

**DAY CALENDAR**  
**Tuesday, February 19, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**200.0**  
**KA 17-00129**

**PEOPLE**  
**V**  
**BRENDYN J. SINGLETON-PRADIA**

Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered February 10, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree (three counts).

**JANET C. SOMES for BRENDYN J. SINGLETON-PRADIA** **Submitted**

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

**201.0**  
**KA 16-01600**

**PEOPLE**  
**V**  
**MARCUS MICOLO**

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered August 15, 2016. The judgment convicted defendant, upon a jury verdict, of aggravated harassment of an employee by an inmate.

**RYAN J. MULDOON for MARCUS MICOLO** **Submitted**

**CHRISTOPHER W. FOLK for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**202.0**  
**KA 16-00636**

**PEOPLE**  
**V**  
**THERESA A. FERGUSON**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered March 29, 2016. The judgment convicted defendant, upon her plea of guilty, of criminal sexual act in the third degree.

**JESSICA J. BURGASSER for THERESA A. FERGUSON** **Submitted**

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

**203.0**  
**KA 17-00614**

**PEOPLE**  
**V**  
**JASON R. VOTRA**

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered November 22, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.

**JOHN A. CIRANDO for JASON R. VOTRA** **10 minutes**

**AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK** **10 minutes**

**204.0**  
**KA 15-00473**

**PEOPLE**  
**V**  
**LATANYA L. WASHINGTON**

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered October 23, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree.

**CATHERINE H. JOSH for LATANYA L. WASHINGTON** **5 minutes**

**NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK** **10 minutes**

205.0  
KA 16-02152

PEOPLE  
V  
TIMOTHY REINARD

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.) rendered November 7, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree (two counts) and criminal possession of a weapon in the second degree.

NICHOLAS P. DIFONZO for TIMOTHY REINARD 10 minutes

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

206.0  
KA 17-02061

PEOPLE  
V  
RICHARD A. DAVIS

Appeal from an amended decision and order of the Supreme Court, Erie County (Deborah A. Haendiges, J.), entered April 11, 2017. The amended decision and order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

BARBARA J. DAVIES for RICHARD A. DAVIS Submitted

DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK Submitted

207.0  
KA 16-02360

PEOPLE  
V  
ELI CASILLAS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered November 28, 2016. The judgment convicted defendant, upon his plea of guilty, of strangulation in the second degree and assault in the second degree.

ALAN WILLIAMS for ELI CASILLAS Submitted

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

208.0  
KA 18-00319

PEOPLE  
V  
GLENN A. PENDERGRAPH

Appeal from an order of the Onondaga County Court (Gordon J. Cuffy, J.), entered January 23, 2018. The order denied defendant's motion to vacate a conviction pursuant to CPL 440.10.

PIOTR BANASIAK for GLENN A. PENDERGRAPH 15 minutes

WILLIAM J. FITZPATRICK for THE PEOPLE OF THE STATE OF NEW YORK Submitted

209.0  
KA 17-00946

PEOPLE  
V  
ZACKARY S. DRESSNER

Appeal from an order of the Monroe County Court (Vincint M. Dinolfo, J.), entered March 22, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

DAVID R. JUERGENS for ZACKARY S. DRESSNER Submitted

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

210.0 KA 17-00128	<b>PEOPLE</b> <b>V</b> <b>BRENDYN J. SINGLETON-PRADIA</b>	
	<p>Appeal from a judgment of the Supreme Court, Monroe County (Daniel J. Doyle, J.), rendered February 10, 2015. 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.</p>	
	JANET C. SOMES for BRENDYN J. SINGLETON-PRADIA	5 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
211.0 OP 18-01660	<b>STEPHEN P. MCNERLIN</b> <b>V</b> <b>HON. VICTORIA M. ARGENTO</b>	
	<p>Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court for the Fourth Judicial Department pursuant to CPLR 506 [b]) to prohibit the prosecution fo petitioner.</p>	
	THOMAS A CORLETTA for STEPHEN P. MCNERLIN	20 minutes
	LEAH R. MERVINE for SANDRA J. DOORLEY	10 minutes
	FRANK BRADY for HON. VICTORIA M. ARGENTO	Submitted
212.0 CA 18-01800	<b>CARRINGTON MORTGAGE SERVICES, LLC</b> <b>V</b> <b>LINDA M. SUDANO</b>	
	<p>Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered March 5, 2018. The order dismissed plaintiff's action</p>	
	MICHAEL LI for CARRINGTON MORTGAGE SERVICES, LLC	Submitted
	CASEY E. CALLANAN for LINDA M. SUDANO	10 minutes
213.0 CA 18-01843	<b>CITY OF BUFFALO</b> <b>V</b> <b>BRAND-ON-SERVICES, INC.</b>	
	<p>Appeal from an order and judgment of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered April 2, 2018. The order and judgment granted the motion of the City of Buffalo for summary judgment, denied the cross motion of Morton H. Wittlin for summary judgment, decreed that Wittlin does not have a security interest in certain floating docks and decreed that the City of Buffalo has priority over the security interest claimed by Wittlin in the floating docks.</p>	
	WAYNE I. FREID for MORTON H. WITTLIN	15 minutes
	DAVID M. LEE for CITY OF BUFFALO	15 minutes
214.0 CA 18-01230	<b>GREGORY L. PETERSON</b> <b>V</b> <b>NEW YORK CENTRAL MUTUAL FIRE INSURANCE</b>	
	<p>Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered August 31, 2017. The order granted the motion of defendant to deem stricken the complaint and dismissed the action.</p>	
	JENNIFER M. VAN VOORHIS for GREGORY L. PETERSON	15 minutes

	<b>JAMES GRABER for NEW YORK CENTRAL MUTUAL FIRE INSURANCE</b>	<b>10 minutes</b>
<b>215.0</b> <b>CA 18-01180</b>	<b>TAMAICA TAYLOR</b> <b>V</b> <b>MARCIA BIRDSONG</b>	
	<b>Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered March 3, 2016. The judgment, insofar as appealed from, dismissed the complaint against defendant David L. Vangalio and awarded said defendant costs and disbursements.</b>	
	<b>FRANK S. FALZONE for TAMAICA TAYLOR</b>	<b>10 minutes</b>
	<b>PHILIP C. BARTH, III, for DAVID L. VANGALIO</b>	<b>15 minutes</b>
<b>216.0</b> <b>CA 17-01446</b>	<b>MARK HOGAN</b> <b>V</b> <b>DAVID VANDEWATER</b>	
	<b>Appeal from a judgment of the Supreme Court, Lewis County (James P. McClusky, J.), entered May 5, 2017. The judgment, among other things, dismissed plaintiffs' complaint.</b>	
	<b>A.J. BOSMAN for MARK HOGAN</b>	<b>15 minutes</b>
	<b>MARK D. GORIS for DAVID VANDEWATER</b>	<b>10 minutes</b>
	<b>ROBERT JAMES SLYE for FRANK P. ROSE</b>	<b>10 minutes</b>
	<b>PAUL A. SANDERS for GINA NICOLETTI</b>	<b>15 minutes</b>
<b>217.0</b> <b>CA 18-00562</b>	<b>MARK HOGAN</b> <b>V</b> <b>DAVID VANDEWATER</b>	
	<b>Appeal from an order of the Supreme Court, Lewis County (Patrick F. MacRae, J.), entered December 18, 2017. The order, among other things, denied plaintiffs' motion seeking judgment as a matter of law and a new trial on damages or, alternatively a new trial.</b>	
	<b>A.J. BOSMAN for MARK HOGAN</b>	<b>Submitted</b>
	<b>MARK D. GORIS for DAVID VANDEWATER</b>	<b>Submitted</b>
	<b>ROBERT JAMES SLYE for FRANK P. ROSE</b>	<b>Submitted</b>
	<b>PAUL A. SANDERS for GINA NICOLETTI</b>	<b>Submitted</b>
<b>218.0</b> <b>CA 18-01893</b>	<b>MARK HOGAN</b> <b>V</b> <b>DAVID VANDEWATER</b>	
	<b>Appeal from a judgment of the Supreme Court, Lewis County (James P. McClusky, J.), entered May 5, 2017. The judgment, among other things, dismissed the plaintiffs' complaint.</b>	
	<b>A.J. BOSMAN for MARK HOGAN</b>	<b>Submitted</b>
	<b>MARK D. GORIS for DAVID VANDEWATER</b>	<b>Submitted</b>
	<b>ROBERT JAMES SLYE for FRANK P. ROSE</b>	<b>Submitted</b>
	<b>PAUL A. SANDERS for GINA NICOLETTI</b>	<b>Submitted</b>

219.0  
CA 18-01894

**MARK HOGAN**  
V  
**DAVID VANDEWATER**

Appeal from an order of the Supreme Court, Lewis County (Patrick F. MacRae, J.), entered December 18, 2017. The order, among other things, denied plaintiffs' motion seeking judgment as a matter of law and a new trial on damages or, alternatively a new trial.

A.J. BOSMAN for MARK HOGAN Submitted  
MARK D. GORIS for DAVID VANDEWATER Submitted  
ROBERT JAMES SLYE for FRANK P. ROSE Submitted  
PAUL A. SANDERS for GINA NICOLETTI Submitted

220.0  
CA 18-02064

**JILL TOHER**  
V  
**ANDREW J. DUCHNYCZ, JR.**

Appeal from an order of the Supreme Court, Herkimer County (Charles C. Merrell, J.), entered July 26, 2018. The order denied the motion of defendant for summary judgment dismissing the complaint.

ERIN K. SKUCE for ANDREW J. DUCHNYCZ, JR. 10 minutes  
MICHAEL A. CASTLE for JILL TOHER 10 minutes

221.0  
CA 18-01594

**CAROL SMITH**  
V  
**LEANN HAMASAKI**

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered September 28, 2017. The order, insofar as appealed from, granted the motion of plaintiff for summary judgment on the issue of personal injury.

MARK A. FORDEN for LEANN HAMASAKI 10 minutes  
VAN HENRI WHITE for CAROL SMITH Submitted

222.0  
CA 18-01229

**KATHLEEN S. DURNELL**  
V  
**NEW YORK CENTRAL MUTUAL FIRE INSURANCE**

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered August 31, 2017. The order granted the motion of defendant to deem stricken the complaint and dismissed the action.

JENNIFER M. VAN VOORHIS for KATHLEEN S. DURNELL 15 minutes  
JAMES GRABER for NEW YORK CENTRAL MUTUAL FIRE INSURANCE 10 minutes

222.1  
CA 18-01581

**MARLENE A. STODDARD**  
V  
**WILLIAM A. STODDARD**

Appeal from an order of the Supreme Court, Cayuga County (Richard A. Dollinger, A.J.), entered January 17, 2018. The order, inter alia, granted the motion of defendant to modify a qualified domestic relations order.

LORRAINE S. SILVERMAN for MARLENE A. STODDARD Submitted  
ADAM H. VAN BUSKIRK for WILLIAM A. STODDARD Submitted