

**DAY CALENDAR**  
**Wednesday, January 15, 2020 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

142.0  
TP 19-01523

D. N.  
V  
ANTHONY ANNUCCI

**SETTLED**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by an order of the Supreme Court, Erie County [E. Jeannette Ogden, J.], entered July 29, 2019) to review a determination of respondent. The determination found after a Tier III hearing that petitioner violated an inmate rule.

ANDREW STECKER for D. N.

LETITIA JAMES for ANTHONY ANNUCCI

143.0  
KA 19-00131

PEOPLE  
V  
LANCE A. RILEY

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered May 10, 2018. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

LYLE T. HAJDU for LANCE A. RILEY

Submitted

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

Submitted

144.0  
KA 18-00171

PEOPLE  
V  
GERALD BROWN

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 5, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

SARA A. GOLDFARB for GERALD BROWN

Submitted

KENNETH H. TYLER, JR. for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

145.0  
KA 19-00071

PEOPLE  
V  
ANDRES AYALA

Appeal from a decision and order of the Erie County Court (Michael Pietruszka, J.), entered July 3, 2018. The order denied the petition to vacate the designation of defendant as a level one risk pursuant to the Sex Offender Registration Act.

ALAN WILLIAMS for ANDRES AYALA

Submitted

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

146.0  
KA 18-01782

PEOPLE  
V  
EULESE CRUZ

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered May 11, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

JOHN A. CIRANDO for EULESE CRUZ

10 minutes

	ZAKARY WOODRUFF for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
147.0 KA 15-01500	PEOPLE V JASON R. WILLIAMS	
	Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered May 12, 2015. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.	
	KATHLEEN P. REARDON for JASON R. WILLIAMS	5 minutes
	LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
148.0 KA 16-01486	PEOPLE V CHRISTOPHER GORDON	
	Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered May 17, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a forged instrument in the second degree (two counts) and criminal impersonation.	
	DONALD R. GERACE for CHRISTOPHER GORDON	10 minutes
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
149.0 KA 17-01960	PEOPLE V BERNARD A. BROOKS, JR.	
	Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered March 23, 2017. The judgment convicted defendant upon a jury verdict, of criminal possession of a weapon in the second degree.	
	ERIN A. KULESUS for BERNARD A. BROOKS, JR.	10 minutes
	DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
150.0 KA 16-00193	PEOPLE V MARQUIS D. HARRINGTON	
	Appeal from a judgment of the Monroe County Court (Victoria M. ARgento, J.), rendered January 11, 2016. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree, attempted robbery in the first degree, robbery in the second degree (two counts), criminal possession of a weapon in the second degree (two counts) and criminal use of a firearm in the first degree.	
	CHARLES D. STEINMAN for MARQUIS D. HARRINGTON	10 minutes
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
151.0 CAF 19-00219	JACQUELYN M. GRABOWSKI V JAY CRAIG SMITH, JR.	
	Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered November 19, 2018, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole legal and physical custody of the child.	
	JOHN A. CIRANDO for JAY CRAIG SMITH, JR.	10 minutes

	JACQUELYN M. GRABOWSKI for HERSELF	Submitted
	KIMBERLY MARIE SEAGER for ATTORNEY FOR CHILD	10 minutes
152.0 CAF 19-01287	JENNIFER LESINSKI V JASON CIAMAGA	
	Appeal from an order of the Family Court, Wyoming County (Michael F. Griffith, J.), entered December 21, 2018, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted the parties joint custody.	
	RICHARD JAMES FRIEDMAN for JASON CIAMAGA	Submitted
	MARK ALBERT ADRIAN for JENNIFER LESINSKI	Submitted
	JOHN FAY WHITING for ATTORNEY FOR CHILD	5 minutes
153.0 CAF 18-02044	SHANE D. MCGEE V JENNIFER H. MCGEE	
	Appeal from a decision and order of the Family Court, Wayne County (Daniel G. Barrett, J.), entered August 10, 2018, in a proceeding pursuant to Family Court Act article 6. The decision and order granted, inter alia, petitioner physical custody of the subject child.	
	BETH A. RATCHFORD for JENNIFER H. MCGEE	10 minutes
	SHANE D. MCGEE for HIMSELF	Submitted
	STEPHEN R. WARNER for ATTORNEY FOR CHILD	10 minutes
154.0 CA 19-01201	ANTHONY A. SCALZO V CENTRAL CO-OPERATIVE INSURANCE CO.	
	Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (David A. Murad, J.), entered December 3, 2018. The order and judgment, among other things, adjudged that defendant Central Co-Operative Insurance Company has a duty to defend plaintiff in an underlying tort action.	
	BRENDAN J. REAGAN for CENTRAL CO-OPERATIVE INSURANCE CO.	10 minutes
	RICARDO JOSEPH MAURO for ANTHONY A. SCALZO	10 minutes
	JAY G. WILLIAMS, III for ROBERT J. SALERNO	10 minutes
156.0 CA 19-01508	DANEN DANIELAK V STATE OF NEW YORK	
	Appeal from an order of the Court of Claims (Rene Forgensi Minarik, J.), entered May 9, 2019. The order granted defendant's motion for summary judgment and dismissed the claimant's claim.	
	MATTHEW J. KAISER for DANEN DANIELAK	10 minutes
	JONATHAN D. HITSOUS for STATE OF NEW YORK	10 minutes
157.0 CA 19-01267	KEION PIERRE V ANTHONY ANNUCCI	

Appeal from a memorandum and judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered February 1, 2019. The memorandum and judgment dismissed the CPLR article 78 petition.

ADAM W. KOCH for KEION PIERRE

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

158.0  
CA 19-01260

CANDY ANDERSON

V

JACK E. ANDERSON

Appeal from a decision and order of the Supreme Court, Chautaugua County (Stephen W. Cass, A.J.), entered December 19, 2018. The decision and order denied the motion of plaintiff for summary judgment.

BARBARA A. KILBRIDGE for CANDY ANDERSON

20 minutes

PAUL V. WEBB, JR. for JACK E. ANDERSON

15 minutes

159.0  
CA 19-00684

ANTHONY FARGONOLI

V

MARK WARFEL, D.O.

Appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered January 18, 2019. The order denied in part the motion of defendants Mark Warfel, D.O., Mark Warfel D.O., P.C., St. Elizabeth Family Practice, St. Elizabeth Medical Center, and Imaging at St. Elizabeth's Medical Arts seeking summary judgment dismissing plaintiff's complaint as against them and any and all cross-claims.

CATHERINE A. GALE for MARK WARFEL, D.O.

Submitted

ROBERT F. JULIAN for ANTHONY FARGONOLI

10 minutes

160.0  
CA 19-01057

CAROL A. DURHAM

V

VILLAGE OF PHILADELPHIA

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered November 7, 2018. The order granted defendants' motion for summary judgment dismissing the action.

WILLIAM G. BAUER for CAROL A. DURHAM

10 minutes

STEVEN C. SHAHAN for VILLAGE OF PHILADELPHIA

15 minutes

161.0  
CA 19-01616

JEFFREY KRENCIK

V

OAKGROVE CONSTRUCTION, INC.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered February 13, 2019. The order granted the motion of defendant for summary judgment dismissing plaintiff's Labor Law §240(1) cause of action, otherwise denied the motion of defendant for summary judgment and denied the cross motion of plaintiff for summary judgment.

JEFFREY F. BAASE for OAKGROVE CONSTRUCTION, INC.

10 minutes

JOHN A. COLLINS for JEFFREY KRENCIK

10 minutes

161.1  
CA 19-00284

ANDREW FAGAN

V

STATE FARM MUTUAL AUTOMOBILE INS.

**Appeal from an order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered January 11, 2019. The order denied the motion of defendant Daniel M. Hawrylczak to dismiss the first, second and third causes of action set forth in the amended complaint filed by plaintiff.**

**PATRICK J. MACKEY for DANIEL M. HAWRYLCZAK**

**10 minutes**

**JOSHUA ISRAEL RAMOS for ANDREW FAGAN**

**10 minutes**