for DONNA S. SPENCER

10 minutes

1059.0  
CA 15-01484

**ONEWEST BANK, FSB  
V  
STEVEN D. SPENCER**

**Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered July 13, 2015. The order settled the record for an appeal from an order entered February 2, 2015.**

**JOHN A. MANCUSO for ONEWEST BANK, FSB**

**Submitted**

**REID A. HOLTER for DONNA S. SPENCER**

**Submitted**

**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