

DAY CALENDAR
Thursday, May 21, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

712.0
TP 14-02106

DAVID SCOTT
V
HOWARD ZUCKER

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, Genesee County [Robert C. Noonan, A.J.], entered November 24, 2014) to review a determination of respondent. The determination imposed sanctions on the application of petitioner for Medicaid.

EDWARD CHARLES ROBINSON for **DAVID SCOTT** Submitted

JONATHAN D. HITSOUS for **HOWARD ZUCKER** Submitted

713.0
KA 10-00358

PEOPLE
V
OLE PETERSEN

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered May 27, 2009. The judgment convicted defendant, upon a jury verdict, of offering a false instrument for filing in the first degree (three counts).

PETER J. DIGIORGIO, JR., for **OLE PETERSEN** 15 minutes

DANIEL J. JAWOR for **PEOPLE OF THE STATE OF NEW YORK** 15 minutes

714.0
KA 14-00107

PEOPLE
V
MORRIS H. WHITE

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered April 24, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

MARY P. DAVISON for **MORRIS H. WHITE** 5 minutes

BRIAN D. DENNIS for **PEOPLE OF THE STATE OF NEW YORK** 5 minutes

715.0
KA 11-02526

PEOPLE
V
MICHAEL CRUZ

Appeal from a judgment of the Cattaraugus County Court (Terrence M. Parker, A.J.), rendered November 1, 2011. The judgment convicted defendant, upon a jury verdict, of grand larceny in the third degree.

ALAN WILLIAMS for **MICHAEL CRUZ** 15 minutes

KELLY M. BALCOM for **PEOPLE OF THE STATE OF NEW YORK** Submitted

716.0
KA 14-00566

PEOPLE
V
TERRELL HALE

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered November 19, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for TERRELL HALE

10 minutes

JEREMY V. MURRAY for PEOPLE OF THE STATE OF NEW YORK

10 minutes

717.0
KA 08-00227

PEOPLE

V

KEVIN D. LIPFORD

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered November 21, 2007. The judgment convicted defendant, upon a jury verdict, of kidnapping in the second degree.

JOHN R. LEWIS for KEVIN D. LIPFORD

10 minutes

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

5 minutes

718.0
KA 12-01618

PEOPLE

V

ANDRE BAPTISTA

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered April 11, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fourth degree.

PHILIP ROTHSCHILD for ANDRE BAPTISTA

10 minutes

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

10 minutes

719.0
CAF 14-00693

ANDREA E. RAFFERTY

V

MICHAEL J. RAFFERTY

Appeal from an order of the Family Court, Oneida County (Joan E. Shkane, J.), entered March 24, 2014 in a proceeding pursuant to Family Court Act article 4. The order committed respondent to the Oneida County Jail for a period of six months.

JOHN J. RASPANTE for MICHAEL J. RAFFERTY

Submitted

TIMOTHY A. BENEDICT for ANDREA E. RAFFERTY

Submitted

720.0
CAF 14-00385

In the Matter of
JAVONTE G.

Appeal from an order of the Family Court, Jefferson County (Richard V. Hunt, J.), entered February 19, 2014 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.

JOHN A. CIRANDO for SHAWN E.

10 minutes

ARTHUR C. STEVER, IV for JEFFERSON COUNTY D.S.S.

10 minutes

SCOTT A. OTIS, ATTORNEY FOR CHILD

10 minutes

721.0
CAF 14-00126

MARY E. COUNTRYMAN

V

WILLIS C. COUNTRYMAN

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, A.J.), entered December 23, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner custody of the subject children.

PAUL B. WATKINS for WILLIS C. COUNTRYMAN 10 minutes

MARY E. COUNTRYMAN for HERSELF Submitted

RUTHANNE G. SANCHEZ, ATTORNEY FOR CHILD 10 minutes

722.0
CAF 14-00569

DAVID A. LUGO
V
JAMIE M. HAMILL

Appeal from an order of the Supreme Court, Genesee County (Eric R. Adams, A.J.), entered March 10, 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, with primary residence being with the mother.

MICHAEL STEINBERG for DAVID A. LUGO 5 minutes

CHARLES J. GREENBERG for JAMIE M. HAMILL 5 minutes

WENDY S. SISSON, ATTORNEY FOR CHILD Submitted

723.0
CAF 13-02100

In the Matter of
ALEXANDER S.

Appeals from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered November 22, 2013 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred guardianship and custody of the subject child to petitioner.

JOHN A. CIRANDO for ALECIA P. 10 minutes

JESSICA MARIE PEASLEE for STEUBEN COUNTY D.S.S. 10 minutes

RAYMOND PETER KOT, II, for DAVID J.S., JR. 15 minutes

CHRISTINE M. VALKENBURGH, ATTORNEY FOR CHILD 5 minutes

724.0
CAF 14-00295

ANDREA E. RAFFERTY
V
MICHAEL J. RAFFERTY

Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, R.), entered October 28, 2013 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, awarded Andrea E. Rafferty sole custody of the subject child.

JOHN J. RASPANTE for MICHAEL J. RAFFERTY Submitted

TIMOTHY A. BENEDICT for ANDREA E. RAFFERTY Submitted

DOUGLAS M. DEMARCHE, JR., ATTORNEY FOR CHILD Submitted

725.0
CA 14-02184

SIMPSON & SIMPSON, PLLC
V
LIPPES MATHIAS WEXLER FRIEDMAN LLP

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered June 24, 2014. The order granted defendants' motion for summary judgment dismissing the complaint.

	LARRY KERMAN for SIMPSON & SIMPSON, PLLC	15 minutes
	TERRENCE MICHAEL CONNORS for LIPPES MATHIAS WEXLER	15 minutes
726.0 CA 14-01658	JACQUELYN J. SASSO V WCA HOSPITAL	
	Appeal from an order of the Supreme Court, Chautauqua County (Deborah A. Chimes, J.), entered May 7, 2014. The order denied the motion of defendant to amend its answer and for summary judgment.	
	KARA M. ADDELMAN for WCA HOSPITAL	10 minutes
	NORMAN E.S. GREENE for JACQUELYN J. SASSO	15 minutes
727.0 CA 14-00117	ACQUEST WEHRLE, LLC V TOWN OF AMHERST	
	Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (John A. Michalek, J.), entered December 10, 2013. The order and judgment awarded plaintiff money damages and attorney's fees.	
	JOSEPH DEMARIE for TOWN OF AMHERST	15 minutes
	R. ANTHONY RUPP, III, for ACQUEST WEHRLE, LLC	15 minutes
728.0 CA 14-01436	ACQUEST WEHRLE, LLC V TOWN OF AMHERST	
	Appeal from a stipulated order of the Supreme Court, Erie County (John A. Michalek, J.), entered November 26, 2013. The stipulated order provided that plaintiff had moved for attorney's fees and disbursements and that defendant Town of Amherst had opposed the motion. The order and judgment awarded plaintiff money damages and attorney's fees.	
	JOSEPH DEMARIE for TOWN OF AMHERST	Submitted
	R. ANTHONY RUPP, III, for ACQUEST WEHRLE, LLC	Submitted
729.0 CA 13-02144	STEVEN M. PHILLIPS V BROCK, SCHECHTER & POLAKOFF, LLP	SETTLED
	Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered September 13, 2013. The order denied the motion of defendants to compel the further deposition of Laura Doolittle, Esq.	
	BRIAN R. BIGGIE for BROCK, SCHECHTER & POLAKOFF, LLP	
	HERSCHEL GELBER for STEVEN M. PHILLIPS	
730.0 CA 14-01011	CHRISTOPHER J. COLELLA V JAMIE L. COLELLA	
	Appeal from an order of the Supreme Court, Cayuga County (Elma A. Bellini, J.), entered March 14, 2014 in a divorce action. The order denied the contempt application of plaintiff.	
	SAMUEL PETER GIACONA for CHRISTOPHER J. COLELLA	Submitted

	RALPH G. DEMASI for JAMIE L. COLELLA	Submitted
731.0 CA 13-01672	CLARK BONO ROOFING & CONSTRUCTION V NORD BITUMI U.S., INC.	
	Appeal from an order of the Supreme Court, Erie County (Penny M. Wolfgang, J.), entered June 3, 2013. The order granted the motion of defendant for summary judgment and dismissed the complaint.	
	ALISA A. LUKASIEWICZ for CLARK BONO ROOFING & CONSTRUCTION	15 minutes
	DANIEL B. MOAR for NORD BITUMI U.S., INC.	10 minutes
734.0 CA 14-01809	RALPH A. DELEO V COUNTY OF MONROE	
	Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered June 25, 2014. The order granted the motion of plaintiff for leave to serve an amended complaint.	
	CLAIRE F. GALBRAITH for RG&E CORPORATION	20 minutes
	PATRICK J. BURKE for RALPH A. DELEO	10 minutes
	HOWARD A. STARK for COUNTY OF MONROE	Submitted
735.0 CA 14-02254	MONICA KINGSTON V KINGSTON FARMS PARTNERSHIP	
	Appeal and cross appeal from an order of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered September 4, 2014. The order granted the motion of plaintiff for summary judgment on its first cause of action and denied the motion for summary judgment on its second cause of action.	
	BRIAN MARC FELDMAN for KINGSTON FARMS PARTNERSHIP	15 minutes
	PETER K. SKIVINGTON for MONICA KINGSTON	15 minutes
736.0 CA 14-02183	KELSEY D. COVELL V SAMANTHA M. SLOCUM	
	Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 11, 2014. The order and judgment granted the motion of defendant for summary judgment on the issue of negligence.	
	ELLEN B. STURM for KELSEY D. COVELL	15 minutes
	JOAN M. RICHTER for SAMANTHA M. SLOCUM	15 minutes
736.1 CAF 13-01398	BRANDON L. GUNN V RACHEL S. GUNN	
	Appeal from an order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered July 25, 2013 in a proceeding pursuant to Family Court Act article 6. The order granted the petition for sole legal and physical custody of the parties' children.	

JOHN A. CIRANDO for RACHEL S. GUNN

10 minutes

RUPAK R. SHAH for BRANDON L. GUNN

10 minutes

COURTNEY S. RADICK, ATTORNEY FOR CHILD

Submitted