

**DAY CALENDAR**  
**Tuesday, April 12, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

383.0  
TP 15-01552

**DAWN MATUSZAK**  
V  
**N.Y.S. CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT**

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 [John A. Michalek, J.], entered July 31, 2015) to review a determination of respondent. The determination denied petitioner's request that a report maintained in the New York State Central Register of Child Abuse and Maltreatment indicating petitioner for maltreatment be amended to unfounded.

**WILLIAM D. BRODERICK, JR., for DAWN MATUSZAK** 10 minutes

**WILIAM E. STORRS for N.Y.S. CENTRAL REGISTER OF CHILD ABUSE** 5 minutes

384.0  
KA 13-01138

**PEOPLE**  
V  
**BERNARD J. BUTLER**

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered May 22, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and assault in the second degree.

**BRIDGET L. FIELD for BERNARD J. BUTLER** 10 minutes

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

385.0  
KA 14-01745

**PEOPLE**  
V  
**MICHAEL A. LORRAINE**

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered August 13, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the fourth degree.

**EDWARD P. PERLMAN for MICHAEL A. LORRAINE** Submitted

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

386.0  
KA 14-00931

**PEOPLE**  
V  
**CHAD M. JOHNSTON**

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered April 24, 2014. The judgment convicted defendant, upon his plea of guilty, of assault upon a police officer or a peace officer.

**NORMAN P. EFFMAN for CHAD M. JOHNSTON** 10 minutes

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

387.0  
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 judgment convicted defendant, after a nonjury trial, of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

PIOTR BANASIAK for GILBERTO LOPEZ

10 minutes

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

10 minutes

388.0  
KA 13-01451

PEOPLE  
V  
MICHAEL S. LEWIS

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered June 26, 2013. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child (eight counts), rape in the first degree (52 counts), rape in the second degree (11 counts), rape in the third degree (53 counts), sexual abuse in the first degree and endangering the welfare of a child (four counts).

JON P. GETZ for MICHAEL S. LEWIS

10 minutes

JAMES B. RITTS for PEOPLE OF THE STATE OF NEW YORK

10 minutes

389.0  
KA 14-01866

PEOPLE  
V  
ASAD R. HIXON

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered September 17, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.

EDWARD P. PERLMAN for ASAD R. HIXON

Submitted

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

Submitted

390.0  
KA 14-00817

PEOPLE  
V  
JEFFREY D. PAUL

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered January 27, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of stolen property in the fourth degree.

ALAN WILLIAMS for JEFFREY D. PAUL

Submitted

KATHERINE K. BOGAN for PEOPLE OF THE STATE OF NEW YORK

Submitted

391.0  
KA 14-00760

PEOPLE  
V  
ANDRE SMITH

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered March 26, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

BARBARA J. DAVIES for ANDRE SMITH

Submitted

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

Submitted

392.0  
KA 13-00306

PEOPLE  
V  
DAVID S. SMITH

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered December 11, 2012. The judgment convicted defendant, upon his plea of guilty, of arson in the third degree.

JANET C. SOMES for DAVID S. SMITH Submitted

STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK Submitted

393.0  
KA 14-01242

PEOPLE  
V  
JOSUE ENCARNACION

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered June 10, 2014. The order determined that defendant is a level one risk pursuant to the Sex Offender Registration Act.

TIMOTHY P. MURPHY for JOSUE ENCARNACION Submitted

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

394.0  
KA 15-00393

PEOPLE  
V  
JOSUE ENCARNACION

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered February 9, 2015. The order determined that defendant is a level one risk pursuant to the Sex Offender Registration Act.

TIMOTHY P. MURPHY for JOSUE ENCARNACION Submitted

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

395.0  
KA 15-00074

PEOPLE  
V  
RICHARD D. CASTERLINE, III

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered November 5, 2014. The judgment convicted defendant, upon his plea of guilty, of unlawful manufacture of methamphetamine in the first degree and criminal possession of a controlled substance in the third degree.

DAVID P. ELKOVITCH for RICHARD D. CASTERLINE, III Submitted

CHRISTOPHER T. VALDINA for PEOPLE OF THE STATE OF NEW YORK Submitted

396.0  
KA 15-01572

PEOPLE  
V  
JAMIE ALTMAN

Appeal from an order of the Monroe County Court (Douglas A. Randall, J.), entered March 2, 2015. The order, insofar as appealed from, issued superceding orders of protection.

JAMIE ALTMAN for HIMSELF Submitted

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK Submitted

397.0  
CAF 15-00371

ROBERT BLASZAK  
V  
MELISSA BLASZAK

**SETTLED**

Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered November 10, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, set forth a schedule with respect to the parties access to the subject children.

DAVID H. FRECH, ATTORNEY FOR CHILD

ELIZABETH J. CIAMBRONE for ROBERT BLASZAK

REBECCA J. TALMUD for MELISSA BLASZAK

398.0  
CAF 15-00012

TERRY R. GREEN  
V  
JONATHAN M. GREEN

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered December 2, 2014. The order, among other things, awarded custody of the subject child to petitioner.

JANINE C. FODOR for JONATHAN M. GREEN

10 minutes

STEVEN A. LANZA for TERRY R. GREEN

5 minutes

LYLE T. HAJDU, ATTORNEY FOR CHILD

10 minutes

399.0  
CAF 14-02220

In the Matter of  
COREY D.B.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered November 14, 2014 in proceedings pursuant to Family Court Act article 6. The order, among other things, transferred the guardianship and custody of the subject child to petitioner.

BRIDGET L. FIELD for CODY B.

10 minutes

COLLEEN S. HEAD for GENESEE COUNTY D.S.S.

10 minutes

JACQUELINE M. GRASSO, ATTORNEY FOR CHILD

5 minutes

400.0  
CAF 14-02221

In the Matter of  
CODY A.B.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered November 14, 2014 in proceedings pursuant to Family Court Act article 6. The order, among other things, transferred the guardianship and custody of the subject child to petitioner.

BRIDGET L. FIELD for CODY B.

Submitted

COLLEEN S. HEAD for GENESEE COUNTY D.S.S.

Submitted

JACQUELINE M. GRASSO, ATTORNEY FOR CHILD

Submitted

401.0  
CAF 14-02222

In the Matter of  
AUBREY R.B.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered November 14, 2014 in proceedings pursuant to Family Court Act article 6. The order, among other things, transferred the guardianship and custody of the subject child to petitioner.

	BRIDGET L. FIELD for CODY B.	Submitted
	COLLEEN S. HEAD for GENESEE COUNTY D.S.S.	Submitted
	JACQUELINE M. GRASSO, ATTORNEY FOR CHILD	Submitted
<b>402.0</b> <b>CAF 15-00028</b>	<b>In the Matter of</b> <b>WALTER M.</b>	
	Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered November 17, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, granted petitioner's motion that reasonable efforts are not required to be made to reunify respondent with the subject child.	
	JANET C. SOMES for MARIE W.	10 minutes
	CAROL LYNN EISENMAN for MONROE COUNTY D.H.S.	5 minutes
	TANYA CONLEY, ATTORNEY FOR CHILD	Submitted
<b>403.0</b> <b>CA 15-01564</b>	<b>NEW YORK STATE DIVISION OF HUMAN RIGHTS</b> <b>V</b> <b>ANTHONY FOLINO</b>	
	Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered November 14, 2014. The order denied the motion of defendants to dismiss the complaint.	
	ANTHONY FOLINO for HIMSELF	15 minutes
	CARMELINE FOLINO for HERSELF	Submitted
	ROBERT A. GOLDSTEIN for NEW YORK STATE DIV. OF HUMAN RIGHTS	15 minutes
<b>404.0</b> <b>CA 15-00506</b>	<b>JASON PEARSON</b> <b>V</b> <b>JEREMY WALLACE</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Donald F. Cerio, Jr., A.J.), entered December 24, 2014. The order, insofar as appealed from, denied the motion of plaintiff for partial summary judgment on liability.	
	EUGENE W. LANE for JASON PEARSON	15 minutes
	JANICE MARIE IATI for LECESSE CONSTRUCTION SERVICES, LLC	10 minutes
	PETER P. BALOUSKAS for CATENARY CONSTRUCTION CORPORATION	5 minutes
	ALISON K. L. MOYER for ROYAL ENVIRONMENTAL, INC.	10 minutes
<b>405.0</b> <b>CA 15-01567</b>	<b>KATHLEEN ST. JOHN</b> <b>V</b> <b>WESTWOOD-SQUIBB PHARMACEUTICALS, INC.</b>	
	Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 16, 2014. The order, among other things, denied defendant's motion for summary judgment dismissing plaintiff's complaint.	
	JOSHUA P. RUBIN for WESTWOOD-SQUIBB PHARMACEUTICALS, INC.	10 minutes
	ANNE M. WHEELER for KATHLEEN ST. JOHN	10 minutes

406.0  
CA 15-01482

CARL HASSELBACK  
V  
2055 WALDEN AVENUE, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered April 1, 2015. The order, among other things, granted plaintiff's motion for summary judgment and denied intervenor-defendants' cross motion for summary judgment.

JOHN J. HENRY for 2055 WALDEN AVENUE, INC. 15 minutes

MICHAEL P.J. MCGORRY for CARL HASSELBACK 15 minutes

407.0  
CA 15-01387

RANDY SMITHERS  
V  
COUNTY OF ONEIDA

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered May 17, 2015. The order, insofar as appealed from, converted the motion of defendant to dismiss to a motion for summary judgment, granted defendant summary judgment and dismissed the complaint.

MARK A. WOLBER for RANDY SMITHERS Submitted

JAMES S. RIZZO for COUNTY OF ONEIDA 10 minutes

408.0  
CA 15-01088

VLADIMIR A. SUPRUNCHIK  
V  
SALVATORE VITI

Appeal from a judgment of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered April 8, 2015. The judgment, among other things, awarded defendant S. Viti Realty Corp. the sum of \$12,000 on its counterclaim against plaintiff for lost rent.

DAVID G. GOLDBAS for VLADIMIR A. SUPRUNCHIK 10 minutes

GUSTAVE J. DETRAGLIA, JR., for SALVATORE VITI Submitted

409.0  
CA 15-01435

PATRICK S. GOLDER  
V  
JANETTE C. BENNETT

Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered September 8, 2014. The order denied the application of defendant for a recalculation of child support and the termination of the right of plaintiff to claim a dependency exemption.

GEORGE A. SCHELL for JANETTE C. BENNETT 10 minutes

JAMES S. HINMAN for PATRICK S. GOLDER 10 minutes