

**DAY CALENDAR**  
**Friday, September 9, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

732.0  
KA 14-01976

**PEOPLE**  
**V**  
**GILBERT CRUZ**

Appeal from a judgment of the Erie County Court (John L. Michalski, A.J.), rendered August 28, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the second degree.

TIMOTHY P. MURPHY for GILBERT CRUZ Submitted

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

733.0  
KA 14-00310

**PEOPLE**  
**V**  
**JULIO DIAZ**

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered November 12, 2013. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

JAMES A. HOBBS for JULIO DIAZ Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

734.0  
KA 14-02279

**PEOPLE**  
**V**  
**LEVI W. MAYNARD**

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered July 17, 2014. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child, sexual abuse in the first degree and endangering the welfare of a child.

CHARLES A. MARANGOLA for LEVI W. MAYNARD Submitted

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

735.0  
KA 15-00027

**PEOPLE**  
**V**  
**MATTHEW KUZDZAL**

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 murder in the second degree and predatory sexual assault against a child.

LYLE T. HAJDU for MATTHEW KUZDZAL 15 minutes

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

736.0  
KA 13-00168

**PEOPLE**  
**V**  
**RAYLAND L. HICKS**

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered December 12, 2012. The judgment convicted defendant, upon a nonjury verdict, of burglary in the first degree, aggravated sexual abuse in the second degree and aggravated criminal contempt.

DREW R. DUBRIN for RAYLAND L. HICKS 10 minutes

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

737.0  
KA 13-01688

PEOPLE  
V  
EMILIER CARRASQUILLO-FUENTES

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 24, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree.

PIOTR BANASIAK for EMILIER CARRASQUILLO-FUENTES 10 minutes

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

738.0  
KA 10-02421

PEOPLE  
V  
JASON L. CLARK

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered October 26, 2010. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

JON P. GETZ for JASON L. CLARK 10 minutes

LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK 10 minutes

739.0  
KA 14-01526

PEOPLE  
V  
REGINALD O. PIERCE

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered June 19, 2014. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree and criminal possession of a weapon in the third degree.

ROBERT L. KEMP for REGINALD O. PIERCE 10 minutes

ASHLEY R. LOWRY for PEOPLE OF THE STATE OF NEW YORK 10 minutes

740.0  
KA 15-00038

PEOPLE  
V  
BYRON BUZA

Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered January 6, 2015. The judgment convicted defendant, after a nonjury trial, of criminal possession of marihuana in the second degree and criminal possession of a controlled substance in the seventh degree.

DANIEL R. MAGILL for BYRON BUZA 15 minutes

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

741.0  
KA 13-01825

PEOPLE  
V  
ROBERT CARTER

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered March 7, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

EVAN B. HANNAY for ROBERT CARTER

10 minutes

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

10 minutes

742.0  
CAF 15-00345

JOYCE SELAPACK

V

ROBERT W. SELAPACK

Appeal from an order of the Family Court, Wyoming County (Michael F. Griffith, J.), entered January 22, 2015 in a proceeding pursuant to Family Court Act article 6. The order granted sole custody of the child to respondent and supervised visitation to petitioner.

MICHAEL STEINBERG for JOYCE SELAPACK

10 minutes

ROBERT W. SELAPACK for HIMSELF

Submitted

JENNIFER M. LORENZ, ATTORNEY FOR CHILD

5 minutes

743.0  
CAF 14-01019

MADELYN THOMAS

V

FELICIA SMALL

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, A.J.), entered April 24, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted sole and primary physical custody of the child to petitioner.

DAVID J. PAJAK for FELICIA SMALL

Submitted

JENNIFER M. LORENZ for ERIC PEARSON, SR.

10 minutes

WILLIAM D. BRODERICK, JR., for MADELYN THOMAS

10 minutes

JENNIFER M. PAULINO, ATTORNEY FOR CHILD

5 minutes

744.0  
CAF 14-01020

FELICIA SMALL

V

MADELYN THOMAS

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, A.J.), entered April 24, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition

DAVID J. PAJAK for FELICIA SMALL

Submitted

JENNIFER M. LORENZ for ERIC PEARSON, SR.

Submitted

WILLIAM D. BRODERICK, JR., for MADELYN THOMAS

Submitted

JENNIFER M. PAULINO, ATTORNEY FOR CHILD

Submitted

745.0  
CAF 14-01021

FELICIA SMALL

V

ERIC PEARSON, SR.

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, A.J.), entered April 24, 2014 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition

DAVID J. PAJAK for FELICIA SMALL

Submitted

JENNIFER M. LORENZ for ERIC PEARSON, SR.

Submitted

WILLIAM D. BRODERICK, JR., for MADELYN THOMAS

Submitted

JENNIFER M. PAULINO, ATTORNEY FOR CHILD

Submitted

746.0  
CA 15-01248

ALLISON PLANTE

**SETTLED**

V

SOUTH BRISTOL RESORTS LLC

Appeal from a judgment and order (one paper) of the Supreme Court, Ontario County (Matthew A. Rosenbaum, J.), entered March 9, 2015. The judgment and order, insofar as appealed from, granted in part the motion of plaintiff for summary judgment.

ERIC M. DOLAN for SOUTH BRISTOL RESORTS LLC

JUSTIN M. CORDELLO for ALLISON PLANTE

747.0  
CA 15-02023

AMIE E. WIRTH

V

WAYSIDE PUB, INC.

Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered August 6, 2015. The order granted the motion of defendants Wayside Pub, Inc., doing business as Smart's Wayside Inn and Roger Spain for summary judgment dismissing the complaint.

STEPHEN CIOTOLI for AMIE E. WIRTH

10 minutes

HEATHER K. ZIMMERMAN for WAYSIDE PUB, INC.

10 minutes

748.0  
CA 15-01669

RICHARD T. ANDREWS

V

COUNTY OF CAYUGA

Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered February 5, 2015. The order denied plaintiff's motion for summary judgment on the issue of negligence and denied defendant's motion for dismissal and summary judgment.

RICHARD J. GRAHAM for COUNTY OF CAYUGA

10 minutes

JOHN A. CIRANDO for RICHARD T. ANDREWS

15 minutes

749.0  
CA 15-02092

DARRYL GAITER

V

CITY OF BUFFALO BOARD OF EDUCATION

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered August 14, 2015. The order directed the appellate Law Office of Eric B. Grossman to pay to respondent HoganWillig, PLLC, 35% of the legal fees granted in the underlying action.

ERIC B. GROSSMAN for LAW OFFICE OF ERIC B. GROSSMAN

10 minutes

COREY J. HOGAN for HOGANWILLIG, PLLC

15 minutes

750.0  
CA 15-02094

DARRYL GAITER

V

CITY OF BUFFALO BOARD OF EDUCATION

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered September 15, 2015. The order, insofar as appealed from, denied the motion of appellant Law Office of Eric B. Grossman to renew and reargue.

ERIC B. GROSSMAN for LAW OFFICE OF ERIC B. GROSSMAN Submitted

COREY J. HOGAN for HOGANWILLIG, PLLC Submitted

751.0  
CA 15-01705

**ALL-STATE SALES & ADMINISTRATIVE SERVICES, INC.**  
V  
**TOLEDO MOLDING & DIE, INC.**

Appeal from an order of the Supreme Court, Onondaga County (Walter W. Hafner, Jr., A.J.), entered January 13, 2015. The order, insofar as appealed from, denied the motion of defendant for summary judgment.

JANET D. CALLAHAN for TOLEDO MOLDING & DIE, INC. Submitted

MICHAEL BOTTAR for ALL-STATE SALES & ADMINISTRATIVE SERVICES Submitted

752.0  
CA 15-01359

**TAMRA J. WERNER**  
V  
**KRAIG H. KENNEY**

Appeal from an order of the Supreme Court, Ontario County (William F. Kocher, A.J.), entered December 23, 2014. The order, among other things, awarded defendant sole custody of the parties' child.

CHARLES P. INCLIMA for TAMRA J. WERNER 15 minutes

JOAN De R. O'BYRNE for KRAIG H. KENNEY 15 minutes

PAUL B. WATKINS, ATTORNEY FOR CHILD 5 minutes

754.0  
CA 15-02074

**RICCELLI ENTERPRISES, INC.**  
V  
**STATE OF NEW YORK WORKERS' COMPENSATION BOARD**

Appeal from an order of the Supreme Court, Onondaga County (Donald F. Cerio, Jr., A.J.), entered May 8, 2015. The order granted the motion of petitioners-plaintiffs to hold respondents-defendants in contempt and granted petitioners-plaintiffs costs and fees.

JEFFREY W. LANG for STATE OF N.Y. WORKERS' COMPENSATION BD. 10 minutes

PATRICIA S. NAUGHTON for RICCELLI ENTERPRISES, INC. 15 minutes