

**DAY CALENDAR**  
**Monday, January 6, 2020 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**1.0**  
**TP 19-01445**

**VAUGHN D. DERAWAY**  
**V**  
**NEW YORK STATE DMV**

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 [Erin P. Gall, J.], entered August 29, 2018) to review a determination of respondent. The determination vacated a stay and reinstated the revocation of petitioner's driver's license.

**JOHN G. LEONARD for VAUGHN D. DERAWAY**

**Submitted**

**OWEN DEMUTH for NEW YORK STATE DMV**

**Submitted**

**2.0**  
**KA 19-00547**

**PEOPLE**  
**V**  
**WILLIAM BROCKINGTON**

Appeal from an order of the Monroe County Court (Vincent M. Dinolfo, J.), entered January 29, 2019. The order denied the petition of defendant for a downward modification of his risk level pursuant to the Sex Offender Registration Act.

**TIMOTHY S. DAVIS for WILLIAM BROCKINGTON**

**Submitted**

**NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK**

**Submitted**

**4.0**  
**KA 19-00593**

**PEOPLE**  
**V**  
**JOSEPH CENTOFANTI**

Appeal from an order of the Niagara County Court (Matthew J. Murphy, III, J.), entered February 22, 2019. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

**JOSEPH G. FRAZIER for JOSEPH CENTOFANTI**

**Submitted**

**LAURA THERESA JORDAN for THE PEOPLE OF THE STATE OF NY**

**Submitted**

**5.0**  
**KA 19-00837**

**PEOPLE**  
**V**  
**ROBERT PIWOWAR**

Appeal from a judgment of the Supreme Court, Erie County (John F. O'Donnell, J.), rendered January 11, 2005. The judgment convicted defendant, upon a plea of guilty, of manslaughter in the first degree.

**SUSAN C. MINISTERO for ROBERT PIWOWAR**

**Submitted**

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

**Submitted**

**6.0**  
**KA 18-00320**

**PEOPLE**  
**V**  
**RICHARD WHITE**

Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, J.), rendered September 8, 2017. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree.

**EDWARD P. DUNN for RICHARD WHITE**

**10 minutes**

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| 7.0<br>KA 17-01653   | <p><b>BRADLEY W. OASLTER for THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;"><b>10 minutes</b></span></p> <p><b>PEOPLE</b><br/><b>V</b><br/><b>WAYNE SHORTER</b></p> <p>Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, J.), rendered June 27, 2017. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony and aggravated unlicensed operation of a motor vehicle in the first degree.</p> |
|                      | <p><b>KRISTEN N. MCDERMOTT for WAYNE SHORTER</b> <span style="float: right;"><b>10 minutes</b></span></p> <p><b>KENNETH H. TYLER, JR. for THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;"><b>10 minutes</b></span></p>  |
| 8.0<br>KA 18-01039   | <p><b>PEOPLE</b><br/><b>V</b><br/><b>THOMAS SIMCOE</b></p> <p>Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Niagara County Court (Matthew J. Murphy, III, J.), entered May 1, 2018. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.</p>   |
|                      | <p><b>JOSEPH G. FRAZIER for THOMAS SIMCOE</b> <span style="float: right;"><b>10 minutes</b></span></p> <p><b>THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;"><b>10 minutes</b></span></p>  |
| 9.0<br>KA 18-00157   | <p><b>PEOPLE</b><br/><b>V</b><br/><b>DARNELL DOZIER</b></p> <p>Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered April 5, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree.</p>   |
|                      | <p><b>ALAN WILLIAMS for DARNELL DOZIER</b> <span style="float: right;"><b>10 minutes</b></span></p> <p><b>MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK</b> <span style="float: right;"><b>10 minutes</b></span></p>   |
| 10.0<br>CAF 18-01726 | <p><b>ANTHONY MCMILLER</b><br/><b>V</b><br/><b>NATASHA FRANK</b></p> <p>Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered September 4, 2018 in a proceeding pursuant to Family Court Act article 6. The order modified a prior order of custody and visitation.</p>  |
|                      | <p><b>KRISTEN N. MCDERMOTT for ANTHONY MCMILLER</b> <span style="float: right;"><b>15 minutes</b></span></p> <p><b>NATASHA FRANK for HERSELF</b> <span style="float: right;"><b>Submitted</b></span></p> <p><b>ANDREW SCOTT GREENBERG for ATTORNEY FOR CHILD</b> <span style="float: right;"><b>10 minutes</b></span></p>   |
| 11.0<br>CAF 19-00241 | <p><b>DURIEL A. GREEN</b><br/><b>V</b><br/><b>BIANCA S. BOLTON</b></p> <p>Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered December 4, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, confirmed the Referee's Report which modified a prior order of custody and visitation entered July 11, 2014.</p>   |

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|                     | DEBORAH J. SCINTA for DURIEL A. GREEN   | 5 minutes  |
|                     | DENIS A. KITCHEN, JR. for BIANCA S. BOLTON  | 10 minutes |
|                     | ALVIN M. GREENE for ATTORNEY FOR CHILD  | 5 minutes  |
| 12.0<br>CA 19-01425 | <p style="text-align: center;"><b>ROBERT KNAB</b><br/><b>V</b><br/><b>NEW YORK STATE THRUWAY AUTHORITY</b></p> <p style="text-align: center;"><b>SETTLED</b></p> <p>Appeal and cross appeal from a judgment of the Court of Claims (J. David Sampson, J.), entered February 21, 2019. The judgment entered upon a nonjury trial, among other things, adjudged that defendant was 50% liable for the happening of claimant's accident.</p> <p>JOHN A. COLLINS for ROBERT KNAB</p> <p>WILLIAM M. SWIFT for NEW YORK STATE THRUWAY AUTHORITY</p> |            |
| 13.0<br>CA 19-00258 | <p style="text-align: center;"><b>STEPHEN BARBEAU</b><br/><b>V</b><br/><b>VILLAGE OF LEROY</b></p> <p>Appeal from a judgment (denominated order) of the Supreme Court, Genesee County (Emilio Colaiacovo, J.), entered January 14, 2019 in a proceeding pursuant to CPLR article 78. The judgment, inter alia, dismissed the proceeding.</p>  |            |
|                     | ALAN J. KNAUF for STEPHEN BARBEAU   | Submitted  |
|                     | JAMES M. WUJCIK for VILLAGE OF LEROY  | 10 minutes |
|                     | KRISTIE L. DEFREZE for CIRCULAR HILL, INC.  | 15 minutes |
| 14.0<br>CA 19-00100 | <p style="text-align: center;"><b>425 WEST MAIN ASSOCIATES</b><br/><b>V</b><br/><b>SELECTIVE INSURANCE COMPANY</b></p> <p>Appeal from an order of the Supreme Court, Genesee County (Henry J. Nowak, J.), entered January 4, 2019. The order denied the motion to compel an appraisal.</p>  |            |
|                     | ELIZABETH A. KRAENGEL for 425 WEST MAIN ASSOCIATES  | 10 minutes |
|                     | STEVEN E. PEIPER for SELECTIVE INSURANCE COMPANY  | 10 minutes |
| 16.0<br>CA 19-00612 | <p style="text-align: center;"><b>MAPLE-GATE ANESTHESIOLOGISTS, P.C.</b><br/><b>V</b><br/><b>DEIXY NASRIN</b></p> <p>Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered March 22, 2019. The order granted the motion of defendants to dismiss the complaint.</p>  |            |
|                     | ROBERT J PORTIN for MAPLE-GATE ANESTHESIOLOGISTS, P.C.  | 15 minutes |
|                     | AMBER E. STORR for DEIXY NASRIN   | 15 minutes |
| 17.0<br>CA 19-01101 | <p style="text-align: center;"><b>STATE OF NEW YORK</b><br/><b>V</b><br/><b>FOIT-ALBERT ASSOCIATES, ARCHITECTURE</b></p> <p style="text-align: center;"><b>SETTLED</b></p>  |            |

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered May 21, 2019. The order, insofar as appealed from, denied the motion of defendant New York State Thruway Authority for leave to present certain recorded testimony, contractual and common-law indemnification and summary judgment.

ELIZABETH OGNENOVSKI for NEW YORK STATE THRUWAY AUTHORITY

JENNA W. KLUCSIK for FOIT-ALBERT ASSOCIATES, ARCHITECTURE

18.0  
CA 19-01152

ANN MASON

V

ERIC D. CARUANA

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered May 16, 2019. The order, among other things, granted plaintiff's motion for summary judgment as against defendant Eric D. Caruana.

MINDY L. ZOGHLIN for ERIC D. CARUANA

10 minutes

RICHARD N. FRANCO for ANN MASON

10 minutes

19.0  
CA 19-00872

KAREN DOE

V

HOON CHOI, M.D.

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 29, 2019. The order granted the motion of defendant Hoon Choi, M.D. for summary judgment dismissing the complaint.

MICHAEL J. HUTTER for KAREN DOE

15 minutes

ROBERT M. GOLDFARB for HOON CHOI, M.D.

10 minutes

20.1  
CA 18-01827

WILMINGTON TRUST, NATIONAL ASSOCIATION **SETTLED**

V

LOCKPORT PROFESSIONAL PARK REALTY

Appeal from an order of the Supreme Court, Niagara County, (Henry J. Nowak, J.), entered August 27, 2018. The order, among other things, denied in part plaintiff's motion for summary judgment.

VIVIAN MARGARITA ARIAS for WILMINGTON TRUST, NATIONAL ASSOC.

WARREN B. ROSENBAUM for LOCKPORT PROFESSIONAL PARK REALTY