

**DAY CALENDAR**  
**Wednesday, September 9, 2015 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

924.0  
KA 11-00791

**PEOPLE**  
**V**  
**SYLVESTER BRITT, JR.**

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered February 16, 2011. The judgment convicted defendant, upon a nonjury verdict, of assault in the second degree, resisting arrest and petit larceny (two counts).

**MARK CHRISTOPHER DAVISON for SYLVESTER BRITT, JR.** 10 minutes

**DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

925.0  
KA 13-01483

**PEOPLE**  
**V**  
**JESSIE MEDLEY**

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered June 11, 2013. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree and criminal possession of a weapon in the third degree.

**KRISTIN M. PREVE for JESSIE MEDLEY** 10 minutes

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

926.0  
KA 12-01658

**PEOPLE**  
**V**  
**MARCO D. COLES**

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered July 12, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

**KIMBERLY F. DUGUAY for MARCO D. COLES** Submitted

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

927.0  
KA 14-01543

**PEOPLE**  
**V**  
**MARCOS A. MUESES**

Appeal from an order of the Supreme Court, Erie County (M. William Boller, A.J.), dated April 17, 2014. The order granted defendant's motion to suppress physical evidence.

**MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK** 5 minutes

**SUSAN C. MINISTERO for MARCOS A. MUESES** 5 minutes

928.0  
KA 11-01336

**PEOPLE**  
**V**  
**TYRELL D. SIMMONS**

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, rendered April 26, 2011. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

	BRIDGET L. FIELD for TYRELL D. SIMMONS	10 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
929.0 KA 11-00192	<b>PEOPLE</b> V <b>JEFFREY T. RUSSELL</b>	
	Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered November 30, 2010. The judgment convicted defendant, upon his plea of guilty, of arson in second degree and arson in the third degree.	
	JOHN A. CIRANDO for JEFFREY T. RUSSELL	10 minutes
	MELVIN BRESSLER for THE PEOPLE OF THE STATE OF NEW YORK	15 minutes
930.0 KA 11-00193	<b>PEOPLE</b> V <b>JEFFREY T. RUSSELL</b>	
	Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered November 30, 2010. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.	
	JOHN A. CIRANDO for JEFFREY T. RUSSELL	Submitted
	MELVIN BRESSLER for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
931.0 CA 15-00357	<b>DEANNA ZEGARELLI-PECHONE</b> V <b>NEW HARTFORD CENTRAL SCHOOL DIST.</b>	
	Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered June 10, 2014. The order, among other things, denied in part defendant's motion for summary judgment.	
	FRANK W. MILLER for NEW HARTFORD CENTRAL SCHOOL DIST.	15 minutes
	MARK A. WOLBER for DEANNA ZEGARELLI-PECHONE	Submitted
932.0 CA 15-00356	<b>THOMAS O. FITZGERALD</b> V <b>SMS/800, INC.</b>	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered May 15, 2014. The order, among other things, denied defendant's motion to dismiss the amended complaint.	
	IVAN NOVICH for SMS/800, INC.	15 minutes
	JEFFREY J. CALABRESE for THOMAS O. FITZGERALD	15 minutes
933.0 OP 15-00258	<b>PAUL BECALLO</b> V <b>JESSICA ZAMBRANO</b>	
	Proceeding pursuant to Public Officers Law § 36 (initiated in the Appellate Division of the Supreme Court for the Fourth Judicial Department on February 10, 2015) for the removal of respondent from the public office of Supervisor for the Town of Cicero.	
	PAUL BECALLO for HIMSELF	Submitted
	LISA DIPOALA HABER for JESSICA ZAMBRANO	10 minutes

934.0  
CA 15-00113

**CERTIFIED ROAD CONSTRUCTORS, INC.**  
**V**  
**TOWN OF RUSSIA ZONING BOARD OF APPEALS**

Appeal from an order and judgment of the Supreme Court, Herkimer County (Norman I. Siegel, J.), entered April 16, 2014. The order and judgment dismissed and denied the CPLR article 78 petition.

ANDREW W. GILCHRIST for CERTIFIED ROAD CONSTRUCTORS, INC. 10 minutes

WILLIAM P. SCHMITT for TOWN OF RUSSIA ZONING BD. OF APPEALS 10 minutes

935.0  
CA 14-02232

**In the Matter of**  
**ERIC SVENSON**  
**(RICHARD B. SWEGAN)**

Appeal from an order and judgment of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered September 14, 2014. The order and judgment, inter alia, confirmed an arbitrator's award of compensatory damages.

PAUL V. WEBB, JR., for ERIC SVENSON 10 minutes

STEPHEN ELMER SELLSTROM for RICHARD B. SWEGAN 10 minutes

936.0  
CA 14-01767

**PHILLIP WOLFE**  
**V**  
**WAYNE-DALTON CORPORATION**

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered December 4, 2013. The order, among other things, granted plaintiff's motion for partial summary judgment as against defendants Joanne Leska and Robert Tarson, Jr.

MATTHEW E. WHRITENOUR for ROBERT D. TARSON, SR. 15 minutes

ROBERT A. QUATTROCCI for PHILLIP WOLFE 10 minutes

937.0  
TP 15-00390

**CARL A. MONTI**  
**V**  
**NEW YORK STATE DIVISION OF HUMAN RIGHTS**

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Shirley Troutman, J.], entered March 4, 2015) to review a determination of respondent New York State Division of Human Rights. The determination adopted the recommended order of the administrative law judge dismissing petitioner's claim.

LINDY KORN for CARL A. MONTI 10 minutes

ERIC T. SCHNEIDERMAN for NYS DIVISION OF HUMAN RIGHTS Submitted

MAIREAD ELLEN CONNOR for SERVICE EMPLOYEES INTERNATIONAL 15 minutes

938.0  
CA 14-00967

**CAYUGA NATION** **SETTLED**  
**V**  
**WILLIAM J. JACOBS**

Appeal from a decision and judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered May 19, 2014. The decision and judgment denied and dismissed the motions of plaintiffs for a preliminary injunction and contempt and granted the motion of defendants to dismiss the complaint for lack of subject matter jurisdiction.

DAVID W. DEBRUIN for CAYUGA NATION

JOSEPH J. HEATH for WILLIAM J. JACOBS

939.0  
CA 14-01544

CAYUGA NATION  
V  
WILLIAM J. JACOBS

**SETTLED**

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered June 25, 2014. The order denied the application of plaintiffs for a preliminary injunction, granted the motion of defendants to dismiss for lack of subject matter jurisdiction and dismissed the case.

DAVID W. DEBRUIN for CAYUGA NATION

JOSEPH J. HEATH for WILLIAM J. JACOBS

940.0  
CA 15-00411

BRIARWOOD MANOR PROPERTY LLC  
V  
COUNTY OF NIAGARA

Appeal from an amended decision and order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered May 21, 2014. The amended decision and order granted the motions of defendants to dismiss the complaint.

GERALD T. WALSH for BRIARWOOD MANOR PROPERTY LLC

15 minutes

CLAUDE A. JOERG for COUNTY OF NIAGARA

15 minutes

BRIAN D. GWITT for MOUNT VIEW PROPERTIES OF LOCKPORT LLC

10 minutes

941.0  
CA 15-00406

CORY ANDERSON  
V  
PHILIP E. PECK

Appeal from an order of the Supreme Court, Wayne County (Daniel G. Barrett, A.J.), entered July 17, 2014. The order denied defendant's motion for summary judgment dismissing plaintiff's complaint.

LAURENCE D. BEHR for PHILIP E. PECK

10 minutes

PHILLIP P. NIKOLIS for CORY ANDERSON

10 minutes

942.0  
CA 15-00351

PHILLIP WOLFE  
V  
WAYNE-DALTON CORP.

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered September 23, 2014. The order denied the motion of defendants Joanne Leska and Robert Tarson, Jr., to renew their motion for summary judgment.

MATTHEW E. WHRITENOUR for ROBERT D. TARSON, SR.

Submitted

JON E. COOPER for PHILLIP WOLFE

Submitted

943.0  
TP 15-00391

**CORINNE ZAJAC**  
**V**  
**NEW YORK STATE DIVISION OF HUMAN RIGHTS**

Proceeding pursuant to Executive Law § 298 (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 March 4, 2015) to review a determination of respondent New York State Division of Human Rights. The determination adopted the recommended order of the administrative law judge dismissing petitioner's complaint.

**LINDY KORN for CORINNE ZAJAC**

**15 minutes**

**ERIC T. SCHNEIDERMAN for NYS DIVISION OF HUMAN RIGHTS**

**Submitted**

**MAIREAD ELLEN CONNOR for SERVICE EMPLOYEES INTERNATIONAL**

**15 minutes**